
Appeal Decision

Site visit made on 20 July 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2022

Appeal Ref: APP/W1850/W/21/3271172
Everstone Farm Barns, Peterstow, HR9 6NE

- 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 F and M Green against the decision of Herefordshire Council.
 - The application Ref 200952, dated 21 March 2020, was refused by notice dated 29 September 2020.
 - The development proposed is the erection of 3 low-cost market (affordable) and 2 no. open market dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by F and M Green against Herefordshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with all matters reserved except for access. A layout was included and is therefore considered as indicative only.
4. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021 after the submission of the appeal statements. Both parties were given the opportunity to comment on its changed significance or otherwise.

Main Issues

5. The main issues are:
 - the accessibility of the appeal site to services and facilities and whether the occupants of the dwellings would be dependent on private vehicles;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the occupants of the dwellings to the south and west;
 - the living conditions of the intended occupants in terms of road noise and;
 - the effect of the proposal on the setting of the non designated heritage asset, Everstone Farm.

Reasons

The location of the development and potential car dependency

6. The appeal site is located in the countryside just off the busy A49 between Hereford and Ross on Wye. The Council's statement of case and appellants' Heritage Statement describe it as approximately 1.3km away from Peterstow the nearest village. The connecting A49 trunk road does not have a continuous pedestrian footway and is not lit. The village is small which the Peterstow Neighbourhood Development Plan (NDP) quantifies at 130 dwellings.
7. The Red Lion pub is close by and is accessible by a footpath. Additionally, there is a garden centre 1km to the north which is accessed via an unsurfaced and unlit rural footpath. Otherwise, the nearest shop is at Peterstow, which is of limited size and can only meet very basic needs. The nearest primary school is listed in the NDP at Bristow which adjoins Ross on Wye. Other facilities including secondary education, health and supermarkets would be further away at Ross on Wye, which the appellants quantify as approximately 3 miles away. The NDP indicates that employment opportunities in the parish are sparse and predominately agricultural.
8. The appellants note the bus stops are 440m away, from where there is an hourly service albeit less so on Sunday. Whilst this service may be better than many in rural areas, the buses would not be likely to be timely or convenient enough to access the comprehensive services/facilities needed for everyday life. Additionally, the garden centre would not be readily accessible other than by recreational walking.
9. Due to the distances involved and the nature of the pedestrian environment, walking to facilities would be unlikely. Cycling to Peterstow would be conducive in terms of topography but the A49 would be an intimidating environment. This also tends to be a niche form of transport particularly away from dedicated cycle routes. Consequently, cycling would be unlikely to be widely used.
10. I therefore find that the occupants would therefore be car dependent for services and facilities. These resulting car movements would generate carbon emissions thereby contributing to climate change. I acknowledge the appellants suggestion that development inside a settlement would lead to car generating traffic, however in this location remote from facilities the likelihood, frequency and distance of car travel would be greater.
11. Paragraph 80 of the National Planning Policy Framework (the Framework) states decisions should avoid the development of isolated homes in the countryside unless particular circumstances apply. Whilst the site is not isolated in terms of other houses in the nearby vicinity, the proposal would not be within a settlement with facilities, rather the occupants of the houses would have significant dependency on car transport. Additionally, paragraph 152 of the Framework, seeks the transition to a low carbon future in a changing climate. Accordingly, the proposal would be in conflict with these policies.
12. The Herefordshire Local Plan Core Strategy (CS) Policy SS1 promotes sustainable development, whilst Policy SS2 explains that the focus for new development is Hereford, and thereafter the market towns including Ross on Wye. In rural areas new housing will be acceptable where it helps meet local needs and requirements, supports the rural economy and local services and

facilities and is responsive to the needs of the community. Policy RA1 distributes rural housing and requires local evidence and environmental factors to determine the appropriate scale of development. Policy RA2 supports housing growth in or adjacent to settlements due to the need for services and facilities. Policy RA3 applies in the countryside and allows for rural exception sites but only subject to policy H2, which requires reasonable access to a range of services and facilities. Policy PTS1 of the NDP promotes sustainable development and PTS11 cross references to the aforementioned CS policy RA3.

13. The above policies target development into large settlements or in the case of local needs housing where there is reasonable access to facilities; accordingly, I conclude that the proposal would be in conflict.

Living conditions of the neighbouring residents

14. Immediately adjoining the appeal site and orientated sideways are a series of dwellings, converted barns, arranged in a line to the south. The nearest dwelling would be close by and has facing windows. The gardens are both to the front and back, with open aspects, including sitting out areas which I saw on my site visit. The existing dwellings and their gardens are lower than the appeal site.
15. Whilst the layout has not been fixed, the pattern of development would be dictated by the point of access, particular shape of the site, proximity to the A49, and so the layout is broadly predictable. The turning point for the access and parking would be close to the dwellings and their gardens. This would result in sporadic noise, disturbance and intrusion from cars and potentially their occupants, at any time, which would be perceptible by the adjacent residents. Their basic living conditions would be harmed by the proposal.
16. Whilst the landscaping is a reserved matter and the boundary treatment is not known, it would be unlikely to eliminate the potential privacy and noise problems.
17. Another dwelling adjoins the west boundary. The access would inevitably pass close to its rear garden, leading to some disturbance from moving traffic, but there are existing movements from the above barn conversions. Additionally, several mature trees would provide at least partial screening from passing cars. Therefore, the intrusion and disturbance to this particular dwelling would be very limited.
18. The proposal would result in significant harm to the living conditions of the occupants of the neighbouring converted barns (to the south). Policy SD1 of the CS seeks to safeguard residential amenity and similarly NDP Policy PTS8 also seeks to protect privacy. Paragraph 92 of the Framework also supports health and well-being. The proposal would be in conflict with these policies.

Character and appearance

19. The site is adjacent to a fairly straight section of the A49, and there is a well-established boundary hedge, which screens the site at low level, whilst the deciduous components are in leaf.
20. The site is not within the Wye Valley Area of Outstanding Natural Beauty, but the boundary is on the north side of the A49. The associated Management Plan

- highlights the medium to long distance views, varied topography and the extremely small extent of development in relation to other land uses.
21. The NDP notes that the Herefordshire Landscape Character Assessment defines the area as principal settled farmlands, with rolling agricultural fields and dispersed scattered farms.
 22. The A49 is elevated to the west of the appeal site, from where there are extensive long distant views of rolling verdant pasture and hilltops. Northwards and away from the appeal site, these slopes fall towards the River Wye approximately 2 miles away. The views are pronouncedly of the natural landscape and the presence of houses is limited to some barn conversions and a farmhouse by the appeal site and to some isolated housing to the west, which the response on behalf of local residents notes, was a former petrol station and workshops.
 23. The scale and siting of the proposed dwellings are yet to be determined, but as discussed above some of the characteristics of the development can be envisaged. On my site visit I ascertained that there are points on the A49 whereby some parts of the development would be discernible.
 24. The proposed five houses would be a significant collective footprint which when seen with the current buildings would amount to a considerable development. Accumulatively the expanse of buildings, would have an overly dominating presence in the countryside. Additionally, the increase in the extent of buildings would upset the balance between the houses and the natural landscape, without any obvious rationale and consequently appear intrusive.
 25. The site currently contributes to the countryside edge to the AONB, which is both appropriate and deferential. The proposal would intrude and harm this setting.
 26. The proposal would be harmful, albeit to a limited extent as the impact would be localised. Policy SS2 seeks to ensure that new housing in rural areas is carefully controlled to respect the intrinsic character and beauty of the countryside. This mirrors the criteria and aim of paragraph 174 of the Framework. NDP Policy PTS2 seeks to protect the landscape and PTS8 requires proposals to fit sensitively into the landscape. The proposal would be in conflict with these policies.

Noise from the A49

27. The A49 is busy, which as I noted at the time of my site visit had few moments without traffic, and the noise of vehicles on the road was readily audible on the appeal site. The low background noise accentuates the perceptibility of the road noise.
28. A Noise Assessment (NA) of the A49 has been submitted, which shows that the noise levels would fluctuate but are generally high, although they do dissipate away from the road towards the southern boundary. To achieve acceptable levels within dwellings and outdoor spaces, the detailed scheme would have to carefully site the dwellings, consider orientation and garden screening. I find that this would be possible, based on the NA readings.
29. Closure of road facing windows may be necessary at times but ventilation by other means could be provided.

30. I therefore conclude that it would be possible to design a scheme in the reserved matters to address the noise, even though the living conditions of the occupants would not be ideal.
31. Policies SD1 of the CS, SD1, SS1 and RA2 of the CS guard against noise impact, promote sustainable development and living conditions. I therefore conclude that there is no conflict with the planning policies on this particular issue.

Setting of heritage assets.

32. The second reason for refusal in part refers to the impact on adjoining non-designated heritage assets and the Council's costs rebuttal confirms that this relates to Everstone Farm.
33. The Planning Practice Guidance and Historic England Advice Note 7 Local Heritage Listing: Identifying and Conserving Local Heritage, describe the purpose and value of non designated heritage assets. The significance of the asset may be archaeological, artistic or historic and setting can be important. The Historic England publication, The Setting of Heritage Assets, also provides detailed criteria to assess the setting.
34. The Farmhouse is a distinctive building of two and a half storey size, tall chimney stacks and sash windows. The submitted Heritage Impact Statement shows the farmhouse and surrounding barns on the 1888 map, with an orchard to the east. There are two groups of traditional red sandstone barns which the Heritage Statement dates as early nineteenth century.
35. There is no apparent physical or documentary evidence that the barns and farmhouse collectively have had any significant influence on the land management or settlement pattern or of any other historic significance. Indeed, the historic importance of this farm group has been lost by the segregation of the barns from the farmhouse and their physical conversion. They are now in domestic contexts, which would not be changed by the proposal.
36. I therefore find that the building's interest is from its external appearance, being a prominent landmark. Whilst the site is intervisible with the farmhouse, it is visually and physically separate from its grounds. Consequently, its distinct identity would remain and there is no apparent reason why development could not be designed sympathetically. I therefore find that the proposal would not harm the setting of Everstone Farm.
37. I am advised that there are listed assets in Peterstow which includes the church, and a listed milestone just east of the Red Lion. However, they are so distanced that their setting would not be harmed. Similarly, the Peterstow Conservation Area is also distanced and does not relate to this site visually or historically. The Council also did not object on this issue.
38. Policy LD4 of the CS requires a proposal protects, conserves and where possible enhances the setting of heritage assets. NDP Policy PTS4 similarly resists development which adversely affects the setting of assets. The proposal would not be in conflict.

Other matters

39. The submission on behalf of local residents questions the legal right of access over the track, which is disputed by the appellants but that is a matter between the parties and not for consideration here.
40. I note the concerns about the viability assessment expressed on behalf of the local residents, but that relies on assumptions at this stage and so cannot be disproved.
41. I note the constraints to development elsewhere in the Lugg, Arrow and Frome Catchment Area due to phosphate contamination of the water. However, this only applies to non mains water developments, and larger scale developments which are more likely in urban areas with access to mains drainage, would continue. It is also possible that private water treatments would be possible subject to criteria.
42. The Council's January 2021 Addendum quantifies housing land supply at 4.22 years and the 5 new dwellings would make a contribution towards housing land supply. The shortfall is significant, although I note the Housing Delivery Test was 106% and the requirement has been met for the last three years. The particular need for affordable housing has been shown and delivery in such a rural area is challenging.

Planning Balance

43. The housing land supply means that paragraph 11(d) of the Framework is triggered as footnote 7 does not apply.
44. The land supply shortfall questions the development plan housing policies, but the general thrust of CS policies SS1, SS2, RA1, RA2, RA3 and H2 in terms of their locational aim for new housing, countryside protection and living conditions is still an appropriate strategy.
45. The proposal contravenes paragraphs 80, 92, 152 and 174 of the Framework which seek to safeguard countryside character, living standards and locate housing near facilities and avoid carbon emissions. The heritage impact is neutral.
46. Paragraph 8 of the Framework gives the planning system three overarching objectives: economic, social and environmental. The proposal would have economic benefits in the construction process. The proposed three low-cost market houses would be a social benefit. Contrarily, the occupants of the five houses should not have easy access to everyday facilities and social mixing. Furthermore, the proposal would result in harm to the living conditions of the neighbours. In environmental terms there is reference to solar gain and use of photo-voltaic panels and potential energy efficient design. However, this would be far outweighed by the site being away from everyday facilities and the resulting car dependency would generate carbon emissions. Additionally, the proposal would harm the character and appearance of the countryside.
47. In overall balance, in the light of the above, it follows that the conflict that I have found with the Development Plan is not outweighed by any other considerations.

Conclusion

48. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR