



Appeal Decision

Site visit made on 6 August 2019

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/W1850/W/19/3229686

Land adjacent to Lockhill, Upper Sapey, Worcester WR6 6XR

- 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 and Mrs I and RE Kerby against the decision of Herefordshire Council.
 - The application Ref 183169, dated 22 August 2018, was refused by notice dated 28 November 2018.
 - The development proposed is residential development of 6 dwellings, provision of communal open area, foul drainage treatment plant and associated works (Outline – All matters reserved).
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Decision

1. The appeal is dismissed

Procedural Matters

2. The planning application was submitted in outline form with all matters reserved for future approval. From the description of the development is clear that the scale of the development being sought is for 6 dwellings. I have determined the appeal on this basis, treating the submitted plans as illustrative only, in so far as it indicates a possible layout.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the site is a suitable location for housing having regard to the development strategy for the area and accessibility to services and facilities.

Reasons

Character and appearance

4. The appeal site is a parcel of agricultural land in open countryside accessed from the private road of Orchard Gardens in the village of Upper Sapey. The pattern of development in this location is generally linear in nature following Church Lane. The site is on an incline which rises away from the existing village, access to the site is shown to be from the existing agricultural gateway.

5. The planning application was in outline with all matters reserved, so the exact layout and scale of the development has been shown as indicative only. The plans show an indicative layout for 6 detached bungalows. Given the site's prominent raised position in respect of the dwellings on Orchard Gardens, any built form in this area would be highly visible from a number of locations within the village.
6. Currently the appeal site is bounded by a low fence, and this combined with the height difference between the field and Orchard Gardens provides a clear visual distinction between the built environment of Upper Sapey and the open countryside. This clear separation between the settlement and the countryside provides a positive contribution to the setting of the locality and the settlement. Introducing built form into this location would erode this clear distinction. Furthermore, extending the built form away from Church Lane would not be in keeping with the existing linear form of the development. Consequently, this would harm the open character of the countryside in this location.
7. Consequently, I find that the development would harm the character and appearance of the area. As such it conflicts with policy SD1 and LD1 of the Herefordshire Local Plan Core Strategy 2011-2031 (CS). Collectively these policies seek, amongst other things, that new development should positively influence local landscape character.

Location of proposed development

8. Policy RA2 of the CS seeks amongst other things to maintain and strengthen local sustainable communities across Herefordshire. The policy supports housing development in or adjacent to existing settlements identified within this policy. The appeal site is located on the outskirts of Upper Sapey, which is not identified as a rural settlement within Policy RA2. For development outside of defined settlements, Policy RA3 requires that residential development must meet 7 specific criteria. I have been presented with no cogent evidence which indicates the development meets any of these specific criteria. Therefore, the proposal fails to accord with CS policies RA2 and RA3.
9. The appellants have completed a detailed assessment of the sustainability of the appeal site, which considers the range of services and facilities within 800 metres of the settlement, alongside access to public transport. Within this 800 metre catchment there is a pub and restaurant, golf club, place of worship as well as a mobile library and post office service.
10. However, whilst the village does offer these services and facilities there are limited walking facilities within close proximity of the appeal site. For future occupiers to access the pub and restaurant, village hall and golf club, they would be required to walk on the B4203. During my site visit I observed high traffic flow along this route, and it was evident that there are no pedestrian footways and the road is unlit along much of its length. This would not be an attractive route for pedestrians to use. As such it is therefore likely that future occupiers would be reliant on private vehicles to access key services and facilities.
11. The appellants have indicated that there are a number of public rights of way which could be utilised by future occupiers of the dwellings which would reduce the need to walk on the busy stretches of highway. However, no plans have

been submitted to substantiate this and it was not readily evident from my site visit the location of these suggested routes. As such I cannot be satisfied that these public rights of way would provide a realistic option for future occupiers to utilise.

12. The settlements of Bromyard and Stourport-on-Severn are the nearest towns which would provide many of the key facilities and day to day services for residents, including shops and schools. These are located several miles from the appeal site, and given the distance involved it is unlikely that pedestrians would choose to walk to these towns. This would lead to a reliance on private vehicle trips, which is contrary to policy SS4 of the CS.
13. The appellant has cited an appeal decision¹ at land adjacent to Sunnybank Cottage, Little Birch, Hereford, of an example of where development outside of a defined settlement boundary was found to be acceptable. I have not been provided with the full details of that scheme and so cannot be certain that the circumstances are the same. In any case, all applications and appeals must be determined on their own merits and that is what I have done.
14. Consequently, I find that the development is not located in a sustainable location. As such it conflicts with CS policies RA2, RA3 and SS4. Collectively these policies seek, amongst other things, that development is located in an appropriate sustainable location.

Other matters

15. Interested parties have raised concerns that the access to the appeal site is not suitable and concerns in respect of water run off from the field. In the winter this freezes causing further safety concerns on Church Lane. During my site visit I observed water running off from the field down Orchard Gardens towards Church Lane, and it was evident from the level of soil on the road that this is a common occurrence. However, as this application is in outline form only, issues such as access and site drainage could be resolved as part of the reserved matter application stage.

Planning Balance and Conclusion

16. The Council acknowledges that it is unable to identify a five year supply of housing. Paragraph 11 and Footnote 7 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up to date where a five year housing land supply cannot be demonstrated. Where relevant policies are out of date, 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.
17. In the context of the development plan, I have found that the proposed development would be contrary to policies SD1, LD1, RA2, RA3 and SS4 of the CS. For this appeal in the absence of a five year supply of housing the policies most relevant to the determination of this appeal should be considered out of date.
18. The appellants contend that the proposal would deliver benefits in the form of additional housing which would contribute towards the Council's 5 year housing

¹ APP/W1850/W/17/3187227

supply. Furthermore, additional housing would help support the local community within Upper Sapey. However, the proposal would result in significant harm to the rural character and appearance of the area and would result in the likelihood of dependency on the use of the private car for access to services. As such it is not considered to be sustainable development and would be contrary to the aims of the Framework to protect and enhance the natural environment, minimise the need to travel and to support the transition to a low carbon economy.

19. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development.

20. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR