

Appeal Decision

Site visit made on 21 August 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Appeal Ref: APP/W1850/W/24/3341839

Site adjacent to Lanivet Cottage, The Doward, Whitchurch, Ross-on-Wye, Herefordshire HR9 6DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Eleanor Hickton against the decision of Herefordshire Council.
 - The application Ref is 222829.
 - The development proposed is a proposed new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published in December 2023 a revised version of the National Planning Policy Framework (the Framework). The Council and the appellant have referenced this document within their appeal statements and as such I am satisfied that no party would be prejudiced by my also making reference to the Framework in this decision.
3. In November 2023, the National Landscapes Association reported that all designated Areas of Outstanding Natural Beauty (AONBs) had become National Landscapes. However, the Framework continues to refer to them as AONBs. In this decision I have used the term AONB, consistent with the evidence and the Framework. The legal designation and policy status of such areas is unaffected, whichever term is used.

Main Issues

4. The main issues in this case are:
 - whether the appeal site is a suitable location for the proposal having regard to the development plan and national strategy, including whether the site has access to services and facilities; and
 - the effect of the proposal on the character and appearance of the area,

including the landscape and scenic beauty of the Wye Valley AONB.

Reasons

Location and access to services

5. Policy RA2 of the Herefordshire Local Plan Core Strategy 2011–2015) (CS) seeks to secure sustainable development in rural areas by directing housing to locations within or adjacent to identified settlements. The appeal site lies outside of the settlement boundary of Symonds Yat and Whitchurch, as defined by the Whitchurch and Ganarew Neighbourhood Development Plan (2019) (NDP).
6. Policy WG2 of the NDP states that '*c) Housing development outside of the two settlements (Whitchurch and Symonds Yat West), including adjacent to their boundaries should be exceptional and located in accordance with relevant policies in Herefordshire Local Plan Core Strategy, in particular, but not exclusively Policy RA3.*'
7. CS Policy RA3 sets out that the circumstances where development within rural locations outside of settlements would be permissible, none of which apply in this case.
8. NDP Policy WG3, which refers to housing development in Whitchurch, sets out that '*Outside of the settlement boundary, but adjacent or in close proximity to the settlement boundary, housing development in sustainable locations will be supported where, in addition to complying with other policies in this Plan, it comprises one of the following:*
i) Small plots for self-build dwellings where each initial owner has primary input into the final design and layout;
ii) A development of affordable housing sufficient to meet the local needs identified during the plan-period.
9. The proposed development is for a self-build dwelling. However, the site is located a substantial distance from both Whitchurch and Symonds Yat West.
10. Given the rural surroundings, lack of intervisibility and number of dwellings set within large curtilages between the appeal site the built form of Whitchurch, in addition to the A10 highway, this would not represent development adjacent or in close proximity to its settlement boundary. Similarly, given the topography and distance between the appeal site and the boundary of Symonds Yat West, with a clear visual gap, again, the site is not adjacent to this settlement. The proposal would not therefore accord with CS Policy RA2 or NDP Policies WG2 and WG3 in this respect.
11. CS Policy SS7 sets out that in order to mitigate impact on climate change, development should reduce the need to travel by private car and encourage sustainable travel options.
12. The appellant points to the number of services and facilities within the parish, such as in Ros-on-Wye and Monmouth, in addition to the local

services and amenities within Whitchurch and Symonds Yat. However, the site is not located in close proximity to these settlements and there is no evidence before me that they would be accessible by walking, cycling or by public transport, particularly as the nearest bus stop is put at 3km away, and the surrounding lanes and pathways are largely uneven, without pavements, unlit and, given the topography of the area, not flat. Whilst less than ideal circumstances in this regard may be prevalent in rural areas, the appeal site, safe and convenient walking or cycling access to facilities or services would not be provided to future residents.

13. The Framework acknowledges that opportunities to utilise sustainable transport solutions will vary between urban and rural areas. However, whilst some private car use may be typical of rural living, given the lack of convenient local facilities and services and public transport options, the intended future occupiers of the new dwelling would be very likely to have a high reliance on a private motor vehicle to access day to day services.
14. The development would not mitigate the impact of the development on climate change in this respect and would not therefore meet the requirements of CS Policy SS7. The provision of electric vehicle charging points and secure bicycle storage would not mitigate this harm.
15. Therefore, when judged against local policies, the proposal would not be in a suitable location. Permitting it would be harmful in that the strategy for the distribution of housing would be undermined and as car borne travel would be encouraged.
16. I conclude therefore that the appeal site is not suitably located for the proposal as it would undermine the strategic objectives of the development plan and would conflict with the sustainable development principles and plan-led approach endorsed by the Framework. It would also not be located in an accessible location and would be dependent on car travel. The proposal would conflict with CS Policies SS1, SS7, RA2 and RA3, and NDP Policies WG2 and WG3.

Character and appearance

17. The appeal site consists of land adjacent to Lanivet Cottage, a two storey dwelling. The land slopes down from its entrance, is surrounded by hedgerow and currently open and undeveloped save for some scattered trees around its boundaries and a garage building near to the entrance to the field. The site sits in between Lanivet Cottage and Fir Tree Cottage, and the verdant rural surroundings are characterised by a sloping topography and mixture of farmland and woodland, with scattered detached dwellings sat in large plots.
18. The site is located within the Wye Valley AONB. The Wye Valley Area of Outstanding Natural Beauty Management Plan 2015 - 2020 (2016) sets out that the AONB is an area of striking contrasts, where downstream from Ross-on-Wye the river has cut dramatic gorges with sheer cliffs and steep wooded slopes, interspersed with broader valley reaches, with rounded hills and bluffs.

19. As a small mostly undeveloped field between two dwellings, surrounded by hedgerow or trees, the site at present makes a modest positive contribution to the character and appearance of the surrounding countryside and the landscape and scenic beauty of the AONB.
20. The appeal site would sit within a plot similar to the surrounding built form, and whilst sat in between two properties, given the size of the appeal site, there would be sufficient separation gap to not harm the surrounding dispersed pattern of development. The space around the dwelling would allow views of the vegetation and trees around the site and prevent an undue sense of urbanisation. The traditionally designed modestly scaled property would sit comfortably in the context of the surrounding mixed architecture.
21. The proposal would not have a detrimental effect on the character and appearance of the area, including the landscape and scenic beauty of the Wye Valley AONB. As such, I find no conflict with CS Policies SS6 and LD1 and NDP Policy WG14, which collectively seek to require development to demonstrate particular attention to the form, layout, character and setting of the site and to conserve and enhance the AONB. The development would not conflict with the Framework, which sets out that that great weight should be given to conserving the landscape and scenic beauty of AONBs.

Other Matters

22. The site is within the hydrological catchment which comprises part of the River Wye Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), in addition to the Wye Valley Woodlands SAC, recognised as being of international importance for its aquatic flora and fauna, and horseshoe bats respectively.
23. CS Policies SS6, LD2, SD3 and SD4 require that development should seek to retain and protect nature conservation sites and habitats. They also set out that sufficient information should be submitted in order to determine the effect of development upon SAC's and SSSI's, particularly with regard to nutrient levels and phosphate loading, prior to the granting of planning permission.
24. In order to address concerns that appropriate foul and surface water drainage measures can be implemented on the site, further details have been submitted by the appellant¹. The Council maintain that the additional information does not provide sufficient detail, however, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
25. Circular 06/2005² states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. The

¹ PtP report & Storm Water Strategy by RWH Constructability

² Circular 06/2005: Biodiversity and geological conservation - statutory obligations and their impact within the planning system

submitted ecological appraisal³ sets out that surveys did not find any potential bat roosting features in the hardstanding and trees on the application site, and subject to the retention of trees, hedgerow and boundary features, and suitable conditions controlling external lighting, the biodiversity interest of the site and surroundings in this respect would be maintained.

26. Based on what I observed on site and from the information before me, I am satisfied with the Council's conclusion that the site is not likely to be used by bats, or indeed any other protected species. There is no conflict therefore with the protection of protected species requirements of CS Policies SS6, LD2, SD3 and SD4, in addition to the Habitats Regulations and Framework.
27. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) states that an authority must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period. Whilst it may allow for a young person to stay in the local area, there is no evidence before me that the Council is failing in its statutory duty to meet the demand for self-build and custom housebuilding. As such, in addition to the limited quantum of development in this case, I give this matter limited weight in favour of the proposal.
28. The additional windfall unit of accommodation would contribute to the Government's broader objective of significantly boosting the supply of homes. The proposal would result in short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the dwelling. However, again, even if the development would make efficient use of partly previously developed land, given the quantum of development in this case, I give these matters limited weight in favour of the scheme.
29. It is not substantiated why the new dwelling is required for the repair of the adjacent road, and any previous good impression of construction by the appellant does not carry weight in favour of the proposal.
30. Planning decisions should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons set out above, the location of the proposed development would be in conflict with the spatial strategy of the development plan and its occupants would be reliant on the car. The minor benefits outlined above do not outweigh this identified harm.

Conclusion

31. For the reasons set out above, the appeal is dismissed.

B Phillips INSPECTOR

³ Preliminary Ecological Appraisal Report by New Ways Ecology, dated 9 January 2023