
Appeal Decision

Site visit made on 30 October 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 15 December 2017

Appeal Ref: APP/W1850/W/17/3179678

Little Howle Farm, Howle Hill, Ross-on-Wye HR9 5SL

- 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 Derek Cornes against the decision of Herefordshire Council.
 - The application Ref 171105, dated 30 March 2017, was refused by notice dated 24 May 2017.
 - The development proposed is erection of two bedroom bungalow. Construction of new access and associated development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The date of the planning application in the banner heading above is taken from the Council's decision notice and the appeal form, as the declaration section of the planning application form has been omitted from the copy supplied.
3. During the appeal process, a High Court judgement¹ was handed down regarding paragraph 55 of the National Planning Policy Framework (the Framework)² and the interpretation of the term 'isolated homes in the countryside'. The Council and the appellant have been afforded the opportunity to comment on the relevance of the judgement and I have taken account of their comments and the judgement in my decision.

Main Issue

4. The main issue is whether the proposed development would be in a suitable location.

Reasons

5. Little Howle Farm comprises a farmhouse, some agricultural buildings converted for residential use and a workshop outbuilding. The appeal site consists of a parcel of land to the east with a separate access off the U70416 via a gateway. The land rises to the east adjacent to the road as it ascends the hill within a rural landscape.

¹ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin)

² Published March 2012

6. It is proposed to construct a detached single storey two bedroom house with cedar clad elevations, a rosemary-tiled pitched roof and aluminium windows and doors. It would be set back from and perpendicular to the road. The proposal follows a similar previous application, albeit in outline, for a dwelling on the site which was refused by the Council, in part because of its allegedly isolated rural location.
7. The High Court judgement, referred to above, finds that 'isolated', as it is used in paragraph 55 of the Framework, should be given its ordinary meaning of 'far away from other places, buildings or people; remote'.³ As the appeal site is in the proximity of other residential dwellings at Little Howle Farm, it would not be isolated in the sense referred to in paragraph 55. The judgement also refers to the broader context of paragraph 55, as seeking to promote the economic, social and environmental dimensions of sustainable development, and to strike a balance between the core planning principles of '*recognising the intrinsic character and beauty of the countryside*' and '*supporting thriving rural communities within it*'.⁴
8. That broad approach is reflected in Paragraphs 3.3 and 3.4 and policy SS1 of the Herefordshire Local Plan Core Strategy 2011-2031 (CS).⁵ They refer to the aims of sustainable development, and the presumption in favour of it, contained within the Framework. Policy SS1 confirms that proposals which accord with the policies of the CS will be approved unless material considerations indicate otherwise.
9. CS Policy SS2 sets out the Council's spatial strategy for the distribution of housing across the county, in accordance with the principles of sustainable development. It focusses residential development on Hereford and the market towns. In rural areas, new housing is considered acceptable where it helps to meet housing needs and requirements, supports the rural economy, local services and facilities and is responsive to the needs of the community. In the wider rural areas, new housing will be carefully controlled reflecting the need to recognise the intrinsic character and beauty of the countryside.
10. Through policy RA1 of the CS, rural housing is provided via seven Housing Market Areas (HMAs) which are intended to deliver approximately 5,300 dwellings during the plan period. CS policy RA2 says that across the rural parts of Herefordshire '*sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15.*' There are 119 settlements identified in Figure 4.14 which are the 'main focus' for proportionate housing development. Howle Hill, within the Ross-on-Wye HMA, is one of 98 'other settlements' listed in Figure 4.15, where sensitive and appropriate housing growth will also be considered.
11. The CS indicates that, where appropriate, settlement boundaries (or a reasonable alternative) will be defined in either Neighbourhood Development Plans (NDPs) or the Rural Area Sites Allocation Development Plan Document. However, the Council advises that the NDP for the Walford area has not reached a stage where it can be afforded weight and that there is no defined settlement boundary for Howle Hill. In such circumstances, paragraph 4.8.23 of the CS advises that applications for residential development will be assessed

³ Oxford Concise Dictionary

⁴ Paragraph 17 - National Planning Policy Framework

⁵ Adopted October 2015

'against their relationship to the main built up form of the settlement.'

Outside such settlements new housing is restricted to avoid unsustainable patterns of development.

12. Therefore, the critical question is whether the appeal site is in or adjacent to the main built-up form of Howle Hill. Paragraph 4.8.12 of the CS says that in the typically smaller settlements set out in Figure 4.15, particular attention will be given to ensure that housing developments respect of the scale, form, layout, character and setting of the settlement concerned. It also recognises that, by virtue of their size and character, many of these settlements do not have a traditional village centre or nucleus and may have a dispersed settlement pattern.
13. Although the former public house, Chapel and St John's Church at Howle Hill are all now in residential use, it is reasonable to conclude that such buildings would have provided a focus for village life, at least historically. They are located off Church Road, around which a significant number of other residential dwellings are congregated. That area forms the main built-up part of the village. According to the Council, it is about 300 metres north of the appeal site with agricultural fields lying between. There is another separate built-up area comprising a number of residential dwellings around Sharman Pitch which is approximately 380 metres west of the appeal site.
14. The appellant submits that Little Howle Farm and the residential buildings it comprises, and an adjacent bungalow, also form part of the dispersed settlement of Howle Hill. However, whilst those buildings are residential many of them are converted barns or agricultural buildings which formed part of the original farmstead. Therefore, they are a defined group of buildings that are primarily related to each other, and to their previous use as part of the farm. Indeed, Little Howle Farm is recorded as a historic farmstead in the Herefordshire Farmsteads Characterisation Project.
15. To the west, on the other side of the road are two semi-detached houses on the corner of a junction, which back on to agricultural land. Whilst the appellant refers to the proximity of a bus stop, war memorial and telephone box near a crossroads to the west, that itself is somewhat removed from the main built-up parts of the village to the north and west.
16. The appellant refers to the 'Herefordshire Local Plan – Core Strategy: Rural Housing Background Paper' (RHBP)⁶ which was produced to inform the Council's CS. That paper included a figure of 55 as the approximate number of dwellings within the main village envelope of Howle Hill. The appellant has calculated, using an OS map, that there are 43 dwellings, including those at Little Howle Farm, within the area and deduces, therefore, that the figure of 55 must have been including the Little Howle Farm dwellings.
17. However, the Council advises that no maps accompanied the RHBP to identify which dwellings were included. Moreover, those figures were approximate and there is a marked discrepancy between the appellant's calculation and the figure within the RHPB for Howle Hill. In any event, whatever the accuracy of the respective figures, I am not persuaded that it is ultimately directly relevant or the same as the assessment required by the CS, which concerns the

⁶ March 2013

relationship between the appeal site and the main built-up parts of the settlement.

18. It is submitted by the appellant that the Parish Council (PC) has never challenged the assertion that the site lies within the village. However, whilst the PC expressed support for the proposal, its consultation response was limited and did not include reference to the relationship of the site to the village or its main built-up parts. In any event, their view would not necessarily be determinative.
19. An appeal decision relating to Land adjacent to Moorend Wychend Road⁷ is cited by the appellant. That required a similar judgement about whether a site was in or adjacent to the village of Much Cowarne, which is also a settlement comprising various clusters of development. I do not have full details of the layout of that village or the evidence presented in relation to that appeal. However, that site is described as opposite dwellings on the south side of the road, which the location map indicates extend beyond it to the east. It is also diagonally opposite a group of other dwellings. That combination led the Inspector to consider that it formed a cluster. The dwellings were also at or near a crossroads which, with its noticeboard, phone box and post box, the Inspector judged to be a focal point of the village. Furthermore, that proposed development did not extend any further north than the existing built form of 'The Barracks' to the west and development on the other side of the road extending east.
20. However, the appeal site before me, whilst not far from the Little Howle Farm dwellings, is not immediately opposite existing buildings on the other side of the road. Rather, the proposal would extend development to the east along a country lane beyond existing development. It would also be some distance from the crossroads. Moreover, the crossroads at Howle Hill has limited development around it and is away from the main built-up areas to the north and west. As such, it does not, in my view, form a focal point of the village in the way described in the Much Cowarne appeal. Therefore, whilst there are some similarities, there are also significant differences between the appeal referred to and the appeal proposal before me. Consequently, I give the comparison limited weight.
21. The site at Little Howle Farm is accessed off a country lane leading out of the village, with hedgerow to the side and fields to the south, east and north. Agricultural barns also lie nearby to the north. Although the site is described by the appellant as part of a garden, the farmhouse already has a garden area to the front whereas the appeal site is, according to the Council, some 40 metres away and part of a larger area of sloping grassland and trees. Although at the time of my site visit, it was fairly closely mown, it appeared to lack the domestic paraphernalia normally associated with garden use, such as washing lines, garden furniture, benches and the like. It also has a pole with power lines running across it. Whilst there is hedgerow and trees along the eastern boundary, separating it from an adjoining field, it has more affinity with the surrounding countryside than a domestic garden and the collection of dwellings within Little Howle Farm.
22. Given all those factors, my view is that the appeal site is not in or adjacent to the main built-up parts of the village and that is more obviously associated

⁷ App/W1850/W/17/3176625

with the surrounding countryside. Although the design of the single storey building is acceptable, it would, along with its vehicular access, car parking, turning areas and likely associated domestic paraphernalia, extend residential development out into the countryside. It would be visible from the road and at the site entrance.

23. In rural locations outside settlements, residential housing is restricted to avoid unsustainable patterns of development and is limited to the various exception criteria within policy RA3 of CS, such as proposals for the re-use of redundant or disused buildings or replacement dwellings. It is accepted that the proposal does not meet the exception criteria in policy RA3.
24. My attention has been drawn by the appellant to a planning application for four dwellings on land to the west of the appeal site. However, I understand that a decision is yet to be made. Pre-application advice is referred to but that would not bind the Council. Moreover, the Council advises, and the planning application form confirms, that two of those four proposed dwellings would be 'low cost' rather than open market housing. That would appear to differentiate it from the appeal scheme. Given those factors, I give it limited weight in my deliberations.
25. Although the appeal site is only 40 metres or so from the dwellings at Little Howle Farm, it is physically and visually detached from the two main built-up parts of the settlement. Whilst a local bus stop is referred to, no evidence has been submitted about the regularity of bus services. It is clear that the appeal site would be some distance from services and facilities, as the village does not have any shops, pubs or a school. Limited evidence has been provided about the extent of services and facilities in nearby villages or other settlements. The nature of the surrounding road network, with a lack of footways or lighting, although not untypical of many rural areas, would not encourage use by pedestrians and, in any case, there are very limited services within walking distance.
26. Whilst the CS contemplates some proportionate housing growth in the typically smaller and often dispersed settlements listed in Figure 4.15, and the Framework recognises that transport solutions will vary from urban to rural areas, it is clear that the proposal would lead to almost complete dependence on the private motor car. The appellant suggests that the situation would be the same for development that was considered to be in or adjacent to the village, but whilst some housing growth is considered appropriate for Howle Hill, is not one of the settlements which are the 'main focus' for such development, which are listed in Figure 4.14 of the CS. Therefore, the lack of sustainable transport options remains a relevant factor which weighs against a proposal.
27. It is accepted that the development is limited to one dwelling but the starting point for decision-makers is whether the proposal accords with the development plan. The above factors lead me to find that the development would conflict with policies SS2, RA2 and RA3 of the CS. They form part of the Council's carefully considered spatial strategy which aims to avoid unsustainable patterns of development and control development in the wider rural areas in recognition of the intrinsic character and beauty of the countryside. Given that the CS has been relatively recently adopted and that its consistency with the Framework would have been tested during the

examination process, it is reasonable to give significant weight to the conflict with those policies, which are informed by the overarching sustainability principles of the CS and the Framework.

28. The Council accepts that it cannot currently demonstrate a 5-year housing land supply (HLS). Therefore, in accordance with paragraph 49 of the Framework, relevant policies for the supply of housing should not be considered up-to-date. Consequently, paragraph 14 of the Framework is engaged. That indicates, in its fourth bullet, that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
29. In a relatively recent appeal decision, cited by the Council, relating to a much larger scheme of 100 dwellings at Bartestree⁸, the policies comprising the Council's spatial strategy were still afforded significant weight, when the Council's 5-year HLS stood at 3.63 years. The Council advises that the HLS position is improving, having been 4.39 years at the time that the current application was determined and now standing at 4.54 years, which has not been disputed. Given that context, the conflict with the development plan still attracts significant weight.
30. Paragraph 7 of the Framework refers to the three dimensions of sustainable development: economic, social and environmental. There would be some economic benefit during the construction period and from future occupiers' contribution to the wider local economy. Socially, the proposal would benefit the supply of housing but the contribution made by one two bedroom dwelling is inevitably limited, especially given the context of an improving 5-year HLS.
31. Furthermore, the Council Officer's report indicates that the 14% indicative housing growth figure for the Ross-on Wye HMA, as applied proportionately to Howle Hill, is likely to be met by extant permissions. Whilst those figures do not represent a cap in terms of proposals which comply with development plan policies, it is a relevant factor when considering proposals which conflict with the CS and deciding if it is legitimate to depart from the development plan.
32. Future occupants may also participate and contribute to the vitality of the wider community. Although the appellant submits that the modest size of the dwelling would make it 'more affordable', the proposal is for a market dwelling rather than affordable housing subject to a formal restriction or legal agreement. Moreover, it is accepted that future occupants would be dependent on the private motor car to reach everyday services and facilities, albeit that development within the village would be similarly reliant.
33. Environmentally, although the overall number of journeys generated by one dwelling would be low, the reliance on the motor car would still have some negative effect in relation to climate change. The proposal would also extend residential development into the countryside.
34. It is apparent that the benefits associated with the proposal would be relatively limited. On the other hand, I have attached significant weight to the clear conflict with the CS and its carefully considered spatial strategy, designed to focus housing in suitable locations and safeguard the countryside by carefully controlling development within it. That spatial strategy has been found sound

⁸ APP/W1850/W/15/3051153

in the Bartestree appeal decision, referred to above, and is part of a relatively recently adopted development plan. Moreover, the 5-year HLS is improving and the shortfall is now limited. Overall therefore, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

35. There are no other material considerations, including the provisions of the Framework and paragraph 14 in particular, which indicate that the proposal should be determined otherwise than in accordance with the development plan. Therefore, I conclude that the conflict with the development plan and its aims is decisive and that, for the reasons given above and having regard to all other matters raised, the appeal should be dismissed.

Jonathan Tudor

INSPECTOR