

DCCW2006/3705/F - NEW DETACHED HOUSE WITH GARAGE AND VEHICULAR ACCESS THERETO AT WEIR VIEW, BREINTON, HEREFORD, HR4 7PR**For: Mr. D.J. Hyett per D.J. Hyett, Architect R.I.B.A.
27 East Street, Hereford, HR1 2LU****Date Received: 23rd November 2006 Ward: Credenhill Grid Ref: 45214, 39945****Expiry Date: 18th January 2007**

Local Member: Councillor R.I. Matthews

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 17th January 2007 in order to carry out a Members' site visit. The site visit was carried out on 30th January 2007.

The application was subsequently considered by the Central Area Planning Sub-Committee at its meeting on the 7th February 2007 when Members resolved to grant permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 7th February 2007 the Central Area Planning Sub-Committee was recommended to refuse this application for the following reason:

- 1. The application site is located outside any identified settlement boundary, in an area of open countryside as defined by the Herefordshire Unitary Development Plan. Within this location there is a general presumption against any new residential development and therefore the proposal is contrary to Policy H7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

An additional reason for refusal on design grounds had been included in the original committee report but had been overcome by revised plans submitted before the meeting of the Area Sub-Committee.

In the debate the members of the Area Sub-Committee expressed the view that a policy intended to restrict new residential development in open countryside was not appropriate to Breinton Common which had, hitherto, been identified as a small settlement in the former South Herefordshire District Local Plan. A site visit had been undertaken and those members familiar with the site felt that the proposal was a satisfactory form of infill development. The Area Sub-Committee resolved to grant planning permission delegating any conditions to the Head of Planning Services.

During the debate the Development Control Manager drew the attention of the Sub-Committee to the advanced state of the preparation of the Unitary Development Plan (UDP) which was being reported to full Council on 9th February 2007 with a recommendation from Cabinet that it be adopted. The formal adoption procedures are expected to be completed by 23rd March 2007.

The views expressed by the Area Sub-Committee were in conflict with the policy approach taken in the UDP to restrict the status of “Smaller Settlements” to those with significant facilities such as a school, a shop, good public transport links etc. Breinton Common did not satisfy the relevant criteria and was therefore excluded from the list of Smaller Settlements in the UDP. No objections had been made to this change in its status during the UDP preparation. Furthermore, in cases where such changes in status had been challenged through the UDP process the Inspector had supported the Council’s approach to its classification (and re-classification) of villages. In these circumstances there is a significant risk that a decision to grant planning permission in the face of the UDP policy would set a precedent for further development in the locality, effectively treating Breinton Common as a de-facto smaller settlement for development control purposes. Such an approach may have implications for other similar settlements which have lost their “Smaller settlement” status.

The Parish Council objected to the proposals because, in their view, the application of UDP policies was entirely appropriate in this case.

The decision of the Sub-Committee to approve this application raised a crucial policy issue and therefore this application has been referred to this Committee for further consideration. The report which follows has been updated since the Central Area Sub-Committee by omitting the second (design) reason for refusal which has been overcome through the submission of revised plans.

1. Site Description and Proposal

- 1.1 The application site is comprised of the south eastern half of the existing domestic curtilage serving the property known as Weir View which is located at the north western end of Breinton Common, on the southern side of the unclassified road which runs roughly east-west through Breinton Common.
- 1.2 The application seeks permission to erect a two storey four bedroom dwelling with a detached garage within the subdivided curtilage.

2. Policies

2.1 Government Guidance:

Planning Policy Statement 7: Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy DR1 - Design
- Policy DR2 - Land Use and Activity
- Policy DR7 - Flood Risk
- Policy H7 - Housing in the Countryside Outside Settlements
- Policy H10 - Rural Exception Housing
- Policy H13 - Sustainable Residential Development

2.3 South Herefordshire District Local Plan:

- Policy GD1 - General Development Criteria
- Policy C44 - Flooding

Policy SH10 - Housing in Smaller Settlements

3. Planning History

- 3.1 Outline planning permission no. 35720 Site for the erection of one dwelling with garage. Approved 13th March 1973.
- 3.2 DCCW2006/2270/F Proposed new dwelling. Refused 25th August 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection. The site is theoretically located within Zones 2 and 3 on the indicative flood plain maps, however it is physically situated at a ground height of 70 metres which is 16 metres above the highest recorded flood level in that area, consequently the Environment Agency accept that the site is not within a designated flood plain and raise no objections.
- 4.2 Welsh Water: No objection, subject to the development being connected to a private drainage system.

Internal Council Advice

- 4.3 Traffic Manager: No objection, subject to the imposition of standard conditions.
- 4.4 Forward Planning Manager: Objection - the UDP can be given material weighting in regards to this application due to the Plan being through independent inquiry and the publication of Inspector's Report. The site is located in what is considered 'open countryside', outside and away from any of the listed main villages (Policy H4) or smaller settlements (Policy H6). In such locations, development is strictly limited to the exceptions detailed in Policy H7 (Housing in the Countryside outside of Settlements). It is considered that the application does not meet any listed exception within the policy and is therefore contrary to policy. Rural exception housing is allowed through Policy H10. Clear long term local need must be identified and established, however it is considered that the location and settlement is unsuitable for such a one off dwelling, even in the event of any need, given the lack of facilities and service provision within the immediate area. In regards to the issue of local need, clearly housing provision exists in the area, as the applicant lives there presently. There is no 'net need' for a further dwelling. Although desirable to remain in the area, this desire needs to be compared to the overall local need and the issue of development in the open countryside. Although the proposal tailors the new dwelling in regards to the specific requirements of the applicant and one sympathises with his personal need, it is unlikely subsequent occupiers would have exactly the same requirements. No representations were made in regards to Breinton or Breinton Common's lack of designation as either a main village or smaller settlement. In line with settlements where representations were made for inclusion, such as St. Owens Cross, these locations were dismissed at the Inquiry by the Inspector as being places where development should not be encouraged for reasons including their lack of facilities and services. Overall it is considered that the proposal is contrary to national and local planning policy.

5. Representations

5.1 Breinton Parish Council: Objection - This application site is located in 'an area of open countryside' as defined by the UDP and therefore where there is general presumption against any new residential development. The Parish Council fully supports the Herefordshire Unitary Development Plan as it affects Breinton and for that reason cannot support this application. Furthermore, even if this application had been made under the South Herefordshire District Local Plan, the Parish Council would still maintain that the proposed dwelling is too large for the site and represents 'cramming' in relation to its neighbours. Eight out of eleven mature trees would be cut down, not only destroying the surrounding environment but also affecting its ability to absorb excess water. This latter is particularly important as Breinton is situated on a hillside leading down to the river and there is a general problem with storm water run-off in the area.

5.2 The appellant's agent has submitted a supporting statement which can be summarised as follows:

"The applicant has lived in the locality for 40 years and has throughout that time held an intention to build a second dwelling within the curtilage, planning permission was previously approved in the 1970's although this was allowed to lapse, the existing house has now become unsuitable for the applicant's needs. The applicant wishes to build a modern house which could be simply converted in the future to provide ground floor accommodation."

5.3 Fourteen copies of a duplicated letter signed by local residents have been received in support of the application.

5.4 A petition signed by 26 people has also been submitted in support of the application.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 Having regard to the relevant policies of the Development Plan, the primary issues in determining this application are considered to be:

- The Principle of Development
- Other Development Control Criteria

Principle of Development

6.2 Breinton Common was previously defined as a smaller settlement by Policy SH10 of the South Herefordshire District Local Plan, within which small-scale housing development may have been acceptable. However it is no longer recognised by the UDP as an area suitable for new residential development, therefore its settlement status has effectively been removed.

- 6.3 In the interests of securing sustainable patterns of development the UDP establishes a clear presumption against any form of residential development outside of an identified settlement boundary as defined by Policies H1 and H2 or those smaller settlements identified in Policies H4 and H6.
- 6.4 Outside of these areas Policy H7 makes provision for specific exceptions, which are limited to dwellings required for an essential agricultural, forestry or other economic requirement, the conversion of an existing rural building and the replacement or extension of an existing dwelling. Therefore the primary issue in determining this application is considered to be the weight to attach to the emerging policies of the UDP, as against those of the adopted South Herefordshire District Local Plan.
- 6.5 The UDP is now in the final stages before its formal adoption, having been approved by full Council as the policy of the Council on 9th February 2007. The final formal adoption procedure is expected to be completed though the statutory notice of adoption on 23rd March 2007.
- 6.6 Following publication of the Inspector's Report, there are a number of policies against which no modification was proposed. Therefore it is appropriate to view those policies as having significant weight in the determination of planning applications.
- 6.7 In this particular case Policy H6 is not proposed for modification and will consequently remain unaltered and unchallenged.. It has therefore been subject to the proper consultation process and can as a result now properly be relied upon to replace the South Herefordshire District Local Plan Policy SH10.
- 6.8 More specifically no challenge or objection as to whether or not Breinton Common should continue to be identified as a 'smaller settlement', was raised for the consideration by the Inspector during the UDP Inquiry. Consequently, the application site is now as a matter of policy clearly located outside of any area identified as being suitable for new residential development.

Other Development Control Criteria

- 6.9 Notwithstanding the in principal policy objection to the proposal, having consideration for the character and appearance of the wider locality, the originally proposal dwelling was considered to be out of scale with that of the neighbouring properties. However, that concern has been overcome through submission of revised plans.

Conclusion

- 6.10 The application site is located outside of any area identified as being suitable for new residential development and also represents an inappropriate form of development in the context of the locality. Therefore the proposal is contrary to the relevant policies in the Herefordshire Unitary Development Plan and as such, refusal is recommended.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The application site is located outside any identified settlement boundary, in an area of open countryside as defined by the Herefordshire Unitary Development Plan. Within this location, there is a general presumption against any new**

residential development and therefore the proposal is contrary to Policy H7 of the Herefordshire Unitary Development Plan.

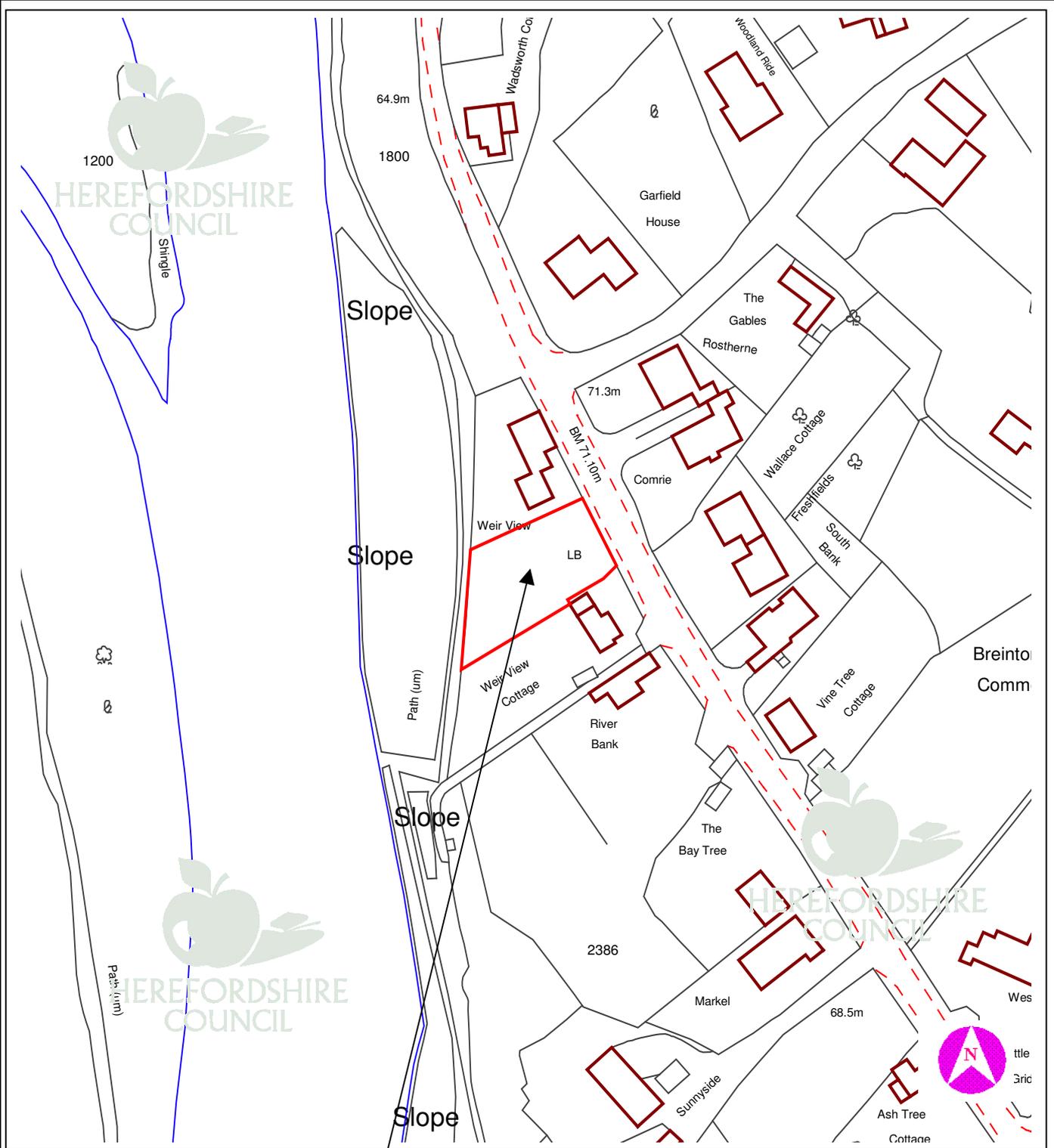
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3705/F

SCALE : 1 : 1250

SITE ADDRESS : Weir View, Breinton, Hereford, HR4 7PR

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