



Appeal Decision

Site visit made on 3 July 2019

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/W1850/W/19/3227416

Land adjacent to Trem-y-Bryn Barn, Upton Bishop HR9 7UG

- 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 Mike Robins against the decision of the County of Herefordshire District Council.
 - The application Ref 183528, dated 19 September 2018, was refused by notice dated 7 November 2018.
 - The development proposed is demolition of existing stables, and development of 4no. new dwellings with associated landscaping, parking and amenity space.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has confirmed during the appeal process that it no longer contests the matters concerning highway safety and the free flow of traffic as set out in its third reason for refusal. This follows further submissions from the appellant including full details of a speed survey and confirmation from the Council's Transportation officer that it no longer raises any objections to the proposal. I have no substantive basis to consider otherwise and so the main issues now comprise those as set out below.

Main Issues

3. The main issues are:
 - i) whether or not the proposed development would be in a suitable location for the dwellings concerned, having regard to development plan and national planning policies;
 - ii) the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Suitability of location

4. Policy SS2 of the Herefordshire Local Plan Core Strategy (the Core Strategy) sets out the strategy for delivering new homes. Policy RA2 relates to housing in or adjacent to those settlements outside Hereford listed in relation to that policy while policy RA3 clarifies that development in rural locations outside of defined settlements will be restricted to specific categories. These policies are

broadly consistent with the National Planning Policy Framework (the Framework) in terms of being responsive to local circumstances and supporting housing developments that reflect local needs; and promoting sustainable development in rural areas.

5. Having regard to these policies, it is disputed by the parties as to whether or not the site is in or adjacent to a defined settlement, the closest being Upton Crews. That settlement has a distinct, albeit small, concentration of properties located around a road junction noticeably and significantly separated from the site to the north-west by open countryside with just a small number of intervening sporadically positioned dwellings. Regarding paragraph 79 of the Framework, the proposed development would not be isolated due to the close proximity to a small number of existing dwellings. However, for the above reasons they would not be located within or adjacent to the more coherent and closely knit main built form of Upton Crews. The same would apply in respect of the slightly more distant defined settlements of Crow Hill and Gorsley, with mainly open fields and woodland intervening. As such it would not represent a development that relates to policy RA2. Furthermore, in respect of relevant policy RA3, none of the specific categories set out in that policy apply to the proposed development. That includes insufficient evidence to indicate that it could be considered as being of exceptional quality and innovative design, notwithstanding the intention for the dwellings to be environmentally sustainably constructed.
6. I have also had regard to paragraph 103 of the Framework which states that planning should actively manage patterns of growth in support of objectives set out in paragraph 102, including that opportunities to promote walking, cycling and public transport use are identified and pursued. Paragraph 103 goes on to state that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in both plan-making and decision-making. Policy RA3 is broadly consistent with the Framework in these respects.
7. The distances to those nearest defined settlements referred to above, together with a lack of footways or lighting along the intervening roads, are such that it would be likely to make walking to those destinations an unattractive option on a regular basis. It is likely that access by cycle would be more attractive in terms of travelling time, but unlikely for all purposes and not necessarily in all weather conditions or during hours of darkness. Those settlements also have only a small number of services and facilities to serve the day to day needs prospective residents, notwithstanding the appellants' reference to the school, post office and shop at Gorsley.
8. Distances to higher order settlements, such as Ross-on-Wye, with the full range of services and facilities such as shops, secondary schools, health and leisure facilities, along with more employment destinations would be still further away, albeit representing a fairly short car journey. Cycling to such further destinations would be significantly less likely due to that distance.
9. There is a bus service that stops close to the site and which goes to higher order settlements including Gloucester and Ross-on-Wye. However, from the

timetable evidence provided, whilst there are services throughout the day, they are generally not at frequent intervals so as to provide a good degree of flexibility. As such it is unlikely that bus travel to and from the site would be a convenient mode of transport relied upon for the full range of travelling requirements.

10. For the above reasons, despite the potential for home working, it is likely that prospective residents would still be heavily reliant on private motorised transport as opposed to more sustainable walking, cycling or use of public transport for most trips to facilities and services to serve all of their everyday needs, as well as to reach most employment destinations if not working from home. The proposed dwellings would therefore not be in a sustainable location in this respect, regardless as to whether or not the site can be defined as previously developed.
11. The appellants refer to another appeal decision Ref APP/W1850/W/17/3185559 relating to four dwellings at Brampton Abbots that was allowed. However, in that case it was not disputed that the site was located in or adjacent to the main built up area of the village, a factor highlighted by my colleague in the decision. Although I do not have the full details of that case to enable a full and proper comparison, I have found that not to be the case in respect of the current appeal.
12. The appellants also refer to another proposal granted planning permission by the Council for nine dwellings at Bivia Court, Goodrich, Ref 163251. The Council in that case took the view that whilst there was a degree of conflict detected with policy RA2 of the Core Strategy, as it might have been argued that the site was not immediately adjacent to the main built up part of Goodrich, that harm was moderated in the context that the locational requirements of the policy could not be given full weight given the housing land supply deficit. However, that was also in the context of an identified residual requirement for 19 dwellings in the Goodrich and Welsh Bicknor Parish and it being questionable as to the ability to meet the minimum indicative requirement. I have not received clearly comparable substantive evidence of a similar situation in this case, albeit acknowledging that the housing target set out in policy RA1 of the Core Strategy is a minimum.
13. I have also had regard to the Council's reference to other appeal decisions, including one, Ref APP/W1850/W/18/3195418, for a single dwelling in the countryside at Cobhall Common. In that case my colleague found the proposal not to accord with the relevant development plan policies in respect of a similar main issue as this. However, as I do not have the full details of that decision or case generally I am unable to make any direct comparison other than noting the albeit small difference in numbers of proposed dwellings. I will consider further the benefits of providing four new dwellings to the local housing supply, along with any other benefits, in my planning balance.
14. Another of those appeal decisions referred to by the Council relates to a proposal for a single dwelling at Moreton Eye, Ref APP/W1850/W/17/3190468, that was dismissed. Again, I am unable to properly compare that proposal with the one at hand due to an absence of sufficient details submitted, although I note that my colleague identified clear visual separation from the built form of the village, which would also be the case in this instance, albeit in a different locational context. I note that the bus service referred to in that other decision

is significantly less frequent than is the case with that referred to above in this case. However, that in itself is not an over-riding factor in my considerations for the reasons explained previously. A further appeal case, Ref APP/W1850/W/18/3201139, relates to a proposal for a single dwelling near to but found to be physically and visually well separated from Goodrich and a factor taken into consideration by my colleague within his planning balance. However, again without the full details submitted any comparison can only be limited in terms of the nature of the separation and I note in that other case there were also other different issues to those relating to the current appeal that were weighed in that balance.

15. Despite those other decisions referred to above, I have in any case determined the current appeal on its own merits.
16. For the above reasons, I conclude on this issue that the proposed development would not be in a suitable location for the dwellings concerned, having regard to development plan and national policies. As such, in respect of this issue, it would be contrary to policy RA3 of the Core Strategy as well as paragraphs 102 and 103 of the Framework.
17. Reference is also made in the Council's decision notice to policy SS1 in respect of this issue. That relates to the presumption in favour of sustainable development which I have considered in my planning balance. Policies SS3, RA4 and RA5, also referred to, relate respectively to ensuring sufficient housing land delivery; to agricultural, forestry and rural enterprise dwellings; and to the re-use of rural buildings; and as such they are not directly relevant to this specific issue or case.

Character and appearance

18. The site is located in a significant gap, comprising fields, between Hill View Farm and a minor road junction in the vicinity of which are a small number of sporadically located other existing dwellings of varying designs, height and size. The proposed two storey dwellings, despite utilising materials and of heights similar to Tre-y-Bryn Barn, and with the units designed to reflect a traditional farmstead group, would consolidate that existing loose collection of existing dwellings into a more distinct and therefore uncharacteristic and inappropriate cluster in this particular location. They would also be likely to be visible as such from the close vicinity of the adjacent roads to varying extents, over or through road side hedges and trees, more so in the winter with the leaves off, or via the proposed vehicular access points.
19. More distant views would be restricted by the topography and roadside vegetation. However, from a public footpath lower in the valley to the north east, I saw that the buildings, despite the proposed softening materials, would be likely to be visible to varying extents, particularly in the winter months with leaves off intervening trees, adding a noticeable and obtrusive built form to the upper slope of the valley. I saw that a new house had been built at Marsh Farm in the close vicinity of that footpath and very clearly visible from it. However, that is seen in a different context to the appeal site, significantly separated from it and being nestled lower down in the valley.
20. I have had regard to the circumstance whereby the existing buildings on the site would be removed. Whilst these are in varying states repair, they are all of a modest scale and height and not unexpected features in this rural setting.

They are also screened to varying degrees from the adjacent road by intervening vegetation. As such they do not dominate the site and its vicinity such that their removal would not in itself represent a significant benefit in terms of the character and appearance of the area.

21. In relation to this issue also, the appellants again refer to that other appeal decision at Brampton Abbots mentioned previously. I do not have the full details of that case to enable a full and proper comparison in respect of character and appearance matters. However, amongst other things, my colleague refers in the decision to that proposal as representing a logical form of infill and to the Council's consideration that it would represent a natural growth point for the village. The same would not be the case in this instance, indicating differing circumstances, although I acknowledge that unlike that other proposal the current appeal site is not within an Area of Outstanding Natural Beauty. I have in any case determined this appeal on its own merits.
22. Trem-y-Bryn Barn is identified by the Council as a non-designated heritage asset and I have no substantive basis to consider differently. However, having regard to paragraph 197 of the Framework, due to the degree of separation between the proposed development and that existing building, with Hill View Farm also in between, its setting would be likely to be preserved. However, this does not deflect from my other findings in respect of this main issue.
23. For the above reasons, and having taken account of the submitted Visual Impact addendum to the Design and Access Statement, I conclude on this issue that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue it would be contrary to policies SS6 and LD1 of the Core Strategy which together, amongst other things, require development to conserve and enhance those environmental assets that contribute towards the county's distinctiveness and to demonstrate that character of the landscape has positively influenced the design, scale, nature and site selection. In respect of this issue it would also be contrary to the Framework which in paragraph 127 requires that decisions should ensure that developments, amongst other things, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
24. As in respect of the first main issue, relating to policy SS1 concerning the presumption in favour of sustainable development, I have considered this in my planning balance.

Other matter

25. I acknowledge the submission showing that the majority of Upton Bishop Parish Councillors support the proposal. However, I have determined the appeal on its merits taking account of all the submitted evidence and my observations.

Planning balance

26. I have found that the proposed development would not be in a suitable location for the dwellings concerned, having regard to development plan and national policies and that it would cause unacceptable harm to the character and appearance of the surrounding area.

27. The proposal would have the benefit of adding three fairly modest sized dwellings and one larger one, as a windfall scheme, to the local housing supply, particularly in light of the Council not currently being able to demonstrate a five year supply of deliverable housing sites. Having regard to the Framework, in such situations the policies which are most important for determining the application are out-of-date. I have also had regard to the Government's objective of significantly boosting the supply of homes.
28. There would also be likely short term economic benefits during the construction phase relating to construction jobs and longer term in respect of spending on local goods and services. Prospective residents would also be likely to add to the vitality of the local nearby settlements, albeit not contained within or adjacent to those referred to in the first main issue. I also acknowledge that the proposed dwellings would have the potential for the option of a ground floor bedroom thereby providing flexibility for occupancy by those with limited mobility. There would also be flexibility in terms of making provision for home offices to enable working from home in this rural location. I also note the intention for the dwellings to be environmentally sustainably constructed.
29. It is proposed to plant new trees and hedges which would have the potential to provide enhanced habitat to the benefit of local biodiversity. However, that benefit would be fairly small given the relatively limited amount of planting in the context of the existing significant tree and hedgerow habitat on the site and in its vicinity.
30. I also acknowledge that the larger of the four dwellings would be intended to be occupied by the appellants to enable them to stay in the locality in a smaller more manageable dwelling which would cater for their longer-term needs. However, there would be no control over occupancy in the short or longer term and so I have afforded little weight to that personal benefit.
31. Taking all of the above findings into account, my conclusions in respect of the main issues would significantly and demonstrably outweigh the fairly small benefit, and those related benefits referred to above, of adding only four dwellings towards addressing the undersupply of housing. It would therefore not be a sustainable form of development.

Conclusion

32. For the above reasons, and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR