The Planning Inspectorate

Appeal Decision

Site visit made on 16 January 2017

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/W1850/W/16/3159948
Up the Road, C1118 from A465 to Felton Court Road via Preston Wynne, Preston Wynne HR1 3PE

- 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 Dave Davies against the decision of Herefordshire Council.
- The application Ref 161127, dated 12 April 2016, was refused by notice dated 8 July 2016.
- The development proposed is outline application with all matters reserved for the erection of a single dwelling and detached garage.

Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline, with all matters reserved. Notwithstanding the existing access which connects the main road with the appeal site and is included within the red line on the location plan, I have dealt with the appeal on the basis of being an outline application with all matters reserved. Accordingly I have treated all plans as illustrative.

Main Issues

3. These are:

   (i) whether the site is a suitable location for the proposed development with regard to local policy and other considerations; and,

   (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Policy approach

4. There is no dispute that the Council cannot demonstrate a 5 year supply of deliverable housing sites. Paragraph 49 of the National Planning Policy Framework (the Framework) explains that, where the Council cannot demonstrate a 5 year supply of housing, *relevant policies for the supply of housing should not be considered up-to-date*. Policies SS7, RA2 and RA3 of the

Core Strategy[1] direct development, including housing, to locations within the district. These policies are therefore housing supply policies.

5. Bullet point four, inset one of paragraph 14, together with policy SS1 of the Core Strategy, state that where relevant policies are out of date, permission should be granted *unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

Location of development

6. The starting point for the consideration of this appeal is the development plan. Policies SS7, RA2 and RA3 of the Core Strategy seek to ensure that development, including housing, is within a sustainable location, in or adjacent to an existing settlement or if outside a settlement, satisfies the criteria listed in policy RA3.

7. The Council confirms that for policy purposes, there are no settlement boundaries drawn to identify the settlement limits of existing settlements, including Preston Wynne village. The Core Strategy advises that in this situation, development proposals should be assessed against their relationship to the main built up form of the settlement[2].

8. The Council explains that Preston Wynne is a village that is made up of a dispersed pattern of dwellings. An ordnance survey map before me shows a cluster of houses either side of the main road running through Preston Wynne. The appeal site is some distance from this cluster of built development to be associated with it.

9. The appeal site is amongst a small cluster of properties that are set varying distances from the main road. The properties are small in number and are loosely arranged, separated and surrounded by open spaces and landscaping. Whilst the appeal site is part of this cluster of properties, there is nothing within the evidence before me to demonstrate that this cluster forms part of a settlement listed in policy RA2 of the Core Strategy.

10. I note from the ordnance survey map that the appeal site is closer to Preston Marsh than Preston Wynne. However Preston Marsh is not identified as a settlement within policy RA2 of the Core Strategy for the appeal site to be considered part of this settlement.

11. In all, therefore, the evidence points to the appeal site not being within, adjacent to or well related to a settlement identified in policy RA2. The loose arrangement of the properties within which the appeal site sits exposes many of the plots to the countryside; more so than to existing built form. Similarly, the appeal site itself has the majority of its boundaries exposed to open fields than to built form. I find therefore that the appeal site has a closer affinity with the countryside than with the settlement of Preston Wynne.

12. Paragraph 55 of the Framework seeks to ensure that any development within rural areas enhances or maintains the vitality of rural communities through development in one village supporting services in a village nearby. I have found that the development would not be within a village to support a village

[1] Herefordshire Local Plan Core Strategy (2011-2031) (adopted October 2015)
[2] Paragraph 4.8.23 of the Core Strategy

nearby. Furthermore, with the exception of a village hall close by, the development would not be within proximity of existing services and facilities to support them.

13. The appellant suggests that the development would be close to facilities such as shops to meet the daily needs of prospective occupiers. However this has not been demonstrated within the evidence before me. It was not apparent from my observations on site that the development would be within a convenient walking or cycling distance of local services and facilities to be considered accessible. By implication, it is likely that the development would create some reliance on the private car to access services and facilities which in turn would result in unsustainable journeys, contrary to the objectives of the Framework.

14. The appellant cites two planning permissions[3] which are considered to be similar to the appeal site and therefore to weigh in favour of the appeal. Notwithstanding the distances of these sites to the appeal site, I have little detail on either of these planning applications to make an informed judgement on their relevance to, or draw favourable comparisons with, the development proposed. Notwithstanding this I am required to decide the appeal on its own merits and therefore I attach little weight to the concern regarding precedent in this case.

15. In all, therefore, I have found that the development would not be within a suitable location given its inaccessible location and outside of an existing settlement. The effect of allowing such a development in a functionally isolated location would result in unsustainable journeys, albeit for one dwelling, the resultant harm would be moderate. Nonetheless the development would be contrary to policies SS7, RA2 and RA3 of the Core Strategy and to the Framework.

Character and appearance

16. Policies SS6 and LD1 of the Core Strategy seek development that conserves and enhances settlement patterns and landscape assets and takes into account these factors in the development proposed.

17. Matters of detail are for consideration at the reserved matters stage of planning. However, the indicative layout plan shows an L-shaped building that would occupy, in part, the same footprint as the existing buildings on site. The new building would be a similar distance from existing buildings as the properties within the existing cluster of buildings are from each other. The dwelling would be surrounded by fields and landscaping and therefore would be within a setting similar to the existing properties. I find, therefore, that the development would respect the existing pattern of development and landscape character.

18. The building would be largely obscured from view from the main road, behind a mature line of trees and landscaping. The dwelling would be visible from the public footpath nearby but its setting amongst existing fields and landscaping would not have a discernible effect on local views to be considered visually intrusive on the landscape.

[3] P161765/F and P160689/O

19. In all, therefore, I find that the development would not have a discernible effect on the character and appearance of the area and therefore would not be contrary to policies SS6 and LD1 of the Core Strategy.

Other matters

20. The number of dwellings that have been built and that have planning permission already exceeds the Council's minimum growth target of 18% for the Group Parish. Whilst I agree with the Council that this suggests that proportionate housing growth is being achieved, the target of 18% is a minimum target. There is, therefore, scope for additional housing, beyond the target of 18%. In addition, the likelihood of the houses with planning permission being built has not been demonstrated. I therefore find little weight in the argument that additional housing should not be brought forward. A new dwelling would contribute to the Council's need for housing and provide a good sized family house, although the provision of one house would make a limited contribution to the overall supply.

21. The appellant suggests that the development constitutes the development of previously developed land given the presence of farm buildings on the site. The definition of previously developed land in the Framework excludes agricultural buildings. The proposal cannot, therefore, be considered as the development of a previously developed site.

22. The development would enable support to a family member with increasing dependency. However the development proposed is for an open market dwelling; not a dwelling limited to the individual's personal circumstances. Notwithstanding this, the Planning Practice Guidance advises that granting permission solely on the grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent dwelling[4]. This consideration therefore, carries little weight in favour of the appeal.

23. I note the intention to develop a new dwelling that would not impact negatively on the living conditions of neighbouring occupiers or on highway safety or the local landscape. The aim to build the new dwelling to a high sustainable level is equally welcome. During construction the development would help support local services and facilities and contribute to the local economy and over the longer term the appellant's son and his family would live within and contribute to the local community. These benefits are to be encouraged, although given that the development is for one dwelling, they do not amount to benefits of significance to carry substantial weight in favour of the appeal.

Balancing and conclusion

24. The development would not accord with the development plan, having found conflict with policies SS7, RA2 and RA3 of the Core Strategy. Returning to bullet point 4, inset one of paragraph 14 of the Framework, I have found that the development would be in an unsuitable location which in turn would result in unsustainable journeys causing moderate harm. The Council is unable to demonstrate a 5 year supply of deliverable housing sites and therefore the housing supply policies SS7, RA2 and RA3 of the Core Strategy are regarded as out of date and attract limited weight. Nevertheless, the Core Strategy has

[4] Paragraph: 015 Reference ID: 21a-015-20140306.

recently been adopted and together with its policies being compliant with the Framework, I attach moderate weight to the conflict identified as a result of the development being outside of the locations identified within the Core Strategy for new housing.

25. I have found that the development would realise a number of benefits, not least contributing to the Council's need for housing and to the local economy, and having an indiscernible impact on the character and appearance of the area and the local environment. However, I have given limited weight to these benefits in light of the development being for one dwelling. When set against the harm identified and the conflict with policy, the adverse impact would significantly and demonstrably outweigh the limited benefits found. In light of paragraph 49 and 14 of the Framework therefore, the proposal would not represent sustainable development and for the reasons set out above the appeal is dismissed.

R Walmsley

INSPECTOR