



Appeal Decision

Site visit made on 3 December 2019 by Scott Britnell MSc FdA

Decision by K Taylor BSc(Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Appeal Ref: APP/W1850/W/19/3235121

Berkeley House, Sparrows Lane, Kilcot GL18 1PG

- 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 G & S Flynn against the decision of Herefordshire District Council.
 - The application Ref 184654, dated 21 December 2018, was refused by notice dated 25 February 2019.
 - The development proposed is erection of 3 bedroom bungalow.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. This appeal relates to an application for outline planning permission for the erection of a bungalow with all other matters reserved except for access.
4. The application form refers to the appeal site as set out in the banner header above. The appeal form, however, refers to the site being located on Beavans Hill Lane as opposed to Sparrows Lane. For the avoidance of doubt, I have referred to the appeal site as set out within the application form.

Main Issue

5. The main issue in this matter is whether the proposal would provide a suitable location for housing, having particular regard to the accessibility of services and facilities.

Reasons for the Recommendation

6. The appeal site comprises the northern part of the garden associated with the dwelling at Berkeley House. It is located outside of any settlement boundary, although there are a number of other dwellings in close vicinity to the site.
7. Policy RA2 of the Herefordshire Local Plan Core Strategy 2011 - 2031 (Adopted October 2015) (CS) refers to housing in settlements outside Hereford and the market towns. This states that to maintain and strengthen communities across

the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to the settlements identified by the policy. The appeal site is located within the parish of Aston Ingham, which is identified by Policy RA2 as an other settlement where proportionate housing is appropriate. However, it is not located within or adjacent to the main built up part of the nearest settlements at Aston Ingham or Gorsley. While I agree that the site is not isolated in the true sense, there is clear conflict with Policy RA2 in that it is neither within nor adjacent to the main built up areas of the closest settlements. The proposal therefore falls to be considered against Policy RA3 of the CS.

8. Policy RA3 states that housing outside of the settlements identified at Policy RA2 will be restricted to avoid unsustainable patterns of development in rural areas and the provision of isolated new homes. The policy therefore limits residential development to proposals that meet certain criteria. The appellants suggest that this policy is intrinsically associated with preventing isolated homes in the countryside and so does not apply to the appeal proposal. However, I consider that Policy RA3 seeks to achieve two distinct objectives, to avoid unsustainable patterns of development in the countryside, and also to prevent isolated development.
9. The only exception criteria within Policy RA3 against which the appellants suggest the proposal could be considered, is that it is a rural exception housing case in accordance with Policy H2 of the CS. However, I do not have sufficient information before me to consider such an argument, including a full copy of Policy H2, although I note that the appellants suggest this refers to affordable housing¹. As such, based on the evidence before me, the proposal does not comply with any of the exceptions set out under Policy RA3.
10. In terms of access to facilities and services, the Council report that Aston Ingham contains a church and village hall and is either 2.6km or 3.3km from the appeal site, depending on which route is taken. Meanwhile, Gorsley contains more facilities, including a primary school, public house, village hall, chapel, post office and shop. The southern part of the built up area of Gorsley, thus the closest to the appeal site, is reported to be 1km away. The Planning Statement indicates that Gorsley Village Stores is 1.5km from the appeal site and that the primary school is 300 metres further on. Although the appellants state that they frequently accompany their children to school on foot², I consider that these distances, together with the location of the appeal site, local road types and topography, mean that future occupants of the proposed bungalow would be likely to rely on the private car. The appellants also refer to Newent and the amenities on offer there, although only in stating that it is a seven minute drive from the appeal site. They also refer to a bus stop on Ford Lane, near Kilcot, although no details have been provided and so I cannot assess the level of service that may be offered. Consequently, on the evidence before me, the future occupants of the proposed dwelling would likely be reliant on the private car in order to access everyday services and facilities. Further, there is no evidence that there are alternative, more sustainable modes of transport readily available. This indicates that the proposal would not be suitably located for access to services and facilities.

¹ Page 14 of the Planning Statement

² Page 10 of the Planning Statement

11. My attention has been drawn to the appeal decisions at The Mount, Andoversford³ and The Meadows, Bromsberrow Heath, Ledbury⁴. While I do not have the full details of those appeals before me, they appear to relate to proposals for residential development outside of settlement boundaries. However, in both cases, the appeal decisions suggest that the sites are adjacent to settlements, which is not the case in this proposal. Further, both appeals relate to areas outside of the Council's district. Thus, I do not consider that they are directly comparable to the proposal before me, which in any event, I have assessed on its own merits.
12. In conclusion, the proposed dwelling would be in a location which is not suitable for housing, having particular regard to the accessibility for services and facilities. There would be conflict with Policies SS1, RA2 and RA3 of the CS, which collectively seek to promote and secure sustainable development, maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, support sustainable housing growth in or adjacent to those settlements identified and avoid unsustainable patterns of development.

5 year land supply

13. The Council cannot demonstrate a 5 year supply of deliverable sites, indicating that the current supply is 4.05 years. As such, paragraph 11 of the National Planning Policy Framework (the Framework) is engaged, as explained in footnote 7. The shortfall of deliverable sites at 0.95 years is not insignificant, although this needs to be weighed against the benefits of the proposal.
14. In terms of benefits, the proposal would make a small contribution to meeting housing need and economic benefits through construction work. The appellants also suggest that the proposal represents a windfall site and that it is brownfield land. While these issues weigh in favour of the proposal, they are of limited benefit given its minor nature. Moreover, the adverse impacts of the proposal, in terms of its suitability with regard to services and facilities resulting in future occupants being reliant on the private motor car, would significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework as a whole.
15. As the Council cannot demonstrate a 5 year land supply, the policies most important for determining the application (and appeal) are considered out of date. However, Paragraph 213 of the Framework indicates that due weight should be given to them, according to their degree of consistency with the Framework. In this case, I consider that the policies are broadly consistent with the Framework, and so I have afforded significant weight to the conflict of the proposal with the development plan.

Conclusion and Recommendation

16. The proposed dwelling would be in a location which is not suitable for housing, having particular regard to the accessibility for services. This would lead to the future occupants of the proposal relying on the private motor car to access everyday services and facilities.

³ APP/F1610/W/18/3217856 – Erection of two-storey dwelling on land adjacent the listed building – Decision date 8 April 2019.

⁴ APP/P1615/W/18/3213122 – Outline application for the erection of up to 5 self-build dwellings with associated works with all matters reserved. (Revised description). Decision date 17 April 2019.

17. Although the Council cannot demonstrate a 5 year land supply, the adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits.
18. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR