



Appeal Decision

Site visit made on 17 January 2023

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal Ref: APP/V3120/W/22/3307048

Little Lane Orchard, 95 The Causeway, Steventon Oxfordshire

Abingdon OX13 6SJ

- 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 & Mrs Goulding against the decision of Vale of White Horse District Council.
 - The application Ref P22/V0909/FUL, dated 7 April 2022, was refused by notice dated 29 June 2022.
 - The development proposed is a self-build four-bedroom detached house with double car port.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr & Mrs I & J Goulding against the Vale of White Horse District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether or not the proposal would provide a suitable site for development, having regard to its location within Flood Zone 2 and 3 and the Sequential Test.
 - the effect of the proposed development on the character and appearance of the area, including the preservation or enhancement of Steventon Conservation Area (Conservation Area) and the setting of nearby listed buildings.

Reasons

Flooding and Sequential test

4. The appeal relates to an area of undeveloped land to the north west of Little Lane Orchard, 95 The Causeway. The site is within Flood Zone 2 and 3, but the built development of the proposed dwelling would be limited to Flood Zone 2.
5. Paragraph 167 of the National Planning Policy Framework (the Framework) requires the application of a Sequential Test in decision making to steer new development to areas with the lowest probability of flooding (Flood Zone 1).

Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

6. Planning Practice Guidance (PPG) states it is for local planning authorities, taking advice from the Environment Agency, to consider the extent to which Sequential Test considerations have been satisfied, considering the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application.¹
7. Policy CP42 of the Vale of White Horse Local Plan Part 1 Strategic Sites and Policies 2016 (Local Plan Part 1) also requires a Sequential Test and indicates that all development should comply with the Strategic Flood Risk Assessment (SFRA) and Oxfordshire Local Flood Risk Management Strategy. The SFRA sets out that for individual applications the geographical area where the test is to be applied should be identified; this could be the district area, or a specific catchment if this is appropriate and justification is provided.
8. The proposal is for a self-build dwelling, which can be a development that in certain circumstances, and with appropriate justification, would narrow the search area. However, based on the evidence before me, there is no greater demand or need for self-build dwellings or market dwellings in the locality of Steventon than other areas in the district. As such, in this case matters relating to ownership of land and the catchment area of the local school would be seen as personal preferences that would not justify housing development in a higher risk area. This is particularly the case when there could be other sites available in the wider district which could provide the accommodation of the type sought.
9. I acknowledge that the PPG guidance and the SFRA gives the example of the catchment area for a school. Although the wording could be clearer, in my judgement it is not an example for all of development. The guidance is referring to a development where the catchment area could be clearly defined to the community it is intended to serve, such as a school proposal. The Council has also referred to developments such as tied dwellings (linked to a business), replacement dwellings and conversions, which although not exhaustive are examples of site-specific developments that can narrow a search area.
10. I have had regard to the information set out on alternative sites. However, as I have found that there is insufficient justification to narrow the search area, it is not necessary for me to determine whether the information on alternative sites is adequately robust. This could not alter my decision on the main issue.
11. Having regard to the type of development and the lack of substantive evidence to demonstrate a reason to narrow the search area, I find that the appellant's case and approach to the area of search and the Sequential Test is not justified. Accordingly, it has not been satisfactorily demonstrated that the proposed development would not represent an unacceptable risk to flooding, failing to accord with the Framework's aim of directing development away from areas of highest flood risk. For the same reason, the proposed development would be contrary to Policy CP42 of Local Plan Part 1.

¹ Planning Practice Guidance, Paragraph: 034 Reference ID: 7-034-20140306

Character and Appearance

12. The appeal site comprises a largely undeveloped area of land, located to the north west of a recently constructed detached dwelling at Little Lane Orchard (95 The Causeway). The land is separated from Little Lane Orchard by a hedgerow boundary, but a track provides vehicle access from The Causeway to Little Lane Orchard via the appeal site.
13. The land is partly within the Steventon Conservation Area (Conservation Area) and is adjacent to several listed buildings fronting The Raised Causeway. The 'Raised Causeway' is an ancient Grade II* cobbled pathway, which is tree lined and divided by a railway line adjacent to the site. There are also several historic buildings along this part of The Causeway, such as 83 and 85 The Causeway which are listed Grade II* as well as Gate Cottage, 99 and 101 The Causeway which are Grade II (Listed Buildings).
14. The Conservation area follows the 'Raised Causeway' and includes the historical core of the village. The significance is largely focused on the historical, cultural, and architectural importance of the Raised Causeway and the associated period buildings along its length. In this location, the pattern of development is linear, with historical properties being close to the road and fronting the Raised Causeway. The undeveloped land between the rear gardens of the Listed Buildings and Ginge Brook once formed orchards and paddocks of agricultural land. This undeveloped land reflects the rural beginnings of the Conservation Area and forms a verdant setting to the Listed Buildings, adding to their significance.
15. The Heritage Statement² submitted by the appellant includes historical mapping, which shows that prior to being subdivided to form Little Lane Orchard, the land was historically used for agriculture and adjoined the orchards to the rear of the Listed Buildings. The erection of the existing dwelling at Little Lane Orchard and the formation of the access track has already altered the land, but it remains open with a largely undeveloped character, which is reminiscent of the rural beginnings. As such, given its proximity and appearance, it adds value to the understanding of the history of the area, the Conservation Area and the setting of the Listed Buildings.
16. The proposal would introduce a detached dwelling, which together with the parking area and associated vehicles would alter the largely undeveloped character of the site, diminishing its openness. However, efforts have been made to design the dwelling to reflect a more traditional rural building. It is also positioned close to the existing track to limit the spread of the built form and its impact on the openness of the site. It would be possible to partially view the proposed development at a distance from the Raised Causeway, as well as from parts of the pedestrian lane that are not blocked by the fence or existing dwelling. Nevertheless, the intervisibility between the proposed development, the Conservation area and the Listed Buildings is severely limited by its setback from the Raised Causeway, intervening buildings, trees and landscaping.
17. As such, the proposed development would alter the undeveloped character and diminish the openness of the site. However, when having regard to the design approach and limited intervisibility, the proposed scheme would not

² Heritage Statement by JPHeritage Dated March 2022

significantly impact the special qualities of the Conservation Area or the setting of the Listed Buildings, resulting in a 'less than substantial' harm. Paragraph 202 of the Framework is applicable in these instances and indicates that less than substantial harm to heritage assets should be weighed against the public benefits of the proposal.

18. The proposed development would be considered a windfall site that would contribute a dwelling to the local housing stock. There would also be social and economic benefits from the construction of a dwelling, in terms of additional expenditure in the local economy and the creation of construction jobs. I consider that these public benefits would be sufficient to outweigh the less than substantial harm that I have identified. In coming to this conclusion, I am giving considerable weight and importance to paying special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of the Listed Buildings.
19. I, therefore, conclude that the proposed dwelling would not detrimentally impact upon the character and appearance of the area, conserving the special interest attributed to the Conservation Area and the setting of the Listed Buildings. As such, the scheme complies with Policies CP37 and CP39 of Local Plan Part 1, Policies DP36 and DP38 of the Vale of White Horse Local Plan Part 2 2017 and the advice contained within the Vale of White Horse Design Guide 2015. These policies, and guidance, require development to be high quality in design and reflective of its context. Proposals within or affecting the setting of heritage assets must demonstrate that it will conserve or enhance its special interest, character, setting and appearance, being sympathetic to important spaces such as paddocks, greens, or gardens.

Other Matters

20. The Council has referred to an example of an appeal decision³, which was to the rear of 97 The Causeway. In that case, the Inspector decided that the harm to the heritage assets outweighed the benefits of the scheme. However, this appeal was for a residential scheme where the land was directly to the rear of the Listed Buildings. In that decision, the Inspector also concluded that the dwelling at Little Lane Orchard was adjacent to the railway line and had more of a discrete relationship to the development along the Causeway. Although I accept this case has similarities, I am of the view that the impact of this proposal would be less harmful to the setting of the Listed Buildings.
21. I acknowledge that a representation has been submitted supporting the proposal, outlining the support for the design and the acceptability of the access. Although, I have had regard to this representation, these matters do not overcome my conclusions on the main issues.

Planning Balance and Conclusion

22. The contribution that a new dwelling from a windfall site could make to the local housing stock is a benefit. I also note that there would be social and economic benefits from the construction of the new dwelling, in terms of additional expenditure in the local economy and the creation of construction jobs. I also note that it would potentially provide a self build dwelling in the district area for the appellant in an accessible settlement where the principle of

³ APP/V3120/W/18/3208949

development would be accepted. However, these benefits do not outweigh the harm I have identified above in respect of directing residential development away from areas at higher risk of flooding.

23. Whilst I have found the scheme acceptable in regard to the character and appearance of the area and the preservation of heritage assets, it has not been satisfactorily demonstrated that the proposed development would not represent an unacceptable risk to flooding. For this reason, the appeal scheme would conflict with the development plan when considered as a whole. There are no material considerations, individually or cumulatively, worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

M. P. Howell

INSPECTOR