



Appeal Decision

Site Visit made on 27 April 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/W1850/W/21/3267387

The Piggeries, Llangarron, Herefordshire, HR9 6NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Mr & Mrs L Farr against Herefordshire Council.
 - The application Ref P201254/O, is dated 23 April 2020.
 - The development proposed is the erection of two dwellings and associated works including the demolition of the piggery building.
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Decision

1. The appeal is allowed and outline planning permission is granted for erection of two dwellings and associated works including the demolition of the piggery building at The Piggeries, Llangarron, Herefordshire HR9 6NZ in accordance with the terms of the application, Ref P201254/O, dated 23 April 2020, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr & Mrs L Farr against Herefordshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was submitted in outline form with the means of access to be determined at this stage. Therefore, I have treated the drawings showing the layout and landscaping of the site as indicative only.
4. During the course of the application further information was requested in respect of the site's drainage. Following this, the applicant submitted revised location and site plans showing a drainage arrangement for the dwellings. This also led to the increase in the size of the application site, and now encompasses part of a neighbouring field. The Council consulted on these revised details and had regard to them in their assessment of the scheme. I have done the same in my determination of this appeal.
5. The Parish Council have referred to policies in the draft Llangarron Neighbourhood Development Plan (NP). However, this document has yet to be examined, and consequently it attracts limited weight in my assessment of this appeal.

Background and Main Issues

6. This appeal has been lodged following the Council's failure to determine the application within the relevant timescale. The Council in their submission have

included the Committee Report prepared by officers, which recommends approval of the proposal subject to conditions. However, Members of the Planning Committee resolved to defer the application pending the submission of further information.

7. The minutes from the Planning Committee state that further consideration needs to be given to the cumulative impact on highway safety, the size of the proposed dwellings in the context of the area and the need for the housing. Furthermore, there were concerns in relation to the proposal's drainage arrangements. There are also concerns in respect of these matters from third parties, while the Council's Conservation Officer considers that two dwellings at the appeal site would be excessive and prominent.
8. Therefore, having regard to this background, the main issues in this appeal are: (i) the effect of the proposed development on the character and appearance of the surrounding area; (ii) the effect of the proposed development on the highway safety of the surrounding road network, having particular regard to additional vehicle movements; (iii) whether the proposed development would be a suitable location for housing, having regard to the Council's housing strategy and need; and (iv) whether or not adequate arrangements are made for the disposal of foul and surface water from the site.

Reasons

Character and Appearance

9. The appeal site, an irregular shaped parcel of land, encompasses a former agricultural building and part of a field enclosure. The site is located at the north western edge of the village of Llangarron, close to a cluster of dwellings to the south, which are accessed off a single width shared private drive. Agricultural pastureland characterises the land to the north and west of the appeal site.
10. The dwellings to the south and those located closer to the centre of the village incorporate a variety of scales, although most are consistent in their use of vernacular materials and in terms of their traditional form and design. Dwellings in the settlement are closely arranged, and are either set back or located adjacent to the narrow roads, that radiate from the village's focal point, the Grade I listed St Deinst Church. These features, along with the mature boundary landscaping and stone walls that separate properties from the highway, give the village a rural character and appearance.
11. The existing agricultural building at the appeal site is located a short distance from Waggoners Cottage and The Coach House to the south, and is separated from these by the existing site access. These properties along with further dwellings to the south form a tight cluster and collectively their arrangement and separation distance from one another is consistent with buildings in the settlement.
12. The indicative layout shows two dwellings located close to the cluster of properties to the south. Insofar as they appear on the indicative layout drawing, the proposed units, would be seen in context with the cluster to the south and as a contiguous part of the settlement rather than encroaching on the open countryside. The space around the proposed dwellings would be

modest, yet comparable to those neighbouring properties. Therefore, the proposal would likely retain many of the spatial characteristics of the properties close by and would not be at odds with the existing pattern of development in the vicinity.

13. Details of the scale and appearance of the dwellings have not been submitted at this stage, however, it is considered that two units incorporating similar proportions, materials and design features to those nearby could be accommodated at the appeal site. The site's elevated position above dwellings to the south is noted, however, the difference in gradient is not significant, and dwellings up to two storeys in height could suitably integrate with the prevailing topography of the village, without appearing to rise excessively above neighbouring roofs of properties nearby. Moreover, existing and proposed landscape features at the site would provide some screening of the development, while also contributing to the settlement's verdant character.
14. There are listed buildings in the vicinity of the site (St Deinst Church and the dwelling at Box Bush (Grade II)). The Council have not raised any concerns over the effect of the development on the setting of these. I have found that the site would assimilate with the existing pattern and form of development in the area. This along with the separation between these assets and the site as well as with the intervening landscape and built form, would prevent the scheme causing any harm to their setting.
15. Taking the above into account, I conclude that the proposal would not be harmful to the character and appearance of the surrounding area. It would accord with Policies LD1, LD4 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031, adopted October 2015 (Local Plan). Amongst other things, these require proposals to have regard to the surrounding townscape and landscape features and to conserve important historic designations.

Highway Safety

16. The existing private access serves four dwellings as well as the agricultural building at the appeal site. A further 7 dwellings approved by the Council¹ will utilise the access, albeit as part of an upgraded design that is required by a condition of one of the consented schemes. I noted during my site visit that work on those consented dwellings, had commenced.
17. The private access has a junction with the classified road that connects to the rest of the village. This along with other roads in Llangarron are mostly narrow in terms of their width, although these widen in places close to junctions and properties. The roads in the village are mostly devoid of pedestrian footways.
18. The Technical Note (TN) that accompanies the submission indicates that the proposed development would result in an increase in vehicular movements on the adjacent highway network by approximately 4.2% and 4.8% in the AM and PM peak hours respectively. The baseline data in the TN, that informed the existing highway conditions, includes the expected vehicular traffic associated with the consented schemes adjacent to the appeal site.
19. Taking into account the peak hour data, the proposed increase in vehicle movements would not be excessive in the context of the existing activity in the

¹ LPA Refs: P191288/F (4 Dwellings) approved on 18th October 2019; and P191276/F (3 Dwellings) approved on 11th December 2019.

- vicinity. Moreover, the road network in and around the village is rural in nature with traffic volumes likely to be low throughout the day. Additionally, I have not been made aware of any existing issues of congestion that affects the flow of traffic through the settlement, or results in any significant delays.
20. Vehicles coming from and going to the appeal site would be expected to travel with caution and at low speeds through Llangarron, given the narrow width and meandering alignment of its roads. Moreover, it is probable that care would be taken by motorists around junctions and driveways in anticipation that other vehicles may be merging onto the highway. Therefore, I do not consider that vehicle movements relating to the proposal would result in any adverse harm to the safety of pedestrians walking along nearby roads in the village, or other rural traffic.
 21. The Council's technical advisers on highway matters have raised no objection to the proposal from a road safety perspective, while the submitted details show adequate parking and turning arrangements within the site.
 22. Additionally, the Council note that the existing single width private drive would be upgraded in connection with the consented housing sites, and these upgrades would be able to accommodate the additional vehicle movements along the site access.
 23. In the event that those upgrade works are not completed, or the proposed development is brought into use before the adjacent housing site, the existing site access could reasonably accommodate the additional movements, associated with the proposal, as it is wide enough for two cars to pass each other at its junction with the main road. In addition, it has a small number of passing places along its length that would ensure that vehicles coming to and from the site could pass each other safely, rather than being forced to reverse back out on to the main road.
 24. There are no details relating to the storage or collection of bins. However, it was noted that an existing collection point exists close to the site access. This could comfortably accommodate refuse containers for two additional dwellings without obstructing traffic or visibility at the junction with the classified road.
 25. Therefore, the proposed development would not have an unacceptable effect on the highway safety of the surrounding road network, having particular regard to additional vehicle movements. It would comply with Policy MT1 of the Local Plan, where it requires proposals to demonstrate that the local highway network can absorb the traffic impacts of the development, are designed to achieve safe access and has regard to the Council's parking and cycling standards.
 26. The proposal would also comply with the National Planning Policy Framework (the Framework) (Paragraph 109) where it seeks to ensure that developments do not have an unacceptable impact on highway safety, or result in severe residual cumulative impacts on the road network.

Housing need

27. Policy RA2 of the Local Plan outlines that housing growth will be supported within or adjacent to identified settlements in order to maintain and strengthen locally sustainable communities. Llangarron 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.
28. The existing agricultural barn at the appeal site, along with the cluster of dwellings located to the immediate south, form a cohesive group of buildings. This grouping would also be contiguous with the main core of the village which comprises a relatively dense arrangement of dwellings centred around the Church and located further to the east. Moreover, although I have given limited weight to the NP, the Council states that the majority of the appeal site is within the draft settlement boundary for Llangarron currently being considered. Therefore, I judge that, the appeal site lies within the built-up area of the settlement for the purposes of Policy RA2.
29. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. However, the village of Llangarron has performed well against this background, and according to the Council 85 dwellings have been built or are commitments within the Parish. This exceeds the target of 64 dwellings for the Parish within the plan period (up to 2031). This target is a minimum growth requirement, while there is nothing before me that indicates that this figure is a ceiling or limit to the number of dwellings that can be permitted in the Parish area.
30. There is concern locally that a further two dwellings would lead to over development of the village. Yet, I have no substantive evidence to indicate that infrastructure and services in the Llangarron area are at capacity or are overwhelmed and unable to cope with more housing development.
31. I acknowledge Llangarron has limited facilities and future residents of the proposed dwellings would be reliant on the private car to access most day to day services further afield. But, there are two bus services running that would provide future occupiers with a choice of transport options, while, the village hall and church provide opportunities for people to walk or cycle the short distance to access these local amenities. Therefore, the development would broadly accord with the sustainability principles of locating development where there is a choice of transport modes which reduce the need to travel by car. Moreover, a further two dwellings would continue to support the small number of local services in the village.
32. Accordingly, the proposed development represents a suitable location for housing, having regard to the Council's housing strategy and need. It would accord with Policies RA2, SS1 and SS2 of the Local Plan which amongst other things, require proposals to be located within or adjacent to the main built up area and to support local services.

Drainage

33. The revised drawings show sewerage treatment plants positioned close to the proposed dwellings. The treated outfall from these would drain to the ground and connect to a drainage field located at the pastureland to the east. The appellants have confirmed that the area allocated for the drainage field is within their ownership. This method of foul water drainage is proposed as there is no mains drainage in the village. Surface water drainage would be disposed of to soakaways. The proposal has been supported by percolation tests and an assessment of existing ground conditions to establish the site's ability to incorporate the drainage methods proposed.

34. The Council's Drainage Engineer raises no objection to these proposals, and I have no reason to dispute his response on this matter. The implementation of the proposed drainage arrangements could be secured through the imposition of a condition. However, foul and surface water discharges can have harmful effects on local ecological designations and protected sites, therefore I will assess the proposal's effect on these later.
35. I note there are objections to the position of the drainage field, while reference has been made to a land ownership dispute. Nevertheless, I have no compelling technical information to indicate that the drainage proposals cannot be implemented.
36. Therefore, the proposed development would have adequate arrangements for the disposal of foul and surface water from the site. It would accord with Policies SD3 and SD4 of the Local Plan, which require, amongst other things, that new development incorporates sustainable drainage solutions and does not lead to adverse harm to water quality and flooding.

Other Matters

37. The site is within the influence of the Wye Valley Special Area of Conservation (SAC). This is an European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Although not an issue raised by the Council, it is incumbent upon me as the competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the European Site.
38. The drainage proposals, as outlined in the "H+H Drainage" technical report, comprise a foul water private sewerage treatment plant that would be discharged to ground by means of the proposed drainage field. Surface water discharges would be drained separately via soakaways and percolation tests conclude that discharges would replicate natural drainage patterns.
39. The Habitats Regulations require that permission may only be granted after having ascertained that the development will not affect the integrity of the European Site. The development has been the subject of an Appropriate Assessment (AA) under the Habitat Regulations and concludes that subject to the drainage proposals submitted there would be no likely significant effect from proposed surface and foul water discharges, upon the SAC. Natural England concur with this finding providing that the measures proposed to mitigate the proposal's adverse effects are implemented. I have noted the content and conclusion of the technical report, along with the comments of the Council and Natural England, and I have no reason to disagree with these findings.
40. The proposed drainage field would be a below ground installation, and it would be unlikely to have any visual effects on the surrounding area. Even though this may be outside of the settlement boundary as currently denoted in the draft NP, the status of this document carries limited weight. In any case the drainage field would result in no obvious encroachment into the open countryside given its close proximity to existing dwellings in the village.
41. There are local concerns that the proposal would detrimentally effect species using or travelling through the appeal site. However, other than sightings of

certain species in the vicinity, there is no substantive evidence that indicates that the proposal, subject to the mitigation measures, would have an adverse effect on local biodiversity interests. Moreover, the Council's Ecological adviser has raised no objection to the scheme.

42. There is also concern that trees were felled at the appeal site prior to the application being submitted. However, this is not a matter for me to consider and any dispute would be for the relevant parties to pursue separately.
43. The third-party representations indicate that there is a lack of affordable housing in the village. Whilst that may be the case, I have nevertheless found the scheme before me to be development plan compliant, while it would contribute towards the county-wide housing shortage.
44. Comparisons between the appeal scheme and an application for two dwellings refused by the Council², have been alluded to by third parties. However, I have not had the full details of that case or of its location. In any event I have assessed this appeal on its own merits and concluded that it forms a cohesive part of the village, rather than being detached from it.

Conditions

45. Suggested conditions have been considered in light of advice contained in the Planning Practice Guidance and the tests within the Framework. I have amended or amalgamated those suggested for clarity, precision or to avoid duplication, taking account of the guidance and policy referred to.
46. I have imposed a condition specifying the approved plans as this provides certainty.
47. Conditions related to the timescale for reserved matters applications and commencement of development to ensure development is carried out in a timely manner, have been attached. A condition is necessary requiring approval of the remaining reserved matters prior to the commencement of development.
48. A construction management plan is necessary to establish safety and environmental procedures for the work phase of the scheme. This is required before the commencement of development so the relevant standards and procedures relating to the construction phase are established and familiarised by site operatives before work begins.
49. In the interests of the appearance of the site and its surroundings I have also included conditions which provide precise details of the type of landscaping required in relation to that reserved matter.
50. Details that require protection measures around existing landscape features are necessary to protect their health and that they do not become damaged during construction. Similarly, details of an Ecological Working Method Statement are required in advance of construction works. These are necessary to protect the site's nature conservation and biodiversity interests.
51. Conditions that require technical details of the approved access road, turning and parking areas and cycle storage are necessary in the interests of highway safety and sustainability.

² P193230/F – refused scheme at Trejenna, Llangarron

52. Surface and foul water drainage conditions are also necessary to minimise flood risk and to protect water quality. These are also necessary in the interests of public health, and to safeguard the integrity of the European Protected Sites. I have also included a condition relating to surface water efficiency in the interests of sustainability.
53. To protect local biodiversity, conditions are necessary requiring the implementation of the proposed ecological mitigation measures. Furthermore, I have included a condition that places a control on the location of external lighting within the grounds of the approved dwellings. This is necessary to safeguard biodiversity interests in and around the site.

Conclusion

54. For the reasons given, and having had regard to all matters raised, the appeal is allowed.

R E Jones

INSPECTOR

Schedule of Conditions:

- 1 Details of the 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.
- 2 Application for the 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 shall be carried out strictly in accordance with the approved plans and information: 1654 100 Rev B; 1654 101 Rev A; 1654 201 Rev C; Ecological Assessment prepared by Ecology Solutions dated April 2020;
- 5 No development shall take place, including site clearance, until a tree and hedgerow protection scheme in accordance with BS5837:2012 (or an equivalent British Standard if revised or replaced) has been submitted to and approved in writing by the local planning authority, and implemented in accordance with the approved measures for the duration of the construction phase.
- 6 No site clearance, groundwork or development shall take place until a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works has been submitted to and approved in writing by the local planning authority. The EWMS should consider all relevant species including nesting birds, amphibians and reptiles. The approved EWMS shall be implemented in accordance with the approved scheme.
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a. A method for ensuring mud is not deposited onto the Public Highway;
 - b. location details of the access for construction traffic;
 - c. Details of parking for site operatives;
 - d. hours of construction and deliveries.
- 8 No development shall take place until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the development hereby approved and retained and maintained for the lifetime of the development.
- 9 No development shall take place until a scheme of hedge planting (required by condition 1) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall prescribe that at least 5 species of native woody shrubs shall be planted within each hedge and it

shall include details of the species, sizes and density of planting. All hedge planting shall be carried out in accordance with those details and planted in the first planting season following removal of the existing hedgerow/following completion of the development. The hedges shall be maintained for a period of 5 years. During this time, any shrubs that are removed, die or are seriously damaged shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

- 10 Prior to the first occupation of the development, evidence (such as photos/signed Ecological Clerk of Works completion statement) of the installation within the site boundary of at least 4 bird nesting boxes for a site appropriate range of bird species, 4 Bat roosting features; 1 Hedgehog home; 4 "Insect hotels"; Reptile Refugia; and Amphibian Refugia should be supplied to and acknowledged by the local planning authority; and shall be maintained hereafter as approved.
- 11 Prior to the first occupation of the development, a specification of the approved vehicular access at a gradient not steeper than 1 in 12 shall be submitted to and approved in writing by the local planning authority, and implemented in accordance with those approved details.
- 12 Prior to the first occupation of the development, the driveway and/ vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/vehicle turning area, and implemented in accordance with those approved details.
- 13 Prior to the first occupation of the development, an area shall be laid out within the curtilage of the property for the parking and turning of 2 cars (per dwelling) which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.
- 14 Prior to the first occupation of the development, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the local planning authority for their written approval. The covered and secure cycle parking facilities shall be carried out in accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be retained for the lifetime of the development.
- 15 Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved. Thereafter these facilities shall be retained and maintained for the lifetime of the development.

- 16 No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.
- 17 All planting, seeding or turf laying in the approved landscaping scheme (required by condition 1) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.
- 18 All foul water shall discharge through connection to individual private package treatment plants with outfall to soakaway drainage fields on land under the applicant's control, and all surface water shall discharge separately to an appropriate SuDS or soakaway system in accordance with Drawing Number 1654201 Rev C, dated September 2020 and the details in the Surface and Foul Water Drainage Strategy prepared by H+H Drainage, dated 12th June 2020. Thereafter these facilities shall be retained and maintained for the lifetime of the development.

*****End of Schedule*****