

MEETING:	PLANNING COMMITTEE
DATE:	6 AUGUST 2014
TITLE OF REPORT:	P141314/O - PROPOSED TWO BEDROOM BUNGALOW AT LAND AT RYELANDS VIEW, KINSHAM, PRESTEIGNE, LD8 2HP For: Mrs Barnett per Mrs Olwyn Barnett, Ryelands View, Kinsham, Presteigne, Herefordshire LD8 2HP
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=141314

Date Received: 7 May 2014

Ward: Mortimer

Grid Ref: 336091,264690

Expiry Date: 10 July 2014

Local Member: Councillor L O Barnett

1. Site Description and Proposal

- 1.1 Planning permission is sought in outline, with all matters reserved, for the erection of a single storey dwelling to replace an existing timber framed and clad shed on land forming part of the domestic curtilage of Rylands View, Kinsham, Presteigne. The site plan indicates vehicular access making use of the existing access route to Rylands View from the adjacent C1007.
- 1.2 The site is located on the northern fringe of the rural hamlet known as Kinsham. The site area comprises the northern section of the dwelling's curtilage, and is adjoined on its northern side by another dwelling and its curtilage known as The Forge.
- 1.3 An amended plan was received during the application process indicating a smaller plot size, no larger than 350 square metres.

2. Policies

- 2.1 The National Planning Policy Framework (NPPF)

The following is considered to be of particular relevance:

- Paragraph 7 - Sustainable development
- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring good design
- Chapter 8 - Promoting healthy design

2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H6	-	Housing in Smaller Settlements.
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
H16	-	Car Parking
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
NC1	-	Biodiversity and Development

2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-Diversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Stapleton Group Parish Council has not indicated any intention of producing a Neighbourhood Plan.

2.5 The Unitary Development Plan and Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3.

Planning

3.1 92/0534/N – Temporary siting of a caravan whilst bungalow is built – approved 21st October 1992.

3.2 88/0129 – Siting for one dwelling – refused 23rd May 1998.

3.3 90/0589/0 – Site for bungalow – approved 13th December 1990.

3.4 92/0045 – Erection of retirement home – approved 31st March 1992.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water confirm there are no public sewers in the area.

Internal Council Advice

4.2 The Transportation Manager raises no objections, the response stating that access will make use of an existing vehicular access.

4.3 The Conservation Manager (Ecology) has responded to the application stating:

'I have managed to take in a visit to the site of the proposal this morning (16/7/14) and I inspected the buildings. They consist of rather dilapidated timber workshop sheds partially sitting on stone foundations of an old cattle byre and having a corrugated iron roof. My inspection for evidence of bats and nesting birds revealed no evidence of either. There was some indication that nesting birds might have used it in previous years but I believe that the conditions are poor for bats to establish a regular roost. There is some potential for crevice dwelling bats on an occasional basis but I view this as marginal given the hot temperatures in summer which would prevail within the flimsy framework of the building. The nature of the building would mean that conditions during winter would not be propitious for hibernation'.

The response indicates that in the event of approval of the application informative notes should be attached to any approval notice issued reminding the applicant of the provisions of the Countryside and Wildlife Act 1981.

5. Representations

5.1 Stapleton Parish Council has responded to the application stating *'no objection to the proposed development, given that it is infill and replaces an existing building'.*

5.2 Two letters of objection have been received. The objections raised can be summarised as follows:-

- Proposal is contrary to Policy RA2, (Core Strategy), with regards to plot size, not a brownfield site, not a high quality design.
- The proposed development will not contribute towards the supply of affordable housing.
- It makes use of part of an existing rural garden.
- Plot size indicates 720sqm above the stated limit of 350sqm.
- Access to the site has poor visibility is steep and not suitable for the aged.
- Unsustainable location for development there are no shops in Kinsham so car use would remain essential for normal living. It therefore follows that Kinsham is not suitable for the elderly.
- This is an elevated and visible site.
- The garden of The Forge has already been hived off for the building of Rylands View and further sub-division would erode the amenities of both dwellings.

5.3 Twelve letters in support of the application have been received. The comments made can be summarised as follows:

- Site is in a secluded location.
- Proposal will visually improve aspect of this section of the village.
- There will be no residential amenity issues as a result of the development.
- Development will allow a long term resident to remain in the village.
- Development is of a scale that will be a welcome addition to the existing housing stock.
- Housing for retired persons is overlooked in planning policies.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

The Principle

- 6.1 The proposal is for the erection of a single-storey detached dwelling on land that forms part of the residential curtilage of Ryland's View. Policy H7 of the UDP does not support new residential development, unless there is an essential and functional need to live on site in connection to a rural business or the development is for a replacement dwelling comparable in size and scale with an existing dwelling. The proposal is therefore contrary to the restraint aspects of this policy which seeks to prevent unwarranted development in the open countryside.
- 6.2 It is the Council's acknowledged position that the housing delivery policies of the UDP are, in the context of a housing land supply deficit, out of date. The Council is currently failing to provide a 5 year housing land supply, plus a 5% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. As such, proposals relating to housing in the countryside outside settlements must be considered primarily with the NPPF taking precedence as a significant material consideration. Paragraph 14 of the NPPF confirms that where the development plan is absent, silent or relevant policies are out-of-date, there is a presumption in favour of granting permission for sustainable development unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- 6.3 It is clear therefore that complete reliance cannot be placed upon UDP policies which would categorise the application site as being in open countryside. Instead it is necessary to consider whether, in the context of a housing land supply deficit, the application is one that would promote sustainable development as envisaged by the NPPF. If a proposal is held to represent sustainable development then the NPPF presses for the prompt grant of planning permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole or specific policies of the Framework indicate that development should be restricted." (Paragraph 14 NPPF). The footnote to paragraph 14 identifies that the specific policies referred to are those that operate to protect specified designations, including AONBs and other heritage assets.
- 6.4 The NPPF states that a presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking. It indicates that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It refers to the three dimensions of sustainable development (economic, social and environmental) and confirms that in pursuit of sustainable development these dimensions are to be considered holistically. It is clear that

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

NPPF paragraph 14 envisages a 'planning balance' with the presumption in favour of sustainable development taking effect unless significant and demonstrable harm can be identified. Paragraph 55 of the NPPF refers to promoting sustainable development in rural areas, indicating housing should be located where it will enhance or maintain the vitality of rural communities, such as where there are groups of smaller settlements and that development in one village may support services in a nearby village but new isolated homes in the countryside should not be supported unless there are special circumstances. It is considered that this development does not fulfil any special circumstances as outlined in paragraph 55 of the NPPF.

- 6.5 The site for the development forms part of the residential curtilage to a detached dwelling and this site is adjoined on its northern side by the curtilage to another dwelling in an area with no direct link to any recognised settlement with community facilities. The nearest settlements are Presteigne, Shobdon and Lingen. Kinsham, within which the site is situated, is a small hamlet of dispersed dwellings and is not considered to be a sustainable location and as such the presumption in favour of such development is not engaged.
- 6.6 Reference has been made in letters of objection to the application to Policy RA2: Herefordshire Villages, in the Core Strategy. The Inspector in his decision to the *Home Farm, Hereford: APP/W1850/A/13/2192461*, decision dated 10 January 2014 provides a clear indication that although the Council currently cannot demonstrate a 5 year housing supply, in consideration of the housing land supply position he recognised that the housing land supply is a matter to be determined as part of the forthcoming Examination of the Core Strategy. Therefore, no weight can be given to Core Strategy proposals at this stage
- 6.7 The application is made in outline with all matters reserved for future consideration. Officers are content, however, that it would be possible to design a dwelling that would preserve the existing levels of residential amenity at adjoining properties. In this respect care would have to be taken to ensure that siting, scale, and orientation of windows is carefully considered and this can be considered fully at the 'Reserved Matters' stage should permission be granted.

Other Matters

- 6.8 The Transportation Manager raises no objections and the applicant has confirmed that if planning permission is granted work would commence within two years, therefore a Section 106 Planning Obligation is not required.

Conclusions

- 6.9 It is considered that the proposal represents an unsustainable form of development in an open countryside location and no justification has been provided in order to comply with criteria of Policy H7 of the UDP and in particular paragraph 55 of the NPPF.
- 6.10 Therefore it is considered that the development is not compliant with the NPPF or the UDP and the recommendation is one of refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. In the absence of any justification or evidence of exceptional circumstance, the proposal represents an unsustainable form of development that would place entire reliance upon the use of a car to access services and facilities. Accordingly it is considered that the development is contrary to Policies S1 and H7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

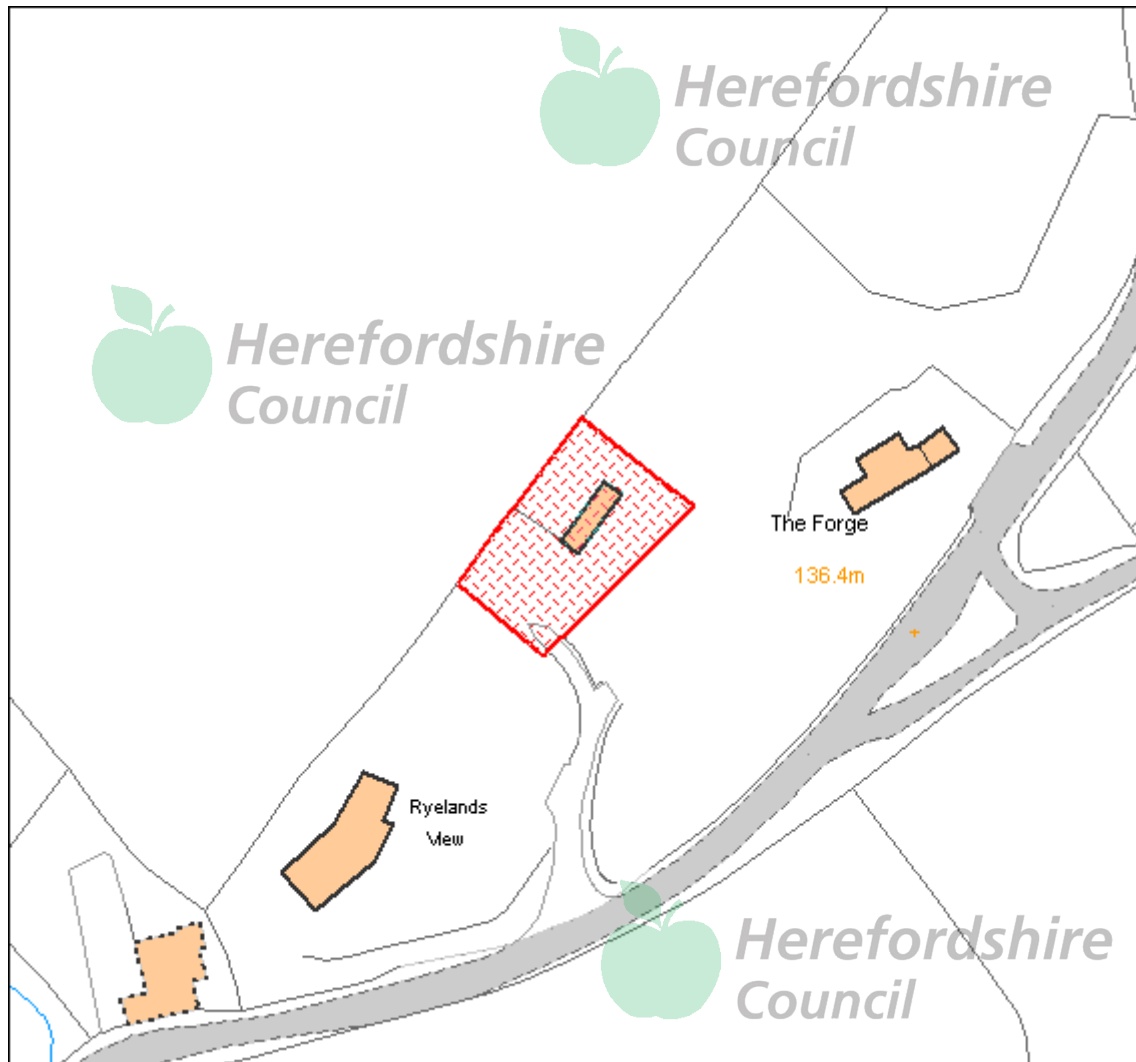
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141314/O

SITE ADDRESS : LAND AT RYELANDS VIEW, KINSHAM, PRESTEINGE, HEREFORDSHIRE

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