

Appeal Decision

Site visit made on 16 November 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 27th November 2023

Appeal ref: APP/W1850/W/22/3312640

Land adjoining The Nest, Twyford Common, Herefordshire HR2 8AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Mr Ben Jenkins against the failure of Herefordshire Council to decide on an application for planning permission within the prescribed period.
 - The application, Council ref. 213746/O, was dated 13 October 2021. The Council failed to determine the application within the prescribed period.
 - The development is: Site for erection of one dwelling and garage. Construction of new vehicular access and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by the Appellant, Mr Ben Jenkins, against the Council. That is the subject of a separate decision.

Main issue

3. The decision turns on the likely effect of the proposed dwelling on the character and appearance of the surrounding countryside and whether the project is supported by local policy and would be a sustainable form of development with regard to the National Planning Policy Framework.

Appeal site

4. The appeal site is a 0.39ha area of land to the eastern side of Twyford Common, a small rural settlement some 5km south of Hereford. Twyford Common has a scatter of a few dwellings, some of which front the approximately triangular rough private track east of north-south Twyford Common county road U71616 that runs through the settlement. The appeal site was described as a proposed single housing plot accessed along the track to the county road to the north-west. Surroundings are predominantly open countryside, mostly small fields with high hedges in agricultural use.

Considerations

5. Although the Council failed to determine this outline planning application within the prescribed period, they produced a statement dated 22 May 2023 in which

they set out relevant local policy considerations. Policy RA2 of the Herefordshire Local Plan Core Strategy 2011-2031, October 2015, (CS), says that in order to maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to settlements, including Twyford Common.

6. Neighbourhood Development Plans are to allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity. Otherwise new residential development in rural locations is limited to the exceptions identified in policy RA3 of the Core Strategy. The Callow and Haywood Neighbourhood Development Plan 2011 – 2031 was made 1 December 2016. It therefore formed part of the Statutory Development Plan.
7. Twyford Common is listed amongst those settlements where proportionate housing is appropriate. For the Callow and Haywood Neighbourhood Area, April 2022 figures showed 18 new dwellings had been built, with 6 commitments. The Council said that was an exceedance of 10 dwellings above the target, whilst acknowledging that was a minimum growth expectation.
8. Housing proposals will be permitted where their design and layout reflect the size, role and function of each settlement and be located within or adjacent to the main built-up area. Proposals are expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned. Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.
9. The appeal site is within Twyford Common. But there is no defined settlement boundary for Twyford Common, the Callow and Haywood Neighbourhood Development Plan 2011 - 2031 directing development towards Grafton. Neighbourhood Development Plan at policy CH9 (housing) states: 'New housing proposals for sites in the Twyford Common area will only be considered acceptable where it is clearly demonstrated that proposals are adjacent to or closely linked to existing built form and suitable access is provided.'
10. Core Strategy Policy RA3, dealing with Herefordshire's countryside, says in rural locations outside settlements residential development will be limited to proposals which satisfy specified exceptions. It seeks to avoid unsustainable patterns of development in the countryside and the creation of new isolated homes, in accord with national policy, such as para. 55 of the Framework.
11. The exceptions in Policy RA3 include, at 1 and 2, where there is a need for a rural worker to live permanently at or near their place of work in connection with an agricultural, forestry or other farm diversification enterprise or a dwelling is required to enable a rural enterprise to be established or grow. In such cases, Policy RA4 must also be complied with. Amongst other things, that policy requires that proposals for such dwellings should demonstrate that the accommodation could not be provided in an existing building.
12. Mr Jenkins' single house project does not comply with Herefordshire Local Plan Core Strategy Policy RA2 – Housing in settlements outside Hereford and the market towns at 1. – which requires that the design and layout should reflect

the size, role and function of each settlement and be located within or adjacent to the main built-up area. The appeal project would be at odds with those requirements, isolated from any recognisable settlement some way along a narrow and unsuitable private track. The appeal house would also fail the test of criterion RA2 – the new house would not be a sustainable scheme which would make a positive contribution to the surrounding environment and its landscape setting. Rather it would be a somewhat out-of-the-way new dwelling in an attractive part of the open countryside where access to community facilities would be incommodious. No support can be obtained from criterion RA4, it not being shown that the proposed new house is within a range of housing that is required in terms of size, type, tenure and housing that is required in particular settlements, reflecting local demand.

13. As above, there is no defined settlement boundary to Twyford Common. The appeal site's distance from the county road and its scattered group of houses is such that the appeal project should be examined against the limitations of Policy RA3 – Herefordshire's countryside. In rural locations outside of settlements, development will be limited to proposals which satisfy one or more of the listed criteria. None of which are met by the appeal project. Nor does it comply with policy RA4 – Agricultural, forestry and rural enterprise dwellings.
14. Callow and Haywood Group Parish Council said the appeal project was against the Neighbourhood Plan not being adjacent to any other dwelling. The location was unsustainable to a new build - there being no pub, shop, doctors' surgery or bus service necessitating the use of a car for any activity. The proposal was tantamount to building in open countryside. I agree with those assertions.
15. Para. 79 of the National Planning Policy Framework dealing with rural housing seeks to promote sustainable development in rural areas. Housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Para. 80 says planning policies and decisions should avoid the development of isolated homes in the countryside. That policy, together with the application of local Development Plan policy leads me to conclude that there is a strong policy objection to permitting the construction of a new dwelling on the appeal land. I also have some concern that allowing this appeal could make it difficult for the Council to resist similar housing projects close by, to the detriment of the predominantly open rural character of the immediate area.

Conclusion

16. For the reasons outlined above, the appeal is dismissed.

John Whalley

INSPECTOR