
Appeal Decision

Site visit made on 24 September 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/W1850/W/19/3232581

Woodside, Locksters Lane, Clifford, Herefordshire HR3 5HQ

- 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 Andre Summers against the decision of Herefordshire Council.
 - The application Ref 181853, dated 16 May 2018, was refused by notice dated 26 Feb 2019.
 - The development proposed is outline application for one detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the banner heading is taken from the application form. However, it does not inform what matters are reserved. The application form indicates that the application is in outline with appearance, layout, landscaping and scale to be determined at this stage, and access as a reserved matter.
3. However, it is apparent from the Design & Access Statement that the appellant meant it to be the other way around with 'access' to be determined at outline stage, and appearance, layout, landscaping and scale as reserved matters. That is how the Council has determined the application, according to its Delegated report and Statement, and the appellant has not raised issue with this. I have therefore determined the appeal on this basis, notwithstanding the description above.
4. As such the submitted elevations, proposed site location, block plan and 'Proposed Planting' plan are only indicative.

Main Issue

5. The main issue is the effect of the proposed dwelling, access and parking on the character and appearance of the area.

Reasons

6. The appeal site forms part of a stretch of managed native woodland along Locksters Lane, a narrow rural lane which occupies an elevated position above the River Wye valley and the village of Clifford. Along the site frontage is a stone wall, much of which is obscured by vegetation. From Locksters Lane there are wider views across gently undulating countryside, with a patchwork of fields, hedgerows and areas of woodland, giving rise to a peaceful and distinctly rural character and appearance.

7. There are a few properties dispersed along Locksters Lane, one of which 'Woodside' to the south that has been built in the woods. I also noted on my visit that a new dwelling was under construction in the field opposite the appeal site, within which there is also a modern agricultural building. Despite these, the area is verdant and largely undeveloped. The woodland along Locksters Lane, including the appeal site, positively contribute to the rural character and appearance.
8. This is broadly in accordance with the Council's Local Character Assessment (LCA) of 'Principal Timbered Farmlands', an extract of which the appellant includes in his Appendix 3. The ancient wooded character is one of its key characteristics, along with a small-scale landscape and a dispersed pattern of farmsteads and wayside cottages. The management guidelines for this landscape type is to promote the retention and conservation of all broadleaf woodlands and copses.
9. A public right of way (PROW) in the adjacent field runs parallel to the edge of the woodland and eastern boundary of the appeal site. The woodland also contributes to the rural setting and enjoyment of the PROW, which is part of a network of footpaths across the wider countryside and other woodlands.
10. The proposal is for the erection of one open-market dwelling. The indicative plans show a two-storey brick and tile property. Access would be via the existing gated access off Locksters Lane, that would be extended into the site and become a driveway leading to parking spaces and a turning area. There is a disused brick building with a curve corrugated metal roof beside the access close to the lane. This would be demolished replaced with careful planting, but this would be subject of any reserved matters application should outline permission be granted. The application was supported by an Arboricultural Assessment¹ (AA) and a Woodland Management Plan (WMP).
11. A dwelling, particularly the illustrative 2 storey design, would be visible from Locksters Lane, compounded by the felling of two trees, despite any filtered views from the lane and that the roadside planting would be unaffected. The driveway into the middle of the woods and the parking and turning areas would further introduce an urbanising effect, although I note the appellant's intention to use a Geogrid type construction to help retain a rural appearance, and this could be conditioned. The urbanising effect would be exacerbated by the associated domestic paraphernalia and garden. The appellant's historic map and aerial view in Appendix 4 illustrate the erosion of the woodland by the dwellings and their gardens.
12. The dwelling and garden would also be visible from the PROW at the rear of the site and would detract from the rural and woodland character of the area. Whilst additional trees and landscaping could be planted, this would take time to mature before it offered any meaningful screening.
13. The submitted WMP sets out various mitigation measures to the areas of woodland either side of the appeal site but which are within the appellant's control. These would include new planting, woodland thinning/management and siting the house in an existing clearing to minimise impact on the woodland and limit tree felling. Whilst the clearing has been chosen, trees would still need to be felled to accommodate the dwelling, albeit the dwelling is shown

¹ Sylvan Resources Ltd dated September 2018

indicatively. I find the mitigation measures are relatively straightforward and would be the type of measures one would largely expect to be carried out as part of good woodland management. They do not, in my view, require the erection of an open-market dwelling to enable them to be carried out. The dwelling is not promoted as being required for the purposes of forestry. I am not persuaded that the mitigation measures amount to a significant environmental benefit to justify the erection of a dwelling and outweigh the harm to the character and appearance of the area.

14. The appellant has analysed the LCA and considers that use of an existing clearing, the loss of only 2 trees, the breach of only one root protection area and the WMP, would meet the long-term objectives of the 'Principal Timbered Farmlands'. Whilst the appellant has given consideration to these matters, they do not, in my view, overcome the harm to the erosion of woodland and the harm to the character and appearance of the rural area
15. I find the appeal proposal, as a whole, with its associated domestic clutter would erode the character of the woodland and rural character and appearance of the area. Accordingly, the development would be contrary to Policies SS6, LD1 and SD1 of the adopted Herefordshire Local Plan Core Strategy. These policies collectively seek to conserve and enhance environmental assets that contribute to the county's distinctiveness, including its landscape.

Other Matters

16. Both parties agree that the Council is unable to demonstrate a 5 year housing land supply (5YHLS). Therefore, in accordance with paragraph 11 d)ii of National Planning Policy Framework (the 'Framework') I am required to consider if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. There would be some economic uplift during construction through short-term employment and the purchase of building materials. Future occupiers would also contribute to the local economy. Socially, the development would add to the supply of housing, in accordance with the Government's objective of significantly boosting the supply of homes, especially in a context where there is no 5YHLS. And there would be some environmental benefits from the woodland management and biodiversity gain.
18. However, these benefits would be limited and the adverse impacts of granting planning permission and the harm caused to the character and appearance of the woodland and rural area would significantly and demonstrably outweigh these limited benefits. Therefore, the proposal is not sustainable development.
19. A condition could be imposed removing certain permitted development rights to limit domestic paraphernalia and prevent, for example the erection of outbuildings and children's play equipment. The appellant also says that most domestic paraphernalia would be to the rear. However, the dwelling and rear garden face towards the PROW along the rear of the site and would be visible from it. Therefore, there would be public views of both the front and rear of the site. It would be unreasonable to prevent all domestic paraphernalia such as washing lines, outdoor seating within the red line site, and restrictions would not change the nature of the proposal for a dwelling. Therefore, the harm would not be mitigated by the imposition of such conditions.

20. My attention has been drawn to an appeal decision² on the site for a log cabin for tourist accommodation. However, the circumstances and policy considerations mean it is not directly comparable to the appeal before me, which I must consider on its own merits.
21. A number of residents and the Parish Council raise a series of other concerns about the proposal. But in view of the reasons for refusal and my conclusions on the main issue, there is no need for me to address these in the current decision.

Conclusion

22. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

K. Stephens
INSPECTOR

² APP/W1850/W/18/3202308 dated 18 December 2018