



Appeal Decision

Site visit made on 5 July 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2022

Appeal Ref: APP/W1850/W/22/3292291

Land east of Castle Pool Cottage, Little Birch, Hereford HR2 8BB

- 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 Andrew Meredith against the decision of Herefordshire Council.
 - The application Ref 213321, dated 27 August 2021, was refused by notice dated 15 December 2021.
 - The development proposed is repositioning of existing access and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for repositioning of existing access and associated works at Land east of Castle Pool Cottage, Hereford HR2 8BB in accordance with the terms of the application, Ref 213321, dated 27 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development shall be carried out strictly in accordance with the approved plans as set out in drawing reference LB-P3-5235-03A.
 - 3) All planting, seeding or turf laying in the approved landscaping scheme, as set out in drawing reference LB-P3-5235-03A shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Preliminary Matters

2. Permission has previously been granted for 3 dwellings with a shared new access. Changes to plot 3, to which this appeal relates, were subsequently approved under application reference P202991/F with the shared access retained. At the time of my site visit, all three dwellings were substantially complete and the shared access in place. Work was ongoing at plot 3 and the drive connecting the shared access to plot 3 had not been implemented.
3. There is a pre-existing access at the eastern corner of plot 3 which was a field gateway. However, the approved access to plot 3 is via the new shared access and not via the pre-existing access. Therefore, while the application refers to the proposal as 'repositioning of existing access' it would more accurately be described as the creation of a new access to serve plot 3.

4. The landscaping scheme (drawing LB-P3-5235-02b) approved under permission reference P202991/F includes the planting of a tree to fill the pre-existing access, along with other planting elsewhere in the site. Condition 11 of that permission secures the implementation of all new planting set out in the landscaping scheme and its replacement if it dies or is damaged within 5 years of planting. However, condition 11 does not secure the retention or replacement of any existing hedge or other planting. The section of hedge which would be removed under the proposal subject to this appeal is existing hedge, so its retention is not secured by condition 11.
5. The plans submitted with this appeal include the addition of a new hedge between plots 2 and 3. All parties have had the opportunity to consider these plans and comment on them. The position of the proposed new access to serve plot 3 and the location of the new hedges at the pre-existing access and between plots 2 and 3, are clear from drawing submitted with this appeal. This appeal has been determined on the basis of the submitted drawings.

Main Issues

6. The main issues are the effect of the proposed development on the character and appearance of the site and the surrounding area; and the effect on ecological features and biodiversity.

Reasons

7. The site is on the edge of the village, where it transitions to open countryside. The proposal would result in the loss of a short section of roadside hedge. New hedge would be planted to block the pre-existing access, with the revised plans also including a new hedge between plots 2 and 3. Whilst these new hedges would take time to establish, they would soften the appearance of the site frontage and help the development integrate into its surroundings.
8. Plot 3 would be more visible from the road directly in front of the proposed new access. However, when approached from the village, the new hedge between the plots would reduce visibility of the dwelling through the shared access and the proposal would be viewed in the context of the existing development. When approaching from outside the village, the new hedge at the pre-existing access, along with the bend in the road would reduce visibility of the site. While a section of existing hedge would not be retained, the loss would be offset by the planting of new hedges at the pre-existing access and between the plots. Together, these would result in a modest net increase in the overall length of hedging at the site. In addition, significant amounts of hedgerow would remain both opposite and beyond the site. Together, these factors mean that the site and its surroundings would largely retain their distinctive rural and edge of village character and appearance once the proposal had been implemented and the landscaping had matured.
9. The site is not subject to any specific designation in terms of ecology or biodiversity and the short section of hedge that would be removed is in poor condition. There is already a break in the hedge at the pre-existing field access, as well as the already approved shared site access. This means the proposal would not break an otherwise uninterrupted stretch of hedge. Together these factors reduce the value of the hedge in terms of its contribution to amenity as well as biodiversity and green infrastructure. The proposed new hedges would increase the overall planting at the site to the benefit of biodiversity. There is

also existing hedgerow on the opposite side of the road and beyond the site which will continue to provide valuable habitats.

10. I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the site and the surrounding area, or to ecological features and biodiversity. Consequently, the development would comply with Policies LD1, LD2, LD3 and SS6 of the Herefordshire Local Plan and Policies LBA10 and LBA11 of the Little Birch and Aconbury Neighbourhood Development Plan. Together, amongst other things, these policies seek to ensure that landscape, local distinctiveness, biodiversity and green infrastructure are protected. Furthermore, the proposal complies with the National Planning Policy Framework.

Other Matters

11. I am aware of the planning history of the site, the various iterations of the proposals for the overall development, and previous discussions regarding access. However, as I am required to do, I have determined this proposal on its own details, merits and impacts.
12. The existing permission, along with its conditions, is considered to be a relevant fallback position for this proposal. No substantive evidence has been presented regarding any other potential fallback position, or any viability issues, so these matters have not impacted on my decision.
13. During my site visit I viewed the progress of the overall development. It has been suggested that there are a number of elements which are not in accordance with the approved plans and that trees and hedges have been removed which should not have been. Such matters are not before me under this appeal and any necessary investigation and action would be for the Council to consider.
14. I note that no highway safety concerns have been raised by the Council or the highway consultee and I agree with their conclusion in this regard. Matters such as the moving of telegraph poles are outside of the scope of this appeal. Regardless of whether there are any other shared accesses in the area, or the lack of a demonstrated need for the repositioned access, I have found that the proposal would not result in significant harm or conflict with policy.

Conditions

15. The Council have suggested conditions, which the appellant has been made aware of and raised no objections to. In addition to the standard time limit condition, a condition specifying the approved plans is necessary to provide certainty. In the interests of the character and appearance and biodiversity of the area, a condition is necessary to ensure the implementation and retention of new hedge planting.
16. Third parties who raised no objection to the proposal suggested a condition be imposed to get the developer to replace a stile with a self-closing gate. This has not been suggested by the Council. Although I have no detail on this matter, it appears that the stile is outside of the appeal site. In addition, such a condition would not be necessary to make the proposal acceptable.

Conclusion

17. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

Helen Davies

INSPECTOR