
Appeal Decision

Site visit made on 3 May 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2022

Appeal Ref: APP/W1850/W/22/3290192

Ivy Cottage, Lower Eggleton, Ledbury HR8 2UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Higham against the decision of Herefordshire Council.
 - The application Ref 213637, dated 27 September 2021, was refused by notice dated 10 December 2021.
 - The development proposed is erection of building to house ground source heat pump system and for use as general purpose storage in connection with green energy business.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the surrounding area;
 - ii) whether or not the proposed development would be suitably located, having regard to relevant policies of the adopted development plan and to national policy;

Preliminary Matters

3. The appeal form, the Council's decision notice and the appellant's statement describe the appeal as relating to a retrospective planning application seeking retention of the building that is present on the site.
4. There are some minor discrepancies between the plans submitted with the application and the building as existing at the time of my site visit. The discrepancies include different finishing materials (a blockwork base is shown on the plans), no solar panels attached to the south elevation roof, and variance in the number of, and size of, openings. These details could be appropriately finalised and controlled using conditions to account for the noted discrepancies.
5. The appellant's submissions indicate that it is intended to install the solar panels shown on the submitted plans if permission is granted. As such, I have proceeded on the basis that planning permission is sought on a part retrospective basis.

Reasons

Character and appearance

6. The appeal site is located within the open countryside and includes an access track of compacted hardcore, a recently constructed building ('the building') with surrounding hardstanding, and a wedge-shaped area of grassland to the south. The building is approximately 100m south of the A4103 and shares its vehicular access from the highway with Ivy Cottage, a dwelling located to the north of the building. A bridleway provides a public right of way along the access track and runs north to south through the site, adjacent its eastern boundary. The building has been constructed at the north-eastern corner of an agricultural field that has been subdivided to separate the appeal site from the wider arable field.
7. The Yarkhill Neighbourhood Plan (YNP) notes that the parish is within Natural England's 'Herefordshire Lowlands' National Character Area (NCA). The YNP advises that this NCA is largely tranquil and rural in character, with a gently undulating landscape that includes small dispersed settlements, mixed farming, woodlands, orchards, local vernacular buildings, and historic farmsteads. The area surrounding the site is predominantly characterised by a gently undulating, tranquil agricultural and sparsely populated landscape, with many local vernacular buildings, including redbrick and timber framed historic farmstead buildings visible from the A4103. I find that the appeal site's agricultural use within the surrounding undulating rural landscape would have made a positive contribution to the character and appearance of the wider NCA.
8. Whilst the building has the appearance of a large modern agricultural building, it appears relatively isolated as it does not form part of a group of similar buildings that would aid mitigation of its visual impact. By virtue of its bulk, height, modern utilitarian design and relative isolation, the building stands out as a prominent and discordant element in the otherwise attractive and rolling, rural landscape. Although the building would eventually be somewhat screened by the proposed landscaping, it would remain highly visible from the public bridleway running through the site and, to a lesser degree, from the A4103 when travelling east to west. The proposed landscaping would take a significant period of time to establish and, even when protected by condition, cannot be guaranteed to endure. As such, whilst the provision of a heritage orchard, wildflower meadow, and additional boundary trees would represent a positive contribution to landscape character, overall, the proposed landscaping would provide only limited mitigation of the landscape character and visual harm resulting from the development.
9. I have had regard to the examples of other large agricultural and commercial buildings in the wider surrounding area drawn to my attention by the appellant. I do not have full details of the circumstances that led to the construction of these other buildings and so cannot, therefore, be sure that they represent a direct parallel to the appeal development. Many of the examples, however, relate to clusters of buildings that appear more settled within the landscape than the isolated position of the building. Furthermore, whilst I acknowledge that other large, modern, and relatively isolated agricultural style buildings are present within the wider surrounding landscape, they do not define the landscape character of the area, or contribute to its distinct sense of place.

10. Indeed, left unchecked, the cumulative effect of scattered, modern large buildings within the NCA would be to harmfully erode the predominantly tranquil and rural sense of place of the NCA. As such, the presence of other similar buildings in the wider surrounding area does not obviate the landscape character and visual harm resulting from this development.
11. Consequently, the scale, modern utilitarian design, and relatively isolated siting of the building, in combination with the urbanising effect of the surrounding hardstanding, have resulted in a conspicuous and obtrusive addition to the landscape. The development is, therefore, harmful to the character and appearance of the surrounding open countryside and conflicts with Policies LD1 and RA6 of the Herefordshire Local Plan Core Strategy (CS) and YNP Policies Y5, Y11 and Y12. These policies, taken together, amongst other things, require that development should be sited and designed to protect and enhance landscape character, with development of a scale commensurate with its setting and suitable mitigation provided for any adverse impact on landscape features. Moreover, the development would be inconsistent with section 12 of the National Planning Policy Framework (the Framework) as it would not recognise the intrinsic character and beauty of the countryside and would not be sympathetic to local character.
12. I have had regard to the appellant's assertion that YNP Policy 12 is not relevant to the development but find the policy's reference to 'other rural business buildings' makes it so.

Suitability of Location

13. YNP Policy Y4 is supportive of small scale employment developments at the employment areas identified on Map 10 of the YNP. The appeal site is not identified on Map 10 as at, or within, an identified employment area. I concur with the appellant's assertion, therefore, that YNP Policy Y4 is not, as a permissive policy, directly engaged by the development. Nevertheless, the policy clearly forms part of the overarching strategy of the YNP with regards to employment land. The YNP states that one of its objectives (Employment Objective 1) is to encourage investment in new business premises at the identified employment areas through the application of YNP Policy Y4. Whilst I appreciate that there is a lack of suitable premises currently available within the locality, there is no substantive evidence before me to suggest that new business premises at the identified employment areas could not meet the appellant's business's needs.
14. YNP Policy Y5 is relevant as it supports employment development that helps to diversify the rural economy on sites outside of existing industrial estates and settlement boundaries (such as the appeal site), provided the development meets the requirements of CS Policies RA5 and RA6. CS Policy RA6 is supportive of employment generating proposals which help diversify the rural economy. CS Policies SS5 and E1 are also supportive of development that enhances employment provision and diversifies the county's business base, including through the development of environmental technologies. The building would provide storage space for a local green energy business, supporting local employment. However, as noted in my conclusions on the first main issue, the development conflicts with CS Policy RA6 by virtue of its scale not being commensurate with its setting. It would also conflict with CS Policies SS5 and E1 insofar as it would not be appropriate in terms of its scale having an

adverse impact on the local environment by virtue of its detrimental effect on landscape character. CS Policy RA5 relates to the re-use of rural buildings and is not relevant to the appeal. As such, whilst YNP Policy Y5, CS Policies RA6, SS5 and E1 support employment development in rural areas, the development does not, overall, accord with those policies.

15. I acknowledge that Framework paragraphs 84 and 85 support the sustainable growth of all types of businesses in rural areas and advises that sites to meet local business needs may have to be found beyond existing settlements. This policy support is qualified, however, by the requirements that buildings are well designed and sensitive to their surroundings, which is not the case in this instance.
16. Overall, whilst there is significant support within both local and national policy for development that supports the rural economy, for the reasons noted above, the development does not accord with YNP Policy Y5, CS Policies RA6, SS5 and E1, or with Framework paragraphs 84 and 85. Furthermore, whilst I do not find a direct conflict with YNP Policy Y4, the development does not align with Employment Objective 1 of the YNP insofar as it would not encourage investment in new business premises at the identified employment areas. The development is not, therefore, suitably located, having regard to relevant policies of the adopted development plan and to national policy.

Planning balance

17. The benefits of the development include net biodiversity gain by virtue of the proposed landscaping scheme, beehives, bird and bat boxes; employment generation and diversification of the rural economy; and sustainable design features, including solar panels and a ground source heat pump. There is, however, no indication that the development would result in a significant increase in rural employment. As such, I afford only moderate weight to the economic benefits of the proposal. There is no substantive evidence before me regarding the extent of biodiversity gains and, given the limited scale of the proposed landscaping, limited weight is afforded to the biodiversity enhancements. The sustainable design features of the development would support the transition to a low carbon future but, given the small scale of the development, I afford these positive measures limited weight. Whilst I note the building currently serves a green energy business, it would not be appropriate to restrict the use of the building to such businesses and, therefore, only very limited weight is afforded to the environmental benefits of the current business's operations.
18. For the reasons and policy conflicts set out in my assessment of the first main issue, I give significant weight to the harm to the character and appearance of the surrounding area. I give moderate weight to the conflict with employment policies set out in my assessment of the second main issue. Overall, I find the development does not accord with the development plan when taken as a whole.
19. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Neither can I be satisfied, from the evidence before me, that the imposition of conditions would overcome the

harms I have identified. Accordingly, I conclude that planning permission ought not to be granted.

Conclusion

20. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR