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## Appeal Decisions

Site visit made on 13 February 2019

**by Martin Chandler BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 March 2019**

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### **Appeal A Ref: APP/W1850/W/18/3215131**

#### **Stone House, Munderfield, Bromyard, Herefordshire, HR7 4JT**

- 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 & Mrs Kenneth Berry against the decision of Herefordshire Council.
  - The application Ref 181396, dated 23 April 2018, was refused by notice dated 22 October 2018.
  - The development proposed is dormer bungalow with garage for dependant relative.
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### **Appeal B Ref: APP/W1850/W/18/3215135**

#### **Stone House, Munderfield, Bromyard, Herefordshire, HR7 4JT**

- 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 & Mr Mark and Michael Berry against the decision of Herefordshire Council.
  - The application Ref 181701, dated 23 April 2018, was refused by notice dated 22 October 2018.
  - The development proposed is 2 No self-build 3 bed dwellings with garages.
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### **Decision**

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for 2 No self-build 3 bed dwellings with garages at Stone House, Munderfield, Bromyard, Herefordshire, HR7 4JT in accordance with the terms of the application, Ref 181701, dated 23 April 2018, and the plans submitted with it, subject to the conditions set out in the attached schedule.

### **Costs**

3. An application for costs in relation to Appeal A was made by Mr & Mrs Kenneth Berry against the decision of Herefordshire Council. An application for costs in relation to Appeal B was made by Mr & Mr Mark and Michael Berry. These applications are the subject of a separate Decision.

### **Procedural Matter**

4. The appeals are submitted by different Appellants, however, they relate to two sections of the same parcel of land. The Council refused the original applications with the same refusal reason and therefore the main issue is the same for each appeal. I have considered each proposal on its individual merits.

However, to avoid duplication, I have dealt with the two schemes together except where otherwise indicated.

### **Main Issue**

5. The main issue for both appeals is whether the appeal sites are suitable locations for residential development, having regard to local and national policy.

### **Reasons**

6. Policy RA2 of the Herefordshire Local Plan Core Strategy 2011 – 2031 (CS) supports sustainable housing growth in or adjacent to settlements outside Hereford and the market towns. It also states that development proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement. Munderfield is identified in the CS as a settlement where proportionate housing is appropriate.
7. It is a small settlement and when travelling south along the B4214, the beginning of the settlement is defined by the presence of Cusop Farm Cottage. From this point, the settlement is linear in form with a number of houses that are dispersed with space between them on a north-south axis. Despite the space between buildings, their linear form generates a distinct cluster of houses within the settlement.
8. Upon reaching The Briars and The Chestnuts, the dispersed built form of the settlement becomes noticeably looser and distinctly more sporadic. There is a clear and defined gap between these houses and the next buildings along the road which are Vine Tree Cottage and the appeal site, Stone House. As a consequence, these properties are experienced as being somewhat removed from the more clustered built form. This is not just in terms of a physical distance, but also in terms of how the area is experienced. The separation primarily takes the form of open countryside and therefore acts as a distinct buffer between the appeal sites and the more defined pattern of the settlement to the north.
9. The appeal sites are located to the south of The Briars. They form part of a broader parcel of land associated with Stone House which is currently occupied by different outbuildings and machinery as well as domestic garden features. The proposals would divide the site with Appeal A comprising land adjacent to Stone House, and Appeal B comprising land closer to The Briars.
10. As identified above, due to the space between the buildings, Stone House is not adjacent to the defined cluster of buildings within the settlement. Appeal A proposes a dwelling located adjacent to this building. As a consequence, due to the subdivision of the site, the dwelling would be removed from the more defined cluster of buildings located to the north. Although the remaining gap would be smaller than the existing gap, it would still be a pronounced space between buildings that would be greater than generally experienced elsewhere within the settlement. Consequently, for the purposes of the CS, the dwelling proposed in Appeal A would not be adjacent to what experienced as the settlement.
11. Conversely, Appeal B would introduce 2 dwellings that would be closer in their relationship to The Briars than Stone House. The dwellings would be informally sited and would be of a scale and appearance that would complement the

prevailing form, layout, and character of the area. As a consequence, the proposal would continue the dispersed built form that is experienced to the north of the appeal site and would respect the established development pattern of the settlement. For the purposes of the CS, it would therefore be located adjacent to the settlement and as such would represent a logical extension to its linear form.

12. I therefore conclude that due to its separation from the linear form of the settlement, the site for Appeal A would not represent a suitable site for residential development. Consequently, it would fail to accord with Policies SS1, SS6, RA2 and RA3 of the CS. Taken together, these policies seek amongst other things, sustainable housing growth within the countryside that conserves or enhances settlement patterns and is in or adjacent to identified settlements. These policies are consistent with policies within the National Planning Policy Framework (the Framework) in that regard.
13. However, Appeal B would be located adjacent to the linear form of the settlement. I therefore conclude that the site for Appeal B would represent a suitable site for residential development. Consequently, it would accord with the aforementioned policies of the CS as well as the Framework.

### **Other Matters**

14. The Council cannot currently demonstrate a 5 year supply of deliverable housing sites. As a consequence, Paragraph 11 of the revised Framework is engaged. This states that where the policies that are most important for determining the application are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. The appeals would provide self-build properties and have been accompanied by Unilateral Undertakings to confirm this. Self-build housing is identified within the Framework as a means of supporting the Government's objective of significantly boosting the supply of homes. Moreover, the Housing and Planning Act 2016 (the Act) places a duty on Councils to grant planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area.
16. Despite this, the Act also states that such permissions should be for suitable development and as identified above, in regard to Appeal A, I have found the proposal to conflict with the CS. Although Policies RA2 and RA3 of the CS are out of date due to the 5 year housing supply position of the Council, their aims and objectives in relation to managing sustainable housing growth within the countryside are consistent with the Framework. I therefore give them considerable weight in the assessment of this appeal.
17. Due to the conflict with the CS, Appeal A would not represent suitable development. Consequently, the self-build nature of the proposal only carries limited weight in its favour. Accordingly, the adverse impacts of granting planning permission as identified above, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

### **Conditions**

18. Due to my findings in relation to Appeal B, conditions are necessary in the interests of precision and clarity to set out the time limit for the commencement of development as well as to list the approved drawing numbers. To ensure that the proposal complements its surroundings, a condition is also necessary to agree the proposed materials. I have amended the timing for this matter because it does not have to be agreed before development goes beyond site clearance and groundwork.
19. In the interests of water consumption, a condition is necessary in relation to potable water and conditions 5, 6 and 7 are necessary in the interests of highway safety. Finally, condition 8 is necessary in the interests of species and habitat protection and enhancement.
20. The Council also suggested a condition to restrict the use of machinery and the timings of delivery to protect the amenity of local residents. However, these are matters that can be controlled outside of the planning system and consequently fail the test of necessity.

### **Conclusion**

21. For the reasons identified above, Appeal A is dismissed.
22. Appeal B is allowed.

*Martin Chandler*

INSPECTOR

## SCHEDULE OF CONDITIONS – APPEAL B

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out strictly in accordance with drawing numbers: 1499/1; 1499/2 and 1499/3.
- 3) Prior to their installation, details or samples of the materials to be used externally on walls and roofs shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) With the exception of any site clearance or groundwork no further development shall take place until a potable water scheme to demonstrate that the existing water supply network can suitably accommodate the proposed development site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a water storage facility in each property, details of how and when potable water will be drawn from the public water main and demonstrate that sufficient capacity can be provided for use throughout the day without the need to draw again. Thereafter, the agreed scheme shall be constructed in full prior to the occupation of any building and remain in perpetuity.
- 5) Prior to the first occupation of the dwelling hereby approved, 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 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 82 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.
- 6) Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking of 2 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.
- 7) 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.
- 8) Prior to first occupation of the new dwelling, evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of a minimum of two bat roosting enhancements (habitat boxes, tubes, tiles, bat bricks, raised weatherboarding with bitumen felt) and two bird nesting boxes built in to, or attached to the new dwelling or on other buildings under the applicant's control should be supplied to and acknowledged by the local authority; and shall be maintained thereafter as approved. External habitat boxes should be made of a long-lasting material

such as Woodcrete or Ecostyrocrete. No external lighting should illuminate any habitat enhancement or existing buildings adjacent to the new dwelling.