



Appeal Decision

Site visit made on 6 August 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/W1850/W/19/3229524

The Bungalow, C1226 from A49 to Hillcrest, Callow HR2 8DE

- 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 Mr & Mrs Thomas against the decision of Herefordshire Council.
 - The application Ref 190478, dated 6 February 2019, was refused by notice dated 1 May 2019.
 - The development proposed is the erection of two single-storey dwellings utilising the existing access from the C1226.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Outline planning permission is sought for the access to the site with all other matters reserved for later approval. I have determined the appeal on this basis.
3. I have had regard to the location plan, the proposed block plan (drawing number 01) and the illustrative site plan. I have regarded all elements of the drawing number 01 and the illustrative block plan as indicative apart from the details of the access.

Main Issue

4. The main issue is whether the location of the proposed development is acceptable, having regard to access to everyday services and facilities by sustainable transport modes and the local and national planning policies on the location of housing.

Reasons

5. The appeal site is located at the end of a row of properties that are part of a hamlet known as Callow. Access to the site is via a shared private drive off the main road through Callow, the C1226, which is the highway along the rear boundary of the site. Other than the small collection of buildings within the hamlet, the site is surrounded by agricultural field parcels.
6. The appeal site is not within or adjoining a settlement which has been identified for accommodating growth in the Hereford Local Plan Core Strategy 2011-2031 Adopted October 2015 (HLPCS). The site is also not within a location identified as being appropriate for new housing in the Callow and Haywood

Neighbourhood Development Plan 2011-2031 made December 2016 (CHNDP). Accordingly, in planning terms the site is within the open countryside.

7. With regard to access to everyday services and facilities, I observed a village hall and a church within the hamlet, although I note from the Council's evidence that the church has been closed for some time. Other than this, occupiers of the proposed dwellings would be reliant on the services and facilities in other settlements.
8. Whilst reference has been made to several settlements within the wider area, my attention has been particularly drawn to the principal settlement of Hereford, which is approximately 3 miles from Callow. This can be accessed via a bus service on the A49, which is to the west of the appeal site. The closest bus stop on the A49 is some 700 metres from the appeal site and accessed via a single track rural lane that has no pedestrian footway. There is also a bus stop some 900 metres from the appeal site that can be accessed by travelling south along the C1226 from the site. Again, this section of the C1226 is a rural road that has a 40MPH speed limit and no footway.
9. I note the appellants' comments with regard to the ease at which the A49 bus service can be accessed from the appeal site. However, it is unlikely that occupiers of the dwellings would cycle to access the bus service. Also, having regard to the character of the local highway network and the distance pedestrians would have to travel to access the bus service, it is unlikely that occupiers of the proposed dwellings would feel safe using these routes to access the bus service on foot. This would particularly be the case if occupiers of the dwellings are frail; if trips are with children; the trips are during the winter months; or if trips are for a weekly food shop.
10. It is, therefore, unlikely that occupiers of the proposed dwellings would choose to walk, cycle or use public transport to access services and facilities in Hereford, or indeed any other settlement in the area, on a regular basis. Accordingly, the appeal site is in a location where occupiers of the proposed dwellings would be reliant on the private car.
11. The development would not be in an acceptable location in relation to access to everyday services and facilities. Its occupiers would be reliant on less sustainable transport modes to access those services and facilities. Accordingly, the development would not accord with policies SS4 and SS7 of the HLPCS that require new development to mitigate its impact on climate change, while being accessible by and facilitate a genuine choice of modes of travel, with the emphasis on walking cycling and public transport.
12. Turning to the relevant local plan policies on the location of housing, Strategic Policy SS1 of the HLPCS reinforces the sustainable development principles of the National Planning Policy Framework (the Framework) whilst Strategic Policy SS2 directs new development to the principal settlement of Hereford or other settlements that have a range of services and can accommodate growth. Policy RA2 identifies rural settlements within which housing growth will be supported. Policy RA3 restricts residential development outside of settlements unless it complies with one of the exceptions criteria, which include affordable housing, rural enterprise dwellings and accommodation for gypsies and travellers.
13. In addition to the above, the CHNDP was made in December 2016 and is, therefore, part of the development plan for the purposes of section 38 of the

Planning and Compulsory Purchase Act 2004. Within this, Policy CH1 endorses the strategy for growth set out in the core policies of the HLPCS, whilst Policy CH9 identifies specific locations for new housing development within the neighbourhood plan area. Callow is not a location identified in Policy CH9.

14. There is no dispute that the appeal site is outside of the settlements and locations identified in both the HLPCS and the CHNDP as being appropriate, in principle, for housing development. Furthermore, the proposed development is not of the type listed in Policy RA3 as an exception to the HLPCS housing strategy. Accordingly, the proposed development would not accord with the Council's planned strategy for growth across the county and would be in conflict with policies SS1, SS2 and RA2 of the HLPCS, as well as Policy CH9 of the CHNDP.
15. Finally, my attention has been drawn to paragraph 79 of the Framework, which relates to isolated homes in the countryside. However, the proposed development would not be isolated in terms of being removed from other dwellings and, therefore, paragraph 79 is not relevant to my determination of this appeal.

Other Matters

16. The Council have confirmed that it is unable to demonstrate that it currently has a five year housing land supply, as required by paragraph 73 of the Framework. Accordingly, footnote seven of the Framework suggests that the policies most relevant to the main issue in this case are out-of-date. In these circumstances paragraph 11 d) recommends that planning permission ought to be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.
17. In view of the guidance in the Framework, I must reduce the weight afforded to the conflict identified with the policies of both the HLPCS and the CHNDP that direct the location of housing development in the county. However, the justification for these policies is consistent with the sustainable development principles of the Framework, particularly with regard to the preference for sustainable transport modes and the location of new housing where there are most opportunities for employment, services and transport accessibility. I find the development in conflict with these particular principles and the Framework as a whole. As such, my conclusions that the development would be harmful in this regard are unaltered and I still give significant weight to the conflict with the development plan policies.
18. I have had regard to the weight to be given in favour of the economic and social benefits of the development in terms of the provision of two dwellings. These benefits would, however, be limited in view of the number of houses to be provided and would be significantly and demonstrably outweighed when balanced against the adverse impacts of the development.
19. My attention has been drawn to an appeal decision in support of the appellants' case. However, I have not been provided with the full details that would have been available to the previous decision maker in that case. As such, I am unable to make an informed comparison between the proposed development in that case and that subject of this appeal.

20. The appellants have also compared the hamlet of Callow and the services and facilities it contains with those contained in some of the settlements identified in Policy RA2 of the HLPCS. Whilst the appellants' comparisons are noted, I have considered the circumstances of the case that is before me and, within this context, have identified harm in respect of the main issue. I am also aware that the HLPCS has been subject to a lengthy process culminating in an examination in public.
21. On a separate note, the appellants suggest that the site is previously developed land, the development of which is supported in the Framework. They also suggest that the site is important in terms of it being a small windfall site and that the dwellings proposed could be suitable for the elderly. Whilst these matters are noted, they do not outweigh my findings with regard to the main issue in this case.
22. I note the representations made in support of the development, which suggest that the proposed dwellings would be eco-friendly and decrease vehicle activity on the shared private drive. Notwithstanding the fact that the design of the proposed dwellings is a matter reserved for consideration at a later date, no particular environmental qualities of the scheme have been drawn to my attention. Furthermore, the comment with regard to vehicle activity is made on the understanding that one of the dwellings is to be occupied by the family of the occupiers of The Bungalow. The application subject of the appeal was not for a personal permission for the appellants' family. In any event, any decrease in traffic movements to The Bungalow itself is likely to be more than offset by the traffic movements generated by the two dwellings proposed.
23. Finally, I have had regard to other matters raised in objection to the development, including disturbance from the increased use of the shared access and construction traffic. As I am dismissing the appeal on the main issue for the reasons given above, I have not addressed these matters further.

Conclusion

24. For the above reasons I conclude that the appeal should be dismissed.

J Moss

INSPECTOR