



Appeal Decision

Site visit made on 18 October 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/W1850/W/22/3298360

Land adjacent Hopefield Cottage, Haynall Lane, Little Hereford, SY8 4BG

- 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 Mrs Tracey Fletcher against the decision of Herefordshire Council.
 - The application Ref 201962, dated 22 June 2020, was refused by notice dated 29 November 2021.
 - The development proposed is a proposed eco-tourism scheme: Erection of three sustainable holiday lodges.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal is in an appropriate location in relation to the spatial strategy for the area and access to services; and
 - the effect of the proposed development on the living conditions of the occupants of Hopefield Cottage.

Reasons

Character and Appearance

3. The site is not located within a development boundary and is therefore considered to be in the open countryside. When travelling both directions along Haynall Lane to the site the area has a rural character, with agricultural fields, mature trees and hedgerows adding to its character. The site is located on a singletrack road with no footpaths or street lighting. The appeal site is located adjacent to a small cluster of dwellings, with the nearest adjoining the site to the south east. The appeal site adjoins agricultural land to two sides and Haynall Lane along the other.
4. The proposed development includes the siting of three holiday lodges, formal entrance with parking and turning area and bin store. The current use of the appeal site is agriculture, which was still evident when I carried out my site visit, is consistent with the rural character of the area, and the surrounding landscape provides the site with an attractive setting.

5. However, the incursion of the proposed development on the site would appear as a suburban form of development that would detract from the otherwise largely unspoilt, undisturbed character and the quiet feel which presently defines Haynall Lane. The lodges along with the creation of a new turning and car parking area, together with the paraphernalia associated with holiday let use, would inevitably result in incursion of built development into the open countryside at odds with the character of the site and its wider surroundings.
6. Whilst the development would be to some extent screened by landscaping, this would only partially mitigate against the harm from the proposal, which, due to the removal of some of the existing hedgerow, would be visible from the access point, the right of way that runs along the southeastern boundary of the site and more distant views.
7. I find that the proposed development would have an adverse effect on the rural character and appearance of the area. Subsequently, it would be contrary to Herefordshire Local Plan Core Strategy (2015) (CS) Policies SS6, LD1 and SD1 and Brimfield and Little Hereford Neighbourhood Development Plan (2016) (NDP) Policies BLH8, BLH9 and BLH18. These seek, amongst other things, to ensure that developments conserve and enhance environmental assets that contribute to the county's distinctiveness and demonstrate that the character of the landscape has positively influenced the design. The proposal also conflicts with Paragraph 130 of the National Planning Policy Framework (the Framework) which seeks good design sympathetic to local character and development that responds positively to the surrounding context

Location

8. CS Policy RA2 identifies Brimfield as a settlement where growth will be supported within or adjacent to it. The appeal site lies some 1.5 miles from Brimfield and sits surrounded by agricultural fields and away from much built development, apart from the adjoining small cluster, such that it is clearly in the open countryside. The site also lies outside any defined settlement boundaries within the NDP. CS Policy RA3 permits new residential development where it meets a number of listed criteria. The proposal would not meet any of these and would therefore be contrary to the Council's residential housing policies.
9. CS Policy RA6 seeks to support the rural economy by helping it diversify, and recognises that the county's varied tourism facilities can enable existing farms and rural businesses to diversify, as well as accommodating the needs of visitors. The Council identifies sustainable tourism proposals as one of a range of economic activities to do this, provided it meets a number of criterion, including that it is of a scale commensurate with its location and setting and does not cause unacceptable adverse impact on the amenity of nearby residents by reason of design and mass, noise, dust, lighting and smell.
10. CS Policy E4 relates to tourism, stating that Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism using the county's unique environment and, amongst other things, recognising the intrinsic character and beauty of the countryside. It lists a number of measures to support the tourist industry, including helping diversify tourist provision, extend the tourist season and increase the number of visitors staying overnight. It also accepts that some small-scale tourism associated development may be appropriate in rural areas, subject to various criteria,

including there are no detrimental impacts on the character and quality of the environment.

11. These policies are broadly compliant with the Framework, which states at Paragraph 84 that decisions should enable the diversification of agricultural businesses and sustainable rural tourism that respects the character of the countryside. Paragraph 85 of the Framework recognises that to meet such demand that some tourist visitor accommodation will need to be located in more remote countryside locations, beyond existing settlements or in locations not well served by public transport.
12. The site is not well located to services and facilities or public transport, and it is likely that any visitors, if not walking or cycling from the appeal site, would be reliant on the car to access services and facilities. However, tourists visiting an area on holiday would not necessarily need the same range of services and facilities as permanent residents.
13. Accessibility to local services and facilities is not always possible, but some tourist activities benefit from remoter locations so that the intrinsic character and beauty of the countryside can be enjoyed better. The proposal is for tourist accommodation, which the development plan seeks to promote, as well as support the rural economy and encourage rural diversification. The proposal would be small scale and could be conditioned that it is for limited occupation and not for a permanent residence.
14. Despite some conflict with CS Policies RA2 and RA3 these relate to new residential development. The proposal would accord in part with CS Policy RA6 and would, in principle be in an appropriate location. However, it would not accord with CS Policy E4 which requires that there are no detrimental impacts on the character and quality of the environment, and I have already concluded that it would harm the character and appearance of the area. As such, the proposed development would not accord with CS Policy E4.

Living Conditions

15. The appeal site is located in an area of open countryside; however, it lies adjacent to an existing residential dwelling, Hopefield Cottage. To the south of the site, on the opposite side of Haynall Lane, lies another residential dwelling, Bramley House.
16. The development would introduce three holiday cabins into an area of open countryside. There would likely be general noise from the comings and goings of visitors to and from the site and from people using the site during their holiday. A parking area and a bin store would be located close to the boundary between the site and Hopefield Cottage.
17. Whilst the development has the potential to generate noise and disturbance, as the proposal is only for three holiday lodges, the level of disturbance would be limited. It is proposed to undertake landscape planting between the proposed development and Hopefield Cottage, which would aid in buffering some of the noise from the site, including bin store, and lights from vehicles. Adherence with this mitigation would limit the impact of the proposal on nearby residents.
18. During my site visit I noted that ground floor windows in Hopefield Cottage look directly over the appeal site. Due to the orientation of Hopefield Cottage these windows would look towards a grassed and landscaped area which would

screen the parking and bin store. The proposed holiday lodges would be set back further into the site so that they would not be directly overlooked by any future users of the proposed development. As such, there would not be a harmful impact on the living conditions on Hopefield Cottage regarding privacy.

19. There would be a change in the outlook from the ground floor windows of Hopefield Cottage from open agricultural field to a landscaped buffer with development beyond. However, the landscaped area would screen the development and any built development would be some distance from the windows so that they would not harm the outlook from these windows.
20. I conclude that the proposed development would not harm the living conditions of the residents of Hopefield. The development therefore complies with CS Policy SD1 and NDP Policy BLH8 which seek, amongst other things, to ensure that developments safeguard and minimise the residential amenity for existing residents. The proposed development would also comply with Paragraph 130 of the Framework that seeks high standards of amenity for existing users

Other Matters

21. I have had regard to the biodiversity benefits noted by the appellant in their submission. However, these appear to mitigate the proposed development and as such I afford this limited weight. The limited weight of this does not overcome the harmful impact I have identified above.

Conclusion

22. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR