
Appeal Decision

Site visit made on 19 May 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2020

Appeal Ref: APP/W1850/W/20/3244738

Land opposite The Farm, Locksters Lane, Clifford, Herefordshire HR3 5HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Burbridge against the decision of Herefordshire Council.
 - The application Ref 191862, dated 17 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is self-build dwelling with garage & workshop.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has included an Ecological Impact Assessment (the assessment) as part of their appeal. While not before the Council at the time of their decision, it was submitted at the outset of the appeal and therefore parties have had the opportunity to comment. The overall design and position of the main elements of the scheme has not altered from that originally submitted and upon which consultation took place. Against this backdrop, and having regard to the principles established in Wheatcroft, no injustice would be caused to any appeal party or third party by my taking this information into account. I have considered the appeal on that basis.

Main Issues

3. The main issues of the appeal are:
 - Whether the site is an appropriate location for housing, having regard to local and national planning policies, and accessibility to services and facilities;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on biodiversity.

Reasons

Whether appropriate location

4. The appeal site is a parcel of land located among undeveloped fields and paddocks with pockets of woodland. The surrounding fields are largely

undeveloped with any built form nearby generally being that of occasional farmsteads and residential dwellings. There are residential properties and buildings visible from the site. However, rather than being adjacent to or in close proximity to the site, they are separated by fields and detached from it. Moreover, while there are properties at intervals off Locksters Lane, there is no regular pattern of development along it.

5. Policy SS6 of the Herefordshire Local Plan Core Strategy 2011-2031 (CS) seeks to conserve, amongst other things, the settlement pattern in the county. Policy RA2 of the CS aims to maintain and strengthen locally sustainable communities and sustainable housing growth in or adjacent to certain settlements. The settlements of Priory Wood and Clifford are identified in its supporting text. Unlike along Locksters Lane, these have larger pockets of more continuous and primarily linear development. Nevertheless, the site is some distance from these groups of dwellings, separated from them by mostly undeveloped fields and with considerably larger gaps between properties. It is also physically separate from the nearest properties along Locksters Lane. Therefore, I consider the site is not part of, or adjacent to, any settlement.
6. Policy RA3 of the CS provides a list of exceptions to residential development in rural locations outside of the main built up area of a settlement and areas defined in Neighbourhood Plans or Rural Areas Sites Allocation DPD. There is no substantive evidence before me that the appeal scheme meets any of those exceptions. The Clifford Neighbourhood Plan is said to be at an early stage and no details of any policies or allocations for self-built plots have been presented to me. Given this I afford it no weight.
7. The site is located some distance from services and facilities. In the main, the roads near the site comprise unlit rural lanes with no footpaths, in some instances where the shape of the road limits forward visibility. These circumstances do not lend themselves to safe use by pedestrians. Similarly, these factors would be unlikely to encourage cycling to services and facilities. This would discourage the likelihood of them being a practical route, in particular at times of darkness or adverse weather conditions.
8. With the distances involved it may be technically possible to access services and facilities by foot or bicycle. Nevertheless, given the circumstances above, it would be unrealistic and unlikely due to the characteristics of the surrounding road and PROW network. Therefore, occupiers of the dwelling would be heavily reliant on the use of motor vehicles.
9. For these reasons, the site would not be a suitable location for a new dwelling and the scheme would not accord with Policies SS1, SS6, MT1, RA2 and RA3 of the CS. These, in part, set out the strategy for development, including those permitted in the countryside, identify settlement patterns and promote access to services by means other than private motorised vehicle. Moreover, it would also be contrary to the National Planning Policy Framework (Framework) where it aims to promote walking, cycling and public transport use.

Character and Appearance

10. Development near to the site is dispersed rather than linear. While there are other properties and buildings in the area, the appeal site would be visually separated from any group or individual buildings and be viewed as part of the open countryside. The site is relatively well screened in wider views by mature

boundary vegetation that would be retained. Nonetheless, the views of the undeveloped nature of the site and surrounding area can be appreciated from a number of public vantage points as you travel along Locksters Lane. These views are attractive, providing visual links to the wider countryside, and while not subject to any specific designation, the site contributes to the rural setting and character of the locality.

11. The appeal scheme would introduce large scale built form into the site. This would be incongruous with the appearance of the site at present and harmful to the area. It would diminish the contribution the site makes to the principally undeveloped nature of the area, which is an important feature. The proposal would result in the site having a residential appearance given the need for driveways, parking and the domestic paraphernalia that would be associated with the curtilage and this would be inherently harmful.
12. The site would be partly screened by the boundary vegetation and were the appeal to be allowed, conditions could be imposed requiring the retention of the existing roadside hedgerow and other landscape features. Notwithstanding this, given the scale of the development and the elevated position of the site from the road, the proposal would be prominent from it, particularly from the access to the site.
13. The Council have not raised concerns over the appearance or materials of the dwelling itself. From my observations of residential properties in the area, I have reached the same finding. Nonetheless, the proposed development would reduce and unacceptably damage the undeveloped qualities of the site. The change the scheme would result in would be substantially adverse.
14. The proposal would have a significant harmful effect on the character and appearance of the area. It would be contrary to Policy LD1 of the CS, where it in part, seeks to protect the character of the landscape. It would also fail to accord with the Framework where it seeks to ensure development contributes to and is sympathetic to local character, recognising the intrinsic character and beauty of the countryside.

Biodiversity

15. While I note the Council's concerns regarding the provision of visibility splays, the existing access would be used for the appeal scheme and it is stated that the hedgerow and trees at the site would be retained. The Council have not provided any evidence to the contrary of the conclusions raised in the assessment. In the absence of any compelling evidence to the contrary, I consider conditions relating to mitigation and enhancements for the species, habitats and landscape features at the site as outlined could be dealt with via planning condition, were the appeal to be allowed.
16. Consequently, the scheme would accord with Policies LD1 and LD2 of the CS, where they, in part, seek to conserve landscape features and biodiversity. It would also accord with the Framework where it aims to minimise impacts on biodiversity.

Other Matters

17. As I have found other harm sufficient to dismiss the appeal, the development will not take place and thus there would be no resultant effect on the River

Wye Special Area of Conservation and Site of Special Scientific Interest in any event. As such, I have no need to consider this matter further.

18. My attention has been drawn to other appeals¹ by both main parties. While also relating to self-build proposals, some are in a different Council and therefore would not have been subject to the same local policy context as this appeal. They also relate to developments with differing numbers of units and in different locations with some already having buildings on site. As such, they are materially different to the scheme before me which I have considered on its own merits.

Planning Balance

19. The Council have acknowledged that they are currently unable to demonstrate a 5-year supply of housing land. Therefore, the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework is engaged.
20. The proposal would align with the aims of the Framework to significantly boost the supply of housing and that small-scale developments can make an important contribution to meeting the housing requirement and different types of need. In addition, there is also positive support for the provision of self-build units in national policy and the Self-build and Custom Housebuilding Act 2015 (as amended) and the associated Self-build and Custom Housebuilding Regulations 2016. This weighs in favour of the scheme.
21. A completed Unilateral Undertaking has been submitted by the appellant which is intended to secure the dwelling as a self-build property. Nonetheless, even if I were to agree with the appellant in regard to the number of approvals of self-build units by the Council and the suitability of the site in this regard, the scheme would only provide 1 additional dwelling. I note the extent of the shortfall in the supply of housing and the growth targets for the rural areas. Nevertheless, the contribution of the scheme to the overall supply of housing and self-build provision would be minimal and these factors attract limited weight.
22. There would be benefits to the local economy arising from the construction period and future spend of occupants giving support to the local services and facilities. However, given the size of the scheme, this attracts only small weight as do the benefits associated with sustainable construction and energy use. The refusal reasons do not relate to impacts on the living conditions of nearby residents. Given the separation between the site and other buildings I have reached the same finding. However, a lack of harm is a neutral factor.
23. I have found that the appeal scheme would cause significant harm to the character and appearance of the area. In addition, the site would be reliant on private vehicles to access services and facilities. Therefore, it would fail to accord with the Framework in regard to these matters. Moreover, it would be contrary to CS policies with regard to the location of residential development.
24. I afford this conflict substantial weight. Consequently, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

¹ APP/G2435/W/18/3214451, APP/P1615/W/18/3213122, APP/G2435/Q/18/3214498 ,APP/W1850/W/18/3214081, APP/W1850/W/18/3214113, APP/W1850/W/19/3237354

Conclusion

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that the appeal scheme would conflict with development plan policies and the Framework as it would result in harm to the character and appearance of the area and other harm due to its location. Even when taken cumulatively, the other material considerations do not outweigh this.
26. Therefore, for the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR