



Appeal Decision

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/D3125/W/22/3301266

31 Worcester Road, Chipping Norton, Oxfordshire OX7 5YF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Ben Ricketts against the decision of West Oxfordshire District Council.
 - The application Ref 22/00583/FUL, dated 24 February 2022, was approved on 29 April 2022 and planning permission was granted subject to conditions.
 - The development permitted is erection of a detached dwelling and garage together with formation of new access.
 - The condition in dispute is No 4 which states that: "No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter."
 - The reason given for the condition is: "To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Due to the nature of the appeal, it was agreed with the main parties that a site visit was not required. My decision has therefore been determined on this basis.

Background and Main Issue

3. Planning permission has been granted for the erection of a detached dwelling at 31 Worcester Road. The appeal seeks permission to carry out the development without complying with condition 4 which requires the dwelling to not be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day has been complied and then retained in perpetuity thereafter.
4. Therefore, the main issue is whether the condition is reasonable and necessary in the interests of maximising resource efficiency, most notably water.

Reasons

5. The National Planning Policy Framework 2021 identifies the prudent use of natural resources as a key element of achieving sustainable development. The appellant states that they would comply with the required mandatory national water efficiency standard set out by Building Regulations of 125 litres/person/day. Guidance set out in the Planning Practice Guidance¹ allows

¹ Paragraph: 014 Reference ID: 56-014-20150327

for local planning authorities to require new dwellings meet the tighter Building Regulations optional requirement of 110 litres/person/day, where there is a clear local need. Consequently, due to West Oxfordshire falling within an area of demonstrable 'water stress', there was evidence tested as part of the examination of the West Oxfordshire Local Plan 2031 (Local Plan) (adopted September 2018), which supported a policy to meet the optional Building Regulations requirement for water efficiency of 110 litres/person/day.

6. Accordingly, Policy OS3 was adopted as part of the Local Plan, of which one of the criteria is to maximise resource efficiency, including water. It states that all new residential development will be expected to achieve the optional Building Regulations requirement for water efficiency of 110 litres/person/day. As the permitted scheme granted permission for a new residential unit, a condition for the development to provide the means to ensure a maximum water consumption of 110 litres/person/day was achieved was consequently attached.
7. The condition does not place a restriction on actual levels of water use. It simply ensures that future occupiers are provided with the means to reduce their water usage to a maximum of 110 litres/person/day. As such the condition is enforceable. A lower water consumption would be achievable through improved water efficient fixtures and appliances, which are commonly met by development.
8. The appellant, in their Grounds of Appeal, uses the example of a small bath which may have a capacity of 150 litres. They state that when full it would exceed the daily threshold of 110 litres and a person would then have no water available for drinking or washing until the next day. This however misinterprets the objective of the condition and Policy OS3, to ensure that the means to reduce water usage are available, not to control actual water use. In any event, people rarely fill a bath to maximum capacity, and a range of other options are available to achieve water efficiency.
9. Given the above, I conclude that the disputed condition is both reasonable and necessary in the interests of maximising resource efficiency, most notably water. There is no justification for setting aside the requirements of the adopted policy in these circumstances. I therefore dismiss the appeal.

Laura Cuthbert

INSPECTOR