



Appeal Decision

Site visit made on 2 August 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/W1850/W/22/3295463

**Stableside Cottage, Wold Farm Lane, Stiffords Bridge, Herefordshire
WR13 5NW**

- 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 & Mrs Francis against the decision of Herefordshire Council.
 - The application Ref 211692, dated 23 April 2021, was refused by notice dated 28 January 2022.
 - The development proposed is replacement of existing building with approved residential use, with a new build dormer bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The principle of converting the existing building into a dwelling was established under planning permission Ref: 204150/F, granted on 12 February 2021, and remains extant. This has created a fall-back position that is a material consideration to this appeal. As such, the principal of residential use on the site has already been established.

Main Issues

3. The main issues are:
 - Whether the site is a suitable location for the proposed new dwelling having regard to development plan policy, and the accessibility of the site to services and facilities; and
 - The proposal's effect on the character and appearance of the area.

Reasons

4. The appeal site consists of a redundant building in a spacious plot adjacent to an existing residential property known as 'Meadow End'. There is also a neighbouring farm complex to the south-east. The appeal site is accessed via a shared private drive off the A4103 highway. The surrounding area is countryside.

Suitability of Location

5. The appeal site is not located within any defined development boundary and, consequently, is within the open countryside as defined in the Herefordshire Local Plan Core Strategy 2011 – 2031 (2015) (Local Plan). However, due to the

appeal site's close proximity to other residential development, the proposal would not be isolated in the context of paragraph 80 of the National Planning Policy Framework (Framework).

6. Policies CNP1 and CNP2 of the Cradley Parish Neighbourhood Development Plan 2011-2031 (NP) restrict development outside defined settlement boundaries to certain criteria such as affordable housing on rural exception sites, a dwelling essential to agricultural, forestry or other land based employment, or for a dwelling of exceptional quality or that is truly innovative. The proposal would not meet any of these exception criteria.
7. The appeal site is located a considerable distance from the nearest settlement, which would mean it is not easily accessible to everyday services and facilities by foot or bicycle. Future occupiers of the proposed dwelling would therefore be reliant on private motor vehicles to access services and facilities, as there are no pedestrian footpaths or streetlighting on the A4103 at the site's location.
8. Policy RA3 of the Local Plan restricts new development in open countryside unless it meets certain criteria, including the replacement of an existing dwelling that is comparable in size and scale and is located within the lawful domestic curtilage of the existing dwelling.
9. During my site visit I observed evidence of human habitation within the appeal property, such as light fittings, curtains on window openings, and internal tiled surfaces in the area that may have been the former kitchen. Nonetheless, there is no written evidence before me to prove the building has a lawful residential use. I am therefore not satisfied that the building has a lawful residential use.
10. The proposal would have a building footprint that is less than the existing building. The proposed reorientation of the proposed dwelling would be set partially within the original footprint of the existing building and would also be within the site's existing curtilage. Nevertheless, as there is no evidence of the building having a lawful residential use, the proposal would not meet the exception criteria of Policy RA3.
11. Therefore, the proposal is not a suitable location for the proposed new dwelling having regard to development plan policy, and the accessibility of the site to services and facilities. It would fail to accord with Policies RA2 and RA3, which restricts new development in open countryside. The proposal would also fail to accord with Policies SS4 and SS7 of the Local Plan. Collectively, these policies seek to ensure new development is located in sustainable locations. In addition, the proposal would also fail to accord with Policies CNDP1 and CNDP2 of the NP which restricts development outside defined settlement boundaries to certain criteria.

Character and Appearance

12. The existing building has a single-storey split-level structure with a simple, utilitarian form and agrarian design that harmonises with its rural surroundings.
13. The proposal would be a traditional dormer style bungalow with a higher ridge height than the existing building. Whilst the overall footprint would be smaller than the original building, the proposal's steep gable projections, combined with the attached garage and car port, would result in a notably bulkier

appearance than the original building. The proposal would also include a number of window openings and the external materials would consist of facing brickwork and clay tiles. The resulting building would have a domestic appearance, which combined with the traditional dormer design, would have little resemblance to the rural character of the existing building. In addition, the proposal's increased bulk would make it more visible on the site compared to the existing structure. This would result in an incongruous feature that would interfere with the natural appearance of the appeal site and would be visually inappropriate and harmful to the surrounding countryside.

14. Although the existing landscape planting does provide some degree of screening and additional landscaping could be secured by condition, the proposal would nevertheless be partially visible from the surrounding area. This is due to the site's elevated position and its proximity to the A4103 highway, and when trees and vegetation are not in leaf during winter months. Such planting could not be guaranteed to survive or be maintained in the longer term.
15. Whilst the proposal's architectural features would complement that found on the neighbouring property, Meadow End, this is spatially separated from the appeal site by trees and vegetation. It is therefore not within the immediate context of the appeal site and is also set further back from the road in a less prominent position than the appeal site.
16. For the reasons given above, the proposal would represent a marked contrast to the existing rural building on site and the extant planning permission. As such, it is not considered that the proposal would represent a high-quality design that would integrate effectively with its rural surroundings.
17. For the reasons given, the proposal would have a harmful effect on the character and appearance of the area. Therefore, the proposal would fail to accord with Policies SS6, SD1 and LD1 of the Local Plan. Collectively, these policies, amongst other things, seek to ensure proposals are designed to maintain local distinctiveness. In addition, the proposal would also fail to accord with Policy CNDP9 of the NP, which seeks to ensure proposals take appropriate account of their setting in terms of bulk, mass, siting, design and help to strengthen the existing character of the area. It would also fail to accord with the design objectives of the Framework.

Planning Balance

18. The extant planning permission represents the fall-back option and would re-use the existing building structure retaining the general form and materials assimilating into the rural landscape. In contrast, the proposal would not re-use the existing structure, which forms part of the rural landscape. The proposal would therefore fail to reflect the form of the existing building structure and would not retain any of its existing features.
19. There is no evidence to demonstrate that the extant permission could not be implemented or would be economically unviable. The appellant has also confirmed that in the event of the proposal not being approved, the extant permission would be implemented. In addition, the proposal does not offer any significant benefits when compared with the extant planning permission. I therefore conclude that the fall-back position would not be as harmful as the proposal before me.

20. The appellant refers to the proposal's long-term sustainability and energy efficiency benefits. Nevertheless, there is nothing persuasive to demonstrate that these benefits (solar gain, thermal efficient materials, negative carbon footprint, electric vehicle charging point etc) would distinguish the design as being truly outstanding or over and above what could be achieved through the existing extant planning permission. Given the scale of the scheme as such benefits would be small.
21. My attention has been drawn to planning permission 153490 for 4 dwellings. I do not know the planning circumstances that led to this approval or the specific relationship with the open countryside. It is also in a different location to the appeal site, different design with green flat roofs and for a greater number of units. Therefore, it is materially different to this appeal.
22. I note the suggested car and cycle parking arrangements, and that the highway authority has not raised concerns in regard to highway safety. Nevertheless, this is a neutral effect and therefore does not weigh in favour of the proposal.
23. The proposal would provide a private garden area and would have no discernible impact on the living conditions of neighbouring occupiers. Nonetheless, these are neutral given that similar would arise through the extant planning permission.
24. I am mindful of the appellant's desire to provide disabled access and adaptable accommodation suitable for persons with restricted mobility at ground floor level. Nevertheless, there is no substantive evidence to suggest this cannot be achieved with the split-level fall-back option or indeed with a new build scheme designed more in keeping with the original building design. In addition, the proposal before me includes a first-floor level containing 4 bedrooms and 5 bathrooms with no obvious provision for wheelchair access to this upper floor.
25. The conduct of the Council during the application is not a matter that affects my findings on the main issues. Any concerns regarding this matter should be directed to the Council.
26. The Parish Council have not raised objection to the proposal. However, this is a neutral effect and therefore does not weigh in favour of the proposal.
27. Given the extensive use of asbestos within the building, the proposed new dwelling would provide a safe property for human habitation. The building has also suffered from break-ins. Notwithstanding this, the evidence before me has not shown that the proposed dwelling is the only option to tackle these issues. I therefore attach limited weight to them.
28. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

Conclusion

29. For the reasons given above, the appeal is therefore dismissed.

Helen Smith

INSPECTOR