
Appeal Decision

Site visit made on 14 January 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/V3120/W/24/3347601

Land adjacent to 21 Vicarage Road, Steventon OX13 6SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Tyrrell against the decision of Vale of White Horse District Council.
 - The application Ref is P22/V2965/FUL.
 - The development proposed is the removal of existing single storey garage building and construction of three new dwellings on site adjacent to 21 Vicarage Road (site A) with flood improvement works on land adjacent to 15 Vicarage Road (site B).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the planning application the Steventon Parish Neighbourhood Development Plan 2022 – 2031, was made on 5 September 2024 (NDP). My attention has been drawn to several policies therein, however the Council's submissions do not identify any specific conflict that would arise.

Main Issues

3. The main issues are whether the proposed development would:
 - represent an acceptable form of development having regard to flood risk;
 - provide suitable living conditions for future occupiers, with particular regard to noise from the railway line;
 - be in a suitable location having regard to the development strategy; and
 - provide suitable living conditions for future occupiers of 'House 1' with particular regard to outlook.

Reasons

Flood risk

4. The appeal site comprises 2 parcels of land, one at either end of a short row of semi-detached dwellings which front Vicarage Road. The Council's refusal reason relates to Site A, which includes part of the garden to the adjoining property, 21 Vicarage Road, and land associated with the neighbouring agricultural building. There is agricultural land immediately to the rear of the site and also to the front of Site A, with the railway line beyond. Site B comprises a parcel of grass which adjoins 17 Vicarage Road, at the opposite end of the row of properties. There are

existing residential properties opposite and to both sides of Site B, and agricultural land to the rear.

5. The appeal proposal would see the construction of 3 dwellings on Site A, including a pair of 2 storey semi-detached dwellings together with a detached two-storey dwelling (House 1). The siting, layout and orientation of the proposed dwellings would reflect the adjoining residential properties along this part of Vicarage Road. Site B would accommodate proposed flood storage improvement works including the lowering of the existing embankment to the stream which runs along the side boundary of the land to provide a flood storage area.
6. The Environment Agency Flood Map shows that Site A is in Flood Zone 2 and Site B is in Flood Zones 2 and 3 and therefore has a medium and high probability of flooding. However, the appellant's Flood Risk Assessment (FRA)¹ suggests that, following a review of the flood extents from the Strategic Flood Risk Assessment, topographical survey and flood data, the majority of Site A, is in Flood Zone 1, with only a very small section of the rear gardens of the proposed dwellings falling within Flood Zone 2, as shown on Drg No. 001-P05 Flood Zone Sheet 1.
7. The appellant contends that, while parts of the site are shown to have ground levels below the 0.1% annual exceedance probability flood level of 64.85mAOD, used to define the extent of Flood Zone 2, the land is protected by higher ground and, therefore, falls outside of Flood Zone 2. Nevertheless, Drg No. 001-P05 shows that there are significant areas of the site with ground levels below 64.85mAOD, adjacent to the rear boundary of the site, beyond which the levels are not shown to be elevated. This would appear to indicate that the site would be susceptible to flooding and the extent of Flood Zone 2 would be greater than that shown, as suggested by the Environment Agency. It has therefore not been demonstrated that the proposed dwellings would be located beyond Flood Zone 2.
8. Core Policy 42 of the Vale of White Horse Local Plan 2031 Part 1, adopted December 2016 (LPP1) states that the risk and impact of flooding will be minimised through, among other things, directing new development to areas with the lowest probability of flooding. It sets out that the suitability of development proposed in flood zones will be strictly assessed using the Sequential Test.
9. This reflects the advice in the National Planning Policy Framework (the Framework) which is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The Framework indicates that a sequential risk-based approach should be taken when considering proposals for development in areas known to be at risk now or in future from any form of flooding. This requires the application of the sequential test (ST), the aim of which is to steer new development to areas with the lowest risk of flooding and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
10. A ST test has not been undertaken by the appellant. While the FRA includes measures to mitigate the harm that would be caused to future occupiers of the development in terms of flood risk, without increasing risk elsewhere, the proposal would nonetheless introduce built development on Site A, which is at risk of flooding. In the absence of a ST, it has not been satisfactorily demonstrated that

¹ Flood Risk Assessment by Taylor Consulting Engineers dated December 2022

there are no alternative sites available to accommodate the proposed development that are at a lower risk of flooding.

11. I therefore conclude that, given the likely extent of the site within Flood Zone 2, as the ST has not been met, the proposal would fail to represent an acceptable form of development having regard to flood risk. As such, the proposal would fail to accord with Core Policy 42 of the LPP1 and the aims of the Framework in relation to flood risk.

Noise

12. The Great Western railway line lies near to the front of the site. At the time of my site visit, which I appreciate is only a snapshot in time, several trains passed by. Given the limited separation distance between the site and the railway line, noise from passing trains has the potential to harm the living conditions of the future occupiers of the residential units by virtue of the noise generated.
13. A Noise Assessment was not submitted as part of the proposals. I note the appellant's willingness to accept a planning condition to secure appropriate mitigation measures to be incorporated in the construction of the dwellings. However, in the absence of details of existing noise levels and any specific mitigation measures that may be required, I cannot be certain that the proposal could achieve appropriate internal and external noise levels, or that any necessary mitigation would not compromise the local built environment. Moreover, while there may be other residential properties with a similar relationship to the railway line it does not follow that they provide acceptable living conditions in respect of noise.
14. In light of the above, based on the information before me, it has not been demonstrated that the proposed development would provide suitable living conditions for future occupiers, with particular regard to noise from the railway line. As such, it would fail to accord with the combined aims of Development Policies 24 and 25 of the Vale of White Horse Local Plan 2031 Part 2, adopted October 2019 (LPP2) which set out that development will not be permitted if it is likely to be adversely affected by noise, and that noise-sensitive development in locations likely to be affected by existing sources of noise will be expected to provide an appropriate scheme of mitigation to ensure appropriate standards of amenity are achieved for future occupiers of the proposed development.

Location

15. Core Policy 3 of the LPP1 sets out the hierarchy of settlements within the district in terms of the location of new development. Core Policy 4 of LPP1 sets out the presumption in favour of sustainable development within the existing built area of settlements, including larger villages such as Steventon. It states that in the open countryside, development will not be appropriate unless specially supported by other relevant policies as set out in the Development Plan or national policy.
16. The LPP1 does not identify settlement boundaries for larger villages, therefore whether a site falls within the existing built area of a settlement is a matter of planning judgement. The existing row of dwellings form a group which lie a short distance from the nearby residential properties in Vicarage Road, separated from them by a small area of grass which forms Site B. The intervening land, while undeveloped, is modest in size, and is located close to the adjoining property to the side and directly fronts the side boundary of the existing residential property on

the opposite site of Vicarage Road, and in that regard is well related to the existing built form of the settlement. In light of this arrangement, the existing group of residential properties beyond Site B nevertheless has a close relationship and strong visual connection with the neighbouring properties within the more concentrated built up area. For these reasons, the existing row of dwellings clearly appear as a continuation of the existing built form of the settlement.

17. In views along Vicarage Road, the existing modern agricultural building, while not domestic in scale or appearance, sits at the end of the row of residential properties, where it demarcates the limit of the built form, separating it from the open countryside beyond. The position of Site A, between the existing dwellings and the adjoining agricultural building and car parking area to the rear, means it is well contained within the wider landscape. For these reasons, while on the edge of the wider settlement, having regard to the physical features on the ground, the proposed dwellings would be on land located between existing built form and therefore within the existing built area of the settlement.
18. Moreover, while this part of Vicarage Road is more rural in character by virtue of its relationship with the open countryside to the front and rear of the existing buildings, it was identified as part of the 'built form, hard surfacing and private gardens' in the Character Appraisal at Appendix 7 of the SNP.
19. In light of the above considerations, I find that the proposal would be within the existing built area of the settlement. I therefore conclude that the proposal for new residential development on Site A would be in a suitable location having regard to the development strategy. Accordingly, it would not conflict with Core Policies 3 and 4 of the LPP1.

Outlook

20. The side elevation of House 1 would be sited a short distance from and run parallel to the flank elevation of the neighbouring agricultural building. Although the eaves height of dwelling 1 would be lower than that of the agricultural building, the overall height of the buildings would be similar. Due to the width of the agricultural building, it would extend beyond both the front and rear elevations of the proposed House 1.
21. While the agricultural building would be visible from both the windows in the rear and front elevations of House 1, including the private garden space to the rear, it would extend only part way along the side boundary of the site and would be set in from it. Furthermore, the remaining parts of the boundaries to House 1 would remain largely open aside from boundary treatments, which would enable views of the wider open countryside beyond. Therefore, by virtue of the overall height and scale of the agricultural building, and its position in relation to House 1, it would not appear as an unduly dominant or imposing feature so as to significantly diminish the outlook from House 1.
22. I therefore conclude that the proposed development would provide suitable living conditions for future occupiers of House 1 with particular regard to outlook. Accordingly, it would not conflict with Development Policy 24 of LPP2 which requires new development to be designed to ensure occupiers will not be subject to adverse effects from existing or neighbouring uses, including through dominance or visual intrusion.

Planning Balance and Conclusion

23. The proposal would support the Government's objective to significantly boost the supply of housing, in a location where future occupiers of the development would have access to some services and amenities by means other than the private car. It would also accord with the policies of the Framework which recognise the need to make efficient use of land, and the contribution small sites can make to meeting the housing requirement for an area. The proposed development would also give rise to economic benefits during construction, and upon occupation through local expenditure, and would reflect the aims of the Framework which encourage housing where it would enhance or maintain the vitality of rural communities. However, given the modest scale of the appeal scheme, such benefits would be small and therefore the weight to be attributed to them is limited.
24. The proposal would also include a flood compensation scheme, which the Council's Flood Risk and Drainage Engineer indicates would be of great benefit to the community by enhancing storage within the flood plain. Even if this were the case, the proposed development on Site A would fail to satisfy the ST, as set out in the Framework and LLP2 Core Policy 42 which indicate that new development should be located in areas with the lowest risk of flooding.
25. Given that the policies of the Framework provide a clear reason for refusing the development, even if, in the event that, following the revisions to the framework on 12 December 2024, the Council's housing land supply position is not as favourable as suggested by the Council, the proposal would not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.
26. I have found that the proposal would accord with the development strategy in terms of its location. Furthermore, while it would provide suitable living conditions for future occupiers in terms of outlook, it has not been demonstrated that the development would provide suitable living conditions for future occupiers, with regard to noise from the railway line. Furthermore, the proposal would be within an area at risk of flooding and the ST has not been passed. The proposal would therefore conflict with the development plan, read as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR