



Appeal Decision

Site visit made on 22 August 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 31 August 2017

Appeal Ref: APP/W1850/W/17/3176625

Land adjacent to Moorend Wychend Road, Much Cowarne HR7 4JQ

- 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 D Brown of Festive Forestry Services Limited against the decision of Herefordshire Council.
 - The application Ref 164102, dated 22 December 2016, was refused by notice dated 8 March 2017.
 - The development proposed is 3 no detached dwellings with associated garages & private gardens.
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Decision

1. The appeal is allowed and planning permission is granted for 3 no detached dwellings with associated garages and private gardens at land adjacent to Moorend Wychend Road, Much Cowarne HR7 4JQ in accordance with the terms of the application, Ref 164102, dated 22 December 2016, subject to the following conditions:
 - 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plan 6798-1-1A.
 - 5) No dwelling shall be occupied until the means of access has been provided in accordance with drawing no. 6798-1-2A. The access shall be retained thereafter.
 - 6) Prior to the commencement of development, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 metres in each direction. No shrubs, trees or other vegetation shall

be allowed to grow above 0.6 metres in height, and no structure or erection exceeding 0.6 metres in height shall be placed, within the visibility splays.

- 7) None of the dwellings hereby permitted shall be occupied until details of the proposed foul and surface water drainage arrangements have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the development.
- 8) Prior to commencement of the development, a detailed ecological risk avoidance and working method plan, including badgers, should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.
- 9) Before any work begins, or equipment or materials moved on to site, a survey of trees and hedgerows on the site to BS5837:2012 must be undertaken and the resulting report with arboricultural risk assessment, arboricultural working methods and recommended tree and hedgerow protection measures shall be submitted to and be approved in writing by the local planning authority. All approved works and protection measures for trees and hedgerows shall be implemented before development commences and remain in place until all work on site is complete and all equipment and spare materials have been finally removed.

Preliminary matter

2. The application was submitted in outline form with matters of access to be considered at this stage, and all other matters reserved for later consideration. I have determined the appeal on the same basis and therefore whilst I have given full consideration to the access shown on drawing 6798-1-2A, I have given little weight to the illustrative layout of the dwellings shown on this same plan.

Main Issue

3. The main issue is whether the development would represent the acceptable spatial growth of the existing settlement.

Reasons

4. The appeal site is located at the crossroad junction of Mill Lane and Moorend Wychend Road. Opposite the site on the south side of Moorend Wychend Road and east of Mill Lane there is a small collection of houses, and there are also some dwellings on the west side of Mill Lane diagonally opposite the site. These houses form a small cluster of development which, together with a similarly sized cluster at the southern end of Mill Lane and a group of houses near the church, comprise the settlement of Much Cowarne. Due to this dispersed spread of dwellings there is no recognisable centre of the settlement. However the crossroads by the appeal site appears to be a focal point and reflective of this is the presence of a noticeboard, phone box and post box all located near this junction.
5. Policy RA2 of the Herefordshire Local Plan Core Strategy states that housing growth would be supported in or adjacent to the settlements listed in the policy, which includes Much Cowarne. I consider the existing development around this junction, particularly that opposite the appeal site, means that the

site can be considered to be in or at least adjacent to Much Cowarne. I do not consider Moorend Wychend Road forms a significant visual barrier, particularly in light of the scattered nature of the existing settlement.

6. Also, notwithstanding the fact that each proposal must be determined on its own merits, I do not consider the development would set an undesirable precedent for other development on this side of the road. The proposal is modest in its scale and relates well to the existing pattern of development in so far as its eastern boundary is comparable to that of the properties opposite, and the site does not project any further north than The Barracks to the west.
7. As such, in summary, the development would represent an acceptable spatial growth of the settlement and therefore would accord with Policy RA2 as set out above.

Other Matters

8. I note the concerns with regard to increases in traffic, and the safety of the crossroad junction. However the Council consider the 90 metres shown on the plans between the access point and the crossroads would give sufficient visibility and I have no evidence before me to suggest the access would compromise highway safety. Furthermore the increase in traffic resulting from three dwellings would be unlikely to have any significant impact on local roads.
9. I note the concerns of some neighbours regarding surface water run off from the site. However the Council have suggested a condition to require details of a foul and surface water drainage scheme to be submitted, which I consider is acceptable and would address this issue.
10. A short section of hedgerow would be removed to facilitate the access and the hedgerow on the southeast corner of the site would be repositioned to allow better visibility around the bend in the road. However I have no evidence to suggest such works would be harmful to protected species. Evidence of badgers was found in the hedgerow to the north of the site, but as this hedge is a significant distance from the site boundary it is unlikely that the development would have a harmful effect on badgers.
11. Some reference is made to a number of other applications for houses in the settlement, but as I have no details of those I can give them little consideration.

Conditions

12. I have considered those conditions suggested by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework (the 'Framework'). Where necessary, in the interests of clarity and precision, I have altered the conditions to better reflect this guidance.
13. In accordance with the advice in the PPG and the Framework I have imposed the standard conditions relating to the submission of reserved matters and a condition specifying the relevant plans in order to provide certainty. I have attached conditions relating to the access in the interests of highway safety, and requiring the submission of drainage details to ensure the satisfactory drainage of the site. I have also attached the conditions suggested by the

Council's ecologist relating to nature conservation in the interests of safeguarding protected species.

14. I have not imposed the suggested conditions relating to landscaping or car parking as these can be addressed at the reserved matters stage. I have no evidence to demonstrate the suggested condition requiring a level of water efficiency greater than that already stipulated by the building regulations is necessary.
15. Some conditions require compliance prior to the commencement of development so that the effects of the proposal are properly mitigated in order to make it acceptable.

Conclusions

16. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR