



Appeal Decision

Site visit made on 28 October 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 20 January 2021

Appeal Ref: APP/W1850/W/20/3255995

Land at Salsdon Cottage, Wellsbrook Lane, Bridstow, HR9 6QF

- 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 Ms Maureen Webb against the decision of Herefordshire Council.
 - The application Ref 193116, dated 5 June 2018, was refused by notice dated 22 January 2020.
 - The development proposed is the erection of new dormer bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of new dormer bungalow at Land at Salsdon Cottage, Wellsbrook Lane, Bridstow, HR9 6QF in accordance with the terms of the application, Ref 193116, dated 5 June 2018, subject to the conditions in the attached Schedule.

Preliminary matters

2. The application was submitted in outline with all matters reserved. I have determined the appeal on the same basis and therefore give the illustrative drawings showing the layout of the site, elevations and floor plans little weight. However, I have taken into account the fact that the development is described as a dormer bungalow.

Main issues

3. The main issues are:
 - whether or not the appeal site is a suitable location for residential development having regard to local policies for housing and accessibility in the countryside;
 - whether or not the proposed development would conserve and enhance the natural beauty of the Wye Valley Area of Outstanding Natural Beauty;
 - the effect of the proposal on the integrity of the River Wye Special Area of Conservation.

Reasons

Location

4. Bridstow is identified in Policy RA2 of the Herefordshire Local Plan Core Strategy (2011 – 2031) (CS) as a settlement of 'main focus' for proportionate

- housing development. The principle mechanism for allocating rural housing in the area should be the Bridstow Neighbourhood Development Plan (NDP). However, progress on the NDP has stalled following completion of consultation in December 2019, and the policies can only be afforded limited weight.
5. It is therefore necessary for me to resolve whether the appeal site falls within the settlement. Bridstow does not have a clear village core, instead comprising clusters of houses separated by fields. This is consistent with many of the settlements in the area, as recognised in the preamble to housing policies in the CS. The appeal site is located within a cluster of approximately 8 houses, which I observed was well constrained within a semi-circle of rural lanes.
 6. This group of houses is approximately 2 fields distant from other clusters in the Bridstow area, which appears similar to the distances separating the other discrete groups of buildings across the settlement.
 7. The houses in this group may not have as close a visual relationship as that of others by virtue of the grain of development being slightly looser, which has allowed stands of trees and hedging to provide screening. Nevertheless, the domestic curtilages associated with the properties are generally adjacent to each other and I consider that they form a united group of houses, with a clearly defined boundary.
 8. On this basis, I am satisfied that the appeal site is part of the wider settlement of Bridstow. I also note that the appeal site has been included in the draft NDP as being within the settlement boundary for 'Buckcastle Hill', although given the status of this plan, this carries limited weight.
 9. Housing growth is therefore supported in this area, subject to the 4 criteria in Policy RA2 of the CS. The first relates to design and layout, to which there is no objection in principle and the details of which are reserved matters. The second requires that brownfield sites are used 'wherever possible', which is of neutral effect in this appeal. The third criterion relates to the surrounding environment and landscape setting, which I consider below. The fourth requirement is that local demand is reflected. The draft NDP states that there is local support for family, starter and accessible homes, all of which could potentially be achieved with a dormer bungalow. Although the NDP attracts limited weight, I do not have any evidence before me to contradict these findings. I conclude that the proposal meets the criteria in Policy RA2 and in this respect is a suitable location for housing.
 10. I observed that there is a network of footpaths in the area, which to some extent links the groups of housing. Journeys between wider settlements in the area are short and on quiet lanes, and I consider easily achievable by foot and bicycle, although the lack of pavement limits accessibility. Peterstow is approximately 800 metres distant and has a shop, public house, church and bus stop. Bridstow primary school and village hall are about 1.5 km from the site. The wider facilities on offer in Ross on Wye are approximately 3 km distance away. There are therefore facilities sufficiently close that they could be accessed by foot or bicycle.
 11. An appeal decision drawn to my attention in Dinedor¹, in the same Council area, concluded that a 300-metre walk to a bus stop without a footway meant

¹ APP/W1850/W/18/3214698 (15 April 2019)

use of a vehicle was inevitable. This was in a different context because the site was relatively isolated and there were no facilities within a short walking or cycling distance, necessitating a walk of modest distance to the bus stop, followed by a bus journey to the nearest town. As the circumstances are not identical, this limits the weight I can give this appeal decision in my consideration.

12. Given the semi-rural character of the location, I consider it inevitable that a motor vehicle would be used for many trips from the appeal site to access wider facilities, especially at night-time, when walking or cycling along the unlit lanes would be unattractive. However, Policy MT1 of the CS requires that development proposals should include access to services by means other than private motorised transport. In this case, I find that there are genuinely viable alternatives and the location therefore meets the requirements of the policy.
13. The appeal site is within the dispersed settlement of Bridstow and meets the criteria defining an appropriate location for housing in Policy RA2 of the CS. In addition, I have not found conflict with Policy MT1 of the CS, which sets out requirements for traffic management and promotes active travel. I thus conclude that the appeal site is a suitable and accessible location for residential development.

Wye Valley AONB

14. Map 2 of the Wye Valley Area of Outstanding Natural Beauty (AONB) Management Plan (February 2016) shows the site to be in the 'Archenfield Lowlands' zone. The features of this area are floodplain grassland with mature trees, streamside and hedgerow trees, wetland habitats, features associated with the river, minimal settlement and bridges.
15. Trees and some hedging would need to be removed or reduced to form the visibility splay and access track. However, I consider that the extent of this would be small and can be controlled at the reserved matters stage. In addition, the proposed entrance reportedly re-opens an old access to the paddock, and in this context, I consider the loss of hedging to be of negligible harm to the wider AONB landscape.
16. The site is well screened by mature trees and hedgerows, even when viewed at the end of the autumn when leaf cover is reduced. If trees around the site were to be heavily trimmed or felled, significant exposure of the building and domestic paraphernalia could be harmful, especially given the prominent position of the site on a curve in Wellsbrook Lane. The development also has the potential to harm the health of trees if poorly designed or managed. However, I have nothing before me to suggest that retention and maintenance of these trees and hedgerows cannot be controlled through conditions at the reserved matters stage.
17. The plot size and proposed spacing in relation to surrounding houses appears consistent with others in the cluster and, as it fronts the road, would not present as 'backland' development. In addition, the enclosing lanes form a clear boundary between the semi-rural residential area and open countryside, and, being within this, I do not consider that the proposal would appear as an incursion into the AONB. I conclude that the site would contribute to the 'minimal settlement' character of the Archenfield Lowlands and 'scattered settlement' that forms part of the vision for the landscape.

18. For these reasons, I do not find conflict with Policies LD1 and LD3 of the CS, which require that the natural and scenic beauty of the AONB is conserved and enhanced, and green infrastructure protected.

River Wye SAC

19. The appeal site is located in the catchment of the River Wye Special Area of Conservation (SAC). The Council and Natural England advised that a Habitats Regulations Assessment (HRA) was required under the Conservation of Species and Habitats Regulations (2017) (the Habitats Regulations). The absence of this assessment therefore formed a reason for refusal on the decision notice.
20. A 'Habitats Regulations Assessment Screening Report' (July 2020) was provided as part of the appeal. As requested by the Council, this provides details of the proposed foul and surface water management, including soakaway details. It concludes that the development would not cause likely significant effects (LSE) during construction or operation because of the distance from the SAC and a contributing watercourse, and negligible potential for polluting discharge. Natural England have confirmed that they agree with this conclusion, including those relating to the potential in-combination effects of phosphate.
21. On this basis, I am satisfied that LSEs can be excluded and the proposal will not adversely affect the integrity of the European site, in line with Regulation 64 of the Habitats Regulations. The proposal is therefore consistent with the requirements of Policies LD2 and SD4, which require protection of sites and species of European importance, including from discharge of wastewater.

Planning balance

22. There is no dispute between the parties that the local planning authority can only demonstrate a housing land supply of approximately 3.7 years. As this is less than a 5-year supply of deliverable housing sites, paragraph 11(d) of the National Planning Policy Framework (the Framework) must be taken into consideration.
23. I have not found harm to the AONB, so paragraph 11(d)(ii) is engaged, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. The proposal is consistent with paragraphs 77 and 78 of the Framework, which require that rural housing should reflect local needs and be located where they will enhance and maintain the vitality of rural communities. As I have concluded that there would be no harm to the AONB and SAC, I consider that the proposal is also consistent with paragraphs 172 and 175. I have not identified any other adverse impacts. There would be benefits from the contribution of one house and associated economic activity, albeit these are small given the modest scale of the scheme.
25. I conclude that the proposal does not conflict with the development plan when read as a whole. The scheme also benefits from the presumption in favour of sustainable development, which is a material consideration of significant weight.

Other matters

26. I have noted third party concerns regarding the condition of the road along Wellsbrook Lane in the vicinity of the site. This matter is beyond the remit of this decision.

Conditions

27. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
28. I have attached conditions relating to the submission of reserved matters and the time limits associated with these, in addition to a condition specifying the location plan to provide certainty.
29. Two pre-commencement conditions were recommended by the Council. The first prevents commencement of the scheme until written details are received regarding control of mud and parking for site operatives. Given the small size of the scheme and the space available, I do not consider that this condition is necessary.
30. The second proposed pre-commencement condition requests additional ecological assessment to ensure compliance with the Wildlife and Countryside Act (1981). The Council clearly state that they are satisfied any impacts on protected species and habitats can be mitigated through controls on the development, based on the originally submitted ecological report. In addition, although worded as a pre-commencement condition, the ecology officer states that the additional work should be undertaken as part of a reserved matters application, with which I concur. Given the above context, I do not consider it necessary to consult the parties on the changes.
31. I have imposed a condition relating to foul water discharge as this falls outside the scope of reserved matters. The purpose of this is to ensure compliance with the Wildlife and Countryside Act (1981) and policies of the CS.
32. To protect the living conditions of the occupiers of neighbouring properties I have imposed a condition curtailing timing of site work and site deliveries.
33. I have not included a generic condition relating to submission of finishing materials because this forms part of the reserved matters. For the same reason, I have not imposed conditions relating to access, landscaping and layout.

Conclusion

34. I conclude that the proposal is in an appropriate location for housing and have found neither harm to the AONB nor the River Wye SAC. I therefore conclude that, subject to the above conditions, and having had regard to all other matters raised, the appeal is allowed.

B Davies

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

The reserved matters shall include detailed ecological assessment of all protected species, including badger and reptiles. The final report shall include:

- a full ecological working method statement for all relevant species;
- a tree and hedgerow survey and impact assessment and protection plan (based on specifications in BS5837 and Hedgerow Regulations 1997);
- a detailed and specified Biodiversity Net Gain enhancement plan; and
- a detailed lighting and illumination assessment.

The full report shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority.

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the 'location plan' submitted with the application (produced on 15 June 2017 from the Ordnance Survey Database).
- 5) The dwelling hereby permitted shall not be occupied until works for the disposal of foul water and surface water shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority. All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control, and all surface water shall discharge to appropriate soakaway, unless otherwise agreed in writing by the Local Planning Authority.
- 6) Construction works shall take place only between 07:00 hours to 18:00 hours on Monday to Fridays, 08:00 to 13:00 hours on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.