
Appeal Decision

Site visit made on 8 August 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 23 August 2017

Appeal Ref: APP/W1850/W/17/3174881

Land adjoining Claytons, Bridstow, Herefordshire HR9 6QD

- 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 WJ Powell & Sons against the decision of Herefordshire Council.
 - The application Ref 162474, dated 5 August 2016, was refused by notice dated 8 November 2016.
 - The development proposed is the erection of 4 two bedroomed, 3 three bedroomed and 2 four bedroomed new dwellings.
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Procedural Matters

1. The application was submitted in outline with appearance reserved for future consideration.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in this case are:
 - i) whether the proposal would have a harmful effect on the character and appearance of the surrounding area within the Wye Valley Area of Outstanding Natural Beauty; and
 - ii) the effect of the proposal on highway safety.

Reasons

Character and Appearance

4. The appeal site is situated within the Wye Valley Area of Outstanding Natural Beauty (AONB). The Council's Landscape Character Assessment (LCA) for the area around the appeal site categorises it as being of principal settled farmsteads. It adds that small lanes within a matrix of hedged fields and scattered farms are an example of this landscape type. Indeed, the LCA refers to landscape harm from the degradation and loss of the hedgerows which are one of the most significant features of the landscape. The AONB Management Plan for the zone in which the appeal site is situated refers to mixed farming and a clustered settlement pattern.

5. The proposal would comprise residential development to the west of the U71020 which is a rural lane with substantial and well established hedgerows. These hedgerows are a significant feature in the landscape. The proposed development would take place to either side of a single house which currently exists immediately to the west of the lane. The proposal would represent the only estate type or dense block of development to the west of the lane, in contrast to the LCA settled and distinct farmsteads, some of which are visible from the appeal site. The proposal would therefore be out of character with the landscape to the west of the lane. The necessary visibility splays associated with the two accesses to serve the proposed development would also require the removal of significant lengths of the hedgerows along the west side of the lane.
6. The proposal would therefore not conserve the scenic beauty of the AONB or protect its character, which would conflict with Core Strategy¹ (CS) Policy LD1, and this matter is given great weight in NPPF para 155. It also would not create a well-integrated environment as required by CS Policy SD1.
7. The Claytons and the Ashe Green residential developments are situated to the east of the lane. They are however physically separated from the appeal site by the lane and are at slightly lower levels than land to the west of the lane. Whilst the Council has identified Bridstow as a location for proportionate residential growth, the proposal would introduce a suburban type of development to the west of the lane. This would be a new feature in the area, and would not represent the rounding of existing development that has been suggested by the appellant.
8. The area to the west of the lane should also have a high landscape sensitivity and not medium as suggested by the appellant. This is due to its designation as part of the AONB and the fact that the area to the west of the lane is an established example of the AONB and LCA landscape character type, unlike the area to the east of the lane. I also do not consider that the area to the west of the lane is materially influenced by the presence of the A40 or A449 roads in the distance. There is therefore no reason to reduce the landscape sensitivity of this part of the AONB to medium.
9. In terms of hedgerows, I do not consider that new hedgerows on the appeal site would satisfactorily compensate for the loss or attempted relocation of the existing hedgerows along the lane. I also do not consider that other planting would result in an overall beneficial effect. Harm to the character and appearance of the AONB, as previously set out, would therefore remain.
10. The appellant has suggested that residual adverse effects on visual receptors considered within the Landscape and Visual Impact Assessment submitted with the application would be negligible, apart from those that are close to the site. With the exception of those receptors exposed by hedgerow loss, I cannot see any reason to dispute this position. The absence of significant harm in this regard however does not offset the landscape harm within the AONB that I have already identified.
11. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area within the Wye Valley AONB,

¹ Herefordshire Local Plan: Core Strategy: October 2015

and this is harm to which I attach substantial weight. I further conclude that the proposal would thus conflict with CS Policies LD1 and SD1 and the NPPF.

Highway Safety

12. The access between the appeal site and the wider highway network includes a narrow lane which has no footways and hedgerows which offer no pedestrian refuge. It is single track with two passing places and a tight bend with very limited forward visibility. The Claytons development comprises 55 dwellings which are accessed from the lane and Ashe Green adds further dwellings to this number. The proposal would add an additional 9 dwellings which would result in a material increase in the number of vehicles using this very unsatisfactory lane. In this regard, it is not a matter of the vehicular capacity of the lane itself, but the nature of the lane in terms of its physical restrictions that I have identified in relation to vehicles and pedestrians. The proposal would therefore have a detrimental and unacceptable effect on highway safety in conflict with CS Policies SS4 and MT1 together with the NPPF.
13. The access to the northern group of dwellings would utilise an existing access onto the lane. This access has poor visibility to the south along the lane. I am not satisfied that the provision and retention of an appropriate visibility splay could be secured without control over land outside the appeal site and the public highway. This is notwithstanding the plans provided by the appellant. There is nothing before me to suggest that control over the land required for an appropriate visibility splay would be available to the appellant.
14. A similar situation would exist to the north of the access to the southern group of dwellings, where a new access is proposed. I am therefore not satisfied that the proposal could incorporate a safe means of access onto the highway.
15. At my site visit, I drove this length of lane a number of times and met a number of approaching vehicles. I recognise that vehicular traffic from residential development can be tidal in nature, that the lane in question is only of a limited length and that vehicle speeds are slow due to the nature of the lane. All of these matters however would not offset the harm from the additional trips that I have identified. Indeed, the appellant suggests that the proposal would increase the probability of vehicles meeting another on the lane from 0.8 to 1.3 and 0.7 to 1.2 in the morning and evening peaks.
16. I therefore conclude that the proposal would have an unacceptable detrimental effect on highway safety and this is harm to which I attach substantial weight. I further conclude that the proposal would thus conflict with CS Policies SS4 and MT1 and the NPPF.

Other Matters

17. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites and that relevant policies for the supply of housing should therefore not be considered up to date. The Council's refusal reasons do not however refer to any such policies. The proposal would assist in meeting the Council's full objectively assessed need for housing in accordance with the NPPF, and this is a benefit to which I attach significant weight.

Conclusion

18. I have found that the proposal would have a harmful effect on the character and appearance of the surrounding area within the AONB, and this is harm to which I attach substantial weight. I have found that the proposal would have a detrimental and unacceptable effect on highway safety, and this is harm to which I also attach substantial weight. I have also found that the proposal would assist in meeting the Council's full objectively assessed need for housing in accordance with the NPPF, and in an area where a five-year housing land supply cannot be demonstrated. This is a benefit to which I attach significant weight.
19. From all of the above, I conclude that the harm I have identified would significantly and demonstrably outweigh the benefits of the proposal. Having taken into account all other matters raised, none carry sufficient weight to alter the decision, and my conclusion is based on the evidence before me in terms of policy as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Stephen Roscoe

INSPECTOR