



Appeal Decision

Site visit made on 25 August 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/W1850/W/22/3312322

Land North of The Forge Garage, Woonton, Hereford HR3 6QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by C Morgan against the decision of Herefordshire Council.
 - The application Ref 221169, dated 5 April 2022, was refused by notice dated 23 August 2022.
 - The development proposed is described as the erection of 1 No. Self-Build Dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with access for consideration. Matters relating to appearance, landscaping, layout and scale are reserved for future determination.
3. Following the refusal of planning permission, the appellant submitted further information relating to site drainage. With regard to the 'Wheatcroft Principles' established under *Bernard Wheatcroft Ltd v SSE 1982*, the further information provides more details in this regard and to my mind does not fundamentally change the development.
4. The Council confirms the further information shows all foul water would be managed through a property specific private foul water system and a package treatment plant discharging to a soakaway drainage field within the curtilage of the appeal site. The Council has concluded that the additional information is acceptable, subject to planning condition. The Council therefore no longer contests reasons for refusal 4 and 5.
5. I have considered the concerns about drainage and flooding raised by interested parties. However, there are no reasons to reach a different conclusion to the Council, my observations made at the site visit, and all other relevant considerations.

Main Issues

6. The main issues therefore are:
 - The principle of the proposed development having regard to its location outside the settlement boundary as defined in the development plan;
 - The effect of the proposed development on the character and appearance of the area; and

- The effect of the development upon the safe and efficient flow of traffic on the highway network.

Reasons

Principle of Development

7. The appeal site lies just outside but adjacent to a settlement area. The development plan for the area seeks to direct development towards the most appropriate locations balancing the need for development with the need to protect the countryside.
8. Policy ALM11 of the Almeley Neighbourhood Development Plan 2019 ("The Neighbourhood Plan") restricts development to sensitive infilling within the settlement boundary.
9. I note Policy RA2 of the Herefordshire Local Plan 2011 - 2031 (2015) ("The Local Plan") identifies Woonton as a settlement where new housing is appropriate. This policy also allows development adjacent to settlements. However, the Local Plan pre-dates the Neighbourhood Plan and I therefore ascribe more weight to the Neighbourhood Plan.
10. Policy RA3 of the Local Plan states that development outside the boundaries of settlements will only be permitted subject to certain exceptions. The proposal does not meet these exceptions and therefore conflicts with Policy RA3.
11. I therefore conclude that the proposed development would not be appropriately located conflicting with the spatial strategy of the development plan. However, before determining the appeal it is necessary to consider what if any other harm would be caused by the proposed development and whether there are any material considerations that may outweigh the conflict with the development plan.

Character and Appearance

12. Wooton is identified as a small hamlet in the Neighbourhood Plan. It is characterised by low density development with no prevailing character or appearance defining the local area.
13. That said, while there are clusters of buildings within the local area, local distinctiveness is defined by a sense of openness between the existing buildings. This sense of openness makes a valuable contribution to the quality and character of the area.
14. The appeal site is open, broadly laid to grass and is bounded by low level vegetation / open wire fencing. It is situated between commercial premises identified as, Forge Garage / Stocks Engineering Limited and a currently undeveloped site which has planning permission for three dwellings.
15. I appreciate consent has been granted for development on two sites adjacent to the appeal site and another site further afield. I have taken these into account. However, from what I saw on site, the open nature of the current appeal site provides relief from the existing (and approved) built form.
16. This relief contributes toward openness and is therefore important in defining the identity and distinctiveness of this hamlet. The proposed development while

outline and in principle, would harm local distinctiveness by unacceptably eroding this sense of openness.

17. I note the hamlet is subject to proportionate growth and development has been approved elsewhere across the hamlet. Nonetheless, there is no evidence before me to suggest that these other developments would be outside the settlement boundary.
18. The settlement boundary has been drawn to manage growth in a proportionate way while sensitively responding to the current layout and setting of the hamlet. The appeal site's location outside the settlement boundary therefore adds more weight to the harm I have identified above.
19. The proposed development would run contrary to the established layout of this setting. It would erode the sense of openness unacceptably harming the character and appearance of the local area.
20. The proposals would therefore be contrary to the relevant provisions of Policies SS1, SD1 and LD1 of the Local Plan, ALM11 of the Neighbourhood Plan and the National Planning Policy Framework (the Framework) which, amongst other things, require development proposals to be well integrated into the character of the existing landscape.

Highway Safety

21. The appeal site is accessed from a road identified as the C1079. The Council is concerned that an existing telephone box would obstruct driver visibility while exiting the appeal site.
22. The access is currently used by agricultural vehicles, and I have not been made aware of any accident data associated with this existing access. That said, the change of use would have potential to intensify the use of the access and I have therefore considered the appeal on this basis.
23. During my site visit I noted the layout of the highway in relation to the access. While a telephone box is sited within the visibility splay toward the A480, the entirety of the C1079 and the junction with the A480 is orientated ahead on the access and would therefore be outside of this splay.
24. However, some views of the A480 would be obscured by the telephone box. The A480 has a 40mph speed limit and it joins the C1079 via a hatched junction. Given the junction layout and the need to cross approaching traffic, it is reasonable to conclude that vehicles wishing to turn right into the C1079 would be travelling at reduced speeds to enter the junction.
25. While I acknowledge the reduced visibility of the A480, a driver leaving the appeal site would have clear and unobstructed views of the C1079 and the whole of the hatched junction with the A480.
26. Vehicles approaching the junction which are preparing to turn right would be slowing as they cross the mouth of the junction. Vehicles leaving the appeal site would have full sight of the whole junction and therefore any vehicle approaching the central hatching toward the turning point which is further beyond this hatching.
27. I therefore do not consider that the proposed development would adversely affect the safe and efficient flow of traffic on the highway network.

Consequently, the proposal would not cause unacceptable conflict with the relevant provisions of Policy MT1 of the Local Plan, Policy ALM15 of the Neighbourhood Plan or the Framework. These, amongst other things, seek to avoid unacceptable impacts on highway safety.

Other Matters

28. I acknowledge the Council's historic delivery of housing and the need to significantly boost the supply of homes. While the Council can currently demonstrate a five-year supply of housing, this is a minimum requirement rather than an upper limit.
29. The Council also has a duty under the Self Build and Custom Housing Act 2015 to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to grant enough permissions to meet this demand. However, the extent to which the Council is meeting demand for this type of housing is disputed.
30. The proposal would deliver one self-build custom dwelling. The site would deliver social and economic benefits from both the construction phase and the future occupiers of the proposed dwellings. However, given the relatively limited quantum of development proposed, I ascribe the cumulative impact of these benefits moderate weight.
31. However, the harm, in respect to the impact upon the character and appearance of the area would attract substantial weight. Moreover, there would be harm to the spatial strategy of the plan.
32. I note the appeal¹ in which an Inspector applied the tilted balance as there were no development plan policies in respect to self-build and custom build housing. While this is a material consideration, I am also cognisant that the self-build and custom housebuilding act 2015 (as amended by the Housing and Planning Act 2016) does not provide for the approval of self-build plots as an exception to the provisions of the development plan or other relevant factors.
33. However, even if the 'tilted balance' at paragraph 11 of the Framework were engaged, and the shortfall in self-build housing were as significant as is alleged, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
34. It has not been clearly shown how paragraph 14 of the Framework triggers a reduction in weight attributable to Neighbourhood Plans after two years. I say this as paragraph 14 would only be engaged if the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made.
35. My attention is drawn to several other appeal decisions, I have considered these, and the Inspector involved in each decision either came to different findings in respect to some of the main issues or the benefits / harm were different.

¹ Appeal reference 3284761

36. This shows that appeals often depend on the specific circumstances of each case. Whilst consistency is important, the examples given merely indicate that some appeals need to be determined in the light of the circumstances and context of each case. Overall, I am not persuaded that they are directly comparable to the proposal before me.
37. I have also considered the various other concerns raised by interested parties. However, none of the other matters raised outweigh or alter my conclusion on the main issues.

Conclusion

38. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR