



Appeal Decision

Site visit made on 9 February 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/W1850/W/20/3262167

The Slades, Ross-on-Wye, Herefordshire, HR9 6LJ

- 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 & Mrs Nick Wyatt against the decision of Herefordshire Council.
 - The application Ref 201924, dated 17 June 2020, was refused by notice dated 29 September 2020.
 - The development proposed is erection of new three bed dormer bungalow, with new access from B4521.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - whether or not the location is appropriate for housing with regard to local and national policies regarding development in the countryside;
 - the effect of the development on highway safety.

Reasons

Location

3. 'The Slades' is a large, detached bungalow situated in a short ribbon of development on a rural B-road. The area is otherwise surrounded by open, hedged fields. The appeal site is part of the large garden to the side of the house and is surrounded by trees and hedging.
4. Policy RA2 of the Herefordshire Local Plan Core Strategy 2011-2031 (October 2015) (CS) permits housing in or adjacent to identified settlements for the purpose of strengthening rural communities. The site is approximately 0.7 km from the nearest named settlement of St Owen's Cross and, given this distance, I do not consider meets the requirements of this policy. Policies RA3 and H2 of the CS list exceptions to this location policy, none of which apply to the proposal.
5. The site is within the Ballingham, Bolstone and Hentland Group Neighbourhood Area, which has a made Neighbourhood Plan (2013 – 2031) (March 2019) (NDP). Policy BBH1 draws a settlement boundary around St Owen's Cross and

supports infill housing within this. The appeal site is not within the boundary and this policy does therefore not apply.

6. However, it is not in dispute that the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. This means that the most important policies for determining the application are deemed to be out-of-date and it is necessary to assess the proposal against the up to date policies in the National Planning Policy Framework (2019) (Framework).
7. Paragraph 77 of the Framework states that decisions regarding housing in rural areas should respond to local circumstances and needs. The development would provide an additional dwelling, which would contribute towards a housing shortfall in the area. The housing would be in proximity to St Owen's Cross, small settlements along the nearby A49 and the larger village of Peterstow, approximately 2 km away. The development could contribute to these communities, in line with paragraph 78 of the Framework.
8. The appeal site is in proximity to other housing and settlements, and I noted that there is a bus stop less than 300 m away, which provides a regular bus service to nearby towns. For these reasons, I do not consider that the site would be isolated or remote from other settlements and I have therefore not applied the restrictive policies associated with paragraph 79 of the Framework.
9. The site is not in a suitable location for open market housing development having regard to the criteria in policies RA2, RA3 and H2 of the CS, and Policy BBH1 of the NDP. However, these are deemed out of date. I have subsequently found no conflict with Framework policies regarding the siting of rural housing and for this reason, I conclude that the location is appropriate.

Highway safety

10. A new vehicle access onto the B-road would be provided as part of the development. There is currently a disused pedestrian gate at the proposed location, which would be widened to allow vehicles.
11. I observed that the road was busy, and traffic appeared to be driving fast along this stretch of road. The visibility to the east was significantly impeded by a bend in the road when viewed from the proposed entrance. No survey data or visibility splays have been provided to demonstrate that the proposed junction would be safe. In the absence of this, and based on what I observed on site, I conclude that the new entrance would pose an unacceptable risk to highway safety.
12. The appellant has offered to amend the scheme and connect the appeal site to the existing driveway and entrance. However, this does not form part of the scheme before me, and regardless, an assessment of the safety of the existing junction has also not been provided. It has also been suggested that this issue could be dealt with using a condition, but until evidence is provided that a safe access is practically achievable, I do not consider that is not appropriate.
13. The proposal is therefore contrary to Policy MT1 of the CS, which requires that development does not adversely affect the safe flow of traffic. There is also conflict with paragraph 109 of the Framework, which recommends that development should be refused if there would be an unacceptable impact on highway safety.

Other matters

14. The appeal site is within the catchment of the River Wye Special Area of Conservation, which is designated for its aquatic ecological interest. It must therefore be subject to a Habitats Regulations Assessment under the Conservation of Species and Habitats Regulations (2017) (as amended). The Council has undertaken a screening assessment and identified that discharge of both foul and surface water could cause 'likely significant effects', with which I concur.
15. No substantial information in this respect has been submitted. It has therefore not been demonstrated that the drainage system would not be likely to have a significant effect on the SAC in combination with other plans and projects. As I am dismissing the appeal for other reasons, I have not considered it necessary to pursue an Appropriate Assessment or consult Natural England.

Planning balance and conclusion

16. As outlined above, the local planning authority is unable to demonstrate a 5-year supply of deliverable housing sites. The presumption in favour of sustainable development in paragraph 11d) of the Framework is therefore engaged, as reflected in Policy SS1 of the CS. The NDP does not allocate any housing sites and paragraph 14 of the Framework is therefore not applicable.
17. Paragraph 109 of the Framework states that development should be refused on highways grounds if there would be an unacceptable impact on highway safety, and this is a matter of substantial weight.
18. One house would be provided, which would contribute to local housing supply. It is proposed that the house is built to a high environmental specification, including a high thermal insulation value, an air source heat pump and solar panels, which although not part of the plans, could potentially be secured by condition. However, given the scale of the development these benefits attract only small weight.
19. For this reason, the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits of the scheme, when assessed against policies in the Framework taken as a whole. This is a material consideration of significant weight.
20. The proposal therefore conflicts with the development plan when read as a whole and the appeal is dismissed.

B Davies

INSPECTOR