



Appeal Decision

Site visit made on 11 November 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/W1850/W/19/3235627
Land at Llangrove, Ross-On-Wye HR9 6EY

- 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 C Hatt against the decision of Herefordshire Council.
 - The application Ref 190070, dated 8 January 2019, was refused by notice dated 12 June 2019.
 - The development proposed is outline application for the construction of 2no. detached dormer bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal is in outline form with all matters reserved. I have therefore taken the submitted site layout plan indicating the position of the proposed buildings, landscaping and access point to be indicative only for the purposes of my assessment.
3. The Council have confirmed that the Llangarron Parish draft Neighbourhood Plan (NP) is currently being revised. Given the early stage of the process and that I am unaware of any outstanding objections or requirements for modifications, only limited weight can be attached to the emerging NP.

Main Issues

4. The main issues are:
 - whether the appeal site would be a suitable location for the proposed development having regard to the development plan and national policy; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

5. Policy SS1 of the development plan for the area, the Hertfordshire Local Plan Core Strategy (2015) (the CS), sets out a presumption in favour of sustainable development. Policy RA1 (Rural housing distribution) sets out a minimum of 5,300 new dwellings will be provided across rural areas over the plan period. This includes approximately 1,150 dwellings in the Ross-on-Wye Housing Market Area (HMA) where the appeal site is situated.

6. Policy RA2 (Housing in settlements outside Hereford and the market towns) of the CS states that to maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to settlements, Llangrove being one of those listed. In such circumstances, housing proposals will be permitted subject to compliance with criteria including amongst other things that their design and layout reflect the size, roll and function of the settlement and be located within or adjacent to the main built up area, that their locations make the best and full use of brownfield land, they result in development of high quality and that they deliver housing required in particular settlements, reflecting local demand.
7. The appeal site is a grassed field with mature planting to boundaries. Access is provided by a field gate taken off an unmade single-track road. A small number of residential properties are sporadically positioned within an undulating landscape consisting predominantly of fields to the south, east and west of the site. Whilst the appeal site sits in close proximity to Llangrove, the intervening fields and access track mean that the site is visually and physically distinct from the boundaries of properties in the built-up main core of the village. For these reasons, I find that the site is not in, nor adjacent to, the main built up area of the village and therefore does not meet the initial requirements under Policy RA2.
8. The appellant refers to the draft NP as setting out a need for new housing to meet the needs of young families, the elderly and people with disabilities and suggests the proposed dwellings would be adaptable so as to cater for these house type requirements. However, my procedural note sets out that the draft NP currently only carries limited weight. No detailed evidence has been provided in respect of local housing need. In any case, the proposal does not fall to be assessed against the further criteria under policy RA2 given the location of the site set away from the village and in the countryside.
9. Policy RA3 (Herefordshire's countryside) of the CS is referred to within the reason for refusal. The policy states settlements are to be defined in either Neighbourhood Development Plans or the Rural Areas Sites Allocations DPD and outside these areas residential development will be limited to proposals which satisfy one or more of specified criteria. From the evidence before me, I am not aware of an adopted defined settlement boundary. Nevertheless, in this instance the facts on the ground confirm that the site is not in or adjacent to the village. The appeal site is in the countryside and Policy RA3 is therefore a material consideration. The proposal would not satisfy any of the criteria under this policy.
10. Given its location close to Llangrove, the site is not isolated in terms of the definition within the Framework. The meaning behind the Framework is not that any site which is not isolated is suitable for development. For strategic reasons and recognising the intrinsic character and beauty of the countryside, new build open market housing is not required on land away from the main built up area of villages. The evidence before me suggests that only a basic level of services are available in Llangrove and bus services are limited. There would therefore be a reliance on the private motor vehicle to access a wider range of services and facilities to meet day to day needs. These factors do not indicate that the proximity to Llangrove promotes a particularly sustainable location.

11. A planning permission for new dwellings at 'Land at Kentrev, Llangrove', has been brought to my attention. However, the appeal proposal must be assessed on its own merits based on the specific characteristics of the site. In this instance the example provided does not persuade me that the location of the proposal away from the village and in the countryside would represent sustainable development.
12. To conclude, the countryside location would not be appropriate for the open market dwellings proposed. Consequently, in that regard, the development would be contrary to the sustainable principles behind Policies SS1 (Presumption in favour of sustainable development), SS7 (Addressing climate change), SD1 (Sustainable design and energy efficiency), RA2 (Housing settlements outside Hereford and the market towns) and RA3 (Herefordshire's countryside) of the CS and the National Planning Policy Framework (the Framework).

Character and appearance

13. There is a distinct change in landscape character between the distinctly rural location of the appeal site and the built-up main core of the village. The village is characterised by dwellings being generally positioned close together, more often on adjoining plots along a network of hard bound surfaced lanes. In contrast, the appeal site is a standalone field accessed by an unmade track. It has an open and soft landscaped appearance which, in combination with other surrounding fields, break ups the more sporadic development beyond the village edge. Consequently, the prevailing character of the site and its immediate surroundings are of an open and rural character synonymous with a countryside setting.
14. The evidence before me indicates that the dormer bungalows would be sited on the flatter northern half of the field. The dwellings would incorporate traditional design elements and include lower eaves heights to reduce their bulk. The indicative layout also suggests that tree planting would be undertaken towards front boundaries with post and rail fencing towards the rear. However, these aspects of the scheme would not mitigate the harm to the character and appearance of the area that would result from the erosion of open countryside through the built form of the development. Development of the site for two dwellings in a prominent location close to the village edge would increase the presence of domestic development within the rural landscape having an urbanising impact.
15. To conclude, and for the reasons set out, the proposal would have a harmful effect on the character and appearance of the countryside. Consequently, in that regard, the development would be contrary to Policies SS6 (Environmental quality and local distinctiveness) and LD1 (Landscape and townscape) of the CS which amongst other things require that development proposals conserve and enhance settlement patterns and landscape. The development would also conflict with Paragraph 170 of the Framework which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Other Matters

16. There is no disagreement between parties in respect of the relationship of the proposal with the living conditions of occupants of neighbouring dwellings. Furthermore, the appellant suggests that private garden areas would be

commensurate to the dwellings and the south facing aspects of the dwellings would benefit from solar gain. It has also been brought to my attention that the Council has not refused the development on grounds related to drainage, highway safety, ecology, noise or odour. From the information before me and what I saw on site I find no reason to conclude differently. However, these are commonly expected design requirements for a proposal rather than being benefits of the development to be weighed in the planning balance.

Planning Balance and Conclusion

17. The Council cannot currently demonstrate a five-year housing supply. The development plan cannot therefore be considered as being up to date. Paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
18. The site is not isolated being situated in close proximity to the village of Llangrove and the modest level of services it has to offer. The proposal would make a limited contribution to meeting the Council's housing requirements and would generate a minor economic benefit through the development of the site. There would also be a modest social benefit through occupants use of services within Llangrove. There is the potential for some modest environmental benefits through the provision of new habitats associated with additional planting.
19. However, given the failures identified in terms of the proposal's conflict with the development plan and national policy and for sustainability reasons a new dwelling in the countryside would be inappropriate. The proposal would also result in harm to the character and appearance of the area for the reasons detailed. These are matters which significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework as a whole.
20. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR