

Appeal Decision

Site Visit made on 22 June 2021

by Mr Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/Q3115/W/21/3270824

Woden House, Limetree Road, Goring, Reading, RG8 9EY

- 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 Mr Matt Taylor, Churchgate Premier Homes against the decision of South Oxfordshire District Council.
 - The application Ref P19/S3433/FUL, dated 1 November 2019, was refused by notice dated 9 March 2021.
 - The development proposed is the erection of a semi-detached pair of dwellings (2 x 4 bed).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Comments were sought from the Council and the Appellant. As the main parties have had the opportunity to provide comments no injustice has been caused. I have considered the appeal on the basis of the revised Framework.

Main Issue

3. The main issue raised is whether or not the proposed development would be suitably located having regard to its flood zone location and the provisions of the development plan and the National Planning Policy Framework.

Reasons

4. The appeal site lies partially within both Flood Zones 1 and 2, with the vehicular access lying within Zone 1 and the majority of the footprint of the proposed dwellings within Zone 2.
5. The Framework, at paragraph 159, sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from the areas at highest risk. Policy EP4 of the South Oxfordshire Local Plan (adopted November 2020) requires that the suitability of development in Flood Zones will be strictly assessed using the Sequential Test (ST) and where necessary the Exceptions Test (ET).
6. The Planning Practice Guidance sets out that the aim of the ST is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, decision makers should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the ET if required. The PPG also advises that a pragmatic approach should be taken to the consideration of alternative sites.

7. The appellant has provided an assessment of alternative sites; however, this assessment is limited to sites that fall within a 3-mile radius of the appeal site. This appears to me to be an overly restrictive approach and would likely discount a large number of potential comparable sites that could accommodate the development, outside of this radius. There is no compelling evidence to demonstrate that the additional dwellings would be required to sustain the community at this location and thus the development does not necessarily need to take place on this site for the benefits of the additional housing to accrue. As such, I consider that in this case a wider scope for the consideration of alternative sites would be appropriate.
8. I acknowledge the appeal decision that has been put before me by the appellant, in which the Inspector found that a 3-mile radius for the sequential test would be appropriate. However, that decision differs from the scheme before me in that firstly, there was an acknowledged housing need within an adjacent district and secondly, there was evidence suggesting that there would be a significant uplift in that Council's housing requirement stemming from the emerging local plan process. Nothing has been provided that convinces me that either or both of these situations are relevant to the current appeal. Thus, the appeal decision cited does not persuade me otherwise from my finding above.
9. I therefore find that the scheme is not supported by a robust sequential test; it is artificially small, which has limited the assessment of suitable alternative sites. Thus, I cannot be satisfied that there are no other sequentially preferable sites, that are reasonably available, elsewhere.
10. Accordingly, I find that the proposed development would not be suitably located having regard to its flood zone location and the proposal would conflict with policy EP4 of the South Oxfordshire Local Plan, as well as policy .02 of the Goring Neighbourhood Plan. Together, and amongst other things, these policies seek to ensure that the risk and impact of flooding is minimised through the application of the sequential test and that infill development is permitted where it does not conflict with other policies of the local development plan. The proposal would also conflict with the provisions of the Framework. As I have found that the scheme would not meet the sequential test, there is no need for me to consider whether the proposal meets the ET.

Other Matters

11. I note that no objection is made to the principle of development at this location, close to the village centre and with access to public transport links. There would also be economic benefits associated with the development. These matters do not however outweigh the harm I have identified above.
12. In providing comments on the revised Framework, the appellant refers to the possibility of changes to the Flood Maps and in the future the flood zone extents may be reduced, omitting the appeal site from Flood Zone 2. However, I have made my decision in light of the flood vulnerability information that is before me.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR