
Appeal Decision

Site visit made on 8 September 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal Ref: APP/W1850/W/20/3253389

Lily Hall, Darnells Lane, Gorsley HR9 7SG

- 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 Mrs J Newton against the decision of Herefordshire Council.
 - The application Ref 194438, dated 31 December 2019, was refused by notice dated 17 April 2020.
 - The development proposed is described as "Erection of Three Bedroom Cottage and Garage. Construction of Associated Works".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline. The application form indicates that approval was sought only for access and layout. I have determined the appeal on this basis.
3. The Council, within its statement of case, confirms that the Linton Neighbourhood Development Plan (the NP) has progressed since the refusal of the planning application. At this time there are unresolved objections to the plan, which include objections to the proposed settlement boundary at Gorsley. As such, at this time only limited weight can be attached to the emerging plan.

Main Issues

4. The main issues are:
 - i) the acceptability of the location, with particular regard to the spatial strategy of the development plan, and
 - ii) the effect on the character and appearance of the area.

Reasons

Location

5. Policy RA2 of the Herefordshire Local Plan Core Strategy (the CS) outlines that housing growth will be supported within or adjacent to identified settlements in order to maintain and strengthen locally sustainable communities. Gorsley is identified as a settlement at which proportionate housing will be appropriate. The policy requires that, amongst other things, proposals be located within or adjacent to the main built-up area of the settlement.

6. Gorsley is a settlement comprising a number of groupings of dwellings sited around several convergent roads. The groupings of dwellings exhibit varying levels of cohesiveness however they tend to be recognisable as distinct clusters. To the north of the appeal site is one such grouping centred around a crossroads, as well as stretching eastwards from this junction. When travelling southwards along Sargent's Lane towards the appeal site, the cohesiveness of the grouping of dwellings diminishes as the distance from the crossroads increases. As a consequence of this, in my view, the main built form of the settlement concludes at the nearby dwelling of Ridgeway. At this point, the character of the area changes markedly from a developed, built up area to that of countryside. Moreover, directly adjoining the appeal site to the north is a gated accessway which provides both a visual and functional separation between the site and the settlement to the north. This is sufficient to sever the site of the proposed dwelling from the existing development which forms the main-built up area of the settlement. Thus, I find that the site would not lie adjacent to this main built-up area.
7. I note that it has been highlighted that the term "built form" has been applied by the Council within the Delegated Decision Report and the decision notice. Whilst this is acknowledged, the Council clarifies that this is not intended to introduce any new restrictive criterion, as suggested by the appellant, but that the assessment of the proposal was undertaken on the basis of the criterion contained within policy RA2, that being "the main built-up area". I find nothing to suggest otherwise, it is also on this basis that I have found that the site would not be adjacent to the main built-up area.
8. The reason for refusal refers to policy RA3 of the CS, which states that outside of settlements, as I have found the site to be, residential development will be limited to that which accords with a number of criteria. The scheme would not be in accordance with any of these.
9. I am also conscious that it is contended that the development to the north of the site was previously included within the settlement boundary for Gorsley, as defined within a previous development plan. Whilst this is noted, the previous plan has been superseded by the current development plan to which I must have regard. There is currently no adopted settlement limit for Gorsley, and I have made my decision on the basis of the evidence that is before me and my own observations. I am also aware that the NP sets out a settlement boundary which lies to the north of the site, however as I have set out above, this carries only limited weight and does not dissuade me from my findings above.
10. The appellant highlights that Gorsley provides some services, including a primary school and a shop which are stated to be 850 metres (m) and 590m from the existing dwelling to the north of the site, respectively. Furthermore, a bus stop is stated to be 750m from the nearby dwelling. I am conscious that these distances would increase when measured from the access to the appeal site and, as such, notwithstanding that the settlement has been identified for some housing growth, when considering the circumstances of this appeal, I find that there would be a reliance on the private car in order to access day-to-day services. This indicates that the development would not accord with the sustainability principles of locating development where there is a choice of transport modes which reduce the need to travel by car. The appellant provides extracts of a guidance document in respect of desirable walking distances to services. Nonetheless, this information does not dissuade me from my findings

above, that in this instance the distances would not be conducive to accessing services on foot.

11. Accordingly, I find that the location of the development would not be acceptable having regard to the spatial strategy of the development plan. Thus, the proposal conflicts with policies RA2, RA3, SS1 and SS4 of the CS, in terms of sustainably locating development.

Character and appearance

12. As I set out above, the site lies in an area that has the character of countryside. Whilst there are some dwellings present outside of the settlement, these are sporadic. The introduction of an additional dwelling at this location, into what is a rural and undeveloped locale would be a jarring and harmful addition that would diminish the rural quality of the locality and unnecessarily intrude into the countryside. Whilst I note that the area is not subject to any specific designation, this does not mean that the impact of the proposal would be acceptable.
13. Accordingly, the proposal would have a harmful effect on the character and appearance of the area, conflicting with policies SS6 and LD1 of the CS. Together, and amongst other things, these policies seek to ensure development conserves environmental assets that contribute towards distinctiveness and the natural beauty of the area.

Other Matters

14. I have had regard to the various sites referred to by the appellant where permission has previously been granted for residential development within Gorsley. However, the location of each of those examples is different from that in the case before me and thus the merits of each scheme would be different. As such, whilst these examples are noted, they do not provide a justification for allowing the appeal scheme.

Planning Balance

15. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites; I have had regard to the recent update to the position in respect of the supply of site which indicates a current level of 3.69 years supply, a reduction on previous figures.
16. The development plan's housing policies are broadly in line with the aims of the National Planning Policy Framework (the Framework) in directing new residential development to locations where there is good access to services and by limiting development in rural areas unless there are special circumstances. I therefore attach substantial weight to the conflict with these policies. Policies SS6 and LD1 are wholly consistent with the Framework's aims of ensuring development is sympathetic to local character and landscape setting. I therefore attached significant weight to the conflict with these policies.
17. The proposal would result in the provision of an additional dwelling. There would be social benefits through the provision of modern housing, as well as economic benefits both during construction of the development and throughout its lifetime. However, given the small scale of the scheme, as well as that benefits during the construction would be for a short time, these benefits would be limited and therefore attract little weight.

18. As such, whilst taking these into account, I find that the adverse impact of the scheme, in terms of conflict with the spatial strategy and harm to the character and appearance of the area, would significantly and demonstrably outweigh the benefits that would arise when assessed against the policies in the Framework as a whole.

Conclusion

19. I conclude that the appeal proposal would conflict with the development plan. There are no material considerations, including the advice of the Framework, that outweigh that conflict. It is therefore concluded that the appeal should not succeed.

Martin Allen

INSPECTOR