
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: 03 November 2020

Appeal Ref: APP/W1850/W/20/3247411

Land at Woonton, Woonton, Almeley Hereford

- 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 J Mills against the decision of Herefordshire Council.
 - The application Ref 173699, dated 29 September 2017, was refused by notice dated 6 September 2019.
 - The development proposed is residential development of 5 dwellings, including the formation of a vehicular access, provision of an orchard and coppice strips, foul drainage treatment plants and other associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development in the banner heading above from the decision notice as confirmation of a change being agreed from that on the application form has been provided.

Application for costs

3. An application for costs was made by Mr J Mills against Herefordshire Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues of the appeal are:
 - Whether the proposal would be in a suitable location for housing, having regard to the development strategy for the area; and
 - The effect of the proposed development on the setting of nearby listed buildings.

Reasons

Location

5. The appeal site is part of a larger field located off Logaston Road. There are properties and buildings located to one side, and opposite, including the listed buildings Poole House and Woonton Farmhouse.
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

indicative minimum housing growth targets for areas, stating that these will be used as a basis for neighbourhood development plans. Policy RA3 of the CS concerns locations outside of settlements, including those defined in neighbourhood development plans, and sets out exceptions where residential development would be permitted. The supporting text explains the policy seeks to avoid unsustainable patterns of development in rural areas and avoid the provision of new isolated homes.

7. The Almeley Parish Neighbourhood Development Plan (NDP) refers to a minimum target of 33 houses to be built over the plan period (2011-2031). It states that 18 properties had been built or had planning permission up to April 2017, leaving an outstanding requirement of 15 dwellings. Most of the new dwellings are to be located within or adjacent to the built-up areas of Almeley village and Woonton hamlet, with an allowance for dwellings away from the settlements for certain types of housing.
8. While there is no specific policy in the NDP for housing outside of the settlement boundary, Policy ALM11 of the NDP sets the parameters for residential development. It states that new housing will be restricted to infilling within the settlement boundary, sites with permission and a site allocated at Woonton Farm. The appeal site lies directly adjacent, but outside the Woonton settlement boundary as defined in the NDP. Moreover, the development is not of the type the NDP refers to as possibly being permitted away from the settlement or the exceptions given in Policy RA3 of the CS.
9. Allocations in the NDP and sites that already have planning permission may not come forward or be built out. The targets in the NDP and CS are a minimum rather than upper limit. Nonetheless, there is no compelling evidence before me to indicate that the NDP targets would fail to be reached over its lifetime.
10. The site is not isolated in the context of paragraph 79 of the National Planning Policy Framework (Framework) given its proximity to other properties. In addition, while the farmyard layout and agricultural style of the appeal scheme would not be out of keeping with the area, it is not of exceptional quality, truly outstanding or innovative nor would it significantly enhance the immediate setting.
11. The proposal would not therefore be in a suitable location for housing, having regard to the development strategy for the area. It would be contrary to Policy ALM11 of the NDP and Policy RA3 of the CS. These, in part, provide the overall principles of development in the area and specify the exceptions where housing is permitted outside of settlement boundaries. Consequently, the proposed scheme would result in significant harm to the housing strategy for the area.

Character and Appearance

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

13. The significance of Poole House lies, in part, in its traditional design and materials. It's setting includes the grassed common immediately in front of it, but also the presence of nearby buildings, including ones of agricultural style. There is also mature vegetation that screens views of the wider and more open, undeveloped landscape beyond.
14. As the main elevation of Poole House is orientated towards the appeal site there would be some inter-visibility between it and the appeal scheme. The existing roadside hedgerow is to be translocated behind the visibility splays and this would aid in screening parts of the proposed development. The agricultural style of the proposed buildings and farmyard arrangement of the site would not be dissimilar to the varied built form at Woonton Farm.
15. There would be new buildings visible in views to, from and with Poole House. Nevertheless, some of the buildings are of a low height and would be set back some distance from the listed building. Therefore, views between existing and proposed buildings of the open landscape beyond would remain.
16. The significance of Woonton Farmhouse lies, in part, in its scale and proportions as well as its edge of settlement location at the junction of 2 roads, on the approach to Woonton. Its immediate setting is its connection and association with the adjacent farmyard and complex of agricultural buildings. Its wider setting is the open agricultural land beyond. Woonton Farmhouse itself is relatively discrete from the grassed common area and the appeal site where it is largely screened by mature vegetation and the existing, often large agricultural buildings.
17. Views between the appeal proposal and Woonton Farmhouse would be partly obscured by the existing built form and landscape features. There would still be considerable areas of open agricultural land around the farmyard. Moreover, an area of planting would be introduced opposite the listed building and the proposed buildings would not extend as far as it. These factors would prevent the appeal scheme from dominating or competing with Woonton Farmhouse. This includes in views along the approach to the site on Logaston Road where Woonton Farmhouse is more prominent but is already seen in the context of agricultural buildings. The proposed layout, style and scale of the appeal scheme would not detract from this.
18. Quiet and tranquillity can be a constituent of local character, and indeed may also be a constituent of the character contributing to the setting and therefore significance of a heritage asset. That said, activities during construction would be relatively short lived and those associated with the occupation of the properties would not result in any considerable increase in noise or disturbance given the size of the scheme.
19. I find that the proposal would preserve the setting of nearby listed buildings. Therefore, it would comply with Policy LD4 of the CS and Policy ALM3 of the NDP, where they, in part, seek to protect and conserve heritage assets and their setting. Furthermore, the development would meet the requirements of Section 66(1) of the Act and the Framework in relation to heritage assets.

Other Matters

20. The conduct of the Council during the planning application and the NDP process are not matters that affect my consideration of the proposal on its planning

merits. While the application may have been protracted, any decision should be made with regard to the development plan at the time of the decision.

Planning Balance

21. 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. The proposal would contribute to the supply of housing, provide a range of housing types and sizes and some windfall development is expected as part of the NDP. In this context I give this factor moderate weight.
22. There would be benefits arising from the construction period and future spend of occupants giving support to the local services and facilities. However, as construction benefits would be short term, and given the number of units proposed, these factors attract limited weight.
23. The Council have not included other refusal reasons. Nonetheless, a lack of harm would be a neutral factor.
24. The proposal is in direct conflict with the development strategy of the area by seeking development outside of the defined settlement limits of the NDP and not meeting the exceptions listed in the plan policies. The Framework states that strategic policies should set out an overall strategy for the pattern, scale and quality of development (paragraph 20). Moreover, neighbourhood planning groups should consider the opportunities for allocating small and medium-sized sites suitable for housing in their area (paragraph 69). The Framework also 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).
25. The NDP and CS between them have allocated sites and identified the level of need within that area, setting out the strategy for the pattern of development. On the basis of the evidence before me, I have not been convinced that sites would fail to come forward and I consider that the NDP housing requirement could be met within its lifetime. In relation to the appeal scheme Policies ALM11 of the NDP and Policy RA3 of the CS are broadly 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.
26. 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.
27. 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). As a result of the extent of the shortfall in housing supply, and that it has increased from the previous year, this attracts moderate weight.
28. There would be economic and social benefits from the build and occupation of the dwellings as well as support for local services, facilities and the community.

However, as with energy efficient construction, the benefits would be minimal given the size of the development, and I give this limited weight.

29. The appeal site is not within the defined settlement boundary and the NDP has allocated land it considers appropriate. As such, the proposal would conflict with the Framework with regard to decisions and policies in rural areas reflecting local need and allocating sites appropriate to their area.
30. Paragraph 14 of the Framework applies in situations where paragraph 11 d)ii is triggered and where the proposed development conflicts with a neighbourhood plan. It states the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where certain criteria are met. The evidence presented in this case leads me to find that they have been.
31. 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

32. 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.
33. 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.
34. Therefore, for the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR