



Appeal Decision

Site visit made on 29 June 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Appeal Ref: APP/W1850/W/21/3271147

Woodlands View, B4352 Lower Blakemere Farm to Kinley Farm Junction, Blakemere HR2 9PY

- 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 Mr & Mrs L Lowther against the decision of Herefordshire Council.
 - The application Ref 201793, dated 9 June 2020, was refused by notice dated 8 October 2020.
 - The development proposed is a three bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is submitted in outline except for details relating to access. Consequently, all matters reserved for future approval have been treated indicatively under the appeal.
3. The revised National Planning Policy Framework (the Framework) was published 20 July 2021 and introduced a number of revisions that may be pertinent to the proposal. Consequently, the main parties were given an opportunity to comment on the revised Framework and any subsequent implications that may have emerged.
4. The site is located within a catchment of the River Wye Special Area of Conservation (SAC). Consequently, there are potential implications in the context both the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the Conservation of Habitats and Species Regulations 2017. These have been dealt with later in my decision.

Main Issue

5. The main issue is whether the proposal is in an appropriate location in relation to the settlement strategy for the area including potential effects on the existing settlement's pattern of development and surrounding landscape.

Reasons

6. Policy WH01 of the Wyeside Neighbourhood Plan 2018 (NP) is clear that new housing should be situated on land that is contiguous with the existing village centre; immediately adjoining it or within or abutting a group of existing buildings that are contiguous with it when the plan was made or updated.

7. The site is located to the south east of the village centre, an appreciable distance away in physical terms. It is self-evident that the site itself does not share a direct relationship with the village centre, it is not immediately adjoining it.
8. For the purposes of the NP, contiguous is defined as meaning adjacent to a reasonably spaced row or cluster of dwellings starting in the village centre. Woodlands View is the nearest building in the vicinity of the site. However, it is a single building and does not comprise a group of buildings as per the wording under Policy WH01 of the NP. This is notwithstanding any visual connection that may exist with the village.
9. Even if it did comprise a group of buildings, it would not be contiguous with the village centre because of intervening land that prevents such a relationship. For example, to the north of the site are open fields and to the west is the B4352, which severs the site from Woodlands Farm House, and other buildings that may or may not be contiguous with the village centre, notwithstanding disputes over how curtilage is defined.
10. Even if the B4352 is not taken as having a severing effect, it has not been demonstrated that the curtilage of buildings to the west extend to a sufficient degree, or that this would form a reasonably spaced cluster of dwellings as per the definition of contiguous under the NP.
11. To be clear, the policy tests would appear to relate to dwellings and not to other buildings or land uses. Consequently, it would seem logical that any interrelated curtilage therein would need to be residential in nature. It is not clear that this has been fully substantiated in this case.
12. Moreover, the appellants' evidence suggests the presence of extensive orchard cultivation around the village clearly shows the historic agricultural economy. Consequently, it would appear that intervening agricultural land uses could disrupt contiguous residential curtilage in the village. Based on the evidence presented this appears to be the case in the context of Woodlands Farm House.
13. The Council has extrapolated conflict with Policy WH01 of the NP as meaning the site is located in the countryside. In the absence of a defined settlement boundary, it is not wholly clear whether this would actually be the case because Policy RA2 of the Herefordshire Local Plan Core Strategy 2015 (CS) is based upon a site's relationship with the main built up area.
14. Notwithstanding, even in the appellants' best case scenario, where the site was regarded as being within the main built up area for the purposes of Policy RA2 of the CS and did not need to satisfy exception criteria under Policy RA3 of the CS or WH03 of the NP, it would still not satisfy the contiguity criteria for the purposes of Policy WH01 of the NP.
15. Accordingly, it would not be in an appropriate location in relation to the settlement strategy for the area and would still erode the existing settlement's established pattern of development.
16. Given that the proposal has been submitted in outline form, there is no evidence that it would be incompatible with the location of the site in detailed design terms, such as detailed matters of landscaping or use of materials, among other things.

17. The flexibility inherent in an outline proposal means that there is sufficient scope to ensure that a single dwelling could in fact respond to the materials detailing and scale of other dwellings in the area. Furthermore, a sensitive planting scheme could help soften the built form and help the proposal assimilate into the landscape.
18. Matters relating to the use of brownfield land, among other things, do not appear in dispute. Furthermore, the rationale underpinning the policy requirements within the NP were subject to examination and were found to be an appropriate and sound policy response in the context of the wider development plan.
19. Overall, the limited scale of the proposal in conjunction with the flexibility inherent at outline stage means landscape harm could be appropriately mitigated in principle. However, the proposal would not be in an appropriate location in relation to the settlement strategy for the area, giving rise to a harmful pattern of development. It would therefore conflict with Policy WH01 of the NP, which among other things controls housing development to ensure it is contiguous with the existing village centre.

Other Matters

20. The site is located within the catchment of the River Wye SAC. Notwithstanding potential effects therein and the requirements of the relevant regulations, as I am dismissing the appeal for other reasons, I have not explored the matter further.
21. Woodlands View is a Grade II listed building in proximity to the site and it is not clear whether an outline application provides a sufficient degree of information to determine whether statutory requirements to preserve its setting would be satisfied in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
22. As I am dismissing the appeal for other reasons, the decision is not an agent of change and therefore the setting of Woodlands View is preserved. Furthermore, there is no evidence in front of me that the proposal would be likely to enhance the setting of Woodlands View or that this should be considered as a heritage benefit in the planning balance. Consequently, I have not explored the matter further.
23. Even if the housing land supply position was to the extent argued by the appellants, and Paragraph 11 of the Framework was engaged, the limited scale of the proposal would only generate limited benefits in addressing any under supply. Similarly, the social and economic benefits associated with the proposal, such as creating different types of housing stock for different demographics within the population, among other things, would also be limited. Consequently, the adverse impacts identified under the main issue and conflict with the development plan that carries great weight in the planning balance would significantly and demonstrably outweigh these limited benefits.
24. In relation to pre-application advice given by the Council, Planning Practice Guidance¹ is clear that such advice is not binding and does not pre-empt the democratic decision making process or a particular outcome.

¹ Paragraph: 011 Reference ID: 20-011-20140306 Revision date: 06 03 2014

25. Although support from the local community is acknowledged, a letter of support or lack of objection in and of itself does not make the proposal acceptable. Any issues raised have been considered under this appeal insofar as they are material to the decision.

Conclusion

26. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR