
Appeal Decision

Site visit made on 28 May 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2025

Appeal Ref: APP/W1850/W/25/3361334

Applecroft Cottage, Ledgemoor Road, Weobley, Herefordshire HR4 8RN

- 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 Mr Paul King against the decision of Herefordshire Council.
 - The application Ref is 242210.
 - The development proposed is described as “erection of cottage. Construction of associated works.”
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is located in Ledgemoor, a small settlement characterised by sporadic groups of dwellings located on narrow rural lanes bound by mature hedgerows and agricultural fields. The appeal site is located to the rear of one of the clusters of dwelling that primarily form a row of built form fronting on to the highway.
4. The appeal site forms part of an area of land associated with Applecroft Cottage, which comprises a large, detached, two-storey dwelling, stable building, solar panels, and garage (under construction) set within an extensive plot. Whilst existing properties in the immediate area vary in their size and design, there is consistency in that they are located within extensive plots, and generally have a presence within the street scene, which creates a strong pattern and grain of development.
5. The appeal site sits behind the garage and to the side of the rear garden of Applecroft Cottage. As a consequence, the proposal would introduce a dwelling within the back land area between dwellings that face the road and the agricultural land to the rear, which, with the exception of small, ancillary domestic buildings, or agricultural/equestrian development, is currently free from built form. This would be in marked contrast with the existing pattern of development.
6. Furthermore, the lack of street frontage that the dwelling would have, being largely screened from the public realm by the existing dwelling and garage, would be out of character and incongruous with the form of the existing development.

7. Currently the appeal site comprises a stable and open grassed field which contributes positively to the rural character of the area. Whilst the proposed dwelling would replace the stable with a dwelling of a similar size, it would have the appearance of a domestic bungalow and would result in the creation of a formal garden area and access path. The overly domestic appearance of the dwelling combined with the introduction of domestic paraphernalia and activities associated with the residential use would erode the pleasant rural character of the appeal.
8. I find therefore that the proposal represents an unacceptable form of back land development that fails to respect the existing pattern and grain of development. As such, it would significantly harm the character and appearance of the area, contrary to Policies SS6, SD1 and LD1 of the Herefordshire Local Plan - Core Strategy (2015) and Policy PG6 of the Pyons Group Neighbourhood Development Plan. It would also fail to accord with the design objectives of the National Planning Policy Framework (the Framework).

Other Matters

9. In respect of the River Lugg and River Wye Special Areas of Conservation (SAC), Habitats Regulation 63(1) states that a competent authority, before deciding to give permission, must make an appropriate assessment of the implications of the development of that site. Given my reasoning in respect of the main issues and that the appeal is dismissed, there is therefore no requirement upon me in that regard and have not considered the matter further.
10. 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.
11. As a single dwelling the proposed development would only make a very small contribution to the housing lands supply. Whilst there would be socio-economic benefits associated with the dwelling in terms of construction jobs and its occupation these would be limited due to the small-scale of the development. I have identified that the proposed development would harm the character and appearance of the area. I ascribe significant weight to this harm which would be long lasting. Therefore, and in regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits.
12. 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.

13. 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 which would not overcome the harm I have identified.

Conclusion

14. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR