



Appeal Decision

Site visit made on 18 August 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/W1850/W/20/3248227

Land at Castlefields Inn, Clifford Herefordshire

- 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 and Mrs Ian Birch against the decision of Herefordshire Council.
 - The application Ref 193955, dated 12 November 2019, was refused by notice dated 13 February 2020.
 - The development proposed is self-build dwelling and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: a) Whether the site is in a suitable location for housing having regard to local policies; b) The effect of the proposed development on living conditions of future occupiers and the viability of the existing public house; and c) If any harm arises whether or not this is outweighed by any other considerations.

Reasons

Suitability of location for housing

3. In terms of new housing provision across the county Policy RA1 of the Herefordshire Local Plan-Core Strategy (CS) identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. These dwellings are to be broadly distributed across the seven Housing Market Areas (HMAs).
4. Policy RA2 of the CS states the minimum growth target in each rural HMA will be used to inform the level of housing development to be delivered in the various settlements. Further, that Neighbourhood Development Plans (NDPs) will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets. Amongst other criteria, this Policy and the supporting text to Policy RA1, specify the need for the development site to be located within or adjacent to the main built up area of the settlement. Where appropriate, settlement boundaries (or a reasonable alternative) for those settlements listed in Policy RA2 will be defined in either NDPs or the Rural Areas Sites Allocation Development Plan Document (DPD).

5. The main parties have referred to two settlements Clifford and Priory Wood. As neither has a made NDP and in the absence of a DPD, the proposal needs to be assessed against its relationship to the main built-up forms of these settlements¹.
6. The appeal site is bound by open countryside along its south-east and south-west boundaries, part of the caravan park to the north-west and the highway to the north-east. Therefore, it does not form part of a cluster of development. However, due to its spatial and physical relationship to the Castlefields Inn, the proposal would not result in the creation of an isolated home in the countryside, within the meaning of Paragraph 79 of the National Planning Policy Framework ('the Framework').
7. Nevertheless, the main built-up area associated with Priory Wood is about 4km west of the appeal site and comprises development scattered but in close proximity of a rural lane. The main built-up extent of Clifford lies further west and is focussed around parts of the B4350. The appeal site is therefore removed from these settlements not just in terms of physical distance, but also by large swathes of intervening countryside.
8. Therefore, for planning policy purposes the appeal site is located within the countryside. Consequently, Policy RA3 of the CS is engaged, which limits new housing outside settlements for certain types. On the available information, it has not been clearly shown that the proposal falls within any of the specified types.
9. Taken together, amongst other things, the above policies seek to promote sustainable housing growth within the countryside that conserves or enhances settlement patterns and is in or adjacent to identified settlements, to enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. Along with making a positive contribution to the rural landscape.
10. There is limited evidence before me on the availability of services and facilities in the vicinity of the appeal site and access to bus services to any nearby settlements where these would be available. Future occupants would therefore be reliant on the private motor vehicle to access a range of services and facilities to meet day to day needs. The site's development as proposed would therefore promote unsustainable growth.
11. Furthermore, although the appeal site does not form part of a designated landscape and is part of a caravan park, it is free of any significant permanent development and is partly landscaped. Consequently, it positively contributes to the verdant and open quality of the countryside and its landscape setting.
12. In contrast, and notwithstanding the careful attention to its design, the new sizeable two-storey dwelling with its detached double garage, along with associated turning and garden areas, would introduce considerable, permanent encroachment and urbanisation of the countryside. Despite the removal of some existing modest structures, this proposed development would significantly detract from the rural and scenic quality and landscape setting of the area. Particularly in views from along the highway. Although some landscaping is indicated on the submitted site plan, on the available

¹ Paragraph 4.8.23 of the Herefordshire Local Plan-Core Strategy

information it is unclear to what extent this would mitigate the nature and scale of development proposed. As such, the proposal would fail to conserve or enhance settlement patterns or positively contribute to the rural landscape.

13. In light of the above reasons, the site is unacceptable for housing having regard to CS Policies RA2 and RA3. It would also conflict with CS Policy LD1 which amongst other things seeks to secure high quality developments that conserve and enhance the beauty of the landscape. As the aims of these policies are broadly consistent with the Framework, I attach substantial weight to such conflict.

Effects on living conditions and the long-term viability of public house

14. The proposal would introduce a sensitive and permanent residential use in close proximity of the Castlefields Inn, which is a large public house incorporating extensive outdoor seating and garden areas. The substantial pub car park would also be extended as part of the proposal to include a number of parking spaces along the north-east boundary of the proposed dwelling.
15. Therefore, despite the inclusion of upgraded glazing, future occupants of the new dwelling would be particularly susceptible to noise and disturbance emanating from the outdoor and parking areas associated with the public house, including loud conversations along with sudden outbursts such as shouting from customers and vehicle movements. This would be the case when future occupants of the new dwelling would wish to have the option of opening doors and windows for ventilation or using outdoor amenity space, particularly during summer months and evenings, when the general activity and disturbance associated with the public house's outdoor areas would be prevalent. Such disturbance is more than likely to result in complaints requiring the public house to curtail its activities which would prejudice its viability.
16. As such, the proposed arrangement would significantly harm the living conditions of future occupiers of the proposed dwelling and prejudice the viability of the existing public house. This would be in conflict with CS Policy SD1 which requires that new developments do not suffer from noise impacts and seeks to ensure that the residential amenity of future residents is safeguarded, and Policy SC1 which along with other things requires that new developments protect existing community infrastructure.

Other considerations

17. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 11d of the Framework states that in these circumstances where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (the tilted balance).
18. The Campaign for Real Ale support the proposal on the basis that it would provide a number of benefits to the Castlefields Inn, to sustain its long-term future, which would also promote tourism and support the local economy. However, on the available information, I cannot be certain that such benefits can only be achieved through the proposal. Moreover, no mechanism has been provided to ensure that the suggested benefits, in particular, the bed

and breakfast accommodation at the Castlefields Inn would be secured through the proposal. As such, I attach limited weight to such support and benefits.

19. Bearing in mind that in general the Courts have taken the view that planning is concerned with land use in the public interest, rather than private interests, the appellants' personal circumstances for requiring a dwelling in the proposed location, accrue very limited weight.
20. The Self Build and Custom Housebuilding Act 2015 puts a duty on local authorities to have regard to the Self build register and to give enough suitable development permissions to meet the identified need. The Council has confirmed that there are sufficient self-build permissions in Herefordshire to meet the demand of those on the register. Nevertheless, whilst the appeal scheme would contribute to the supply of self-build plots, as a result of the conflict I have identified with development plan policies, it would not form a suitable development. I therefore give limited weight to this in the assessment of the proposal.
21. Based on historic planning permissions for touring caravans and a more recent camping site licence, the appellants assert that the appeal site is Brownfield land, also referred to as 'Previously Developed Land' (PDL). The Glossary to the Framework defines PDL as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land'. However, on the basis of the information before me, the extent of the approved site and whether this includes any permanent structure is unclear. Therefore, this assertion attracts no weight in the overall balance.

Other matters

22. The appellant has referred to a proposal approved on appeal². However, based on the limited information available to me that scheme was for a proposal amongst a cluster of development and included the removal of two buildings. As such, that scheme and the proposal before me are not comparable. In any event, each application is determined on its merits.
23. The site falls within the catchment of the River Wye Special Area of Conservation (River Wye SAC). Caselaw³ requires the decision maker, when considering the effect that a proposal may have on such sites either individually or in combination with other development, to consider mitigation within an appropriate assessment rather than at the screening stage. This responsibility now falls to me as the competent authority, if allowing the appeal.

Planning Balance and Conclusion

24. The proposed development for a single, self-build dwelling would meet the needs of a local family and would also make a modest contribution towards the housing shortfall locally, in support of the aims of the Framework to significantly boost the supply of housing. Nonetheless, any benefits associated with a single dwelling would be modest. This along with the 'other considerations' forwarded by the appellants, carry only limited weight in favour.
25. On the other hand, I have found that along with failing to safeguard the countryside, the site's development would promote unsustainable patterns of

² APP/W1850/W/18/3209710

³ People over Wind and Peter Sweetman v Coillte Teoranta (Case C-323/17)

development which would not support the development strategy for the area, leading to increased reliance on private motor vehicles. The proposal would also lead to unacceptable living conditions for future occupiers of the proposed dwelling and this would prejudice the viability of the Castlefields Inn.

26. The Framework seeks to enhance the natural and local environment. It also promotes sustainable transport modes, and one of its key environmental aims is mitigating and adapting to climate change. In addition, the Framework also seeks to ensure developments secure a high standard of amenity for existing and future users, along with the retention of community facilities. Therefore, I attach great weight to the harm that I have already identified. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

27. For the reasons given above, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR