
Appeal Decision

Site visit made on 24 July 2017

by K Ford BSocSc (Hons) MSc MRTPI

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

Decision date: 5th September 2017

Appeal Ref: APP/W1850/W/17/3173077

Land West of Larksmead, Church Road, Brampton Abbots HR9 7JE

- 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 Mr S Fraser against the decision of Herefordshire Council.
 - The application Ref 161859, dated 13 June 2016, was refused by notice dated 7 December 2016.
 - The development proposed is a residential dwelling.
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Decision

1. The appeal is allowed. Planning permission is granted for the erection of a residential dwelling at land west of Larksmead, Church Road, Brampton Abbots HR9 7JE in accordance with the terms of the application, ref 161859, dated 13 June 2016, subject to the conditions in the attached schedule.

Preliminary Matter

2. The application was amended by submission of location plan rev B on 10 October 2016 and the Landscape and Visual Impact Assessment (LVIA) was also amended to reflect this. The Council took its decision based on the amended scheme and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect on the character and appearance of the area and whether the proposal would conserve and enhance the natural beauty of the Wye Valley Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is a horse paddock attached to the property known as Clouds Harrow in the village of Brampton Abbots. The land, which currently houses a large stable building, is accessed via a track that forms part of a Public Right of Way. The site shares a boundary with Larksmead, the nearest neighbouring property. It is located in the Wye Valley AONB. The proposal is to remove the stable building and erect a 2 storey, 4 bedroom dwelling and associated access and turning area, double garage and landscaping including an orchard.
5. Brampton Abbots is designated in the Herefordshire Local Plan – Core Strategy (Plan) as one of a number of settlements that will be the main focus for proportionate housing growth outside Hereford and the market towns.

Development in this location is therefore acceptable in principle. The village does not have a settlement boundary.

6. The settlement pattern along part of the road that winds through the village is characterised by properties that are close to and front onto the highway. This however is not reflected in the full length of the road. Properties immediately adjacent to the appeal site have less of a visual link to the highway, being set further back and in the case of Clouds Harrow orientated differently.
7. The proposal would be located away from the highway but could still be considered to be part of the existing pattern of development within the village, forming an extension to the building line created by Larksmead, the church and the 3 properties beyond it. The curtilage would align with the existing boundary of Larksmead with the domesticated garden area being much shorter than this. The other boundaries of the site marked by existing trees and hedgerows would be retained. The proposal would sit within the context of the existing domestic properties and not appear to extend development significantly beyond it.
8. The development would be positioned away from the highest part of the field and so not sit on the skyline. It would be located in broadly the same area that currently houses the stable buildings and so whilst the site abuts open countryside it itself is not completely open. The proposal would lead to a level of domestication of the site however the design, form and materials, whilst not reflective of other dwellings in the vicinity, would take on the appearance of an agricultural/ equine building which is not out of character for the area.
9. The proposal would be clearly visible from the Public Right of Way however the elevation closest to the path would have minimal openings with the extensive windows being positioned on the opposite side of the dwelling. This would reduce its visual impact as a domestic dwelling. The Landscape and Visual Impact Assessment (LVIA) identifies that the proposal would have a slight adverse impact on near side views of the site however I do not consider it to be so great as to cause significant harm.
10. A neighbour has raised concerns about the quality of the assessment however the report has not been questioned by the Council's experts. When visiting the site and surrounding public rights of way I made my own assessment and concur with the findings of the study and the Wye Valley AONB Partnership Manager that overall the proposal would have a neutral to minor adverse effect on local landscape character, a neutral effect on the wider landscape character and would cause no change to longer distance views into the site. Whilst there would be some adverse effect on the local landscape character, the proposed planting of native trees and native hedges as part of the development would mirror the existing local pattern of the landscape and would have a minor beneficial impact. The overall impacts of the development can therefore be mitigated. Consequently, subject to conditions to satisfactorily control lighting to minimise light pollution, I conclude that the proposed development would have no significant adverse effect on the character and appearance of the area and would conserve and enhance the natural beauty of the AONB. The proposal accords with policies LD1 and SD1 of the Plan which requires development to demonstrate that the character and landscape has influenced and made a positive contribution in the design, scale, materials and proportions used in

order to conserve and enhance the setting of settlements and designated areas including the natural beauty of AONB's.

Other Matters

11. The church of St Michael is a Grade II* Listed Building with a nave and chancel dating from 12th century. Within its grounds are 19 tombs that have a Grade II designation. This ancient rural church sits at the south west edge of the village at the top of the Wye valley slope where footpaths intersect. This close relationship with the landscape is an important element of its heritage significance. For the reasons given above the proposed development would not significantly alter the village edge character of the site which lies further north along the ridge beyond Larksmead. As such it would have no detrimental effect on the rural landscape setting of the church and the chest tombs. The setting of the listed buildings would therefore be preserved.
12. I note the concerns that the proposal would set a precedent and the references to other applications, however each case is determined on its own merits. Similarly whilst a previous appeal on the site was dismissed the details of the scheme before me are different and the policy circumstances have changed with Brampton Abbots now identified as a settlement where proportional growth is acceptable and there is an acceptability of appropriate development in the AONB.
13. Although a Neighbourhood Plan for the area is being prepared the scale of the development proposed and its impact is not so significant that a decision should be delayed until after work on the document is concluded.
14. Neighbours have raised objections in relation to the impact on wildlife and increased traffic. The ecology audit however identified no or only minor adverse impacts on ecology and biodiversity, and some gains. I have no reason to disagree with the findings and measures to address the impacts can be controlled by conditions. In terms of highways, the Council's Transportation Manager raised no objection and the anticipated movements from a single dwelling are unlikely to pose a significant risk to highway safety.

Conditions

15. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance.
16. In addition to the standard 3 year time limitation for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions to secure a scheme of hard and soft landscaping are necessary to ensure the character and appearance of the area is protected. A condition requiring a species mitigation and habitat enhancement scheme is necessary to ensure species and habitat protection. A condition on external illumination is necessary to minimise light pollution. A condition requiring written evidence of water conservation and efficiency measures is necessary to ensure such measures are secured, in accordance with Policy SD3 of the Plan. A condition relating to access, turning area and parking are necessary to ensure highway safety and a condition securing cycle accommodation is necessary to encourage alternative modes of transport. A condition removing permitted development

rights to add to or alter the dwelling and roof or provide additional buildings within the residential curtilage is necessary because of the location of the proposal in the AONB and to protect the character and appearance of the area.

17. It is essential that the requirements of conditions 3 and 5 are agreed prior to the development commencing to ensure an acceptable form of development in respect of the character and appearance of the area.

Conclusion

18. For the reasons given above and having had regard to all other matters raised the appeal should succeed and planning permission should be granted.

K Ford

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 474-PL01 and 474-PL02 rev B.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include;
Soft landscaping
 - a) Indications of all existing trees and hedgerows on the land, identifying those to be retained and set out measures for their protection throughout the course of development.
 - b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas
 - c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishmentHard landscaping
 - a) The position, design and materials of all site enclosure (e.g. fences, walls)
 - b) Car parking layout and other vehicular and pedestrian areas
 - c) Hard surfacing materials
- 4) The soft landscaping scheme approved under condition 3 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping as approved shall be retained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The approved hard landscaping shall be completed prior to the first occupation of the development hereby permitted.
- 5) Prior to commencement of the development, a species mitigation and habitat enhancement scheme based on the recommendations set out in the Betts Ecology report dated April 2015 integrated with the landscape scheme required by condition 3 shall be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.
- 6) Prior to installation, details of any external illumination, within the curtilage of or along the access to the dwelling hereby approved shall be submitted to and approved in writing by the local planning authority. The approved lighting scheme shall thereafter be retained in perpetuity.
- 7) Prior to the first occupation of the development hereby permitted, written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to and approved in

writing by the Local Planning Authority. Thereafter those water conservation and efficiency measures shall be retained for the lifetime of the development.

- 8) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.
- 9) Within 8 weeks of the first occupation of the development hereby approved a scheme for the provision of secure cycle parking on site, and a timetable for its installation shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and timetable.
- 10) Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B and E of Part 1 and of Schedule 2, shall be carried out.