

MEETING:	PLANNING COMMITTEE
DATE:	19 NOVEMBER 2014
TITLE OF REPORT:	P142450/O - SITE FOR ERECTION OF DWELLING AT MYRTLEFORD COTTAGE, LEDGEMOOR, WEOBLEY, HR4 8RJ For: Miss Watkins per Mr Colin Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=142450&search=142450

Date Received: 11 August 2014

**Ward: Wormsley
Ridge**

Grid Ref: 341456,250360

Expiry Date: 30 October 2014

Local Members: Cllr AJM Blackshaw

1. Site Description and Proposal

- 1.1 The application site lies within a cluster of houses within the hamlet of Ledgemoor approximately 2km to the south east of Weobley. The application site comprises the north-west part of the existing garden that serves Myrtleford Cottage, a one and a half storey stone cottage, with its rear elevation to the private lane.
- 1.2 The application seeks outline planning permission for a single dwelling with all matters except for access reserved for future consideration. The plot would be 23m by 24.5m (563 sqm) in size and is broadly rectangular. The application site includes the proposed access to the site that comprises a single width lane with grass verge that currently serves the four dwellings to the north-west (Sunnyside, Trevadoc, Pixie Comb and Blenheim Cottage). Accompanying the application is a supporting letter from the applicant's agent that advises the following:

'This cottage is owned by the mother of the applicant and the new dwelling will allow the applicant to be able to look after her mother and for them both to maintain independence of each other.

Mother and daughter are both born in Herefordshire and have always been residents in the area. The applicant has sold her existing house and has cash in hand with which to build the new house and is keen to live as close as possible to her mother. She has looked at local properties none of which are affordable and this solution allows the affordability of the project.

The applicant works in Hereford as a nurse in the local hospital

Access to the dwelling would be via the private drive adjacent to Myrtleford Cottage. The owner of this drive is unknown and we have therefore issued a notice in the Hereford Times to try and locate them. Various people have tried to locate the owner but to no avail.

The dwelling would be built to reflect the style and quality of Myrtleford Cottage and the landscaping tied in to suit the gardens that currently exist'

2. Policies

2.1 National Planning Policy Framework (NPPF)

In particular paragraphs 6, 7, 8, 14, 17 and 55.

2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S6	-	Transport
DR3	-	Movement
H7	-	Housing in the Countryside Outside of Settlements

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

2.3 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
RA3	-	Herefordshires Countryside

2.4 Pyons Group Neighbourhood Plan

A Neighbourhood Area was designated in 25 July 2013

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water notes that the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

Internal Council Advice

4.2 The Transportation Manager has no objection to the grant of planning permission.

5. Representations

5.1 Pyons Group Parish Council has made the following comments:

- The outline application needs to be clear that the lane that is proposed for access is not part of the property boundary. The parish council understands that the proposed access lane is privately owned but that at present the owner cannot be identified.

- There needs to be appropriate arrangements made for the treatment of sewage, which the parish council understands will need to take the form of either a septic tank or sewage treatment on-site, and which takes into account the lie of the land and neighbouring properties.
- The applicant needs to commit to share the costs of maintenance of the lane equally with the other four (4) properties on the lane. Should the development go ahead, this will mean a 20 percent contribution to the maintenance costs.
- Should the development go ahead, access to the lane needs to be clear at all times with minimum disruption.
- Should the application go ahead, any damage to the verge and lane caused during construction should be made good by the applicant

5.2 Letters of support have been received from the following:

- Mrs Brenda Watkins, Myrtleford Cottage, Ledgemoor
- Mrs Agnes Hipkins, Whitehouse, Ledgemoor
- Mr and Mrs Webb, The Moat House, Neen Sollars, Kidderminster
- Mr and Mrs L Calder, Newton Farm, Hereford
- Mr Andrew Minshall, 47 Glebe Close, Credenhill
- Mr Faulkner, Oak View, Hereford Road, Weobley
- A English, Mortimer House, 19 Caste Street, Hay-on-Wye
- E Amos, The Weedlands, Westhope,

These letters raise the following issues:

- 'Referring to my daughter... I think it would be ideal if it was considered because we could both be independent, but yet she would be able to care for me in my own home should the matter arise'.
- No objection and thing that being able to live independently buy be close enough to offer security would offer peace of mind.
- The applicant needs to be close to her mother who is elderly.
- Building work might cause disruption but the final house would have look of village
- It would be infill.
- There are no affordable houses in the area.
- Lesley if of good character, honest and hardworking and supportive of traditional countryside values.
- Mother is no longer able to maintain her garden.
- Hereford hospital is an easy commute from Ledgemoor but can be close to mother

5.3 Letters of objection have been received from the following:

- Shaun Griffiths¹⁴ (Merestone Road, Hereford, formally of Sunnyside)
- Mrs B Blake, Blenheim Cottage, Ledgemoor,
- Mr and Mrs Best, Trevadoc, Ledgemoor
- Mr Best, 79 Hebron Road, Ledgemoor (Parents reside at Trevadoc)
- Edward Best, 1 New Street, Ledgemoor
- Mrs R Bowen, Brmaley Cottage, The Marsh, Weobley
- Mr and Mrs Brazier, Pixie Comb, Ledgemoor
- Mr and Mrs Griffiths, Sunnyside, Ledgemoor

These letters of objection raise the following issues:

- The land has poor visibility when exiting onto the Ledgemoor Road and visibility is often obstructed by parked cars. Greater highway safety risk associated by an increase in use of this access.
- Access is narrow and restricted in width at the entrance and is barely adequate for the dwellings it already serves.
- Maintenance of the land shared by the owners of dwellings that are served by the lane and access via this land should not be granted as additional use would increase maintenance responsibility.
- Additional permitted access would result in increased use of the land and increase in maintenance costs.
- Access should be via Myrtleford Cottage.
- Widening the access could result in flooding as there is a ditch that runs from the bottom of Myrtleford Cottage into the private road and down to Blenheim Cottage – any more surface water could greatly add to the problems locally. There is a high water table and a large pond to the rear of the lane bungalows.
- The property could result in a loss of light and privacy for Sunnyside. The plans do not accurately depict Sunnyside.
- An annexe to existing accommodation should be considered.
- This would be an overdevelopment / overcrowding of the area.
- The proposal is not in accordance with policy H7 or H8 of the UDP.

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:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 The application is for outline planning permission and as such seeks to establish the acceptability, in principle, of development for one dwelling and the acceptability of the proposed access. The application outlines the 'reasoning' for the dwelling as detailed in paragraph 1.2 above.

Principle of Development

- 6.2 The application site lies outside of any main or smaller settlement identified by the HUDP policies H4 and H6 and as such is considered to be 'open countryside' - therefore policy H7 is applicable. This policy restricts residential development in such areas unless it meets the specified exception criteria. There is no evidence supplied with the application that would suggest that this proposal would comply with any of these exceptional criteria.
- 6.3 Given the Council's acknowledged lack of five year housing land supply, it is a requirement that proposals for new dwellings be considered in the context of Paragraph 14 of the NPPF and its presumption in favour of sustainable development. Paragraph 14 of the NPPF states that for decision making, the presumption in favour of sustainable development means:
- *"Approving development proposals that accord with the development plan without delay; and*
 - *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *any adverse impact 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.*"

- 6.4 In applying this paragraph it is necessary to consider whether the site's location can, in itself, be considered sustainable. The site lies outside of any settlement identified in the HUDP, in a small hamlet of Ledgemoor. The nearest settlement is Weobley to the north-west, a settlement that provides services such as schools, shops, community buildings and employment opportunities. This village is in excess of 1.6km (by road), accessed along a country lane that is unlit and without footways for its majority. It is therefore considered that the site is relatively isolated from the services offered by Weobley and that in order to reach services and facilities necessary for most day to day living, there would therefore be a strong likelihood of a significant, if not complete, reliance on the use of the car. It would appear that there is no bus service to Ledgemoor with the Council's website advising that the nearest stop is at Weobley, a 30 minute walk away. It is acknowledged that this would currently be the case for existing occupiers in the immediate vicinity but this is not sufficient justification alone for adding to this situation, through the addition of the proposed dwelling. A high level of reliance on the car would result in the likelihood of a greater level of greenhouse gas emissions compared to a similar development in a more sustainable location. This would be contrary to the NPPF which, in supporting the move to a low carbon future, promotes new development being located so as to reduce greenhouse gas emissions and therefore a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. This is consistent with HUDP policy requirements of policy S1.
- 6.5 Paragraph 55 of the Framework promotes sustainable development in rural areas, ensuring that housing is located where it will enhance or maintain the vitality of rural communities. It also advises that planning authorities should avoid isolated new homes in the countryside unless there are special circumstances. This guidance is consistent with the aims and requirements of policy H7 of the HUDP and as such, weight can be attributed to policy H7 in this instance. It is also considered that the construction and occupation of one dwelling does not demonstrate that it would provide such significant or sufficient support and benefits to services and the economy in nearby villages to outweigh the concerns in respect of the sustainability of its location and it would therefore be contrary to Policies S1 and H7 of the HUDP. These policies together, in respect of this issue, state that sustainable development will be promoted by directing necessary new development to locations, settlements and sites that best meet the appropriate sustainable development criteria; and that proposals for housing development outside Hereford and other settlements defined in the HUDP will not be permitted unless various criteria are met. It would also be contrary to paragraphs 7, 8, 14 and 55 of the Framework which relate to the need for development to be sustainable.
- 6.6 As this application fails to meet the presumption in favour of sustainability 'test' then it must be considered in the context of paragraph 55 that does provide (as with HUDP policy H7) support for some residential development where it meets a special circumstance such as essential rural worker; facilitating the viable use of a heritage asset; reuse of a building; exceptional quality or innovative nature of the design. The supporting details submitted with this application for an open market, independent dwelling, do not demonstrate compliance with any of these special circumstances nor do they comply with the any exceptions within policy H7.
- 6.7 It is acknowledged that the proposed dwelling would make a very modest contribution to housing need and minimal contribution to the economy. Nevertheless I conclude that, notwithstanding the acknowledged shortfall in the housing land supply, the unsustainable nature of the proposal would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole.
- 6.8 In terms of emerging policy, the Herefordshire Local Plan is currently in its pre-submission publication stage, awaiting examination in public next year.
- 6.9 If adopted in its current form, Ledgemoor would then be identified as a settlement that would support Local Need / Connection dwellings (policy RA2). However, based upon the level of

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

objections that have been received to policy RA2, it is not considered that any weight can be given to this policy at this stage. This said, it is advised that even if the application submission was considered in relation to this policy it would fail to provide the required evidence to demonstrate the development meets an identified housing need and would fail to comply with the proposed plot size limitation of 350sqm. There would also need to be a commitment to the dwelling being retained for identified local housing need in the future.

- 6.10 In relation to Neighbourhood Plans, the Pyons Group Parish Council, a neighbourhood area was designated on 25 July 2013 and work has commenced on a plan but this has not yet reached submission (Regulation 16) stage and as such cannot be attributed any weight in the decision making process.

Access

- 6.11 One of the key concerns of local residents relates to the use of the existing private land to accommodate an additional dwelling. The concerns about maintenance are noted but these are a civil matter that would need to be resolved between parties. The lane is a narrow single width track that currently serves the four dwellings to the north-west. Whilst visibility is fairly limited, the increase in traffic movements attributed to one dwelling is unlikely to lead to such an intensification that it would have a severe impact on highway safety. As such, having regard to the requirements of the NPPF and policy DR3 of the HUDP, a refusal on highway safety grounds is not advanced. The Council's Transportation Manager has raised no objection to this proposal.

Residential Amenity

- 6.12 Impact upon privacy and amenity has also been raised by immediate neighbours. The plot size is quite considerable, and there is scope to introduce a dwelling that could be sensitively designed to ensure that privacy and amenity of the adjoining neighbours is respected in accordance with policies DR2 and H13 of the HUDP.

Drainage

- 6.13 Local residents have also raised concerns in respect of surface water drainage and flood risk. It is considered that such matters can be adequately dealt with by condition requiring full details to be submitted and approved before any development is commenced.

Conclusion

- 6.14 To conclude, the application site lies outside of any defined settlement boundary in a location that is considered to be inherently unsustainable. The proposal does not demonstrate that it complies with any of the special circumstances detailed in Paragraph 55 of the NPPF or limited exception criteria policy within policy H7 which allow for residential development within open countryside. Furthermore the development is not considered to represent a sustainable form of development having regard to its location and the guidance contained within the National Planning Policy Framework that directs development to locations that are or can be made sustainable. Therefore the proposal is considered to be contrary to policies S1 and H7 of the Herefordshire Unitary Development Plan and guidance contained within the National Planning Policy Framework, particularly in paragraphs 7, 8, 14 and 55 and is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The application site lies outside of any defined settlement boundary in an unsustainable rural location. In relation to Policies S1 and H7 of the Herefordshire Unitary Development Plan and paragraph 55 of the National Planning Policy Framework the proposal does not accord with any of the limited exception criteria, which allow for residential development within open countryside. Furthermore the development is not considered to represent a sustainable form of development having regard to its location and the guidance contained within the National Planning Policy Framework. Therefore the proposal is contrary to be contrary to policies S1 and H7 of the Herefordshire Unitary Development Plan and guidance contained with the National Planning Policy Framework, particularly in paragraphs 7, 8, 14 and 55.

Informatives:

- 1. 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.

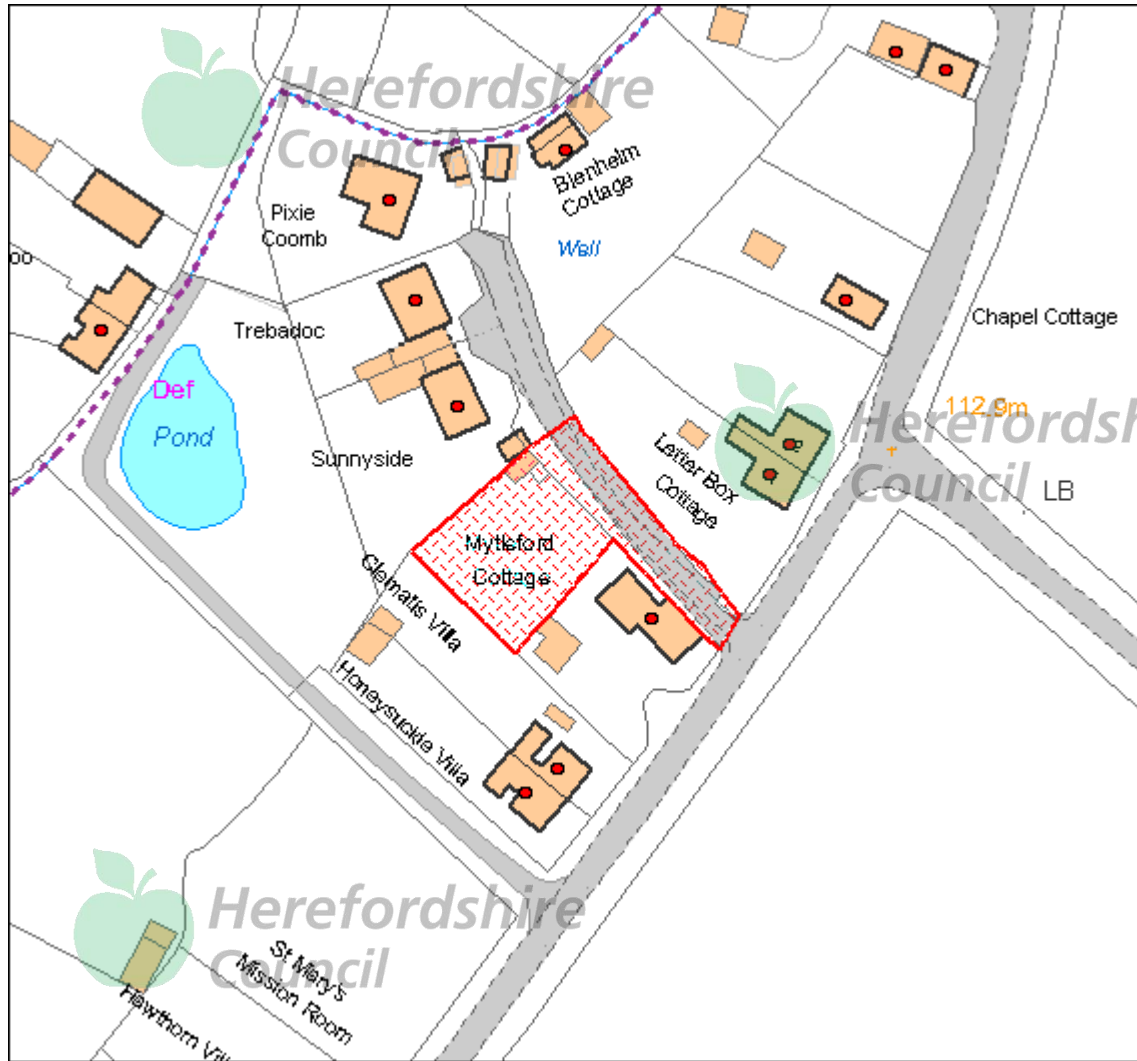
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 142450/O

SITE ADDRESS : MYRTLEFORD COTTAGE, LEDGEMOOR, WEOBLEY, HEREFORDSHIRE, HR4 8RJ

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