

Appeal Decision

Site visit made on 31 January 2017

by Jameson Bridgwater DipTP MRTPI

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

Decision date: 06 March 2017

Appeal Ref: APP/W1850/W/16/3162316

Land adjacent to Dorefield House, Peterchurch, Hereford HR2 0SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Smith against the decision of Herefordshire Council.
 - The application Ref 160577 dated 23 February 2016 was refused by notice dated 9 May 2016.
 - The development proposed is described as 'Erection of one dwelling and garage'.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of one dwelling and garage at land adjacent to Dorefield House, Peterchurch, Hereford HR2 0SF in accordance with the terms of the application, Ref 160577, dated 23 February 2016, subject to the 10 conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Peter Smith against Herefordshire Council. This application is the subject of a separate decision.

Preliminary matters

3. The application to which the appeal relates was submitted in outline form with all matters reserved except for access and layout.
 4. The Council's appeal statement confirms that they do not seek to defend their single substantive reason for refusal relating to the effect of the proposal on the setting of the grade II listed Crossway House. The Council have concluded that an appropriately designed dwelling would not materially harm the setting and therefore the significance of the heritage asset. It therefore rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Therefore having carefully considered the evidence before me and taking account of my on-site observations, there is no material reason to disagree with the Council's conclusion and therefore the proposed development would not fail to preserve the setting and consequently the significance of the grade II listed Crossway House.
 5. Notwithstanding this, the Council's statement now argues that there are now 4 new reasons for refusal. I deal with each of these in turn below.
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Main issues

6. The main issues in the appeal are:

- the effect of the proposal on the character and appearance of the area; and
- whether the appeal site is an appropriate location for housing with regard to the access to facilities and services with particular regard to pedestrian safety; and
- whether the development of the appeal site would result in greater flood risk for occupiers of Dorefield House.

Reasons

Housing land supply and planning policy

7. Paragraph 47 of the National Planning Policy Framework (the Framework) seeks to boost significantly the supply of housing. It identifies that Councils should ensure that their local plans meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies of the Framework. In addition, they must identify and update annually a supply of specific deliverable sites sufficient to provide a 5 year supply of land for housing against their housing requirements, with an additional buffer of either 5% or 20% (moved forward from later in the plan period), to ensure choice and competition in the market for land.
8. The Council have confirmed in their statement that they are unable to demonstrate the provision of a 5 year supply of land for housing, measured against their housing requirements. Moreover, based on the evidence before me it was clear that the shortfall in housing supply is significant with the Council only able to demonstrate 4.29 years of deliverable land for housing supply.
9. Policies RA1, RA2 RA3 and SS2 of the Herefordshire Local Plan Core Strategy 2011-2031, seek to restrict development in the countryside and form part of the Council's strategic approach to the distribution and location of housing. They are, therefore, relevant policies for the supply of housing and given there is no 5 year supply they cannot be regarded as being up to date. In these circumstances, paragraph 14 of the Framework states that, the presumption in favour of sustainable development means that planning permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or unless specific Framework policies indicate development should be restricted.
10. The provision of one dwelling would make a contribution to the supply of housing. This weighs in favour of the proposal, particularly given the absence of a 5 year supply of land for housing.
11. In reaching this conclusion I have taken account of the emerging Peterchurch Neighbourhood Development Plan. However, the examination process is not yet complete. Consequently, there is no substantive evidence before me to demonstrate that the housing land being promoted within the emerging plan would be deliverable now to meet the identified shortfall in supply. Thus, having regard to paragraph 216 of the Framework, the policies contained

within the emerging plan can be given only limited weight and they have not had any significant bearing on my determination of the appeal.

Character and appearance

12. The appeal site is located to the west of the B4348 on the southern approach to Peterchurch. The proposal is for the erection of a dwelling and garage within the grounds of Dorefield House, between the existing dwelling and the B4348, adjacent to the settlement. The existing brick and stone wall and gated access to the B4348 would be utilised as the site access.
13. The Council have argued that the introduction of a dwelling would begin to erode the spacious and transitional nature of the site and reduce views of the open countryside beyond. However, the proposal is for a single dwelling and garage set within a substantial plot, which is largely screened when approaching from the south by a substantial tree belt. Therefore, the transitional qualities of the site would not be materially harmed given space around the proposal and the distance between the proposed dwelling/garage and Crossway House/Dorefield House. Furthermore given the proposed layout of the dwelling/garage, views across the site to the wider countryside would not be materially eroded as there would still be the opportunity for views across the site. Therefore, the siting and the layout of the proposal are consistent with the edge of the village character of the immediate area and would not result in material harm to Peterchurch's settlement pattern.
14. Having reached the conclusions above, the proposed development is therefore consistent with Policies RA2 and SS6 of the Herefordshire Local Plan Core Strategy 2011 - 2031. These seek amongst other things to ensure that housing growth will take place in or adjacent to identified settlements in rural areas and protect their character and local distinctiveness.

Highway safety and proximity to services

15. The Council have argued that future occupiers of the proposed dwelling would be overly reliant upon the use of a private motor vehicle, due to the appeal site being located 150m away from footpath that adjoins the B4348. The speed limit of the B4348 is restricted to 30mph within the village; the appeal site is within this 30mph area.
16. Whilst I accept that future occupiers of the proposed dwelling would need to exercise a degree of care whilst walking along the carriageway for 150m, this would not be materially different to that of occupiers of the existing dwellings opposite the site that are located within the settlement boundary¹. Consequently, in the absence of any technical objection from the Highway Authority, future occupiers of the dwelling would be able to walk and cycle safely into the village centre and as such would not be overly reliant on the use of a private motor vehicle to access local facilities and services.
17. Having reached the conclusion above, the proposed development would not result in severe harm to highway safety, nor would it result in an over reliance on the use of a private motor vehicle. The proposal would therefore not conflict with Policy SS4 of the Herefordshire Local Plan Core Strategy 2011 - 2031. This seeks amongst other things to ensure that development is accessible with a genuine choice of modes of travel.

¹ Paragraph 7.7 of the Council's statement of case (16 December 2016)

Flood risk

18. The Framework seeks to steer new development to Flood Zone 1 which has the lowest probability of flooding; the appeal site is located within Flood Zone 1. Furthermore, based on the submitted layout plan and proposed access arrangements there is no substantive evidence that supports the Council's assertion that occupiers of Dorefield House would be deprived adequate direct access to the B4348 should flooding occur at Urishay Road.
19. Notwithstanding this, the appellant has suggested that a condition could be imposed that would mitigate against any perceived harm from flooding at Urishay Road, by providing and retaining the use of the access to the B4348 for occupants of Dorefield House as well as the proposed dwelling. I therefore have imposed a condition to secure and retain emergency access; given that both the appeal site and Dorefield House are within the control of the appellant and that I have found no material harm in relation to highway safety.
20. Having reached the conclusion above, the proposed development would not conflict with Policy SD3 of the Herefordshire Local Plan Core Strategy 2011 - 2031.

Conditions

21. The conditions suggested by the Council have been considered in light of the advice contained within the national Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard outline implementation conditions, it is necessary for the avoidance of doubt and in the interests of proper planning, to define the plans with which the scheme should accord.
22. In the interests of highway safety it is necessary to impose conditions to ensure that parking and manoeuvring spaces are provided and retained and that the visibility splays are kept free from obstruction. In the interests of amenity and the environment it is necessary to impose conditions relating to surface water, internal water usage and cycle storage.
23. For the above reasons and having regard to all other matters I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the

- expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.
- 3) Approval of the details of the scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
 - 4) The development shall be carried out strictly in accordance with the approved plans (drawing nos. 902-1), except where otherwise stipulated by conditions attached to this permission.
 - 5) The access into the application site shall be maintained so that there is clear visibility from a point 0.6 metres above the level of the adjoining carriageway at the centre of the access 2.4 metres from and parallel to the nearside edge of the adjoining carriageway over the entire length of the site frontage. Nothing shall be planted, erected and/or allowed to grow on the area of land so formed which would obstruct the visibility described above.
 - 6) Prior to the first occupation of the dwelling hereby approved space shall be laid out within the application site for 3 cars to be parked and for a vehicle to turn so that it may enter and leave the application site in a forward gear. The parking area shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of domestic vehicles.
 - 7) Within 8 weeks of the first occupation of the development hereby approved a scheme for the provision of covered and secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use in accordance with a timescale to be agreed in writing by the local planning authority.
 - 8) Prior to the commencement/occupation of the development details of the proposed surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the dwelling hereby permitted.
 - 9) Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.
 - 10) Emergency vehicular and pedestrian access via the existing vehicular access onto the B4348 for occupiers of Dorefield House shall be provided prior to the occupation of the dwelling hereby approved and maintained thereafter in perpetuity.