



Appeal Decision

Site visit made on 7 June 2023

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/Q3115/W/22/3295364

Land West of Manor Road, Goring-on-Thames, Oxfordshire RG8 9EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Edmund Rube against the decision of South Oxfordshire District Council.
 - The application Ref P21/S3112/PIP, dated 23 July 2021, was refused by notice dated 25 August 2021.
 - The development proposed is the construction of 5 units of specialist housing for older people.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The *Planning Practice Guidance* advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle, and the second stage (the technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted, and only when that in turn has been granted does a planning permission exist. I have determined the appeal accordingly.
4. Furthermore, the appellant has placed weight on this scheme being specifically for units 'for older people', and I have considered it on that basis.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. In the *Goring Neighbourhood Plan* (made in 2019) Policy 01 states development of new houses outside of the built-up area of Goring will only be supported if it is necessary or suitable for a countryside location and consistent with policy. In the more recent *South Oxfordshire Local Plan* (adopted 2020) Policy STRAT1 requires change outside villages to be for the specific needs of

agriculture or environmental enhancement. Local Plan Policy H1 only accepts housing on unallocated sites if, amongst other things, it is for specialist housing for older people in locations with good access to public transport and facilities, and this is reflected in Local Plan Policy H13 that specifically concerns specialist housing for older people.

7. This site lies adjacent to but outside of the built-up area of Goring-on-Thames. While it fared better than some when sites were being considered for inclusion in the Neighbourhood Plan, it was unallocated for any specific use. It is about 700-800m from the centre of the village. This may be defined as a walkable distance in *Manual for Streets*, and I accept that some older people could walk that far without difficulty. However, among that sector of the population it is reasonable to expect that a greater proportion would have mobility issues. Such residents would not be able to access the services comfortably on foot, and so these distances would not allow for good access to public transport and facilities by means other than by private motorised vehicles.
8. In support of his position the appellant assumed that the parking restrictions on Manor Road near the site were because it was deemed sufficiently close to the station for people to walk. However, the parking restrictions were not along the entirety of the road, with large stretches of kerbside parking permissible between the appeal site and the village centre. Consequently, whatever the reason for imposing parking restrictions I consider it cannot be inferred to be for that suggested by the appellant.
9. Whilst the appeal decision for Aston Rowant is noted, that was for a single house within a smaller village and was not specifically for older people, and so its development plan context differed. Similarly, I have not been told that what is being built on the opposite side of the road is for anything other than open market housing.
10. Accordingly, I conclude that the location of this site for the proposed use of specialist housing for older people, outside of the settlement and relatively distant from the services it offers, would not allow for good access to public transport and facilities for its residents. As such, the development conflicts with Local Plan Policies STRAT1, H1 and H13 and with Policy 01 in the Neighbourhood Plan.
11. Turning to flooding, the eastern portion of the site is in Flood Zone 2 and the western portion (about 40% of the total area) is in Flood Zone 3a. The appellant considers the sequential test is met, contending that it was not possible to locate this housing in areas with a lower risk of flooding. Moreover, in his submissions on the matter he says that where the dwellings would extend onto the area within Flood Zone 3a they would be elevated above a void on stilts to overcome any prospect of flooding, there would be a boardwalk or similar to provide a means of escape, and there would be other protective measures. In such circumstances, it is the appellant's view that the dwellings would be in Flood Zone 2, and so an exception test is not required. If, instead, it was intended to reconfigure the scheme so that all the units would be in the area shown as Flood Zone 2 of the Flood Risk Map, I have no plan to demonstrate that would be possible.
12. To my mind, even if the habitable accommodation is to be above the recognised flood level, by extending into the area defined as Flood Zone 3a as shown on the indicative Sketch Block Plan it should be treated as being within

that zone. As such, I am of the view that an exception test is required. The measures outlined by the appellant, namely the void, the boardwalk and so on, have the potential to form part of addressing the exception test by making the development safe for its lifetime as required by Framework paragraph 164(b). However, I am not in a position to comment on whether such measures would be entirely sufficient in that regard, or whether the design implications would be acceptable in this location. Rather, those matters would be addressed as part of an application for technical details consent, and so an assessment as to whether or not the measures would be suitable would be made at that stage.

13. Despite that though, even if the sequential test has been passed, given its poor access to public transport and facilities and its stated occupiers being older people, I am not satisfied the location would provide wider sustainability benefits to the community that outweigh the flood risk. As such, it would not satisfy the first limb of the exception test found in Framework paragraph 164(a), and so the development does not pass that test.
14. Accordingly, in this regard I conclude the proposal would be contrary to Local Plan Policy EP4, which reflects the Framework concerning flood risk.
15. On the Council's final concern relating to the effect on the landscape and scenic beauty of the Area of Outstanding Natural Beauty, as the site is adjacent to the settlement, I consider that is very much dependent upon the appearance of the scheme and so is a matter to be addressed as part of an application for technical details consent.
16. If I accept the appellant's position concerning the scale of the shortfall across South Oxfordshire for housing in general, or for accommodation for older people in particular, then paragraph 11(d) in the Framework is applicable and the policies relating to the location of housing are deemed out-of-date. My findings on flood risk, though, would mean the so-called 'tilted balance' in that paragraph does not apply. However, even putting the matter of flooding aside, any benefits would still have to be weighed, albeit within the 'tilted balance', against the appropriateness of the location for housing for older people, to ensure it realistically addressed their reasonable needs. While having regard to the alleged shortfall in this type of accommodation and the apparent difficulty in finding sites, the harm that would result from the unsuitability of the location for this proposed use, as a result of its poor access to services, significantly and demonstrably outweighs any benefit that may arise from the additional housing provision (whether general or specialist housing) and from any other benefit.
17. I have noted the various decisions to which I was referred. However, as they were in different contexts and for different forms of appeal and development, the balancing exercises before those Inspectors were not the same as in this case. As such, materially different circumstances mean they do not lead me to a different view.

Conclusion

18. I conclude the appeal should be dismissed.

JP Sargent

INSPECTOR