

Planning

HEAD OF SERVICE: **Adrian Duffield**



Listening Learning Leading

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Abbey House, Abbey Close
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Ref: P25/S3781/O

22 April 2026

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 78

Site Address: Orchid Lakes House Abingdon Road Dorchester-on-Thames OX10 7LP

Description of development: Proposed erection of pair of self building dwellings, formation of new accesses and associated works and operations.

Application Reference: P25/S36781/O

Appellants name: Mr D Hammatt

Appeal Reference: 6006592

1.1 Thank you for providing the council with the appellant's statement of case (SoC) in respect of the above appeal. This letter sets out the Council's case to be considered by the Inspector in the determination of this appeal.

1.2 This statement provides evidence to justify the refusal reasons outlined in the decision notice (set out below for ease of reference) and where necessary rebuts matters raised by the appellants.

- 1. That the site lies outside the strict confines of the village in an unsustainable location in the countryside. Erecting two houses in this location conflicts with the spatial strategy for housing in the district and amounts to an inappropriate form of development in the Green Belt. The development conflicts with Policies STRAT1, STRAT6, H1, H8 and H16 of the South Oxfordshire Local Plan 2035 and Policy DoT8 of the Dorchester on Thames Neighbourhood Plan**
- 2. That, insufficient information accompanies the application to demonstrate that the impact of the development will effectively manage all sources of flood risk, will not increase risk of flooding elsewhere and ensure wider environmental benefits of development in relation to flooding contrary to Policy EP4 of the South Oxfordshire Local Plan 2025.**



Comments on the statement of case

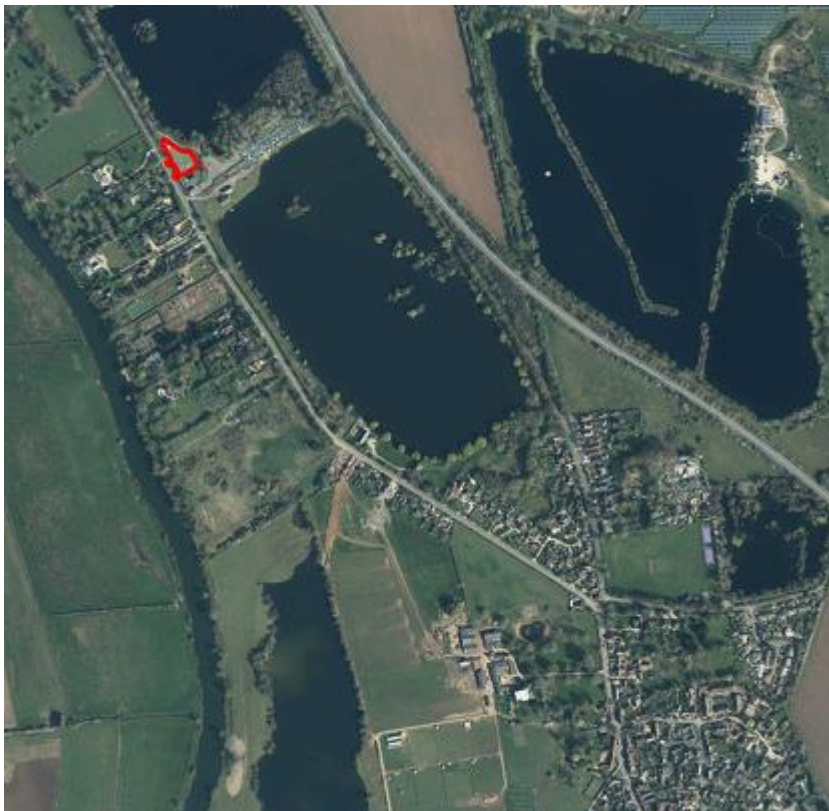
The principle of housing

1.4 The council confirms that it cannot currently demonstrate a 5 year supply of housing and as a consequence this proposal must be considered in the context of the tilted planning balance as referred to in paragraph 11d of the NPPF.

1.5 In addition, the council also accepts that there is a shortfall in self-build and custom housing and the proposed development as suggested in the application as self-build carries weight in decision making.

1.6 The appellants argue that because the Local Plan and neighbourhood plan do not define the settlement boundary the fact that, in their view, the site is closely surrounded by buildings it can be considered as being within the settlement. The council disagrees with this approach.

1.7 The image below included within the officers delegated report shows the application in the context of the distances to the centre of the village and the position and location of other properties.



1.8 The council has consistently taken the view that sites far closer to the centre of the Dorchester on Thames along Abingdon Road are outside of the settlement.

1.9 This approach has informed applications at Land at Allens Pit under application reference P19/S4508/FUL for 2 apartments and 6 houses. (Please note that the application reference at paragraph 6.2 of the officer's report is incorrect and the aforementioned reference is the correct one).

1.10 The Allens Pit application was a rural exception site and considered under the specific policies that would look to permit housing on sites that would otherwise be deemed unacceptable due to their location.

1.11 An equivalent aerial photograph showing the location of that site can be seen below;



1.12 The council maintains the view that the appeal site is clearly outside of the settlement.

1.13 The appeal site is so far removed from the services and facilities that are offered by Dorchester on Thames to the south east that the distance to the equivalent or greater level of services in the adjacent village of Berinsfield to the north east are similar as shown in the aerial photograph below



1.14 The fundamental principle underpinning paragraph 11d of the NPPF is sustainable development and the presumption in favour of permitting it if there is no demonstrable or significant harm that outweighs the benefit of the development.

1.15 There is a clear benefit that carries weight in allowing two self-build houses where there is a short fall of such development. The council has considered this in its decision. However, the location of this site so far removed from the services provided by the two nearest settlements means that this is not a sustainable location. Consequently, this proposal does not create a sustainable form of development and paragraph 11d does not therefore apply.

1.16 Attention must then return to the development plan for which there would be a conflict with the overall spatial strategy.

Green Belt

1.17 The fact that the proposal does not constitute sustainable development affects the way in which the proposal is considered in the context of the Green Belt.

1.18 As the site is outside the village the proposal would not fall within any of the exceptions of building in the Green Belt set out in paragraph 154 of the NPPF.

1.19 The council does however agree that the site does constitute Grey Belt and regard has been had as to whether the development is inappropriate or not in the context of paragraph 155.

1.17 It states that the development of new homes in the Green Belt should not be regarded as inappropriate where all of the following circumstances apply;

- a. The development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;**
- b. There is a demonstrable unmet need for the type of development proposed;**
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF; and**
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 of the NPPF.**

1.18 The development needs to meet all of the above. The pertinent element is circumstance c. and the need for the development to be in a sustainable location.

1.19 The appellants have set out the distances they consider the site to be relative to services and facilities. These are not insignificant and in the case of services in Berinsfield it involves crossing the busy A4074. In all likelihood the occupants of these properties, who could be of any age and ability, will rely on the private car to access services thereby underpinning the argument that is not a sustainable location. The development therefore fails on circumstance c.

1.20 The development is therefore inappropriate by definition and harmful to the Green Belt. No very special circumstances have been put forward that would clearly outweigh this harm.

1.21 The council remain of the view that the development is unacceptable in the context of the Green Belt.

Flooding

1.21 The site is shown to be at high risk of ground water flooding. It is highly likely that any ground water table would interact with the water level within the adjacent lake. The applicant was requested to provide a Flood Risk Assessment (FRA) accompanied by site investigation works to establish the height of the ground water table.

1.22 This was request was based on ground water mapping shown on South Oxfordshire District Council (SODC) GIS mapping system. A snip of this mapping is shown below:



(Ground water flood risk mapping SODC GIS system)

1.23 South Oxfordshire District Council Local Plan Policy EP4 relates specifically to flood risk. Paragraph 3 of the Policy EP4 states;

A site-specific Flood Risk Assessment (FRA) should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1 a FRA should accompany all proposals involving:

- *sites of 1 hectare or more;*
- *land which has been identified by the Environment Agency as having critical drainage problems;*
- *land identified in the Strategic Flood Risk Assessment as being at increased flood risk in future; or*
- ***land that may be subject to other sources of flooding, where development would introduce a more vulnerable use.***

1.24 The relevant section, in which the wording is highlighted above in bold, clearly states that a Flood Risk Assessment (FRA) is required for land affected by sources of flood risk other than fluvial or tidal flooding. In this case, the site is subject to groundwater flood risk. Furthermore, the proposed development would introduce a more vulnerable use, as the site is currently greenfield and is proposed to be developed for residential purposes.

1.25 Planning decisions must ensure that development is directed away from areas at highest risk of flooding. A risk based approach to development must be taken, taking account of current and future flood risk from all sources, including groundwater. The identified groundwater flood risk at the site means that ground water flood risk must be assessed.

1.26 Paragraph 2 of Policy EP4 states that the suitability of development proposed in Flood Zones will be strictly assessed using the 'Sequential Test' and where necessary the 'Exceptions Test'. A sequential approach should be used at site level.

1.27 Although recent changes to the National Planning Policy Guidance in terms of the need for a sequential test have occurred that is only relevant when a site-specific FRA has been submitted and considered acceptable.

1.28 In regard to this application, the presence of groundwater flood risk means the site is already subject to a recognised form of flooding risk, which engages the policy requirement to avoid inappropriate development in such locations.

1.29 Groundwater conditions can be sensitive to changes in land use (i.e the potential intersection of ground water and increased impermeable surfacing). The proposed residential development therefore has the potential to alter infiltration patterns and exacerbate localised groundwater emergence or displacement, which must be assessed.

1.30 A site specific FRA is required where development may be at risk from flooding or where it may increase flood risk elsewhere. The identified groundwater flooding risk at the site means this requirement is clearly engaged, particularly given the transition from greenfield land to built development.

1.31 FRAs must consider flood risk from all sources over the lifetime of the development, including climate change impacts. In this case, the assessment must therefore specifically consider how groundwater levels may respond to increased impermeable surfacing, and changes in drainage patterns associated with the proposed residential development.

1.32 The proposal fails to demonstrate that it can be safely accommodated without increasing flood risk from all sources, in particular groundwater.

1.33 The application site is shown to be at the highest risk of groundwater flooding, which constitutes a recognised source of flood risk under both national and local planning policy. The proposed development would introduce a more vulnerable land use in the form of residential development on a greenfield site, thereby increasing the sensitivity of the site to existing hydrological conditions.

1.34 The NPPF is clear that planning decisions must apply a risk based approach to flood risk from all sources, and that development should be directed to areas at lowest risk through the Sequential Test. It further requires that development proposals are supported by a site specific Flood Risk Assessment where any form of flood risk is present, and that flood risk is properly assessed over the lifetime of the development, including any potential impacts on surrounding land.

1.35 In this case, there is insufficient robust evidence to demonstrate that the proposed development would not exacerbate groundwater flooding conditions on site or result in displacement or increased flood risk off site. The absence of an FRA leaves uncertainty as to the interaction between the proposed development, existing groundwater conditions, and surrounding receptors.

1.36 Accordingly, the proposal is not supported by the level of technical evidence required by national and local policy to demonstrate that it would be safe for its lifetime and would not increase flood risk elsewhere.

1.37 In these circumstances, it is concluded that planning permission should not be granted

Conclusion

1.38 Having regard to the above the council contends that the justification for the reason for refusal still stands and respectfully ask the Inspector to dismiss the appeal.

1.39 In the event that the Inspector looks to allow the appeal suggested planning conditions are included at **Appendix 1. T**

1.40 The list of conditions includes a proposed condition which requires an FRA to be submitted with a reserved matters application. The council would however stress that this point goes to the heart of the issue of whether outline planning permission is granted and potentially creates the situation that outline planning permission is granted for a dwelling that could not be developed.

Yours faithfully,

A handwritten signature in black ink that reads "Paul Bowers".

Paul Bowers
Senior Planning Officer

Appendix 1

- 1. That the development to which this permission relates shall be begun not later than whichever is the later of the following dates:**

- (a) the expiration of three years from the date of this permission; or**
- (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.**

Reason: By virtue of Section 91 to 95 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.**

Reason: By virtue of Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3. Any forthcoming reserved matters planning application shall be accompanied by a site specific Flood Risk Assessment to address ground water flood risk, including site specific ground investigation works to identify the ground water level. The approved Flood Risk Assessment shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.**

Reason: To ensure the proper provision of surface water drainage and to ensure flooding is not exacerbated in the locality in accordance with Policy EP4 of the South Oxfordshire Local Plan 2035.

- 4. That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 2529/P/L01 and 2529/P/051/A except as controlled or modified by conditions of this permission.**

Reason: To secure the proper planning of the area in accordance with Development Plan policies.

5. **Concurrent with a submission of a reserved matters application a revised biodiversity metric assessment and details of a bird and bat box shall be submitted for approval and thereafter retained on the building.**

Reason: To ensure a net gain in biodiversity in accordance with Policy ENV3 of the South Oxfordshire Local Plan 2025.

6. **Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.**

Reason - To safeguard the recording of archaeological matters within the site in accordance with Policy ENV9 of the South Oxfordshire Local Plan 2035.

7. **Following the approval of the Written Scheme of Investigation referred to in condition 5, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.**

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Policy ENV9 of the South Oxfordshire Local Plan 2035.

8. **Cycle parking facilities shall be provided prior to the occupation of the development hereby approved, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.**

o Cycle parking provision to accord with Oxfordshire County Council standards requires two cycle parking spaces per bedroom, using ‘Sheffield’ type cycle stands at minimum 0.9m centres to be covered and secure

Reason: To encourage the use of cycles as a means of transport in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.

9. Prior to occupation of the development hereby permitted the proposed means of access onto 'Abingdon Road', is to be formed and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.

Reason: In the interest of highway safety in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.

10. The vision splays shown on drawing no. 2529/P/051/A, shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.

Reason: In the interest of highway safety in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.

11. Prior to the first occupation of the development, hereby approved, the parking and turning areas shall be provided in accordance with drawing no. 2529/P/052/A, and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.

Reason: In the interests of highway safety and in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.

12. Prior to the first occupation of the development hereby approved, an Electric Vehicle Charging Point shall be installed for the dwelling and thereafter retained as such.

Reason: To ensure sustainable forms of transport in accordance with Policies TRANS5, ENV12 and EP1 of the South Oxfordshire Local Plan 2035.

Informatives

Works within the Highway -

If works are required to be carried out within the public highway, the applicant is advised not to commence such work before formal approval has been granted by Oxfordshire County Council by way of either: • a Section 184 Notice under the Highways Act 1980, or • a s278 legal agreement between the applicant and Oxfordshire County Council

Contact: OCC Licencing & Streetworks Team:
LicensingandStreetworksTeam@Oxfordshire.gov.uk.

**OCC Highway Agreements Team:
Highwayagreements@oxfordshire.gov.uk**

- **It is an offence under Section 151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.**
- **No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such obstruction is an offence under Section 137 of the Highways Act 1980.**

The development to which this permission relates is liable to pay the Community Infrastructure Levy (CIL) as set out in the South Oxfordshire District Charging Schedule. Unless an appropriate CIL Form 7: Self Build Exemption Claim Form has been submitted, CIL will be liable upon Reserved Matters approval and a Liability Notice will be issued to the nominated person/company liable for CIL. Guidance on CIL is available on the planning portal website <http://www.planningportal.co.uk/cil> or the council's website <http://www.southoxon.gov.uk/cil> together with the process for paying CIL.