
Appeal Decision

Site visit made on 5 April 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 20th April 2017

Appeal Ref: APP/W1850/W/16/3166197

Land Adjoining Millbrook Gardens, Lea, Nr Ross on Wye, Herefordshire

- 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 Graham Adams against the decision of Herefordshire Council.
 - The application Ref 161413, dated 20 April 2016, was refused by notice dated 26 July 2016.
 - The development proposed is an outline application for 3 no. four bedroom dwellings and a turning and manoeuvring area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with matters relating to appearance and landscaping reserved for future consideration.

Main Issues

3. I consider the main issues in this case to be:
 - i) the effect of the proposal on the character and appearance of the appeal site and the surrounding area;
 - ii) whether the proposal would have a harmful effect in relation to flood risk; and
 - iii) the effect of the proposal on housing land supply.

Reasons

Character and Appearance

4. The appeal site is situated within a bowl in the landform which forms part of the valley of the Rudhall Brook. It is somewhat protected by higher ground to the north and the north west. The valley lies close to the settlement of Lea and has an undulating topography within which the brook meanders amongst riverside vegetation and trees. Mill Cottage and a nearby pond form part of the character of this area of the valley.
5. This area is particularly visible from the C1281 classified road to the north east and footpath AG17 to the west of the appeal site. It also lies alongside the B4222 Aston Road which separates the area from housing to the east side of the road. The area is currently screened from the road by a taller than average and dense hedge. Whilst the screening function of the hedge is intact at the present time, this is not a function on which I can place longer term reliance, on the basis that the hedge could be reduced in height in the future. Any such

- reduction could allow additional vantage points of the Rudhall Brook valley from the road and from amongst the area of housing to the east of the road.
6. The valley area which includes the appeal site sits amongst a general area of more intensive agriculture. In this regard, it is a somewhat locally distinct pocket of landscape that has a value, notwithstanding the absence of any landscape designation. Indeed, the NPPF seeks to protect valued landscapes and the intrinsic character of the countryside.
 7. In terms of the development plan policies that have been brought to my attention, the Council accepts that it does not have a five year housing land supply and that relevant policies for the supply of housing should not be considered up to date. Core Strategy¹ (CS) Policy SS6 seeks to conserve locally distinctive landscapes, CS Policy LD3 seeks to protect valued landscapes and CS Policy SS1 carries the presumption in favour of sustainable development as set out in national policy. In this case, and in view of their compatibility with the NPPF, I give these elements of the policies significant weight, notwithstanding their relationship with the supply of housing.
 8. The proposal would disrupt the distinctive landscape character of this part of the valley which is, and is potentially, visible from various locations around the site. This would be the case, notwithstanding the levels at which the development was set. The proposal would therefore conflict with CS Policies SS6, LD3 and SS1.
 9. The proposal also would not protect the setting of the settlement, positively contribute to its landscape setting or take account of its local context as required by CS Policies LD1, RA2 and SD1. In this case however, these elements of the policies, which are related to the supply of housing, are not directly supported by the NPPF. I therefore give them limited weight.
 10. The proposal would represent an extension to existing housing on Millbrook Gardens. It would however be bounded by open grass land on its three other sides, and it would thus represent a finger of development extending from the existing housing. The proximity of the proposal to existing housing therefore does not support the appeal.
 11. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA). This limits the zone of visual influence of the appeal site to the line of mature vegetation alongside the B4222. I have already found that I cannot place longer term reliance on this vegetation. Furthermore, the LVIA suggests that views of the proposed dwellings could be filtered by boundary tree and hedge planting. The development however, even if screened, would still occupy part of the distinctive pocket of landscape that I have identified. I therefore do not agree with the conclusion of the LVIA that the significance and level of landscape and visual impact would be acceptable.
 12. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the appeal site and the surrounding area, and this is a matter to which I attach very substantial weight. I further conclude that it would thus conflict with CS Policies SS6, LD3, SS1, LD1, RA2 and SD1 together with the NPPF in this regard.

¹ Herefordshire Local Plan Core Strategy 2011-2031: October 2015: Herefordshire Council

Flood Risk

13. The planning application was accompanied by a Flood Risk Assessment (FRA). The FRA concludes that a nearby area of housing, together with the access road associated with the appeal site, is subject to a risk of flooding in a 0.1% AEP, or 1 in 1,000 year, event. The development area of the appeal site however is slightly higher than much of the surrounding ground, including the Rudhall Brook and the floodplain alongside it, and would not be subject to any such effect. I am satisfied that the FRA, and the associated Notes to File in response to Council concerns, adequately represents flooding associated with the site. There is also an obvious gradient to the brook watercourse and the valley floor in the area. I am therefore satisfied that the proposal would be safe in terms of flood risk in accordance with CS Policy SD3.
14. I therefore conclude that the proposal would not have a harmful effect in relation to flood risk and that it thus would not conflict with CS Policy SD3.

Housing Land Supply

15. The settlement of Lea is a main focus for housing development in the Housing Market Area of Ross on Wye, identified in CS Policies RA1 and RA2, and I give these elements of these policies significant weight. Lea is also a sustainable rural settlement with a wide range of community facilities and employment opportunities nearby. The three proposed dwellings would help to address the housing shortfall in the Council's area. The NPPF seeks to give a significant boost to housing supply, particularly in areas where a five year housing land supply cannot be demonstrated. I therefore give these benefits from the proposal, and its compliance with the above elements of CS Policies RA1 and RA2, significant weight in this case. This is notwithstanding the Council's argument that its indicative housing supply target has been met in Lea and an adjoining parish, on the basis that these policies describe targets and do not specifically limit housing development. Furthermore, there is no cogent evidence that the proposal would adversely affect social cohesion or the wellbeing of Lea through the oversupply of housing.
16. I therefore conclude that the proposal would have a beneficial effect on housing land supply as sought by CS Policies RA1 and RA2 together with the NPPF. This is a matter to which I attach substantial weight.

Conclusion

17. For the reasons set out above, I consider that the harm to the character and appearance of the appeal site and the surrounding area would significantly and demonstrably outweigh the housing land supply benefits of the proposal when assessed against the policies of the NPPF taken as a whole. Having taken into account all other matters raised, including the conditions suggested by the appellant, none carry sufficient weight to alter the decision, and my conclusion is based on the evidence before me in terms of the development plan as a whole. I therefore conclude that the appeal should be dismissed.

Stephen Roscoe

INSPECTOR