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## Appeal Decision

Inquiry held on 9, 10 and 11 May 2017

Site visit made on 11 May 2017

**by Brendan Lyons BArch MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 August 2017**

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**Appeal Ref: APP/V3120/W/16/3160879**

**Land off Brewer Close, Steventon OX13 6SX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Pye Homes Limited against the decision of Vale of White Horse District Council.
  - The application Ref P15/V2497/FUL, dated 20 October 2015, was refused by notice dated 15 April 2016.
  - The development proposed is the erection of 20 dwellings (including 7 affordable units) with associated parking and provision of an area of informal open space.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The Inquiry opened on 9 May 2017 and carried on for two further days, with an accompanied inspection of the site and its surroundings on 11 May. I had previously made an unaccompanied visit to Steventon on 8 May and had seen the site context. On the evening of 10 May, I walked public footpaths near the site and between Steventon and the Milton Park business zone.
  3. Since the planning application was refused, the Council has adopted the Vale of White Horse Local Plan 2031, Part 1: Strategic Sites and Policies ('LP2031'), which largely replaces the Vale of White Horse Local Plan 2011 ('LP2011'). Before the Inquiry, a signed Statement of Common Ground ('SCG') was submitted, which sets out a description of the site and its surroundings, and the policy context for consideration of the appeal proposal, including LP2031, saved policies of LP2011 and the Government's National Planning Policy Framework ('NPPF'). Matters not in dispute between the appellants and the Council are identified, including agreement that only limited weight can be afforded to the recent consultation on preferred options for LP2031 Part 2, which is to identify potential future smaller site allocations. A second signed Statement of Common Ground on the Five Year Housing Land Supply ('HSCG') records a broad level of agreement on matters of housing need, but some dispute over the current land supply.
  4. At the opening of the Inquiry, it was agreed that the description of the proposed development should be altered to refer to the provision of 7 affordable housing units, as opposed to the 8 originally applied for.
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5. During the Inquiry, the appellants submitted a planning agreement made between themselves, the Council and Oxfordshire County Council as an executed deed of planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended). The agreement contains covenants in respect of the provision and management of affordable housing, open space and sustainable drainage on the site and the payment of contributions towards education provision, public transport, highway works, sports provision, public art, street naming and waste management.
6. During the Inquiry, a judgment of the Supreme Court was issued<sup>1</sup> which ruled on the interpretation of NPPF policy in respect of housing land supply. Following consideration, the main parties agreed that their cases for the appeal did not need to be amended in the light of the judgment.
7. Concern was raised by the appellants during the Inquiry that the expert witness on flood risk for the Council, Dr Rodda, had previously advised an interested neighbouring resident on the planning application. However, it was not made clear how this might give rise to a harmful conflict of interest or that reduced weight should be given to the evidence presented.
8. Shortly after the close of the Inquiry, the appellants made an additional submission with regard to a new house under construction near the appeal site, which had been noted at the accompanied site visit. The submission sought to draw comparisons between the Council's position in granting permission for this house, and the refusal of permission for the appeal proposal. As the submission was potentially material to the appeal decision I decided that it should be taken into account. Additional time was allowed for the Council and Steventon Parish Council, as parties entitled to appear at the Inquiry, to make further submissions on the matter, of which the Council availed itself. That response and the appellants' final reply have been taken into account in my decision.

### **Main Issues**

9. The planning application was refused under delegated powers for two reasons, in respect of flood risk and the potential impact on local infrastructure in the absence of mitigation. Following the adoption of LP2031, the Council concluded that an additional reason should apply, with regard to development outside the built limits of the village.
10. Following submission of the section 106 agreement the Council, supported by the County Council, now accepts that the effect on local infrastructure and services would be satisfactorily addressed, and that the second reason for refusal is no longer at issue. While I return to that under 'Other Matters' below, I consider that the main issue in the appeal is whether the proposal would provide a sustainable form of development in accordance with national and local policy, having particular regard to:
  - The need for housing in the district and in the Science Vale ring fence area, and the appropriateness of the site's location to address any need; and
  - The management of flood risk.

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<sup>1</sup> Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

11. Among the other issues raised by interested parties is the statutory duty<sup>2</sup> to consider the effect on the setting of listed buildings and the on the character and appearance of the Steventon Conservation Area.

### **Reasons**

12. The appeal site lies close to the centre of Steventon, which has a good range of services and facilities. The main part of the site comprises a long rectangular field or paddock of some 1.3 hectares in area. This land adjoins the head of a short cul-de-sac, Brewer Close, which opens off Milton Lane, immediately to the north. The highway of Brewer Close is included within the appeal site. To the west, the site is adjoined by the rear of plots fronting onto High Street, and to the east by other enclosed plots, one part of which may be in use as an extended domestic garden. The southern boundary is defined by a buffer strip of land forming the bank of the Ginge Brook, which flows through the village centre.
13. Permission is sought to erect 20 houses, made up of a mix of detached and semi-detached types. Access would be gained by extending Brewer Close into the site, with small courts opening off to each side. The southern end of the site would be laid out as open space next to the brook, with provision for storm water detention and attenuation in shallow ponds.

### ***Housing need and supply and appropriateness of site location***

#### *Policy context*

14. LP2031 was formally adopted in December 2016. As a very recently adopted plan, its policies can be taken as fully in accord with national policy set out in the NPPF, and its spatial strategy to be entirely soundly based.
15. Echoing the NPPF and statute<sup>3</sup>, the plan's Policy CP1 states a presumption in favour of sustainable development, with proposals that accord with the plan to be approved unless material considerations indicate otherwise. The corollary to this must be that proposals that do not accord with the plan or benefit from other considerations cannot be seen as sustainable development.
16. It is accepted in this case that, taking the district as a whole, the Council is able to demonstrate planned housing delivery in accordance with the LP2031 requirement of 20,560 additional dwellings. Although the precise figure is disputed, it is agreed that there exists a district-wide supply of deliverable sites in excess of the next 5 years' housing requirement, with a buffer of 20%<sup>4</sup>. It is common ground that housing supply polices are up-to-date in the terms of NPPF paragraph 49, and there is no suggestion that the weighted balance set by NPPF paragraph 14 should apply in this instance. I have found no reason to take a different view, and consider that the proposal must be assessed in terms of its compliance with the development plan, subject to other material considerations.

#### *Spatial strategy*

17. Steventon is ranked by Policy CP3 as a 'Larger Village', part of the second lowest tier of the settlement hierarchy defined by the policy. Policy CP4 sets

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<sup>2</sup> Planning (Listed Buildings and Conservation Areas) Act 1990 s66(1), s72(1)

<sup>3</sup> Planning and Compulsory Purchase Act 2004 s38(6)

<sup>4</sup> The supply is estimated by the Council as 6.7 years' and by the appellants at the Inquiry as 5.9 years'.

out the strategy for meeting housing needs, principally through the allocation of strategic sites. The policy also supports development within the 'built area' of the larger settlements, made up of Market Towns, Local Service Centres and Larger Villages.

18. Unlike the two higher tiers, settlement boundaries for the Larger Villages are not defined by the LP policies map. The question of whether a site lies within the built area of a Larger Village therefore becomes a matter of judgement in each case.
19. Evidence for the appellants offers their own assessment of the built area of this part of Steventon<sup>5</sup>. Their case for the appeal is that the site lies within the built area. However, it is notable that neither the Planning Statement nor the Design and Access Statement submitted with the planning application support this judgement. The case now is based on a combination of closeness to the village centre, perceived enclosure by built development and lack of 'open countryside' character.
20. The site directly abuts the rear gardens of properties on High Street and Milton Lane, with one finger of the land protruding quite close to the High Street frontage. But with a traditional village arrangement of domestic and commercial development along linear streets, as is the case here, it is commonplace to have fields and paddocks immediately adjacent. These plots, and the existing development on Brewer Close, provide a fair sense of enclosure on two sides, but the land immediately to the east remains open, even if some appears to have changed, whether authorised or not, to a more domestic use. Further afield, development is much more sporadic on Sheepwash Lane and Kennel Lane, providing an example of the diffuse pattern of individual dwellings commonly found at the edges of villages. Similarly, to the south the houses and bungalows along Pugsden Lane form a distinct finger of low-key development off High Street, separated from the site by the green corridor of the Ginge Brook. There is no sense of these elements combining to enclose the site. The perception from the entrance to the paddock from Brewer Close and from the public house car park on High Street is of being at the edge of the developed village. From within the site, the perception is that the site is different from the two developed edges and forms part of a continuous belt of countryside.
21. I accept that further to the south and east the character is more obviously of 'open countryside', particularly the very large field between the site and the railway line, but again I consider it not unusual for the countryside close to a settlement to display a finer grain of smaller fields and enclosures, perhaps traditionally associated with adjoining farms and buildings. The policy requires a distinction to be drawn between the built area and other land, but that does not necessarily imply an immediate stark transition. The policy test here is whether the site forms part of the 'built area', which to my mind implies predominance of built form, and not of the degree of openness of the countryside.
22. The appellants refer to other open spaces around the village and submit that the Council's approach to their use is unduly restrictive. However, the appellants' own map shows that there might well be open land in and around the village that has got a higher degree of enclosure than the appeal site. Each

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<sup>5</sup> Proof of evidence of John Ashton, Appendix 2

case would require its own assessment. While I make no specific judgement about the cricket field to the north of Milton Lane, I agree with the Council that sports fields are often to be found at the edge of a village and I find no incongruity in recreational open spaces being treated as part of the wider adjacent countryside.

23. Policy CP4 allows for the possibility of land adjacent or well related to the existing built area being developed if allocated by LP2031 or by a neighbourhood plan. That is not the case here. I note that the site has also not been proposed in the emerging draft LP2031 Part 2 but, as agreed by the main parties, little weight can be given to that omission at this stage.
24. For the above reasons, I am satisfied that the main body of the appeal site does not lie within the existing built area of the village. Therefore its development would be contrary to LP2031 Policy CP4, and consequently also contrary to Policies CP1 and CP3 and implicitly to Policy CP8, which sets the strategy for this part of the district.

#### *Housing supply in the Science Vale area*

25. The promotion of thriving villages while safeguarding the countryside and rural character is one of the three main strands of the LP2031 spatial strategy. The first strand is to focus sustainable growth within the Science Vale area. This zone, which crosses local authority boundaries, is seen as a key driver of economic growth in the sub-region. This focus is reinforced by the identification of the Science Vale as a 'ring fence area' for the purposes of housing supply. The ring fence approach is intended to ensure co-ordinated delivery of homes, jobs and infrastructure, and is co-ordinated with a similar designation in the adjoining district. Policy CP5 sets out that the ring fence area is to be treated as a separate sub-area with its own housing requirement of 11,850 homes in the plan period to 2031.
26. The appellants argue that failure to demonstrate a deliverable 5 year supply in the ring fence area, while not triggering the NPPF paragraph 14 weighted balance, should still bring into effect LP2031 Policy CP47. This policy requires the Council, in the event of any failure of implementation of the plan, to implement appropriate action, which may include the identification of alternative deliverable sites.
27. Only a very small part of Steventon to the south of the railway line is within the designated ring fence area. However, reference is made to the possibility outlined by the Inspector's report on the examination of LP2031, whereby in the event of a shortfall in supply within the ring fence area, a case might be made for development on land outside, but immediately adjacent to, the designated area. In that hypothesis, Steventon, which has good transport links to major Science Vale centres and is within walking distance of the Milton Park business zone, could be seen as a potentially suitable location for development.
28. The matter of housing supply in the ring fence area was considered in a recent appeal for the development of 75 dwellings at Mather House and Greensands, East Hendred, Wantage<sup>6</sup> ('the Greensands appeal'). The relevant part of that site was found to be outside the built area of a Larger Village, but differs from the current site in being within the ring fence area. In allowing the appeal, the

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<sup>6</sup> Appeal Ref APP/V3120/W/16/3145234

Inspector confirmed that district-wide figures should form the basis for assessment of the housing supply and determining the application of NPPF policy tests, a conclusion which has influenced the parties' agreed approach to the present appeal.

29. The Council's evidence for the current Inquiry<sup>7</sup> estimates a deliverable 5 year supply of 5031 homes in the ring fence area, which would represent a surplus of 600 over the requirement of 4437, and would provide 5.7 years' supply. The appellants do not dispute that the sites identified by the Council would ultimately deliver. Their calculation of 4042 dwellings deliverable within 5 years (4.5 years' supply) is based on a delayed level of contribution from 6 specific sites.
30. These sites and others were considered at the Greensands appeal. The Inspector's conclusion that the actual level of supply was somewhere between 4 to 5 years' was influenced by his reservations about predicted delivery at 3 of the sites. However, it is important to note that by the close of that inquiry the Council was able to show a surplus of only 4 units above the 5 year requirement, which is very significantly different from the position now presented. Thus, while the Inspector favoured the Council's approach, even a modest degree of slippage was inevitably to take the supply below 5 years'.
31. For the current appeal, the Council has provided up-to-date evidence on each of the 6 sites, supported by input from prospective developers, and has in some instances amended its predicted outputs. Thus in the case of the site at Monks Farm, the new evidence gives considerably greater confidence that highways issues should not be a source of major delay, but that even in the worst case scenario they should not prevent the forecast level of delivery in years 3-5. For the site at Valley Park, the Council has now slipped predicted delivery by a year, which represents a reasonable response to the earlier Inspector's concern. With a Section 106 agreement now to be concluded in the near future and delivery to involve three major developers, the figures proposed by the Council are not unrealistic.
32. Slightly less confidence applies to the Council's predicted outputs for the sites at East of Sutton Courtenay, owing to uncertainty over the eventual decision on the current application, and at Grove Airfield, despite a slight reduction in forecast output from that previously presented. The recent approval of conditions for the site at Crab Hill demonstrates progress, but the predicted output in 2017/18 might not be fully achievable. Similarly, despite evidence of progress on the site at Milton Heights, with a housebuilder now active, the predicted output in year 1 appears ambitious.
33. However, the appellants' forecasts in response to these concerns are excessively pessimistic, with two years' slippage at Crab Hill and Monk Farm and unsubstantiated reduction in the second delivery year at Valley Park. If that reduction were reversed and even if all other sites were to slip by one year, which is in itself a rather pessimistic position, the total reduction in output would still be less than the 600 surplus currently shown. For this reason, I am satisfied that the deliverable supply in the ring fence area is not less than 5 years at present, but is likely to have a reasonable margin of surplus.

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<sup>7</sup> As slightly updated following the publication of its latest Five Year Housing Land Supply Statement

34. I acknowledge that the Greensands decision is recent and relevant. But the circumstances differ in significant respects, not least in the site's location within the ring fence area, but also in the evidence presented on housing land supply. The current appeal must be assessed on the evidence now tendered. In the circumstances outlined above, the Council's ability to demonstrate a deliverable 5 years' supply means that the contingency arrangements allowed by LP2031 Policy CP47 would not be engaged. The approval of development at the appeal site as an 'other appropriate mechanism' to address any shortfall in supply would not arise, and the EIP Inspector's hypothetical scenario would not apply.

### ***Management of flood risk***

35. There is a history of flooding from the Ginge Brook and other watercourses in Steventon. The Inquiry was shown a short video of significant flooding on Milton Lane in 2007, and heard testimony from local residents and the Parish Council on the experience of that and other flood events.
36. The planning application was supported by a site-specific Flood Risk Assessment ('FRA'). Following initial objection by the Environment Agency ('EA'), this was later supplemented by a Flood Response Plan ('FRP') setting out how future residents would be prepared to deal with the eventuality of flooding.
37. In advance of the application, detailed flood modelling had been submitted on behalf of the appellants to the EA, who accepted that the majority of the appeal site should be re-classified as belonging in Flood Zone 1, and updated their on-line mapping accordingly. The scheme has been designed so that all of the proposed houses would be within this zone. It is accepted by all parties to the appeal that the houses and their immediate surroundings would not be subject to river flooding. The matter at issue relates to the access to the proposed development under flood conditions.
38. LP2031 Policy CP42 seeks to minimise the risk and impact of flooding by directing new development to areas with the lowest probability of flooding and by ensuring that all new development addresses the effective management of all sources of flood risk. All development is to be assessed against the district-wide Strategic Flood Risk Assessment ('SFRA'). National policy set out in the NPPF also seeks development to locate in areas at lowest risk and to be appropriately flood resilient and resistant, including safe access and escape routes where required<sup>8</sup>. This is supplemented by more detailed on-line Planning Practice Guidance ('PPG')<sup>9</sup>.
39. As the site is now an area of Flood Zone 1 surrounded by Flood Zones 2 and 3, I endorse the Council's view that it should be classed as a 'dry island' in terms of the broader definition applied by the SFRA. In these circumstances, the SFRA seeks dry access for residential development up to the 1 in 100 year flood event with an allowance for climate change. But I accept the appellants' view that this should not be rigidly applied, and that the objective should be to ensure safe access, in accordance with the NPPF policy. The PPG confirms that routes above design flood levels should be provided 'wherever possible' but that limited depths of flooding may be acceptable provided that the route can be made safe<sup>10</sup>. Therefore, in instances such as the present case, where dry

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<sup>8</sup> NPPF paragraph 103

<sup>9</sup> PPG: Flood risk and coastal change

<sup>10</sup> PPG paragraph 7-039-20140306

access along Milton Lane cannot be ensured during design flood conditions, the issue is the nature and extent of flooding likely to be encountered and its effect on residents' safety.

40. The expert evidence for the Council is concerned that future flooding will be more like that experienced in 2007, and should be classed as a 'danger to all' in the terms of the EA hazard classification system. The evidence questions the accuracy of the flood modelling work that led to the EA re-classification. I appreciate the concern that the model might not allow for adequate volumes of water, and that its lack of account for flooding of the intensity of the 2007 event could be seen as inconsistent with the EA investigation of that event. However, the Council acknowledge that the EA acceptance of the model will have involved detailed scrutiny by independent consultants as well as by their own expert staff. It is not disputed that the model was prepared in accordance with recommended good practice. In the absence of any worked up alternative proposal, there are insufficient grounds to discount the model and the basis of the appellants' approach.
41. Following the submission of the FRP, the EA accepted that access and egress would now be classed as a 'very low hazard' during a 1 in 100 year flood event with an allowance for climate change, and withdrew its objection. The evidence also shows that the Council's retained adviser on flood risk, who did not appear at the Inquiry, has confirmed that concerns raised by the previous in-house engineer have now been satisfactorily addressed.
42. I consider that the balance of technical appraisal strongly suggests that the risk of river flooding should not present an obstacle to approval of the appeal proposal. The technical evidence also suggests that there should be no obstacle to emergency access in times of flood and that initial concerns raised on this by the Council's Emergency Planning Officer had now been addressed. I understand the very real concerns raised by those who experienced the distressing events of 2007, but find that the technical evidence suggests that this was the result of an exceptional set of circumstances which might not occur again during the lifetime of the development. I also note that in the worst anticipated event, residents who followed the advice not to try to leave the development should be restricted for a fairly limited time, even though this could unfortunately result in families being separated for that period.
43. The Council has sought to defend its later approval of a single dwelling on Sheepwash Lane. Despite the case made, matters including housing land supply and the status of the emerging LP do not appear to have been significantly different at the time. While it was reasonable for the Council to rely on the technical advice provided, the very recent rejection of the appeal application could have been expected to trigger some deeper questioning of matters such as acceptability of the flood model and the relevance of a possible 'dry island' location. However, although physical circumstances of the two sites appear broadly similar, there does appear to be some difference in the quality of access available during flood conditions. Overall, I agree with the appellants that the Council's later decision does show some inconsistencies with the refusal of the appeal application. But any lack of consistency does not add significant weight to the arguments already made in favour of the appeal proposal.

44. The appeal site has a history of surface water flooding, which has been raised as a concern by interested parties. The FRA deals with the matter of surface water drainage, and it was confirmed at the Inquiry that additional underground storage would also be needed to deal with run-off back towards Brewer Close. I find the solution proposed, with considerable raising of ground levels in the northern half of the site, to be very contrived. However, I have no reason to conclude that it would not effectively drain the site or that it could result in back-filling through the proposed swale. Rather than an increased risk of flooding of properties on Milton Lane or Brewer Close, I accept that the introduction of a land drain along the northern boundary could result in modest betterment for the adjoining properties.
45. To conclude on this matter, I find that the balance of the evidence suggests that the proposal would provide safe access in accordance with national policy and would adequately address the effective management of all sources of flooding in accordance with LP2031 Policy CP42.

### ***Other matters***

#### *Heritage assets*

46. Adverse effect on the significance of heritage assets did not form a reason for the Council's refusal of the application, which was supported by a Heritage Statement. Interested parties objecting to the application had submitted a separate Heritage Statement, to which the appellants had responded and made some amendments to the proposal. Concern continued to be raised at the appeal.
47. The SCG records agreement that the proposal would 'not have a harmful impact on heritage assets'<sup>11</sup>. However, both main parties confirmed at the Inquiry that their earlier judgement should in fact apply, which was that there would be less than substantial harm to the significance of heritage assets, but that any harm would be outweighed by the proposal's public benefits in accordance with the guidance of NPPF paragraph 134.
48. The conclusion of the objectors' Heritage Statement and its Supplement is also one of less than substantial harm. Therefore, opposing parties differ only in their assessment of the degree of such harm and the consequent balancing.
49. The issue relates entirely to the effect on the setting of heritage assets. It is common ground that there would be no direct effect on the part of the conservation area within the appeal site, comprising the Brewer Close access, or on the fabric of the listed houses and former farm buildings along Milton Lane.
50. The main body of the appeal site forms part of the setting of these listed buildings, principally of Nos. 10 and 12 Milton Lane immediately to the north, and of the conservation area. There is broad agreement that the linear fields and plots to the south of Milton Lane form a counterpoint to the strongly linear historic pattern of development of the village, centred on the medieval raised causeway, which is itself listed at Grade II\*. I endorse the view that the survival of the open agricultural nature of the land is valuable, representing its likely historic links with the line of houses, which include former farms. I acknowledge that the appeal site is not visually prominent from public vantage

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<sup>11</sup> SCG para 10.5

points, but the absence of development on the site can be perceived through the wide gap between Nos.10 and 12 Milton Lane and in gaps along High Street, especially adjoining the public house. The relationship with the open land is also clearly appreciable from within the listed houses and their curtilages. There is a well preserved historic relationship of a layer of frontage development along the main routes, particularly along the causeway itself, with open land behind. The appeal site forms part of an element of the setting that makes a positive contribution to the significance of the listed buildings and of the conservation area.

51. The fact that the relationship has been eroded by modern development at Brewer Close and elsewhere to the west tends to emphasise rather than lessen its importance. By further encroaching into the area of narrow plots, development of the appeal site would weaken the village's clear historic form. The clear link between Nos.10 and 12 Milton Lane and the wider countryside would be replaced by a developed frontage. The effect of the change would be amplified by the artificial raising of ground levels on the appeal site, which would elevate the new development and which would not be fully mitigated by planting and the amendments to the layout. The setting of the listed buildings would not be preserved and there would be an adverse impact on the character of the conservation area.
52. Taking the conservation area as a whole, the relatively localised nature of the change would result in harm to significance at the lower end of the broad 'less than substantial' range. The harm to the significance of the two most directly affected listed buildings would also be somewhat less than the middle range assessed by objectors, and for other less directly affected listed buildings, including No.19 High Street, would be at the low end. This harm must be weighed in the balance.

#### *Highway safety*

53. The proposal would increase traffic on Milton Lane, but safety concerns could be addressed by the formation of a new footway to High Street. Usage of the multi-armed junction with High Street would be increased, but the number of additional vehicle movements would be relatively low and no safety objection is raised by the highway authority. The alteration of ground levels would be likely to involve a high number of heavy vehicle movements, but safety issues during the construction period could be addressed by an approved construction management plan.

#### *Neighbours' living conditions*

54. Some concerns have been raised, mainly by residents of Brewer Close. I am satisfied that any overlooking of No.1 Brewer Close would be oblique and only minimally harmful. Overlooking of the rear of No.6 could be addressed by a condition requiring obscure glazing. The rear of No.8 would be well screened and would be well away from any potential source of overlooking. The use of car parking spaces to the rear of No.8 would potentially increase noise and disturbance in the back garden, but could be mitigated by the detailed design of a new boundary treatment and would not be unacceptably harmful. The new development would be unlikely to lead to parking pressure on Brewer Close, to the detriment of existing residents. I have no reason to conclude that with proper management the open space to the south of the site would give rise to anti-social behaviour that would adversely affect residents of Brewer Close.

### *Section 106 agreement*

55. Detailed justification for each of the obligations sought has been provided by the Council and the County Council. I am satisfied that the proposal's effect on infrastructure would be adequately mitigated by the obligations contained in the concluded s106 agreement. I also accept that the covenants set out in the agreement would properly secure the delivery of 7 units of affordable housing in accordance with LP2031 Policy CP24, and the provision and future management of open space and sustainable drainage. The obligations would comply with the tests set out in the NPPF<sup>12</sup> and the CIL Regulations<sup>13</sup>, and could therefore support approval of planning permission.

### ***Balance of considerations***

56. It is common ground that the appeal proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. LP2031 is a very recently adopted plan, and therefore fully compliant with the NPPF and to be afforded full weight in decision making. The NPPF confirms the primacy of the development plan<sup>14</sup>.
57. I have found the appeal site's location outside the built area of the village to be contrary to one of the three main strands of the LP2031 spatial strategy. I regard this as a fundamental weakness of the appeal proposal, when the LP has allowed for sufficient suitably located sites in accordance with the strategy, and the Council is able to demonstrate an ongoing deliverable supply of housing land.
58. Although I have found that the proposal would adequately address the issue of flood risk and safe access, this does not lend any additional weight towards approval, as the LP should provide enough opportunities for development with equal or better flood risk credentials.
59. There is also common ground of less than substantial harm to the setting of designated heritage assets, which must be weighed against public benefits.
60. The appellants argue that the provision of market and affordable housing would be a significant public benefit. I agree with the Council that the amounts involved would be relatively modest, but a public benefit nonetheless to which moderate weight must be given. However, while I recognise that the LP provision is not to be taken as a cap, I consider that the NPPF objective of a significant boost to the supply of housing will already have been well addressed by the adoption of the LP.
61. The addition of the houses would also have modest economic benefits through the investment in construction and the later demand for services and facilities, as well as social benefits through growth of the local community. I also accept that the site is well placed in respect of the Science Vale, and that housing on the appeal site could contribute to the economic growth required from that initiative. However, both in respect of the district as a whole and of the Science Vale, I consider that the Council will have already planned for economic and social benefits through the allocation of better located sites without

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<sup>12</sup> NPPF paragraph 204

<sup>13</sup> Community Infrastructure Levy Regulations 2010, Reg 122

<sup>14</sup> NPPF paragraphs 1, 2, 11, 12

environmental constraints by a thoroughly appraised LP2031, and by early progress on the preparation of LP2031 Part 2.

62. In this context of plan-led development, I find that the harm to designated heritage assets would not be outweighed and that the material considerations would not overcome the proposal's conflict with the LP strategy. The proposal would be contrary to the development plan as a whole and would not comprise a sustainable form of development.

### **Conclusion**

63. For the reasons set out above, and having taken account of all submissions made both in writing and at the Inquiry, I conclude that the appeal should be dismissed.

*Brendan Lyons*

INSPECTOR

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Tom Cosgrove QC

Instructed by Ian Price, Solicitor,  
Vale of White Horse District Council

He called:

Harvey Rodda

BSc PhD FRGS CWEM MCIWEM

Clare Roberts

BA(Hons) PGDipTP

Stuart Walker

BA(Hons) DipTP MSc CMS MRTPI

Partner, Water Resource Associates LLP

Senior Planning Policy Officer,  
Vale of White Horse District Council

Major Applications Officer,  
Vale of White Horse District Council

### **FOR THE APPELLANTS:**

Sasha White QC

Instructed by West Waddy ADP

He called:

John Young

BEng MSc(Eng) MICE CWEM MCIWEM

Clive Onions

BSc CEng FICE FCIWEM MStructE MCIHT

Alan Divall

BA(Hons) MRTPI

John Ashton

DipTP MRTPI

Partner, Edenvale Young Associates

Consulting Civil Engineer

Planning Partner, West Waddy ADP

Planning and Masterplanning Partner,  
West Waddy ADP

### **INTERESTED PERSONS:**

Christopher Wilding

Alison Smith

David Granville

Susan Knox

Michael Murray

Earl Ashford

Judith Coates

Chairman, Steventon Parish Council

Neighbouring resident

Neighbouring resident

Neighbouring resident

Neighbouring resident

Neighbouring resident

Principal Infrastructure Negotiator,  
Oxfordshire County Council

## **DOCUMENTS**

### Submitted at the Inquiry

1. Proposed Agenda: Round Table on Flood Risk
2. Proposed Agenda: Round Table on Housing Land Supply
3. The Opening Speech of the Appellant
4. Opening Statement on behalf of The Local Planning Authority
5. Copy of letter dated 9 November 2015 Hydro-GIS Ltd (Dr H Rodda) to Mr M Murray

6. South Central Ambulance Service NHS Trust: Corporate Policy and Procedure – Driving and Care of Trust Vehicles, August 2015
7. Aerial view of site
8. Copy of Refusal Notice –Planning application Ref 86/01/01108/FUL
9. Press Summary: Suffolk Coastal District Council (Appellant)v Hopkins Homes Ltd and anor (Respondents); Richborough Estates Partnership LLP and anor (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37
10. Judgment: Suffolk Coastal District Council (Appellant)v Hopkins Homes Ltd and anor (Respondents); Richborough Estates Partnership LLP and anor (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37
11. Copy of executed Section 106 Agreement
12. Vale of White Horse Local Plan 2011: Policy GS1
13. Regulation 123 of the Community Infrastructure Levy (CIL) Regulations (2010) (as amended) – Note of Compliance of Planning Obligations Sought by Oxfordshire County Council
14. Closing Submissions on behalf of the Council
15. Closing Submissions of the Appellant
16. Addendum to the Appellant’s Closing Speech
17. Oxfordshire County Council: Note on forward funding of education contributions

Submitted after the Inquiry

18. Letter from West Waddy ADP dated 15 May 2017, enclosing documents relating to Planning Permission Ref P16/V1645/FUL- Land at Sheepwash Lane, Steventon:
  - a. Location Plan
  - b. Flood Risk Assessment
  - c. Flood Warning and Evacuation Plan
  - d. Delegated Report
  - e. Decision Notice
  - f. John Young –Review of Flood Risk Assessment
19. Further Written Representations by Vale of White Horse District Council, 12 June 2017
20. Letter from West Waddy ADP dated 23 June 2017, enclosing:
  - a. John Young –Rebuttal to Further Written Representations by Vale of White Horse District Council, 20 June 2017
  - b. Representation by Environment Agency, 26 July 2016
  - c. Comments by Council Drainage Engineer, 31 July 2016
  - d. Delegated report on planning application, 22 August 2016