



Appeal Decision

Site visit made on 22 February 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 8 March 2022

Appeal Ref: APP/W1850/W/21/3284990

Land to the west of the village hall, Orcop

- 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 Jim Cooper against the decision of Herefordshire Council.
 - The application Ref 202567, dated 4 August 2020, was refused by notice dated 28 April 2021.
 - The development proposed is outline permission for the erection of 1no. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved for future consideration. Therefore, submitted drawings which relate to reserved matters have been regarded as indicative. I have determined the appeal on this basis.
3. Since the Council officer report was written the National Planning Policy Framework (the Framework) has been updated. Key paragraphs that are referred to in the officer report remain relevant, but some of the Framework paragraph numbers have changed.
4. The Herefordshire Local Plan Core Strategy (CS) is currently undergoing review, but the Council state that the policies relevant to the determination of this application have been reviewed and remain consistent with the Framework. My assessment of the policies which are most important for the determination of this appeal confirm their consistency with the Framework.
5. The Council's Five Year Housing Land Supply Annual Position Statement (2021) sets out that they can now demonstrate more than the five years supply of housing sites as required by the Framework. The appellant does not dispute this position. I have proceeded on this basis.

Main Issues

6. The main issues are:
 - Whether the appeal site would be a suitable location for new housing, having regard to the accessibility of services and facilities; and
 - The effect of the proposed development on the character and appearance of the site and surrounding area.

Reasons

Suitability of the Location

7. Orcop is a dispersed settlement but does have a number of small development clusters. The Orcop Neighbourhood Development Plan (ONDP) identifies the settlement boundary, which the site is well outside of. However, the ONDP has undergone public consultation, but is not yet adopted, so I can afford it only limited weight.
8. Policy RA2 of the CS seeks to secure sustainable development in rural areas by directing housing to locations within or adjacent to identified settlements. Policy RA3 of the CS specifies that outside of identified settlements, housing development will only be acceptable where one or more set criteria are met, such as being a rural enterprise dwelling or reusing a redundant building.
9. The site is roughly opposite an existing dwelling, with the village hall around 150 metres to the east and another dwelling roughly the same distance to the west. Despite this, the site is detached from any of the established development clusters. As such, I do not consider the site to have a close relationship to the main built form of any settlement. Therefore, regardless of the fact that I attach limited weight to the emerging ONDP, I consider the site to be outside of any settlement as defined within Policy RA2, so is classed as being within the countryside. I have not been presented with evidence to suggest that the proposal meets any of the criteria for allowing dwellings outside of settlements as set out in Policy RA3.
10. Key elements of a sustainable location relate to having access to services and facilities, particularly via walking, cycling and public transport. The nearest settlement offers no meaningful services or facilities beyond a church, and the surrounding area is similarly limited except for the village hall. There is no public transport in the immediate area nor are there any footways connecting the site to a settlement. Consequently, future occupants of the proposed dwelling would have to rely heavily on private motor vehicles to access services and facilities. This is the least sustainable travel option. Given the limited offering in the nearest settlement, it is not unreasonable to assume that future occupants would be likely to drive further afield to larger settlements to access services and facilities, thus limiting any potential support for small local settlements.
11. With this in mind, the appeal site would not be a suitable location for new housing. Consequently, the proposed development would not comply with Policies RA2 and RA3 of the CS, which together seek to ensure that development in rural areas is sustainable. Furthermore, it would not accord with the Framework which seeks to promote development which offers access to services via walking, cycling and public transport.

Character and Appearance

12. As part of an otherwise undeveloped grass field, the appeal site relates and contributes positively to the pleasant open and undeveloped rural character of the immediate area. The introduction of a dwelling to the site, however well designed it may be, and the associated use of the site for residential purposes, would inevitably domesticate it, bringing in an overly urban form which would significantly reduce the rural qualities of the site and the wider area.

13. No landscape and visual impact assessment has been provided, but given the surrounding topography, it is reasonable to conclude that the proposal would be visible from a number of surrounding vantage points, as well as in the immediate area. This visibility would compound the adverse impact of the proposal on the character and appearance of the area. As such, it would conflict with Policy LD1 of the CS and the Framework which, taken together, seek to ensure that development recognises the intrinsic character and beauty of the countryside.

Other Matters

14. The proposal would provide some social and economic benefits to the area from both the construction and occupation of the dwelling but they and the weight I could accordingly ascribe to them would be limited by the proposals' scale. There is also some local support, but this a neutral matter which could not be used to weigh against harm. The appellant has drawn my attention to other scattered dwellings in the surrounding area. These appear to be long standing and their existence does not provide justification for the addition of a new dwelling in an unsuitable location.
15. The appellant would reinstate an orchard, regenerate a wood and maintain a brook. They are also locals who already support local businesses, work from home, and have a sustainable vehicle. Notwithstanding this, both the circumstances of the appellant, and the occupants, could change in future, and as such benefits or mitigation which might result from these factors would not outweigh the harm identified. I am also aware of the precedent value of planning decisions but have determined the appeal on its own merits, circumstances, and situation.

Conclusion

16. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR