

MEETING:	PLANNING COMMITTEE
DATE:	15 APRIL 2015
TITLE OF REPORT:	143368 - PROPOSED NEW DWELLING TO SUPPORT A FAMILY WITH LOCAL CONNECTIONS IN RISBURY AT POPLANDS LANE, RISBURY, HEREFORDSHIRE For: Mr Wilson per RRA Architects, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143368&search=143368
Reason Application Submitted to Committee – Re-directed	

Date Received: 11 November 2014 Ward: Hampton Court Grid Ref: 355185,255699

Expiry Date: 9 January 2015

Local Member: Councillor JW Millar

1. Site Description and Proposal

- 1.1 The proposal site is 750 metres north from Risbury Cross, where Poplands Road joins the class III road linking Stoke Prior to the west and Pencombe further on to the east. The access road is an unclassified road (u/c 94009), which for the northern end is also the line of public footpath HU5. A stone dwelling (Gilhorn Cottage) is on the western side of this footpath and faces towards the rear of the applicants' range of small buildings and yard.
- 1.2 The land inclines north eastwards from this group of buildings towards the application site which comprises part of a previously worked quarry. The northern side of the quarry provides support for the proposed dwelling.
- 1.3 The proposal entails erecting a gable fronted four bedroomed dwelling that is 9.4 metres to the ridge as viewed on the south elevation. This elevation will comprise triple glazing and stone masonry wall on a predominantly vertical timber clad dwelling. Glazing and masonry is also used on the west and east elevations, when it becomes more evident that the predominantly timber clad floor above projects out a further 3.7 metres. The first floor provides three bedrooms and two bathrooms one of which is en-suite. The 45 degree pitch roof will be covered by slates. The ground floor accommodation is naturally lit by glazing on the south and eastern elevation but is otherwise covered by a flat sedum covered roof that abuts the former quarry wall.
- 1.4 It is proposed to provide a new driveway from the access serving the existing buildings. It is also proposed to provide more landscaping particularly along the western side of the site between the new dwelling and the nearest dwelling, Gilhorn Cottage, which is approximately 44 metres to the south-west.

- 1.5 It is stated that the use of materials and a dwelling that is part earth shelter is innovative in accordance with Paragraph 55 of the NPPF. It is also proposed to use an air source heat pump. Foul drainage will be disposed off via a package treatment plant.

2. Policies

National Planning Policy Framework

- 2.1 The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment

- 2.2 Herefordshire Unitary Development Plan 2007 (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H6	-	Housing in Smaller Settlements
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity

- 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

2.4 Neighbourhood Plan

Humber, Ford and Stoke Prior has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 21 May 2013. The Parish Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but it must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging plan.

- 2.5 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>

3. Planning History

- 3.1 NC101008/F - Agricultural building – Approved June 2010.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water has no objections.

Internal Council Advice

- 4.2 Transportation Manager has no objections subject to appropriate conditions.
- 4.3 Conservation Manager (Ecologist) accepts the contents of the submitted ecology report and does not object to the proposal. Conditions are recommended to ensure that the proposed enhancement works are carried out.
- 4.4 Environmental Health & Trading Standards Manager (Air, Land and Water Protection) raises no objections but notes that the site is a former quarry which could be contaminative and therefore recommends appropriate conditions should planning permission be granted.
- 4.5 Public Rights of Way Manager has no objections.

5. Representations

- 5.1 Humber, Ford and Stoke Prior Group Parish Council made the following response:

The Council considered the application at its meeting on 3 December 2014.

One of the applicants, Mrs Stephanie Wilson, is a parish councillor on the Council and so declared an interest in this matter and withdrew for the Council's discussion and voting on the comments submitted. However, In accordance with the Council's Standing Orders and the Herefordshire Planning Code, the Council resolved to grant a dispensation from the Herefordshire Code of Conduct to permit Cllr Wilson to remain in the room during the public discussion and questions concerning her planning application, and to speak and answer questions from the public gallery only during that period.

The Council heard oral statements from Cllr Wilson and from other members of the public. The Council also received a written objection from Mr & Mrs Lawley of Gilhorn Cottage, Poplands Lane.

Concerns raised by members of the public about the application were:

- (i) that the site was inappropriate for a new dwelling as being open countryside and not “within or adjacent to the village” as stipulated in the emerging Core Strategy RA2;
- (ii) that the site could not be considered a brownfield site as stated in the application;
- (iii) that traffic levels would be increased along Poplands Lane which was narrow and without passing places and that the volume of traffic from the existing six properties using the unadopted section of Poplands Lane was already too great for the narrow road
- (iv) that the residential amenity of Gilhorn Cottage would be adversely affected by the development; and
- (v) that the design of the proposed dwelling would be out of keeping with the traditional nature of neighbouring houses.

The Council heard a statement from the applicant that:

- (i) the house would be the long-term home for her family, built on land owned by the family; several sites on that land had been considered with professional advice, and the proposed site was the most sustainable, being a previous quarry, using existing access - the site thus met the brownfield site criterion in Policy RA2 and was also considered to be on the edge of Risbury village;
- (ii) traffic levels would not be increased, as currently the family made at least daily visits to the site to care for animals, and the house would enable Mr Wilson to work from home up to 4 days a week; It was acknowledged that the lane was very narrow, and the family would be happy to put in a passing place on their land subject to necessary permissions;
- (iii) the location and design of the proposed dwelling would minimise its visual impact, being set-back into the hillside; details of design had been changed following consultation with neighbours (including the walls and roof finishes); although the house would have a contemporary feel, the traditional materials used in construction would not be out of keeping with the surrounding area.

In discussion, the Council noted that:

- (i) whether the site could be considered to be 'within or adjacent to the main body of the village' (Policy RA2) was not clear, but the site might meet one of the Core Strategy RA2 criteria for development outside of villages (exceptional quality and innovative design);
- (ii) additional housing for local people, especially young families, had been identified as a priority in the draft Humber, Ford & Stoke Prior Neighbourhood Plan, and this also supported self-build homes for local people;
- (iii) screening of the proposed dwelling from Gilhorn Cottage appeared to have been well-addressed in the application;
- (iv) whether the site was classed as brownfield required clarification from the Planning Officer, but this was not considered an essential case for the application;
- (v) the offer of the applicant to provide a passing place on that section of Poplands Lane was welcome as a mitigating measure for any increased traffic levels.

The Council resolved to support the application and recommend approval.

5.2 Six letters of objection have been received in which the following main points are made:

- Outside village envelope Policy (RA3).
- Poplands Road comprises large plots main core of village along the class III leading to Stoke Prior.
- Unrelated to agriculture.

- Not an affordable dwelling.
- Ratio of floor space to external volume not conducive to sustainable dwelling.
- Design not innovative as stated, top heavy and tall.
- Not a brownfield site.

5.3 Six letters of support received raised the following main points:

- Applicants, fourth generation local family wish to live close to livestock.
- Design innovative and unobtrusive.
- A rated EPC certificated dwelling.
- Proposal supported in Neighbourhood Plan; classified as infill.
- Travel up and down Poplands Road in any case to see animals.

5.4 A further letter has been received from the applicants' agent confirming that a contamination study would be undertaken of the site, as requested by the Environmental Health and Trading Standards Manager. This response was supplanted by a Rebuttal Statement, a policy statement provided and seeking to address issues of sustainability. It concludes that the site is within walking distance of a bus-stop and village hall, it is innovative, it will free up the applicant's existing bungalow in Risbury and that given the shortfall in the housing land supply this proposal can only be supported as it accords with Paragraphs 55, 56, 63 and 65 of the National Planning Policy Framework.

5.5 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 site is located to the north of Risbury, it is not within or adjacent to the settlement. Therefore, this proposal needs to be determined on the basis of the impact of development in this location and secondly having regard to sustainability policies.

6.2 The intent of UDP Policy H7 accords with the aims and objectives of the NPPF with paragraph 55 being of particular relevance in this instance and indicates that unless exceptional circumstances can be demonstrated, housing outside of defined settlements will not be permitted. This proposal does not satisfy any of the exceptional criteria under which housing in the open countryside could be considered acceptable as listed under Policy H7. Considerable emphasis has been placed on the innovation of the design and the goal of providing a sustainable dwelling that has a reduced carbon footprint compared with a conventional dwelling. Paragraph 55 of the NPPF requires that isolated new homes are avoided unless such development satisfies certain criteria, in this instance, the premise of the proposal is that it is innovative. This is though a hybrid proposal part earth shelter and part three storey high dwelling that although having elements of sustainability and innovation does not attain the benchmark of outstanding innovation required by Paragraph 55 of the NPPF and accordingly it does not satisfy the exceptions that allow for residential development in the open countryside.

6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and became the sole planning policy document at national level, replacing the series of PPS and PPG documents which were in place when the previous applications were made on the site. Paragraph 215 of the NPPF states that 12 months from the publication of the NPPF, "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework". This 12-month period expired on 27 March 2013. Consequently the weight which can be attributed to individual policies of the UDP must

therefore be assessed through their level of conformity with the NPPF. The closer the UDP policies are to the policies of the NPPF, the greater the weight that may be given.

- 6.4 Paragraph 47 of NPPF requires all local authorities to provide a 5 year supply of land for housing plus a 5% or 20% “buffer”, dependent on the each local planning authority’s record for housing delivery. The appeal decision at Home Farm, Belmont (APP/W1850/A/13/2192461) considered Herefordshire Council an authority requiring a 20% buffer to their 5 year Housing Land Supply.
- 6.5 Herefordshire Council is currently failing to meet this requirement and consequently ‘relevant policies for the supply of housing should not be considered up to date’ as stated in Paragraph 49 of the NPPF. On this basis, the council’s housing policies (H4 in this instance) which define the geographical limits of residential development can be attributed little weight in the determination of an application for residential development.
- 6.6 As the Council’s housing policies can no longer be relied upon to determine the principle of residential development, applications shall be considered ‘in the context of the presumption in favour of sustainable development’, as prescribed by paragraph 49 of the NPPF. Sustainable development is defined in paragraph 7 of the NPPF as a three pronged notion encompassing its economic, social and environmental roles.
- 6.7 The ‘social role’ of development places particular emphasis on the location of development with respect to local services and facilities. In this instance, the closest facilities and services to the site are located at Stoke Prior including a village hall, bus stop and public house (although currently closed). Stoke Prior is identified as a smaller settlement in the HUDP, where the emphasis is on limited infill development. The proposal site is remotely located and will be car dependent and as such not only falls short of what constitutes sustainable development in the HUDP in Policies S1, S2, DR1, DR2, H13 and T8 but also in Paragraphs 7, 17, 34, 55 and 109 of the National Planning Policy Framework.
- 6.8 The ‘economic’ dimension of development encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic development. Whilst, this proposal will deliver a dwelling this will only entail temporary benefits at the construction stage, which are limited to a single dwelling.
- 6.9 The contribution that the dwelling makes to the ‘environmental role’, in respect of the limited support to the vitality of services, council taxes and the new homes bonus is undermined by the proposal not assisting in moving towards a low carbon economy as it would not concentrate development close to infrastructure and services and it would not protect or enhance the natural environment.
- 6.10 These ‘roles’ that are set out in Paragraph 7 of the National Planning Policy Framework and provide the focus for sustainable development have been the subject of a recently dismissed appeal at Wharton (P141757/O- APP/W1850/A/14/2224336). This appeal related to the provision of six dwellings which would have had a greater economic benefit than the provision of one dwelling, on a bus-route to Leominster. Therefore, there is little economic and social benefit in providing this dwelling and any benefits are outweighed in any case by the adverse environmental implications of siting a dwelling in this location. Therefore, this does not constitute sustainable development as set out in the NPPF.
- 6.11 The Conservation Manager concurs with the content of the ecology report by Tyler Grange dated November 2013 which accompanies this application and considers the proposed development to exert no undue impact on biodiversity or wildlife in accordance with UDP Policies NC1, NC6 and NC7. Conditions should be attached to any permission given to ensure that bio-diversity enhancement works are undertaken in accordance with recommendations made throughout the ecology report.

- 6.12 There is an existing access to the application site which is located on the western boundary of the site. This vehicular access is in use currently and the Transportation Manager is satisfied that although there will be additional traffic generated, it will not have an adverse impact on wider highway safety and users of the public footpath. The traffic generated by this proposal can be readily absorbed on the local road network in terms of safety of other road users and therefore the proposal is in accordance with UDP policies DR3, T8 and H13 and chapter 4 of the NPPF.
- 6.13 The proposed dwelling will not compromise the privacy of residents living in the vicinity of the site given the existing screening around the proposed dwelling and the distance between the site and the nearest residential surrounding residential property. Therefore, the proposal in this respect is in accordance with Policy DR2 of HUDP.
- 6.14 The issue of whether or not the proposal site constitutes a brownfield site is raised as a further reason for support of the proposal. The former quarry has though been back filled and the site has over the decades blended into the landscape. Hollows and delves are a feature across the Herefordshire countryside, this site does not fall into a category of 'previously used land' as set out in Annex 2 of the National Planning Policy Framework.

Conclusion

- 6.15 In light of the above, the principle of development is not considered acceptable having particular regard for the location of the site in relation to local services and facilities, including the limited local transport infrastructure and the reliance on the use of private transport. The need for sustainable development is a fundamental principle in the NPPF, and therefore notwithstanding the recognised shortfall in the housing land supply, this proposal only has limited economic and social benefits that are greatly outweighed by the adverse environmental implications of developing this particular site. Therefore, the proposal does not accord with Paragraphs 7 and 14 of the National Planning Policy Framework, which is the *presumption in favour of sustainable development*. This principle is not satisfied given that the benefits of providing the development are outweighed significantly, as in this instance and as such the application is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposal represents unsustainable development within the open countryside with poor pedestrian access to local facilities and services. Therefore, the proposal is contrary to the provisions of Policies S1, S2, DR1, DR2, H13, and T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework, particularly paragraphs 7, 17, 34, 35, 55 and 109.**

Informative:

- 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 and identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reasons for the refusal, approval has not been possible.**

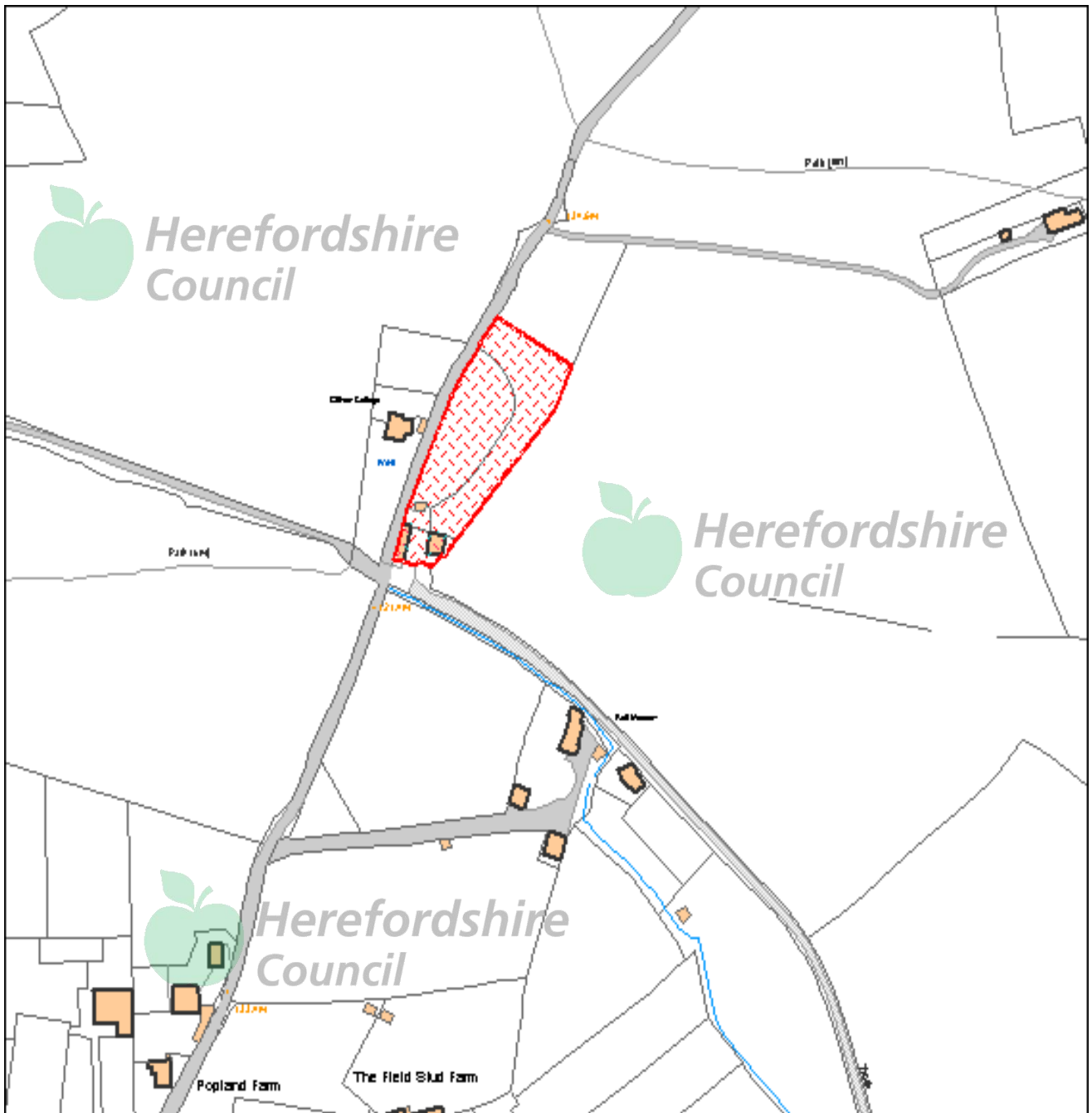
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143368

SITE ADDRESS : POPLANDS LANE, RISBURY, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr A Prior on 01432 261932