



Appeal Decision

Site visit made on 24 June 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

Appeal Ref: APP/W1850/W/25/3364252

Land adjacent Whitfield Court, Glewstone, Herefordshire HR9 6AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Nicholas against Herefordshire Council.
 - The application Ref is P250169/O.
 - The development proposed is outline permission for two self-build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is submitted against the failure of the Council to determine the planning application within the statutory timescale. The Council has advised that, had it been able to do so, it would have refused planning permission for the three reasons summarised at the end of their statement of case. I have had regard to this in so far as it provides clarity.
3. The planning application was submitted in outline with all matters reserved. The Council determined the application on that basis. I have, therefore, taken any indication of reserved matters shown on the submitted drawings to be illustrative.

Main Issues

4. The main issues are:
 - whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area and the accessibility to services and facilities;
 - the effect on the setting of heritage assets; and
 - The effect on the River Wye Special Area of Conservation (SAC).

Reasons

Location

5. The appeal site is a parcel of agricultural land between Whitfield Court and Little Whitfield Farm. Whitfield Court is a group of residential properties formed from a previous conversion of agricultural buildings and a farmhouse. Little Whitfield Farm appeared to still be a working farm. There are open fields beyond and on the opposite side of the road.

6. Policy RA2 of the Herefordshire Local Plan Core Strategy 2011-2031 (the CS) seeks to promote sustainable housing growth in or adjacent to the settlements identified, in order to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. The policy requires development to be located within or adjacent to the main built up areas.
7. Although there are residential properties around the site and, as noted by the letter of support, the occupants of Whitfield Court consider themselves to be a neighbourhood and community, the existing properties are a small group in the open countryside. Although the policy does not define a suitable distance from the settlement for new housing to be considered adjacent, I find that, due to the distance and intervening fields, the site is not within or adjacent to Glewstone, even if it is adjacent to other housing. The appeal site is, therefore, a field within the countryside. It is not part of a rural settlement.
8. That there is local support would not define the group of houses as a settlement or village where new housing would be supported under Policy RA2 of the CS. Moreover, Policy RA1, although setting a minimum number of dwellings for the rural areas, does not provide specific support for housing in the countryside. The development would also not comply with the thrust or overarching goal of Policy SS2 of the CS which, although supporting housing in rural areas, seeks to control development in the countryside.
9. Policy RA3 of the CS sets out the policy for consideration of development outside of the settlements. It seeks to safeguard the countryside and strictly control residential development. While it sets out seven exceptions to the general restraint to development the appeal before me would not fall within any of them.
10. There are no services or facilities within the group of houses around the appeal site. Moreover, the site is over twenty minutes' walk from the very limited services and facilities within Glewstone, including the nearest bus stop. It is unlikely that residents of the development would walk between the site and the nearby settlement, especially as Glewstone does not provide day-to-day facilities. It is also unlikely that residents would walk to Glewstone to catch a bus to other facilities.
11. Notwithstanding the presence of other residential properties in the area, there are very limited opportunities for sustainable transport modes or for residents to undertake any activities without the use of a private car.
12. I accept that paragraph 89 of the Framework provides flexibility for sites to meet local business, or community, needs in rural areas which are not well served by public transport. However, I have no evidence that the site is served by any public transport and is definitely not well-served. Moreover, there are no opportunities available to make the site more sustainable, as is promoted by paragraph 89.
13. Even though the proposal would not result in significant developments it should still be located where it would enhance or maintain the vitality of rural communities, as required by paragraph 83 of the Framework, and should be focused on offering a genuine choice of transport modes, to comply with paragraph 110. The development of the appeal site would not bolster existing service provision, improve facilities and infrastructure, or meet the needs of the communities concerned as required by Policy RA2 of the CS. The scheme would not promote sustainable modes of transport or contribute towards reducing carbon emissions.

14. The proposal would not represent development in or adjacent to a settlement or be any of the other forms of countryside development envisaged by Policy RA3 of the CS. The development would also not be in an area that is suitably located in relation to services and facilities. These factors, taken together, mean that the proposal would conflict with the development strategy for the area as set out within Policies SS1, SS2, RA1, RA2 and RA3 of the CS. It would also conflict with the strategic direction of the policy as a whole.
15. For the above reasons, the appeal would not provide a suitable location for housing, having regard to the development strategy for the area and the accessibility to services and facilities. Consequently, it would be contrary to Policy RA3 of the CS which seeks to limit development outside of the identified settlements.

Heritage assets

16. There are four listed buildings/structures close to the appeal site; The Granary, a Barn, Whitfield, and a Milestone. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission, for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
17. The Granary is Grade II. Its significance lies in its agricultural heritage, its appearance and its relationship with the associated farmhouse and other buildings. Its setting encompasses the land and buildings immediately around it. However, The Granary lies on the opposite side of the converted farm buildings from the appeal site and the proposed development would not be read alongside or as part of the setting of The Granary and would, therefore, not affect this building, or its setting.
18. The Milestone, which is also Grade II, is on the opposite side of the road. Its significance lies in its historic links with the age of the road and the distance to Monmouth. Its setting includes the A road and the group of buildings around the appeal site. Nevertheless, given the presence of existing built development around the site and nearer to the Milestone, I find that the appeal proposal would not affect this structure, including its setting or the significance of the setting.
19. Whitfield is the farmhouse on Whitfield Court and the Barn is also one of the converted buildings around the courtyard. Both Whitfield and the Barn are Grade II listed. The other converted agricultural buildings between Whitfield and the Barn are curtilage listed.
20. The significance of Whitfield, the Barn and the curtilage listed buildings, lie in their architecture and historic interest as a farmstead and the historic association with Charles OS Morgan, John Addis, and the Rev. Thomas Jones. The buildings are most visible from the access to them and from within the farmyard itself. Their significance remains appreciable despite various domestic influences brought about by past residential conversion.
21. The significance of Whitfield and the Barn is also derived, in part, from its setting. It comprises the farmyard and fields immediately around the farm which have direct, physical, functional, visual, and historic links with the assets. The immediate setting contributes in a meaningful and positive way to the significance of both of

the listed buildings. The appeal site currently contributes positively to the setting in that it forms the field immediately to the side of the farmyard, it provides a buffer between Whitfield Court and Little Whitfield Farm and is part of the setting in which these two listed buildings are appreciated.

22. The proposal would introduce built development onto a parcel of land where there is currently no development. Even though the appeal before me is for outline planning permission with all matters reserved, with the layout, scale and position indicative only, the construction of two dwellings on this site would notably erode the undeveloped green space around the listed buildings, the undeveloped nature of the field and the gap it currently provides to separate Whitfield and the Barn from Little Whitfield Farm. Two dwellings on the appeal site would have an urbanising effect on the setting of both of the listed buildings and lessen the positive contribution the setting makes to the significance of both assets.
23. I am mindful of the outline nature of the proposal and that there would be an ability to further consider the layout, scale, and appearance at the reserved matters stage. However, even with a more farm-appropriate layout, and traditional materials and design detailing, and setting aside the detail provided in the “plot passport,” the development would result in harm.
24. My consideration of the heritage harm is in line with the caselaw provided by the appellant, *R (Crystal Properties (London) Ltd) v SSCLG and the London Borough of Hackney [2016] EWCA Civ 1265*, which accepted that indicative drawings can inform a decision whilst acknowledging that none of the reserved matters fall within the determination of an appeal for outline permission. In this case I have not referred to the indicative layout or the parameters set within the plot passport but have considered the outline nature of the proposal. Nevertheless, I have found that the development would harm the setting of the listed buildings and the positive contribution the setting makes to the significance of both assets.
25. For the above reasons, the proposal, albeit in outline, would not preserve the setting of Whitfield or the Barn, both of which are Grade II listed buildings, contrary to the general duty set out in Section 66(1) of the Act and contrary to Policies LD1 and LD4 of the CS which, amongst other matters, seek to protect, conserve and, where possible, enhance heritage assets and their settings. The contribution that the site makes to the significance of the setting of both listed buildings would be diminished, which would result in harm to the overall significance of the designated heritage assets. I find that the level of harm would be ‘less than substantial,’ to which I attach considerable importance and weight.

Special Area of Conservation

26. The appeal site lies within the nutrient sensitive zone for the River Wye Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The appeal scheme would result in a net increase in residential dwellings which could result in adverse effects upon the integrity of the SAC and SSSI through increased phosphates from the private foul treatment system and increases in surface water runoff.
27. The additional drainage information submitted by the appellant seeks to provide certainty that the appeal proposal would not adversely affect the SAC and SSSI and proposes a new foul drainage system and soakaways for the development.

28. As the competent decision-making authority, if I had been minded to allow the appeal, I would need to examine these matters further and undertake an Appropriate Assessment of the implications of the appeal scheme upon the SAC and the SSSI. However, as I am dismissing the appeal on other main issues, the outcome of an assessment would have no bearing on the overall outcome of the appeal. Therefore, it is not necessary for me to consider this matter further.

Other Matters

29. The proposal is for two self-build dwellings. The Self Build and Custom Housebuilding Act 2015 (the 2015 Act) requires local planning authorities to establish and publicise a local register of custom-builders who wish to acquire suitable land to build their own home. The Housing and Planning Act 2016 sets out that local planning authorities have a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period. Authorities must have regard to the Register when carrying out their planning functions, including making decisions on planning applications.
30. There is no disagreement that the Council has a shortfall of self-build plots, and I have no compelling evidence that there is any resolution to this. The provision of two additional units of this type would accord with Paragraph 63 of the Framework through providing housing for different groups in the community. However, I have no means, such as a completed S106 agreement, to secure the development as self-build. I am, therefore, not able to give this benefit any weight in the decision.
31. The appeal site also lies within the Wye Valley National Landscape (the NL). In determining this appeal, I am required to seek to further the purpose of conserving and enhancing the natural beauty. The special qualities include, amongst other matters, the steep chalk escarpment, and chalk streams, broadleaved woodlands, tranquil valleys, and villages built of brick and flint. It has areas of tranquillity and visibly sensitive skylines.
32. There are already buildings around the appeal site and the proposed development, subject to an appropriate layout, scale, and design, would be capable of reflecting the development around the site and the character and appearance of this part of the NL. Notwithstanding the effect on heritage assets, the development would be capable of conserving the special qualities and beauty of the NL. The Council did not raise any concerns with regard to this matter and I have no reason to disagree.

Planning and Heritage Balance

33. In accordance with the Framework great weight should be given to the conservation of heritage assets. Paragraph 215 of the Framework advises that less than substantial harm should be weighed against the public benefits of the proposal. The development would provide two additional dwellings with the associated social and economic benefits both during and post construction. It would also accord with the Framework aim to boost the supply of housing and is on a small site that can make an important contribution to meeting the housing requirement for the area. However, as two dwellings the benefits would be limited.
34. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification, and that great weight should be given to the asset's conservation, irrespective of the level of potential

harm. The public benefits of the proposal are afforded limited weight and, therefore, would not outweigh the effect of the development on the setting and the harm to the significance of the heritage assets.

35. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. The Council detail a housing land supply of 3.06 years which is a relatively significant shortfall. Paragraph 11d) of the Framework therefore applies.
36. Policy RA3 of the CS is the most relevant in considering the proposal. Being out of date does not mean that a policy carries no weight. As far as the policy seeks to limit development in the countryside to that which protects its character, it is broadly in accordance with the Framework which seeks to ensure that development contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside. Policy RA3 of the CS does not seek to prevent all development outside of settlements. Moreover, the adopted policies are broadly consistent with the Framework as a whole.
37. I have given the conflict with the local policies significant weight in this appeal. Consequently, the proposed development would conflict with the development plan as a whole.
38. Although I afford significant weight to the provision of new houses, as only two dwellings are proposed this benefit is limited when weighing the merits of the scheme. The development would not make a very significant contribution to the housing supply as asserted by the appellant. I therefore afford significant weight to the limited benefit the development would make to addressing the housing shortfall.
39. That there are no refusal reasons relating to living conditions of existing or proposed occupiers, or highway matters, are neutral factors.
40. On the other side of the balance, the proposal would result in environmental harm from the lack of access to services and facilities and the reliance on private vehicles. The harm that I have found is significant and I afford it substantial weight. This harm, in my judgement, would significantly and demonstrably outweigh the benefits that would arise from the development. As a result, the presumption in favour does not apply.

Conclusion

41. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR