
Appeal Decision

Site visit made on 29 September 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2020

Appeal Ref: APP/W1850/W/20/3254946

Woodside Stables, From Great Hall Road To St Woolstons Road, Welsh Newton NP25 5RT

- 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 Ms H Boughton against the decision of Herefordshire Council.
 - The application Ref 190827, dated 6 March 2019, was refused by notice dated 22 January 2020.
 - The development proposed is new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I am aware of other appeals in the area¹. However, I have dealt with this appeal on its own merits.
3. While the re-location of the existing stables on site is shown on the submitted plans, this is not included in the description of development. I have considered the appeal, as the Council did, for the elements included in the description of development only.

Main Issues

4. The main issues of the appeal are:
 - Whether the proposed housing is suitable to the location, with particular regard to the development strategy for the area; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Suitable Housing

5. The appeal site is located off a country lane with the land sloping towards the rear. There are existing stables and a vehicle parking area towards the front of the site with the land behind being a grassed paddock.
6. Policy RA1 of the Herefordshire Local Plan Core Strategy 2011-2031 (CS) relates to rural housing distribution. This and Policy RA2 of the CS set

¹ APP/W1850/W/20/3255238 and APP/W1850/W/20/3255239

indicative minimum housing growth targets for areas, stating that these will be used as a basis for neighbourhood development plans. The supporting text for Policy RA2 refers to housing affordability being a significant issue in rural areas, exacerbated by an existing housing mix heavily skewed towards higher value properties. It goes on to state that housing proposals should reflect the range that is required for the settlement concerned.

7. Policy WNL5 of the NDP² supports market housing within the settlement boundary subject to certain criteria. The NDP sets out the reasoning behind seeking to limit the size of properties based on the type of need identified in the area. This includes that new properties are limited to a maximum of 2/3 bedrooms to address the identified shortage of these homes.
8. The proposed dwelling would have 4 bedrooms and the appellant does not dispute that the scheme would be contrary to Policy WNL5 in this regard. The NDP outlines that there is a need for smaller housing stock to meet the needs of younger people and those looking to downsize as there has been a trend for smaller housing stock to be extended (5.2.4). There is limited justification before me as to why the proposed dwelling exceeds this parameter.
9. Being located within the settlement boundary, for a single dwelling and not isolated from other housing the proposal would accord with elements of WNL5. While I note comments from third parties, in the absence of a definition within the NDP of a made up road, I consider the site would be accessed off such a road.
10. Nevertheless, the proposed housing would not be suitable to the location, as it exceeds the housing size limit for the number of bedrooms and therefore fails to accord with Policy WNL5 of the NDP. It would also fail to accord with Policy RA2 of the CS where it seeks to deliver schemes that generate the size of housing that is required in a particular settlement, reflecting local demand. The scheme would cause significant harm to the development strategy for the area.

Character and Appearance

11. There is no uniformity to the scale, materials or style of properties in the area. Moreover, there is no consistent pattern of development with varied spacing between buildings.
12. The proposed dwelling would exceed the 6m height limit stipulated in Policy WNL4 of the NDP. Nevertheless, two storey properties are not uncommon, and the external materials proposed are found at nearby dwellings. The new dwelling would be set back from the road in a relatively spacious plot, comparable to some in the area and would be seen in the context of other properties nearby. These factors mean that the presence of a dwelling at the scale proposed would not be unexpected.
13. There would be glimpsed views of the dwelling over the mature existing and proposed landscaping, from the property behind and at the access. Nonetheless, the site would be largely screened from public views by the mature vegetation along the boundaries of the site. These restrict long range views beyond the site itself and the appeal scheme would largely be enclosed.

² Welsh Newton and Llanrothal Neighbourhood Development Plan 2019-2031

14. The Council have raised no concerns over the appearance of the dwelling itself and given the variation of built form in the area, I have reached the same finding.
15. Therefore, the proposal would not be harmful to the character and appearance of the area. It would accord with Policies SD1 and SS6 of the CS, where they, in part, require development to take into account the local context, that new buildings should be designed to maintain local distinctiveness, including through height, and conserve the settlement pattern and landscape.
16. The scheme would conflict with Policy WNL4 of the NDP, where it states ridge heights should not exceed 6m. Notwithstanding this, it would accord with the aims of the policy to ensure care is taken so that the height, scale and form of buildings do not impact adversely on any significant wider landscape views and should fit with the character, scale, mass and layout of the surrounding area.

Other Matters

17. My attention has been drawn to a previous appeal³ decision. While also for a single dwelling, from the evidence before me, it does not appear that the main issues related to whether the type of housing was appropriate to the area in the context of a neighbourhood plan. In addition, it related to development outside of the settlement boundary. Therefore, it is materially different to the scheme before me.

Planning Balance

18. The Council have acknowledged that they are currently unable to demonstrate a 5-year supply of housing land. The main parties do not dispute that the current level of housing is 3.69 years, down from the previous figures of 4.05 years and 4.55 years.
19. The scheme would accord with elements of development plan policies, such as Policy SS2 and SS3 of the CS, where they seek to deliver housing within settlement limits at appropriate densities. I acknowledge that single dwellings can cumulatively make an important contribution to housing and this weighs in favour of the scheme. Notwithstanding this, even in the context of the pattern of increasing supply shortfall, the contribution from this scheme would be small and I give this factor limited weight.
20. There would be benefits arising from the construction period and future spend of occupants giving support to local services, facilities and the community. Nevertheless, as construction benefits would be short term, and the scheme is for a single dwelling, these factors attract little weight.
21. The Council raised no objection to matters such as the principle of development, highway safety, living conditions or the pattern of the settlement. Nevertheless, a lack of harm is a neutral factor.
22. The proposal would be contrary to Policy WNL4 of the NDP. However, based on the individual circumstances of the case, it would not result in harm to the character and appearance of the area.
23. The proposal is in direct conflict with the development strategy of the area by not providing the type of housing identified as being needed. The National

³ APP/W1850/W/16/3162316

Planning Policy Framework (Framework) states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs (paragraph 77). Planning policies should identify opportunities for villages to grow and thrive (paragraph 78).

24. The NDP and CS have identified the type of housing needed in the area. There is little justification put forward as to why the proposal does not seek to provide this. The scheme would not help to reduce the shortage of smaller homes in the area. In relation to the appeal scheme Policy WNL5 of the NDP and Policy RA2 of the CS are consistent with the Framework. I give the conflict with these policies substantial weight and the proposal would conflict with the development plan as a whole.
25. The application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed, as outlined in paragraph 11d)i. Therefore, the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework is engaged.
26. 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 (paragraphs 59 and 68). Nonetheless, the contribution of a single dwelling attracts limited weight.
27. Economic and social benefits from the build and occupation of the dwellings, including support for local services, facilities and the community would be minimal given the size of the development, and I give this little weight.
28. Paragraph 14 of the Framework does not apply in this instance as the NDP does not include allocations to meet its identified housing requirement. Nonetheless, having considered the above factors, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Conclusion

29. 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.
30. I have found that the appeal scheme would conflict with policies in the development plan. Even when taken cumulatively, the other material considerations do not outweigh this.
31. Therefore, for the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR