



Appeal Decision

Site visit made on 24 May 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2022.

Appeal Ref: APP/W1850/W/21/3289788

Howle Hill Pavilion, Howle Hill, Ross On Wye, Herefordshire HR9 5SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Tara Barnett against the decision of Herefordshire Council.
 - The application Ref 213337/PIP, dated 26 August 2021, was refused by notice dated 3 December 2021.
 - The development proposed is residential development for up to two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage (permission in principle) establishes whether a site is suitable in principle. The second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for up to two dwellings on the appeal site. I have determined the appeal accordingly.
4. Policy RA3 of the Hereford Local Plan Core Strategy (CS) sets out that Neighbourhood Development Plans (NDP) or the Rural Sites Allocation DPD will define settlements. At present Howle Hill does not have a defined settlement boundary. A NDP for Walford Parish, which includes Howle Hill, has been consulted on, revised and a draft submitted to the Council. As the NDP is not yet made it could be subject to change, so I can afford it only limited weight.

Main Issue

5. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

The Reasons

6. Policy RA2 of the CS allows for sustainable housing growth in or adjacent to specified rural settlements, including Howle Hill. Howle Hill is not subject to a NDP and is without a defined settlement boundary. Consequently, as set out under Paragraph 4.8.23 of the CS, proposals for residential development will be assessed against their relationship with the main built up area of the settlement.
7. Howle Hill includes distinct clusters of dwellings either side of Sharman Pitch and in linear form extending along Church Road. However, there are further dwellings beyond this, that while more dispersed in pattern, nonetheless, appear as a logical extension of the settlement. Howle Hill Nursery fronts onto Sharman Pitch, in close proximity to dwellings so I consider it to form part of the main built up area of the settlement. In a previous appeal¹ which approved 8 dwellings at the Nursery site, the Inspector concluded similarly.
8. The site subject to this appeal is separated from the Nursery site by mature trees and is further into open countryside, away from the main built up area. However, the appeal site does partially adjoin the Nursery site, so I consider it to be outside of, but adjacent to, the settlement. It therefore accords with the locational element of Policy RA2 and falls to be considered under its criteria. As Policy RA2 applies, there is no need to consider the proposal under Policy RA3 which controls new housing in the countryside. Notwithstanding this, I have been presented with no evidence to suggest that the proposal would benefit from any of the exceptions set out under Policy RA3.
9. In addition to specifying that new dwellings need to be within or adjacent to a settlement, Policy RA2 sets out criteria which must be met. For smaller settlements such as Howle Hill, the criteria include that particular attention must be paid to the character and setting of the site and its location in the settlement.
10. The site is located within the Wye Valley Area of Outstanding Natural Beauty (AONB). In principle, minor development such as two dwellings can be acceptable within an AONB, subject to an assessment of the impact. The Wye Valley AONB Management Plan locates the site within Landscape Management Zone: Wye Gorge (LMZ09). It identifies the special qualities of the zone as including small clusters of settlements on valley sides, surrounded by small fields, narrow lanes and small woodlands, with hedgerow networks and mature trees. Whilst trees and hedgerow could be retained, the site would be outside of any established cluster and would disrupt the existing field pattern.
11. It is evident when turning off Sharman Pitch and travelling towards the site that you are leaving the settlement and heading out into open countryside where the character and setting becomes increasingly rural. As a predominantly undeveloped grass field, the appeal site makes a positive contribution to the pleasant open and undeveloped character and setting of the settlement and its surroundings. The introduction of two dwellings to the site and the associated use of the site for residential purposes, would inevitably domesticate it, bringing in an overly urban form and extending the settlement further into the open countryside. This encroachment would significantly reduce the rural qualities of the area.

¹ PP/W1950/W/21/3271693

12. When viewed from the south, the existing built form around the crossroads, along with the already approved developments, would be largely screened by the mature trees and hedgerow that form the northern boundary of the site. The proposal would locate two dwellings to the south of this screening line, meaning they would be highly visible from the south. Whilst landscaping could be implemented to mitigate this to some extent², it would inevitably take many years for any planting to reach the level of screening between countryside and built form which is provided by the existing trees.
13. Taken together, these factors mean that the proposal would have a detrimental impact on the character and setting of the site. Therefore, it would fail to meet one of the criteria of Policy RA2, so does not comply with the policy overall. It would also result in harm to the landscape and scenic beauty of the AONB
14. There is a modest predominantly wooden structure in a corner of the site. It is derelict and takes up a small proportion of the site. On this basis, the site as a whole cannot reasonably be considered to be previously developed or brownfield land. Even if I were to consider the site to be brownfield, this does not alter my findings or outweigh the harm identified. The proposal would remove this unsightly structure but given its size and relative lack of visual impact outside of the site, this is of insufficient benefit to outweigh the harm.
15. In their first reason for refusal, the Council reference Policies SS4 and SS7 of the CS. Amongst other things, these policies set out that where practicable development should be accessible by walking, cycling and public transport, and should reduce the need to travel by private car. No substantive information about travel options or services has been provided by either party. However, in principle, the CS considers Howle Hill to be a suitable location for proportionate housing growth, so it is implicit therein that the settlement has the service provision to support additional housing or is otherwise well located in relation to other service provision nearby. In addition, Paragraph 105 of the Framework recognises that opportunities for sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in taking decisions. Therefore, I do not find any specific conflict with Policies SS4 and SS7 of the CS.
16. I conclude that locating housing at the site would significantly harm the character and rural setting of the site and surrounding area and would fail to conserve or enhance the natural beauty of the Wye Valley AONB. Therefore, the development would not comply with Policies RA2 and LD1 of the CS, the overarching objective of the Wye Valley AONB, and Paragraph 175 of the Framework. Together, amongst other things, these seek to ensure that housing is suitably located, including consideration of the surrounding character and that great weight is given to ensuring that development conserves and enhances the landscape and scenic beauty of the AONB. Furthermore, it would be contrary to Paragraphs 130 and 174 of the Framework which seek to ensure that development is sympathetic to the surrounding built environment and landscape setting, as well as recognising the intrinsic character and beauty of the countryside.
17. The most recent version of the NDP includes a specific settlement boundary for Howle Hill and states that housing will only be supported within the identified settlement boundary. The appeal site would not be within the settlement

² Secured under a subsequent Technical Details application, were this appeal to succeed.

boundary set out in the NDP. Therefore, regardless of the fact that I can currently give the NDP only limited weight, even if the proposal were assessed against the proposed NDP policies, it would not meet the policy requirements.

Planning balance

18. The appellant states that there is unmet housing need within Walford Parish and the proposal would provide additional rural housing. Whilst no supporting evidence has been provided, both local and national policy seeks to secure suitably located rural housing. Despite this, the Council can demonstrate a 5 year supply of deliverable housing sites, which the appellant does not contest. Therefore, the Framework paragraph 11d)ii presumption in favour of sustainable development does not apply.
19. There would also be short term economic benefits from the construction of the dwellings and ongoing social and economic benefits for the area from the creation of two new households. The scale of these benefits would be limited by the small scale of the proposal and are not sufficient to outweigh the harm identified.

Other Matters

20. My attention has been drawn to other developments in the immediate area which have been granted permission. Howle Hill Nursery has been granted permission on appeal for 8 dwellings and a site nearby has been granted outline permission³ for 4 dwellings. The Nursery site contained more structures and hard standing than the site before me. The 4 dwelling scheme included affordable housing that would have weighed in favour of the scheme. Therefore, they are both materially different to the scheme before me.
21. The site is within the catchment of the River Wye Special Area of Conservation (SAC) so the Conservation of Habitats and Species Regulations 2017 comes into play. The Council carried out an Appropriate Assessment and Natural England confirmed they had no objection, subject to appropriate mitigation being secured under a subsequent Technical Details application. However, the proposal is unacceptable on other grounds so it is not necessary for me to consider this matter further.

Conclusion

22. For the reasons set out above having regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR

³ P172215/O and P211348/RM