
Appeal Decision

Site visit made on 30 August 2017

by G P Jones BSc (Hons) MA MRTPI

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

Decision date: 1 September 2017

Appeal Ref: APP/W1850/W/17/3173831

Church Field (opposite The Firs), Brimfield, Ludlow SY8 4NE

- 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 Executors of G.O.Brick (deceased) against the decision of Herefordshire Council.
 - The application Ref 163400, dated 19 October 2016, was refused by notice dated 13 January 2017.
 - The development is described as proposed housing development.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are :
 - whether the appeal site is an appropriate location for housing with regard to the development plan and the National Planning Policy Framework (the Framework); and
 - the effect of the proposal on the significance of a designated heritage asset.

Reasons

Accordance with the development plan and the Framework

3. The proposal is for an outline application for housing with all matters reserved except for access. The appeal site is a broadly triangular area of land that would be accessed off the main road through the settlement (referred to as u/c 94417 in the Council's statement). There are existing dwellings bordering the main road and Church Road immediately beyond the north-western to north-eastern section of the appeal site. However, residential development does not extend along all of the western and eastern boundaries of the appeal site and the southern boundary is open, being part of a larger field.
4. The Council acknowledges that it cannot demonstrate a five year supply of deliverable housing sites but contends that it can demonstrate a 4.39-year supply. I have not been presented with any substantive evidence to dispute this. The Brimfield and Little Hereford Neighbourhood Development Plan (BLHNDP) was adopted in July 2016. The appellant has made some comments about the adoption process for the BLHNDP. However, it was adopted last year and the process by which it was made is not a matter to which I have any regard.

5. A Written Ministerial Statement (WMS) concerning neighbourhood planning was published on 12 December 2016. It sets out circumstances in which the neighbourhood plan should not be considered out-of-date. As the WMS and the BLHNDP are less than 2 years old, it allocates a site for housing and the Council can demonstrate a three-year supply of deliverable housing sites, then the BLHNDP is not considered out-of-date in terms of paragraph 49 of the Framework.
6. Policy RA3 of the Herefordshire Local Plan Core Strategy 2011 – 2031 (CS), adopted October 2015, provides a list of criteria for residential development outside of settlements, as defined in either a Neighbourhood Development Plan or the Rural Areas Sites Allocations Development Plan Document. Due to the lack of a five-year supply of deliverable housing sites, Policy RA3 is out-of-date. However, it is broadly in accordance with the guidance contained in the Framework and therefore I attach moderate weight to it. The appeal site is not located within the settlement boundary of Brimfield as set out in the BLHNDP and the housing proposed would not fall within any of the seven criteria set out in Policy RA3 of the CS. As such the proposal would conflict with CS Policy RA3 and the BLHNDP.

Heritage assets

7. The Grade II* listed Church of St Michael (referred to in the Council's statement as St Michael's Church) is located to the south-east of the appeal site. In its second reason for refusal the Council stated that the proposal would *"impinge on views of St Michael's Church and therefore, in the absence of an analysis to demonstrate to the contrary the impact [sic] the proposal is contrary to Policies SD1 LD4 and SS6 of Herefordshire Local Plan – Core Strategy and BLH9 of the Brimfield and Little Hereford Neighbourhood Development Plan."*
8. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(the Act) requires that special regard should be had to the desirability of preserving the setting of listed buildings. This means that considerable weight and importance must be given to any harm caused to heritage assets in the planning balance. This includes any harm to the setting of a listed building.
9. Paragraph 128 of the Framework states that: *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."* It goes on to advise that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The Framework also states that: *"As a minimum the relevant historic record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."*
10. As a Grade II* listed building it is my view that the Church of St Michael is a heritage asset of considerable importance. Furthermore, the proposal would place built development within what is currently an open field, albeit one that is bounded in parts by some housing and mature vegetation, which is located in reasonably close proximity to the church.
11. The appellant contends that by removing the two properties that were proposed in the previous application the views of the church would be

protected. However, no substantive evidence has been presented to demonstrate this and neither the significance of the Church of St Michael nor the contribution of its setting have been adequately described. Consequently, the level of information submitted does not meet even the minimum requirements as recommended in paragraph 128 of the Framework.

12. Therefore I conclude that sufficient information has not been provided to demonstrate that the proposal would not affect the significance of a designated heritage asset, having particular regard to its setting. Consequently, the proposal conflicts with the guidance contained in the Framework, and with CS Policies SD1, LD4 and SS6 and BLHNDP Policy BLH9 that seek, among other matters, to protect and where possible enhance the settings of heritage assets and views towards the Church of St Michael, and ensure sufficient information is provided to determine the effect of a proposal on heritage assets. I attach considerable weight to this conflict.

Other matters

13. The appellant has referred to three other planning applications outside the settlement boundary that have recently been approved by the Council. However, I do not have the full details of these other cases and I note that they all were before the date of adoption of the BLHNDP. Consequently I afford little weight to these other cases.

Planning balance and conclusion

14. In accordance with paragraphs 14 and 49 of the Framework I have considered this proposal in the context of the presumption in favour of sustainable development. In terms of its benefits, the proposal would increase the supply of housing as required in paragraph 47 of the Framework, and the local planning authority cannot currently demonstrate a five-year supply of deliverable housing sites. Although outside the designated settlement boundary, the site would be close to the village centre and within easy walking distance of the services provided in Brimfield. There would be some economic benefits arising from the construction of the housing and the additional patronage for the local services.
15. However, the proposal would be outside the designated settlement boundary in the BLHNDP, and is not of a type that would not accord with CS Policy RA3. In reaching my decision I therefore attach considerable weight to the conflict with the BLHNDP. The WMS states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. Furthermore, it has not been demonstrated that the proposal would not adversely affect the significance of a designated heritage asset and I attach considerable weight and importance to any such harm.
16. For these reasons I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Therefore I conclude that the proposal does not represent a sustainable form of development and the appeal should be dismissed.

GP Jones

INSPECTOR