



Appeal Decision

Site visit made on 7 October 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Appeal Ref: APP/W1850/W/25/3367808

Land north of Oak Cottage, Llangrove, Ross on Wye HR9 6FN

- 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 L Price against the decision of Herefordshire Council.
- The application Ref is 242715.
- The development proposed is erection of two detached dwellings with garages (C3) and associated development.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal documents the appellant has submitted an Ecological Impact Assessment & Biodiversity Net Gain Feasibility Assessment (Report V02, Swift Ecology, dated 28 March 2025) (the Ecology Assessment) and a Lighting Impact Assessment (Report ref 29606-LIGH-0401, MEC Consulting Group, dated June 2025). Although these documents are new information that was not before the Council when it made its decision they would not fundamentally alter the proposal. Furthermore, the Council has had an opportunity to comment on the information and no party would be prejudiced were I to take these reports into account in making my decision.

Main Issues

3. The main issues are:
 - whether the appeal site is an appropriate location for the proposed development having regard to the development strategy and the accessibility of services and facilities; and
 - the effect of the development on the River Wye Special Area of Conservation (SAC) and the Wye Valley Woodlands SAC.

Reasons

Development strategy

4. The appeal site comprises a parcel of land which previously contained orchard trees. It is located outside but near to the development boundary for Llangrove, as detailed in the Llangarron Parish Neighbourhood Plan 2021-2031 (the NP) and is, for planning purposes, considered to be within open countryside. Llangrove is one of two villages in the parish of Llangarron. Housing in the village is centred around

the school, public house, and village hall with the main built up area along the road through the village and in clusters either side.

5. Policy RA2 of the Herefordshire Local Plan Core Strategy 2011-2031 (the CS) requires new housing at identified settlements to be within or adjacent to the main built up area. The appeal site is near to the settlement boundary but is not within or adjacent to the main built up area. The proposal would, therefore, fail to comply with Policy RA2. It would also not comply with any of the limited forms of development set out as exceptions in Policy RA3.
6. Policy HOU1 of the NP supports new housing development within the identified settlement boundaries of Llangrove and the other villages. As the appeal site lies outside of the settlement boundary it would not comply with this policy.
7. For the above reasons, the development is not in an appropriate location when applying the development strategy for the area and would be contrary to Policies RA2 and RA3 of the CS and Policy HOU1 of the NP.

Accessibility of services and facilities

8. Llangrove is identified as a village within Policy RA2 of the CS and the level of services and facilities are detailed in the NP. I saw the public house, church, school, and village hall at the time of my visit. I also noted retail vending machines for milk, eggs, cake, and other items next to the village hall. All these facilities are situated within the main built up area of the village.
9. The appeal site is within comfortable walking distance of all of the facilities within the village and not substantially further from the facilities than a number of other houses. Even though the walk is along an unsurfaced and shared road it would be walkable and the future occupants of the development would not be wholly reliant on the private car to access the services. The appeal site is, therefore, not functionally disconnected from the village and is appropriately located with regard to access by means other than the car.
10. The future occupants of the development would likely use a private car to access secondary and higher education, employment and shopping trips and I have not been provided with sufficient evidence that there is a bus service that would provide public transport access to larger settlements. Nevertheless, this would not be dissimilar to the existing properties in the village and the National Planning Policy Framework (the Framework) recognises opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
11. The services and facilities in the village are accessible by means other than a private car and, in this regard, I find that the appeal site is in a suitable location having regard to the accessibility of services and facilities. However, this would not overcome the harm I have identified to developing a site contrary to the settlement strategy.

Effect on SACs

12. The site lies within the Impact Risk Zone for the River Wye and the Wye Valley Woodlands SACs. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the

proposal, either alone or in combination with other plans or projects. This responsibility falls to me as the competent authority in the context of this appeal.

13. The River Wye SAC is designated due to being an internationally important watercourse and migration route for a number of fish species. The Wye Valley Woodlands SAC is designated for its woodland habitats. Lesser horseshoe bats are a qualifying species/feature of the Wye Valley Woodlands SAC. As a development within the Impact Risk Zone there is a high likelihood that foul drainage and lighting from new housing would have a significant effect on the qualifying features of the SACs through increased pollution to the watercourse and increased disturbance to bats. I must, therefore, carry out an AA.
14. The appellant's Ecology Assessment acknowledges that the local area supports bat foraging habitat and Core Sustenance Zones that are essential for maintaining the bat population. The lighting from within the proposed dwellings and any external lighting has the potential to adversely affect the bat flight paths and foraging habitat. Mitigation is proposed to ensure that the internal lighting would not result in light spillage at the edges of the site and the external lighting would be kept to a minimum so as to not cause unacceptable light spillage. Subject to this mitigation the proposal would not detrimentally affect the bat species or the Wye Valley Woodlands SAC.
15. The foul drainage would be connected to the existing mains system to ensure that the development would not adversely affect the River Wye SAC. The Council has confirmed, in their Statement of Case, that the additional information provided is sufficient to ensure that the development would not adversely affect the SACs and, having considered the information, I agree with their conclusion.
16. I have consulted Natural England, and it has confirmed that it is content that subject to conditions to control the level of lighting and the foul drainage the proposal is unlikely to have a significant effect on the SACs alone or in combination with other developments. There is no evidence before me to suggest I should reach a contrary conclusion.
17. As such, I am satisfied, on the basis of the evidence before me, that the conditions are a sufficient mechanism to enable mitigation for development which could affect the SACs. I therefore find, within my AA that the proposal, even when taken in combination with other plans and projects, would not have an adverse effect on the integrity of the River Wye SAC and the Wye Valley Woodlands SAC. It would, therefore, accord with Policies SS6 and LD2 of the CS, which seek to conserve and enhance environmental assets, including Special Areas of Conservation, and conserve, restore and enhance biodiversity assets.
18. For the same reasons, the proposal would also comply with Policy ENV1 of the NP which seeks to protect and enhance the biodiversity and natural beauty of important landscapes and green infrastructure. It would also comply with the provisions of the Habitats Regulations and the Framework insofar as they seek to secure the long term protection of SACs and mitigate any adverse effects on their integrity.

Other Matters

19. The appeal site, albeit outside the development boundary for the village, has existing housing on three sides and it would, therefore, not be isolated or visually

disconnected from the village. Furthermore, there is variety in the design and materials in the village and the proposed development would reflect both the existing residential character and the agricultural nature of the surrounding countryside. The layout of the proposal respects the existing dwellings around the site and would not extend into open fields or be visually prominent in the locally important views noted in the NP. Moreover, albeit that the site is elevated above the houses beyond it the hedge boundaries and the proposed design and layout would ensure that the development would not result in unacceptable adverse effects on the living conditions of the occupiers of the neighbouring properties.

20. Although the loss of the orchard trees is unfortunate, this occurred prior to the application being submitted and the pre-removal condition of the site has now been assessed in the biodiversity net gain calculations. Furthermore, I have no compelling evidence that those trees were protected. The appeal scheme would provide new planting, retain the boundary trees and hedges, and would be required, under the relevant legislation, to provide 10% biodiversity net gain, even if this is through the purchase of off-site credits. The development, subject to the mitigation proposed in the Ecology Assessment would not adversely affect any protected habitats or species.
21. I also have no compelling evidence that the local highway network, including the access road, is not capable of accommodating the additional traffic from the development, or that the development would result in severe effects on highway or pedestrian safety. I do not have the details of the appeal referred to by the Parish Council, which was dismissed, in part, on highway safety grounds, and have assessed the appeal before me on its own merits. Neither do I have sufficient evidence that the other services and facilities in the village, including the foul drainage system, would not be capable of accommodating two additional houses and the village hall would likely benefit from additional residents. The appeal referred to by the Parish Council, which considered the sustainability of the village, was for a site that was further away from the existing built form and, therefore, materially different to the appeal before me.

Planning Balance

22. Both main parties agree that the Council cannot currently demonstrate a five-year housing land supply with the figure provided as 3.06 years. This is a relatively significant shortfall and, therefore, Paragraph 11d) of the Framework applies. Subject to the conditions there would not be a strong reason to refuse the development when considered against footnote 7.
23. Paragraph 14 of the Framework advises that in situations where paragraph 11d) applies, the adverse impacts of allowing development that conflict with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits providing that: the neighbourhood plan became part of the development plan less than five years from the date of the decision, and where the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
24. The NP is less than five years old. I also find that, contrary to the appellant's assertion, the NP identifies a housing requirement of 64 dwellings, which is taken from the CS and from information provided by the Council during the NP process. In that regard the appeal before me is materially different to the application and

legal advice referred to by the appellant at Queniborough and more akin to the appeal at Burghclere. The NP also provides details of the number of housing completions and commitments, which are defined as dwellings with planning permission on which development has commenced. The detail provided in the NP clearly shows that the area has already delivered the identified housing requirement.

25. Even if I accept that the housing figure is of some age and also a minimum target and even taking account of the revised standard method for housing need, I have no compelling evidence that there should be a higher housing requirement for the NP. Furthermore, an appeal under S78 is not the forum to review or rerun arguments tested as part of the NP process. The housing requirement is clearly identified and the NP has given reasoned justification and evidence to show that they have met the requirement and, therefore, not allocated any sites for housing. The Parish Council has also noted the Examiner's report for the NP which confirmed that it did not need to allocate land for development and found it met the basic conditions.
26. The NP does not seek to prevent development but does seek to limit it, while still allowing for some growth within the settlement boundary to support housing delivery in the wider area. Therefore, I conclude that the NP is both less than five years old and also contains policies and allocations to meet its identified housing requirement. Consequently, both parts of paragraph 14 of the Framework are met.
27. The site is not within the development boundary and conflicts with the development plan and specifically Policies RA2 and RA3 of the CS and Policy HOU1 of the NP. These policies are consistent with the Framework in seeking to restrict development in the countryside and I, therefore, afford them and the conflict with them significant weight. Moreover, the Framework advises that the planning system should be genuinely plan led. In this case the development would be at odds with the spatial strategy and undermine the confidence in the neighbourhood planning system.
28. The proposal would accord with the Framework which seeks to boost the supply of housing, recognising the contribution small sites can make to meeting the housing requirement of an area, and supporting the rural economy. The proposal would also provide economic benefits both during and post construction. I afford significant weight to the provision of these new houses. However, as only two dwellings are proposed the benefit is limited when weighing the merits of the scheme. I therefore afford significant weight to the limited benefit the development would make to addressing the housing shortfall. The proposal would also provide biodiversity and ecology improvements and is in a location which is accessible to the services and facilities in the village. I give these matters moderate weight in favour of the development.
29. On the other side of the balance the adverse impact of the conflict with the neighbourhood plan weighs substantially against the proposal. In my judgement the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole. Therefore, the presumption in favour of development does not apply and the proposal would also conflict with Policy SS1 of the CS.

Conclusion

30. For the reasons given above, the proposal conflicts with the development plan, including the NP, and that conflict is not outweighed by other material considerations, including the provisions of the Framework. Therefore, the appeal should be dismissed.

K Townend

INSPECTOR