



Appeal Decision

Site visit made on 17 June 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

Appeal Ref: APP/W1850/W/25/3360507

Land Adj Gorsley Common Road, Gorsley HR9 7SF

- 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 Steve, Susan and Philip Dixon against the decision of Herefordshire Council.
 - The application Ref is 241297.
 - The development proposed is erection of single storey, self-build dwelling. Construction of access track and associated development.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on landscape character; and
 - whether the appeal site is in a suitable location for housing having regard to the development plan.

Reasons

Character and appearance

3. The site comprises an area of grazed grassland bordered by established mature hedgerow which slopes gently downhill towards the southwest. Access to the site is from a gated entrance in the northern corner of the field. The site is located within the 'wooded limestone ridges' Landscape Character Type (LCT) as defined in the Herefordshire County Landscape Character Assessment (2023) (LCA). The LCA sets out that the LCT comprises distinctive ridge summits with open grassland and heath which contrast with the well-wooded ridge slopes and hills.
4. The overall aim for the LCT is to conserve and manage the rural character of the landscape and distinctive sense of place created by the combination of the expansive grassland ridges, large irregular woodlands and small hedgerow-bound pasture fields. This will be achieved by, amongst other measures, minimising the impact of development through careful design in terms of siting, scale, style, layout and materials to be in keeping with the landscape setting and ensuring that new development and infrastructure does not detract from the high levels of rural tranquillity, sense of remoteness and dark night skies experienced within the landscape.

5. The open, verdant nature of the wider field in which the site is located displays many of the key characteristics of the LCT and contributes positively to the surrounding landscape. It also enables views of the high dramatic ridge at Linton Ridge. The westward view across the site towards Linton Ridge is identified as a 'public view' in the Bromash, Gorsley and Linton (Linton parish) Neighbourhood Development Plan (2021) (NP). NP policy BGL1 sets out that for proposals which lie within sight of a public view, a Landscape and Visual Impact Assessment (LVIA) or similar study should be carried out to demonstrate, amongst other things, that the levels of effects are acceptable.
6. The proposal is for the erection of a single storey sedum roof dwelling which would be partly set into the sloping ground within the southern corner of the field. The dwelling would be shrouded by a compound, designed to appear as a tumbled down sheep pen, and would be surrounded by a ha-ha to allow for the continued grazing of horses in the field. The dwelling would be accessed via a track running along the site's eastern boundary adjacent to the highway.
7. The proposal is supported by a LVIA which sets out that the site is heavily screened with views being limited to views from Gorsely Common Road and Cothars Road. It sets out that the dwelling would be peripheral to the public view of Linton Ridge and would have a lower profile than neighbouring dwelling Cherrydale. The LVIA states that the visual impacts of the proposal from public vantage points would be moderate given the modest scale of the proposal, its siting alongside existing residential properties within a peripheral part of the site and the descending ground levels within the site. It is stated that this modest visual impact would decrease as proposed planting matures. Given this, I am satisfied that the level of effects on public views across the site of Linton Ridge would be acceptable.
8. The palette of materials would be appropriate to the site setting and the 'tumbled down sheep pen' design would not appear out of place within the site's rural context. Given this I am satisfied that the dwelling would be sited and designed sensitively and would not result in harm to the area's distinctive landscape or the village's rural character
9. On the basis of the evidence before me including my observations on site I am satisfied that it has been demonstrated that the effects of the proposal on the surrounding landscape, including the effect on the identified public view towards Linton Ridge, would be acceptable. The development would therefore accord with Herefordshire Local Plan, Core Strategy 2011 – 2031 (2015) (CS) policy LD1 and NP policy BGL1 which seek to ensure that proposals protect, conserve and where possible enhance the natural environment and demonstrate that levels of effects on identified public views are acceptable.

Location

10. The site is located outside the settlement boundary, as defined in the NP, which sets out that land outside the settlement boundaries is defined as countryside in planning terms, in which housing development is to be restricted to avoid an unsustainable pattern of development. CS policy RA3 sets out the Council's approach to development in the countryside, clarifying that this applies to sites outside of settlements as defined in neighbourhood plans.
11. CS policy RA3 is supportive of residential development in locations outside of settlements which satisfy one or more specified criteria. The appellant suggests

that the proposal would accord with one such criterion (6) which requires that the proposal is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the Framework (now Paragraph 84) and achieves sustainable standards of design and construction. However, there is little justification regarding what aspects of the design of the proposal make it of exceptional quality and there is no evidence before me that it would be truly outstanding. Whilst I have found that the proposal would have an acceptable effect on the site's landscape setting, there is no suggestion that it would significantly enhance the site's immediate setting. Given this the proposal would not represent 'exceptional quality' in the terms set out in Paragraph 84 of the Framework and the requirements of criterion 6 of CS policy RA3 would therefore not be met. The proposal would not accord with any of the other criteria listed by CS policy RA3.

12. The site is located adjacent to the settlement boundary, benefits from accessibility to some basic local amenities and would not be isolated. Nonetheless, as the site is located outside of the settlement boundary, as defined by the NP, the development would be contrary to CS Policy RA3 and the settlement strategy as a whole.

Planning Balance

13. The Council accept that it is unable to demonstrate a 5-year supply of deliverable housing sites. In these circumstances, paragraph 11 d) of the Framework is engaged. This indicates that the policies which are most important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
14. Given the location of the site beyond the settlement boundary I have found conflict with the settlement strategy, in particular CS policy RA3 which seeks to direct development to locations where it will enhance and maintain the vitality of rural communities and encourage sustainable patterns of development. This policy is consistent with the Framework's aims and thus, I am not persuaded that it is out-of-date. It is therefore be afforded full weight for decision making purposes.
15. Paragraph 14 of the Framework states that, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan 5 years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
16. The Council states that the NP was made on 06 May 2021 and became part of the development plan less than 5 years before the date on which the decision subject of this appeal was made. The NP sets out that the CS requires it to make provision for at least 61 new dwellings between 2011 and 2031. The Council confirm that the Linton Neighbourhood Area (LNA), in which the appeal site is located, has substantially exceeded its proportional growth target. Notwithstanding the shortfall in housing delivery across the Council's area, I have not been presented with any

compelling evidence that the LNA is failing to meet its housing requirement. Thus, there is no compelling evidence before me that the NP policies are not currently meeting the identified housing requirement for the area.

17. The appellant suggests that the NP settlement boundary is 'out of date' as it excludes Cherrydale, Cherry Tree Farm, 9 dwellings at Chapel View and 3 dwellings to the north of the site. Thus, it is suggested, the settlement boundary fails to reflect accurately the extent of a main built-up area.
18. The defined settlement boundary functions to provide a clear demarcation of the settlement and to avoid an unsustainable pattern of development. It has been devised through a statutory process which has considered the qualities of the settlement and surrounding countryside. This has been endorsed through examination and it is therefore important to uphold and give significant weight.
19. Nonetheless, I appreciate that, through the passage of time, patterns of development around settlements can change on the ground and thus, the context of a proposal's relationship with the defined settlement boundary may need to be assessed in a flexible manner considering what is on the ground, especially if things have changed since it was first established. However, the evidence does not indicate that things have changed on the ground to the extent that the settlement boundary is now inaccurate or that these developments have altered the characteristics of the appeal site such that it is now experienced as part of the settlement. Given this, the settlement boundary is not considered 'out of date'. Therefore, I give full weight to the NP as a whole.
20. It is stated that the proposal comprises a self-build dwelling, for which there is an unmet need within the Council area. The Self-Build and Custom Housebuilding Act 2015 sets out that the primary purpose of the build must be for personal occupancy and that ownership must initially be retained by the self-builder. So as not to undermine the aims of the legislation, this is a matter that reasonably needs to be controlled. Such matters would normally be contained within a legal agreement to limit ownership/first occupancy or bind the requirement to successors in title should the land/property be sold in the future.
21. It is the intention of one of the appellants to occupy the dwelling. It is stated that he has been heavily involved in the building's design and I have no reason to find that he would not be involved in its build. However, to be considered a self-build dwelling there must be an effective mechanism through which the dwelling could be secured as a self-build property. No planning obligation is before me, and it has not been shown that a planning condition would provide an effective or enforceable mechanism for controlling future occupancy in this regard. Given this I afford limited weight to the benefits of the provision of self-build housing.
22. The proposal would provide one energy-efficient dwelling on a site which benefits from accessibility to basic local amenities in Gorsely within a convenient distance from the site. However, the benefits of housing delivery, to which I have attached significant weight, are tempered by the fact that the provision of one unit would only make a small difference to housing supply. There would also be some economic benefits during the construction phase as well as any potential Council tax that future occupiers might pay and support for local services during the construction and occupancy phases. The proposal would result in biodiversity enhancements

and would include a bench close to the site access which could enhance public enjoyment of the views across the site to Linton Ridge.

23. On the other hand, the development plan and the more recent NP clearly set out locations where new housing is to be directed. The proposal would not accord with the development plan and thus would undermine the spatial strategy for the location of housing in the area. Whilst the Framework seeks to significantly boost the supply of housing, it also recognises that the planning system should be genuinely plan led. To develop the appeal site as proposed, in conflict with the NP, would undermine public confidence in the plan-led system.
24. In light of the above, I find that the adverse impacts of allowing development would significantly and demonstrably outweigh the modest benefits of the delivery of one dwelling, when assessed against the policies in the Framework taken as a whole. As such, the proposal would not constitute a sustainable form of development in terms of the Framework and thus does not benefit from the presumption in favour of sustainable development.

Conclusion

25. The proposal would conflict with the development plan. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

N Robinson

INSPECTOR