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## Appeal Decision

Site visit made on 30 January 2017

**by G D Grindey MSc MRTPI Tech. Cert. Arb**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 February 2017**

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**Appeal Ref: APP/W1850/W/16/3160436**

**Site adjacent to Tudor House, Moors Lane, Brimfield, SY8 4NN**

- 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 Mrs S E Collett against the decision of Herefordshire Council.
  - The application Ref: 153778, dated 18 November 2015, was refused by notice dated 22 April 2016.
  - The development proposed is the erection of one house with garage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. From my inspection of the site and surroundings and the representations made in writing, I find there is 1 main issue in the determination of this appeal. This is whether this is an appropriate location for residential development, bearing in mind planning policy objectives.

### Reasons

3. In deciding the appeal I must have regard to the National Planning Policy Framework (The Framework) which states<sup>1</sup> that applications must be determined in accordance with the development plan (which includes the Local Plan and Neighbourhood Plans (NP) which have been made) unless material considerations indicate otherwise.
4. The Herefordshire Local Plan Core Strategy 2011- 2031, adopted in 2015, seeks to focus most development within and adjoining urban areas in the interests of sustainable development<sup>2</sup> and reducing the need to travel by private car where possible. Policies RA1 and RA2 focus housing in settlements outside Hereford and the market towns, but still seek to steer new development to specified settlements where there are a range of services.
5. The Brimfield NP was 'made' in July 2016. Policy BLH1 is most relevant and defines the settlement boundary at Map 4 and states that within the defined settlement boundary new development will be permitted subject to specified criteria. The appeal site is not within the settlement boundary but lies some way apart, and to the south of a minor lane which terminates just beyond the

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<sup>1</sup> Paragraph 2

<sup>2</sup> Policies SS1, SS4 and SS7

appeal site. The appellant argues that the 'settlement boundary does not represent the extent of the village' but that is not a matter for me. I do not think that the development boundaries in a recently 'made' NP should be lightly set aside on the basis of an individual appeal decision. Thus the plan sent with the appeal statement that refers to the "extent of developed parts of village" (as drawn by the appellant) cannot be given the weight of the made NP in decision making terms.

6. Also, in broader terms, the settlement boundary has an important function to protect the open countryside as well as directing development to locations identified in the development plan. The appellant has also argued that approval of this appeal would not set a precedent for similar proposals but I do not agree. There must be numerous sites outside of the settlement boundary, not necessarily in the immediate locality of Moors Lane and controlled by the appellant, where people would wish to build.
7. It is argued that a refusal reason based upon the provisions of Local Plan policies RA1 and RA2 is debateable. However, RA1 allocates housing figures to rural areas and RA2 steers proportionate housing development into specified settlements of which Brimfield is one. However, it is clear that new development should be 'in or adjacent' to the named settlements. The appeal site is not within the defined settlement boundary, nor 'adjacent' – as in adjoining or bordering. It is also clear that the Local Plan provides the broader brush policies, with the NP giving the details.
8. The thrust of the housing policies are clear and the simple fact of the matter is that the site lies outside of the settlement envelope and I have seen nothing that justifies ignoring the terms of the development plan. Thus there is an 'in principle' objection to the proposal. I note the recent Written Ministerial Statement (WMS) of 12 December 2016 which confirms that "where a planning application conflicts with a NP that has been brought into force, planning permission should not normally be granted". In particular the WMS indicates that, where a NP is less than 2 years old and the Council can demonstrate a three-year supply of deliverable housing sites, policies in the NP will not be deemed 'out-of-date'; that is the case here.
9. The Council also commented on the location of the appeal site, in relation to the main body of the village and the poor pedestrian access to local services. It seems to me that access to the limited village facilities to east, like the village hall, church, pub and post office would involve a journey along Wyson Lane which is single track width in places, has no pavements, is mostly unlit and has limited forward visibility; it is not pedestrian friendly. I doubt that many occupiers would be content to walk to the services within the village and I consider most residents will be likely to choose to rely on the private car.
10. Even though the 'reality,<sup>3</sup>' as the appellant states, is that there are footpaths which facilitate some access to the limited village facilities and that some may choose to use the lanes as a pedestrian route, there are still only limited facilities available. Almost all day to day needs like employment, health care, shopping and leisure trips would require private car use.
11. Pulling these threads together, the proposals would contribute to an unsustainable pattern of development and would undermine the spatial

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<sup>3</sup> Section 9, appeal statement

strategy of both the Local Plan, as well as the NP. While the appellant considers that the Framework policies support the scheme, nonetheless it does not meet, in full, the objectives addressed in paragraphs 7 – 14 of the Framework. These attribute an environmental role to sustainable development which is not fulfilled in this case.

12. I have considered all other matters raised including other planning permissions granted in the village. However I do not know the full circumstances pertaining to any of the 8 examples given in section 9 of the appeal statement. In particular, I do not know whether they are within the settlement boundary and whether all are directly comparable to the appeal application.
13. I also note that the proposed dwelling is intended as accommodation for the appellant who was born and brought up in the village and who farms in the area. However, person circumstances will seldom outweigh the more general planning considerations. I have also taken note that the Parish Council raised no objection.
14. In conclusion, while I give limited weight in favour of the appeal scheme to the delivery of a single unit of housing, I do not consider there are sufficient material considerations which indicate that the proposal should be determined other than in accordance with the development plan and nothing I have seen leads me to a different decision in this appeal.

*Gyllian D Grindey*

Inspector