
Appeal Decision

Site visit made on 7 August 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 September 2025

Appeal Ref: APP/W1850/W/25/3366280

Wheatsheaf Inn, A44 from Norton Lane to Worcestershire Boundary, Whitbourne, Herefordshire, WR6 5SF

- 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 Sykes (Fatydam 2 Limited) against the decision of Herefordshire Council.
 - The application Ref is 242552.
 - The development proposed is the construction of two dwellings on a disused car park.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether the proposed development would be in a suitable location, taking account of development plan policies and access to services and facilities; (ii) the effect of the proposed development on the character and appearance of the area; and (iii) whether the proposal would include adequate arrangements in relation to waste water and surface water drainage.

Reasons

Location

3. Policy RA2 of the Herefordshire Local Plan Core Strategy 2011-2031 (the LP) sets out the spatial strategy for the areas outside of Hereford and identified towns. It notes that housing growth will be supported in or adjacent to various settlements, including Whitbourne.
4. In this instance, the appeal site is located some way to the south of Whitbourne and is therefore considered to be within the countryside for planning purposes. While not quoted on the Council's decision notice, LP Policy RA3 provides a list of development types that would be acceptable in such areas. It is clear that the proposed development before me would not accord with any of these criteria. As such, it would conflict with the Council's spatial strategy.
5. The village of Whitbourne itself is a relatively short walk from the site, although this involves utilising an unlit lane with no pavement which is unlikely to be an attractive option in poor weather or during the hours of darkness. In addition, Whitbourne is only a small settlement with relatively few services and facilities including a public house, village hall and community shop. In order to access the sort of facilities required for everyday living, including supermarkets, schools and

employment opportunities, occupiers of the proposed dwellings would need to travel further afield to settlements such as Bromyard or Worcester.

6. I note that there are bus stops adjacent to the appeal site which offer services to these locations. However, the services are very infrequent and only operate on weekdays. Taking all of this into account, it seems inevitable to me that future occupiers would be highly reliant on the use of private vehicles to access the vast majority of services and facilities that they would need.
7. I do note that there are existing homes in the immediate area and that these suffer from the same constraints. However, in modern times there is clearly more of a focus on sustainable outcomes, and as such, their presence does not alter my conclusions in this case. Furthermore, while homeworking has become more prevalent, access to other facilities is still required. I also acknowledge that there is potential for the development to provide electric vehicle charging points. However, it is not possible to require the use of such vehicles as part of any planning permission.
8. I therefore conclude that the proposal would not be in a suitable location, taking account of development plan policies and access to services and facilities. It would therefore conflict with LP Policies SS1, SS2, SS4, RA2, RA3 and MT1, as well as Policy LU1 of the Whitbourne Neighbourhood Plan (the NP). Taken together, the relevant aspects of these policies seek to ensure that development takes place in sustainable locations and that it encourages the use of sustainable forms of transport.

Character and Appearance

9. The appeal site is located within a rural area which has a spacious and tranquil quality. It is situated adjacent to an existing linear grouping of buildings along the A44, including the former Wheatsheaf Inn public house. The site itself, which was previously used as the car park to the public house, is a simple expanse of tarmac. Due to the slightly unkempt nature of the site, it can be concluded that it detracts from the character and appearance of the area to a very limited extent.
10. The proposed development would involve the construction of two detached dwellings on the site. The homes would be of a red brick construction with hipped tile roofs and side facing balconies with glass balustrades. The buildings would also contain a fairly large amount of glazing as a result of the inclusion of patio doors to serve the balconies and the rear garden spaces. Overall, the two homes would have a modern, suburban style appearance which would appear highly incongruous and out of place within the rural surroundings, particularly when seen within the context of the historic former public house building opposite. I recognise that red brick has been used as part of the construction of some of the other buildings along the linear row of development. However, these have design details that ensure that they assimilate effectively into their surroundings including, for example, through the use of wooden cladding or by being much lower in height.
11. Furthermore, with the exception of the former public house, the buildings in the immediate area tend to be set back from the A44 road to a reasonable extent. The two proposed homes would be situated very close to the road, which would not only make them more conspicuous, but would also erode the existing spaciousness of the surroundings. In essence, while there would be some benefits in relation to the removal of the existing expanse of tarmac, this would be

significantly outweighed by the harm associated with the design and siting of the proposed dwellings. This harm would be very readily apparent from the A44, and I do not consider that the use of additional planting would mitigate this to a meaningful degree. The harm would also be experienced from the Sapey Brook Local Wildlife Site (the LWS) which runs very close to the appeal site.

12. The site is immediately opposite the Gaines unregistered park and garden, the boundary of which extends up to the southern side of the A44. Its significance is derived both from its history and attractive open landscape. The extent of the park and garden is quite significant, and as a result of the existing mature trees on its boundary, there is minimal intervisibility between it and the appeal site beyond brief glimpses from a bridleway which connects to the A44. As such, I am satisfied that the harm I have identified would not extend to this unregistered heritage asset.
13. Nevertheless, for the reasons given, I conclude that the proposal would result in harm to the character and appearance of the area. As such, it would conflict with LP Policies SS6, SD1 and LD1, as well as NP Policy LU4. The relevant aspects of these policies seek to ensure that development is well designed and that it conserves character and appearance, including landscape character.

Drainage

14. The appeal site is noted by Welsh Water as being within an unsewered area. As such, the proposed development would include a packaged treatment plant (PTP). The Council's Ecology officer has not objected to the proposal but has noted that further information is required in order to understand how foul water, as well as surface water, would be managed to ensure that the LWS is not adversely affected by pollution or run off.
15. The appellant has sought to provide some further details on the PTP as part of their appeal statement. Given the lack of any actual objections in relation to foul drainage, and the existing tarmacked nature of the site which would already cause surface water run-off, I can see no reason why this matter could not be successfully addressed through the use of suitably worded conditions that would require the submission of further details along with the agreement of the Council on those matters.
16. As such, the proposal would conform with CS Policies SS6, LD2, SD3 and SD4, as well as NP Policy LU9, which in part, seek to preserve environmental quality and wildlife habitats while ensuring sustainable water management.

Conclusion

17. From the evidence before me, the Council is unable to demonstrate a five-year supply of deliverable housing sites, with the current figure being just 3.06 years. In such circumstances the test set out in paragraph 11(d)(ii) of the National Planning Policy Framework (the Framework) is engaged.
18. The proposal is contrary to the objectives of the spatial strategy contained within CS Policies SS1, SS2, SS4, RA2, RA3 and MT1 and NP Policy LU1, as well as policies that pertain to character and appearance, notably LP Policies SS6, SD1 and LD1, as well as NP Policy LU4. The proposal therefore conflicts with the development plan taken as a whole, notwithstanding that I have not found harm in relation to drainage.

19. The aforementioned policies are broadly consistent with the aims of the Framework, notably, in respect of seeking to promote development in sustainable locations with genuine sustainable travel choices while also requiring development to be well designed. Consequently, I have given considerable weight to the conflict with the development plan.
20. The appeal proposal would make a small but nonetheless positive contribution towards housing supply on a brownfield site, and in an area with a significant housing shortfall. There would be some environmental benefits in the form of biodiversity enhancements, while the dwellings could also be energy efficient in their design. It would also provide some social and economic benefits associated with the construction and subsequent occupation of the proposed dwellings, including the potential for future residents to support wider services. I have considered Paragraph 61 of the Framework which seeks to significantly boost the supply of homes. I have also considered Paragraph 73 of the Framework, which recognises the importance of small sites in meeting the housing requirement of the area. Still, given the scale of development, I give these benefits modest weight.
21. Due to the lack of access to facilities and services and the reliance on private vehicles, as well as the poor design of the proposal, there would be adverse environmental and social impacts, contrary to elements of the Framework. This is a matter to which I have given significant weight. In light of this, I also do not consider that the proposal would make effective use of the land.
22. Therefore, when assessed against the policies in the Framework taken as a whole, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. The appeal scheme therefore does not benefit from the presumption in favour of sustainable development.
23. In conclusion, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Butcher

INSPECTOR