

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 November 2018
TITLE OF REPORT:	<p>181978 - PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 8 NO. DWELLINGS AND ASSOCIATED WORKS (4 NO. AFFORDABLE DWELLINGS, 3 NO. SELF-BUILD DWELLINGS AND 1 NO. OPEN MARKET DWELLING) AT LAND ADJACENT TO STONE FARM, FELTON, HEREFORDSHIRE, HR1 3PW</p> <p>For: Mr Abell per Mr Matt Tompkins, Thornbury House, 18 High Street, Cheltenham, GL50 1DZ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181978&search=181978
Reason Application submitted to Committee – Redirection	

Date Received: 25 May 2018

Ward: Three Crosses

Grid Ref: 357482,248761

Expiry Date: 7 September 2018

Local Member: Councillor JG Lester

1. Site Description and Proposal

- 1.1 The application site ('The Site') is located at Crozen, a hamlet to the north of the C1118. The Site is approximately 800m west of the A417, 1.35km from Ullingswick and 2.9km north-west of Burley Gate. It is equidistant from the market town of Bromyard and city of Hereford being 9.2km from both.
- 1.2 The Site comprises three parcels of land; a small area on the corner of the southern point of the Stone Farm Complex, a field to the immediate east of Stone Farm and the field further to the east. In total the Site area is 1.6Ha. The Site is generally flat but rises towards the east and has mature hedgerow boundaries, with a post and wire fencing to the south west boundary adjacent to Stone Farm.
- 1.3 The wider area is made up of a matrix of large arable and pastoral fields bound by hedgerow and trees traversed by a network of 'C' and 'U' roads.
- 1.4 Stone Farm is a detached brick farmhouse, with an Oast house and Threshing barn converted into dwellings under permission 143076/F.
- 1.5 A public bridleway runs along the northern boundary which is also part of the Three Rivers Ride.
- 1.6 The proposal is for residential development comprising 8 no. dwellings and associated works (4 no. affordable dwellings, 3 no. self-build dwellings and 1 no. open market dwelling The two bed self build dwelling is of a cottage style with brick and cladding under a slate roof, and the two

Further information on the subject of this report is available from Mrs G Webster on 01432 260139

self build three beds are proposed to be of a barn style with stone under a slate roof. The 5 no. dwellings are proposed in a courtyard arrangement within the field further to the east, one will be a 4 bed open market dwelling, 1no. three bedroom affordable dwelling, and 2 no. two bedroom affordable dwellings. The courtyard dwellings will be of brick and vertical timber boarding, single storey forms will have a slate roof and the two storey barns will have zinc standing seam roof.

- 1.7 There will be new accesses for the two dwellings and a further new access for the 5no. dwellings, with parking in an internal courtyard arrangement. There will be two car parking spaces proposed for each dwelling, with cycle storage.
- 1.8 To the area to the rear of the two dwellings and to the west of the 5 dwellings (between the two plots of land) there is a traditional orchard proposed and new native woodland planting along the boundaries, with footpaths running through the site. A copy of the site layout plan is shown below:



2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be of relevance to this application:

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- RA1 - Rural Housing Strategy
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- RA3 - Herefordshire’s Countryside
- RA4 - Agricultural, forestry and rural enterprise dwellings
- RA6 - Rural Economy

- H1 - Affordable housing – thresholds and targets
- H2 - Rural exception sites
- H3 - Ensuring an appropriate range and mix of housing
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

The Herefordshire Local Plan Core Strategy 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/info/200185/local_plan/137/adopted_core_strategy

2.2 The National Planning Policy Framework (NPPF)

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
12. Achieving well design places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the historic environment

2.3 Ocle Pychard Neighbourhood Development Plan

The Ocle Pychard Group Parish was designated as a Neighbourhood Area on the 3rd May 2016. The draft Neighbourhood Development Plan was sent for Independent Examination on the 22nd May 2018. At the time of writing the Examiner's report is awaited. At this stage it is considered the draft plan carries moderate weight for the purposes of decision taking. The following policies are considered to be relevant:

- OPG1 – Sustainable development
- OPG2 – Development needs and requirements
- OPG6 - Ullingswick
- OPG11 – Natural environment
- OPG13 – Design & access

https://www.herefordshire.gov.uk/download/downloads/id/13803/neighbourhood_development_plan_march_2018.pdf

3. **Planning History**

- 3.1 The following applications are considered to be relevant to this proposal:
- 3.2 181975 - Proposed residential development comprising 3 no. self-build dwellings and associated works – *This application is being considered concurrently and is a separate item on this agenda*
- 3.3 164021 - Change of use of agricultural building to B1 use – Approved
- 3.4 143076 - Proposed conversion of two agricultural buildings to two dwellings - Approved

Further information on the subject of this report is available from Mr Andrew Banks on 01432 383085

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – No objection

4.2 Natural England

No objection subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.
- Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

Internal Council Consultations

4.3 Traffic Manager – Not received

4.4 Conservation Manager -Landscape

The proposal is for residential development comprising 8 dwellings – the scheme is comparable to that of application P181975/F and I would therefore refer the case officer to my comments in respect of this application.

The scheme before me proposes an additional five units in the eastern section of the site. In terms of potential impacts of this aspect of the scheme; the proposal will require an additional access resulting in further loss of hedgerow. It will also introduce an additional self contained unit of built form that neither links with the existing or other proposed development. In my view this aspect of the scheme has the potential to compound the aforementioned harm and cannot therefore be considered policy compliant.

Comments for Application 181975

Having visited the site and read the Outline Landscape and Visual Appraisal I have the following comments to make:

- The site lies within open countryside and is physically and visually separate from the small cluster of dwellings situated at Crozen.
- Whilst on plan form the proposed two dwellings appear adjacent to existing built form at Stone Farm, the topographic plan shows that the site of the dwellings is on land approximately 5m higher than Stone farmhouse and therefore would not read as one within the local landscape.
- The proposed single dwelling whilst relating more closely to the farmstead, due to its position at the forefront of the cluster of buildings could potentially detract from the farmhouse and with the loss of vegetation; harm the landscape setting of the farmstead.
- The proposed access will result in loss of the roadside hedgerow, a key characteristic of the landscape character type; Principal Settled Farmlands. The extent of hedgerow has not been

set out within the appraisal; however its impact should be factored into the overall assessment of effects.

- The bridleway 3 Rivers Ride runs parallel with the northern site boundary, with PROW FL5 and 6 to the south as stated within the appraisal there is potential for adverse visual effects and whilst I consider the visual effects of the development on views from the south could be mitigated, I am not satisfied that what is proposed would mitigate views from the bridleway.
- The development will therefore constitute the domestication of the rural, open countryside, with the loss of prominent hedgerow, resulting in an adverse impact upon landscape character. These changes as a result of the development will have an adverse impact upon visual amenity from nearby PROW's and therefore does not comply with policies LD1 and SS6 of the Core Strategy.

Further comment received 7th September 2018

Having re-read my comments and reviewed the landscape strategy. I would suggest that what is being proposed in the way of landscaping is extensive:

In terms of landscape it goes some way to mitigating the harm; for example the proposed planting compensates to a degree for loss of mature onsite vegetation such as hedgerows. However this proposed planting cannot mitigate fully the impact on landscape character; it is a site within open countryside; the development will therefore result in the domestication of a pastoral landscape as well as the loss of hedgerow; a key characteristic of this landscape type, these changes are permanent.

The mitigation will also reduce adverse visual effects from the PROW to the north of the site but will not mitigate adverse effects from the south.

I would therefore conclude the mitigation proposed is substantial and whilst this is welcomed it cannot however fully mitigate the adverse effects upon landscape character and visual amenity.

4.5 Conservation Manager – Ecology

In most terms this application should be considered as being a unified application with 181975 as they share land owner, agent, boundaries, ecological links, field patterns, and in Habitat Regulation Assessment terms at least should be considered as one application for 'cumulative' effects. I am unsure why these two applications have been submitted and are being considered separately. Take into consideration the comments made for 181975 and additional comments included for this application.

Comments in relation to 181978

The site falls within the River Wye SAC Catchment and the identified Likely Significant Effects under the required Habitat Regulations Assessment are Foul Water (in particular Phosphate discharges that are not managed through a normal Package Treatment Plant system) and potential surface water discharges. In order to ensure that these 'Likely Significant Effects' are mitigated through the planning system it is necessary for this LPA to be assured and be able to reasonably condition that the outfall from proposed PTPs will be managed through a soakaway drainage field on land under the applicant's control and that proposed PTP has NO direct outfall in to any local watercourse, stream or culvert.

I note that the applicant has inferred that final outfall to soakaway is proposed but this has not been made explicitly clear or identified on supplied plans and so would not appear to be part of the plans that would be approved by any planning. The applicant is requested to formally confirm that they are happy to accept the inclusion of a Condition requiring that PTP final outfall discharge to a soakaway drainage field takes place (unless otherwise agreed by this LPA) can be included in any final planning consent granted.

Considering the 'in combination' effects of this application and 181978 NO direct outfall from foul water treatment systems would be considered acceptable if soakaway drainage fields are not practicable. The EN standard for treatment systems does not consider Phosphate (Phosphorous) discharges and so is not relevant in this circumstance, likewise the Environment Agency's discharge licence system does not consider the Phosphate discharges and 'likely significant effects' on the River Wye SAC so grant of a licence by the EA is not a relevant factor in any HRA process this LPA is required to consider.

4.6 Land Drainage Engineer

As there are no watercourses or public sewers within the vicinity of the site, we request that infiltration testing is undertaken in accordance with BRE365 (this should including determining that the groundwater level is a minimum of 1m below the base of any proposed infiltration features) for surface water disposal prior to the council granting planning permission to ensure there is a solution for disposal of surface water runoff.

Once the above information has been submitted and approved, should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of in line with our comments above;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

4.7 Housing Officer

The above site is situated within the parish of Felton and whilst it is near the parish of Burley Gate, it is not within or adjacent to the settlement and therefore sits in open countryside. My comments therefore relate to Policy RA3 which states that residential development will be limited to proposals which satisfy seven listed criteria.

With regards to this application I refer to criteria 5 "is rural exception housing in accordance with Policy H2". The applicant is proposing affordable housing, open market and self-build. Self build is a product not a tenure and therefore it can be an option for both open market and affordable housing. In order for me to support this application the applicant would need to demonstrate that their proposals are in accordance with Policy H2 and that this planning application could assist in meeting a proven local need for affordable housing.

5. Representations

5.1 Ocle Pychard Group Parish Council

Following their meeting last night the Parish Council would like to object to both the above applications for the following reasons:

- they do not conform to the parish NDP
- they would both fail to conform to Herefordshire Council's RA3 policy
- The weight of traffic on the highway to Stone Farm is already more than is suitable for such a highway. It cannot sustain further weight of traffic.

5.2 Eight letters of objection have been received from local residents. In summary the points raised are as follows:

- The site will ruin the area
- How long will the orchard remain, a protected woodland would have been better
- Who will manage and maintain the orchard
- There are farmers in the area who would buy the land to farm if possible - it is not redundant agricultural land
- The local community can't see how it is supposed to benefit the area
- The quality of the agricultural land is fine
- Rough grassland is as good for biodiversity as an orchard
- The picture view from Burley Gate doesn't represent what the eye can see
- Traffic will increase along the narrow lanes
- Additional houses in this location will destroy the countryside
- There are no services anywhere near the site
- Dangerous levels of cars along the narrow roads for walkers and cyclists
- Unsure of the path being introduced from the site to the large agricultural building at Stone Farm
- Not appropriate for the area
- Does not fall into NDP policy
- Self build is not classed as affordable
- There is the source of the brook at Stone Farm

5.3 Ten letters of support have also been received. In summary the points raised are as follows:

- Properties well designed and environmentally sound
- Rental properties are difficult to find and this will aid the shortage
- New affordable housing is sought after
- Chance for starter homes in the area
- Like the contemporary design
- Can allow us to settle long term in the area
- The proposal would bring an unused site back into positive use
- New hedgerow / orchard planting will put a lot back into the landscape
- Much needed affordable housing

The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181978&search=181978

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 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Ocle Pychard Group Neighbourhood Area, which has sent their Neighbourhood Development Plan (NDP) to Examination on 22nd May 2018. The Neighbourhood Planning Team have confirmed: "The Ocle Pychard Group NDP is currently at examination and should be afforded moderate weight. We received one objection during Regulation 16 consultation however this was in reference to the two settlements of Felton and Crozen, which are not identified settlements within the Core Strategy."
- 6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4 The matter of housing land supply has been the subject of particular scrutiny in a number of recent appeal inquiries and it has been consistently concluded that that the Council is not able to demonstrate a 5 year supply of housing land. Therefore, policies relevant to the supply of housing are, in accordance with paragraph 74 of the NPPF, out-of-date. However, this does not render such policies an irrelevance and they may still be afforded some weight. For the avoidance of doubt, Inspectors have determined that CS policies SS2, SS3, RA1 and RA2 are all relevant to the supply of housing in the rural context.
- 6.5 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states:
"Within these settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted." The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed.
- 6.6 Crozen is within the group parish of Ocle Pychard, the Neighbourhood Development Plan is currently undergoing Examination. The NDP will, when adopted, form part of the Development Plan. However, it can only be afforded moderate weight in the determination of this application until after the Examiners Report is received.
- 6.7 Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development, part d states:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
or
ii. 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.

6.8 Footnote 7 states that policies are considered out-of-date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, as stated earlier Herefordshire Council are currently not able to provide a five year supply.

6.9 Sustainable development is achieved through three objectives, identified within paragraph 8 of the NPPF:

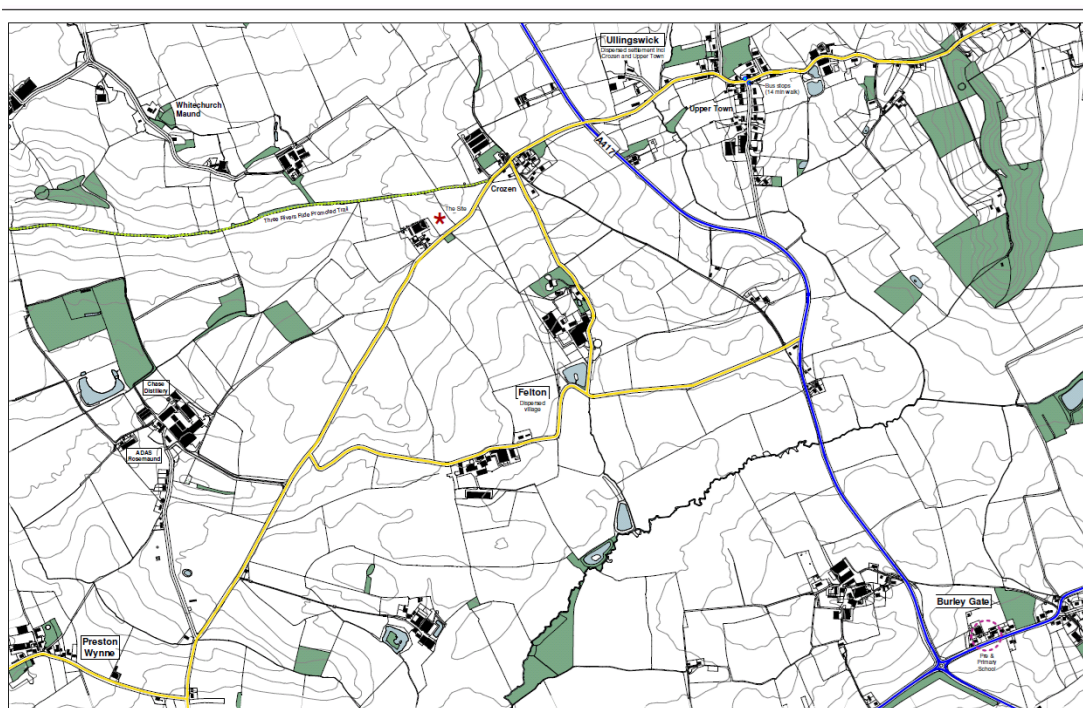
Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

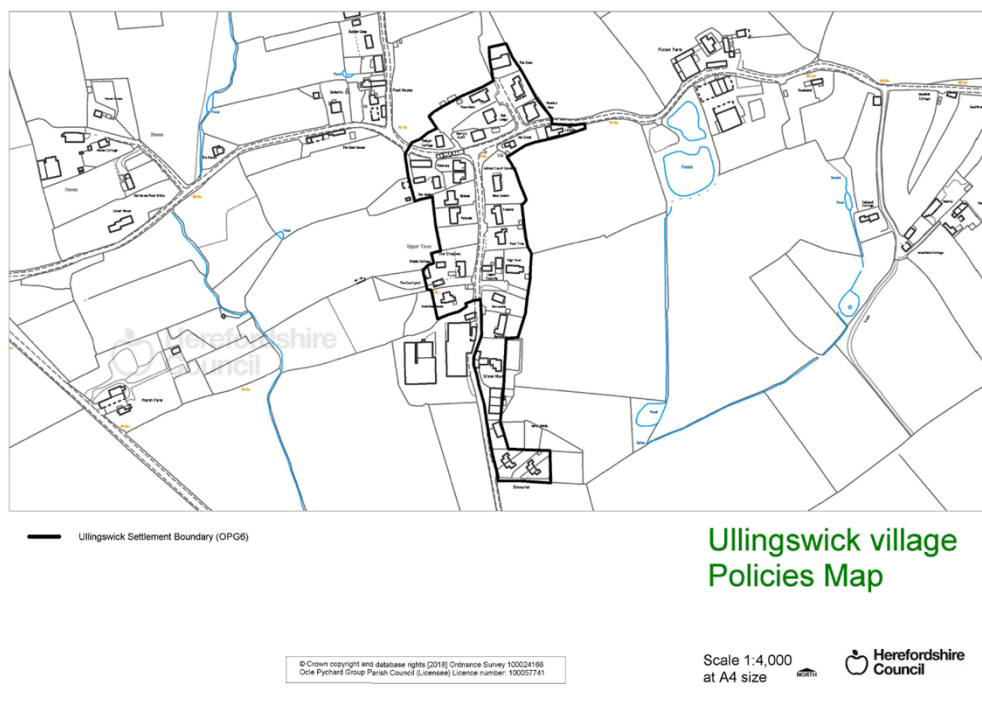
b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.10 The site is located adjacent to the small hamlet called Crozen which is not identified as one of the rural settlements within the Bromyard Housing Market Area. Crozen has 7 address points in the cluster of dwellings 335 metres to the north east of the site and there are 4 address points to the south west of the site which are in the converted barns and a former farmhouse. The location of the site in correlation to surrounding hamlets and villages can be seen in the location plan (the site is marked with a red star) below:



- 6.11 The Local Plan Core Strategy designates Burley Gate as a main focus settlement for proportionate housing growth, reflecting the existing local services and public transport provision. Ocle Pychard and Ullingswick are identified as other settlements where housing is appropriate. Burley Gate is located approx. 2.9km away from the site to the south east. Burley Gate has a number of services within the village including a shop, post office, village hall and a primary school. Ullingswick is approx. 1.35km away from the site but has very limited services, there is no shop, post office, school.
- 6.12 Policy OPG6 of the NDP sets out a Settlement Boundary for Ullingswick village which is the closest to the site, the map can be seen below. It should be noted that the site is to the west of the map shown by some further 750 metres.



- 6.13 Therefore this site and proposal for 8 dwellings lies outside of the settlement boundaries for Burley Gate and Ullingswick and is contrary to Core Strategy Policy RA2 and Ocle Pychard Group Parish NDP policies OPG2 (Regulation 16 draft of the NDP). In light of the progression of the NDP, I am of the view that it should be afforded moderate weight in the determination of this application.
- 6.14 Notwithstanding the fact that the site is outside of the settlement boundary, NDP Policy OPG2 sets out the parameters for the acceptability of development. It is re-produced in full below for ease of reference:

Policy OPG2: Development needs and requirements

A minimum of 36 new dwellings will be delivered throughout the Neighbourhood Area in accordance with the Local Plan Core Strategy. This will be enabled and demonstrated by:

- 1. Defining settlement boundaries for Burley Gate, Ocle Pychard and Ullingswick; and**
- 2. Allocating a site for housing and a community shop at Burley Gate; and**
- 3. Supporting housing and other development in these settlements where this is appropriate in scale and in keeping with their established character; and**

4. Acknowledging the potential for new residential development in the countryside, outside the defined settlement boundaries, including where this meets the requirements of Local Plan Core Strategy policy RA3 and allied policies.

In all cases, housing proposals should be able to demonstrate that they are of a type and size that positively contribute to meeting the latest assessment of housing needs, particularly for smaller properties.

- 6.15 Since the site lies within open countryside, the principle of development must also be assessed against Policy RA3. This policy includes a list of exceptions where residential development may be permitted.
- 6.16 Three of these dwellings are identified as being for self build, in order to meet the need of the self build register that is kept by the Council. However, as detailed by the Council's housing officer, criteria 5 of Policy RA3 "is rural exception housing in accordance with Policy H2", Self-build is a product not a tenure and therefore it can be an option for both open market and affordable housing, this means that, of itself, self build does not satisfy any of the criteria set out in Policy RA3 unless a specific undertaking is set out as part of an application that it will deliver affordable homes.
- 6.17 Four of the proposed dwellings are stated to be for affordable housing, however the application has not identified how this affordable housing will be secured as it is unlikely that a registered social landlord will take on four dwellings in a very rural location. It would mean that the scheme would be providing 50% of affordable housing on the site. Core Strategy Policy H1 requires the provision of affordable housing on schemes where there are more than 10 dwellings being provided and where the combined gross floorspace is more than 1000sqm. As this scheme is for 8 dwellings it falls below the threshold for requiring affordable housing, and is a benefit of the scheme provided by the applicant.
- 6.18 Within the Ocle Pychard Group NDP it states in the pre-amble of policy OPG2, that there is a requirement of 4 affordable dwellings in the parish over the plan period, according to the Local Affordable Housing Needs Survey for Ocle Pychard parish group, 2012. The allocated site within Burley Gate will be providing five affordable dwellings and therefore meets this need in the plan period.
- 6.19 The Neighbourhood Development Plan goes on to state that if there is a further requirement for affordable housing then this will be met through rural exception sites in accordance with Core Strategy policy H2.
- 6.20 Policy H2 states that:
- "Proposals for affordable housing schemes in rural areas may be permitted on land which would not normally be released for housing where:*
- 1 the proposal could assist in meeting a proven local need for affordable housing; and*
 - 2 the affordable housing provided is made available to, and retained in perpetuity for local people in need of affordable housing; and*
 - 3 the site respects the characteristics of its surroundings, demonstrates good design and offers reasonable access to a range of services and facilities normally in a settlement identified in Policy RA2."*
- 6.21 As this policy clearly states the affordable housing provision should be provided in a location that offers a reasonable access to a range of services and facilities in a settlement identified in policy RA2 such as Burley Gate. As discussed earlier Burley Gate is located some 2.9km from the site and therefore it is likely to have the reliance of a private car to access the services. In addition, the allocated site has already identified 5 affordable dwellings and will meet the required local need for affordable housing, the application has not provided further evidence of

a local housing needs study for the Ocle Pychard Parish that demonstrates an increased need for the parish.

- 6.22 Therefore this proposal although it will provide affordable housing is still within the open countryside and not seen as meeting a required need for affordable housing and will be too far from RA2 settlements to be considered an exception site. In addition the self build element are not considered to be affordable therefore the proposal is contrary to Core Strategy Policies RA2, RA3, and H2 and Ocle Pychard Group NDP policy OPG2.

Highway Matters

- 6.23 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* (NPPF para. 109).
- 6.24 The nearest bus stop is located in Ullingswick (1.35km away from the site) but the services are limited to once a week on a Wednesday. Leaving Ullingswick at 10.22 am and returning at 13.52pm, therefore not offering a viable option for sustainable travel from the site. There is the potential to use a cycle to travel to Burley Gate but this means cycling along the busy A417 for approx. 2.9km, it is unlikely that any residents would cycle to and fro either Bromyard or Hereford due to the distance. This means there is a strong reliance on the use of a private car.
- 6.25 The location of the site is such that it will place a strong reliance on private forms of transport for prospective residents to access local services. Whilst this might be said of many rural locations within Herefordshire, there is no realistic opportunity in this case that a genuine choice would exist to either walk or cycle to local facilities and, as the extracts above show, only a very limited bus service exists. I am therefore of the view that the location of the site is such that it does not comply with the objectives of points 2 and 3 of Core Strategy policy MT1 which seek to promote access to services via modes other than private motorised transport and to reduce short distance car journeys. This is a material consideration that weighs against the proposal.

Landscape Impacts

- 6.26 The site is located clearly within an area of open countryside. It is physically detached from the settlements of Ullingswick and Burley Gate and, whilst both are rural in character, I am of the view that there is a clear and obvious transition from their built form to the open countryside setting that the site occupies. There are long distance views from the site towards the south and it is clear that when arriving at the site that this is a very rural area.
- 6.27 Policy RA2 clearly sets out the requirements for a development to be considered part of a settlement, that it is in or adjacent to it and contiguous with built form. Recent appeal decisions have reinforced the requirements of this policy, even in the council's continued absence of a five year housing land supply. Separate Inspectors have dismissed appeals for new residential developments that the council considered to be in the open countryside, noting that *'...numerical distances alone do not explain the sites connection with the village.'* (APP/W1850/W/17/3190468 – The Nest, Moreton Eye) and that it should be considered in terms of *'...how the area is experienced.'* (APP/W1850/W/18/3195418 – The Butte, Cobhall Common)

6.28 I am of the opinion that the degree of separation between the proposed site and the villages is such that the development cannot be considered sufficiently integral to the villages to be compliant with the policies stated. Travelling from Burley Gate, one travels along the A417 before turning off towards Felton. Not only is there an appreciable distance between the village and the application site, but there is also an obvious and distinct buffer of open countryside that separates the end of the village from the small cluster of houses adjacent to which the site is located. Similarly one traverses a similar countryside buffer, and the A417, when travelling from Ullingswick.

6.29 The photographs below show various views of the site and its environs. The first is taken in a north westerly direction approaching the site and includes Stone Farmhouse with views across open countryside to the east and south east:



6.30 The second shows the first part of the site looking in a north-easterly direction. The rural nature of the site is immediately apparent.



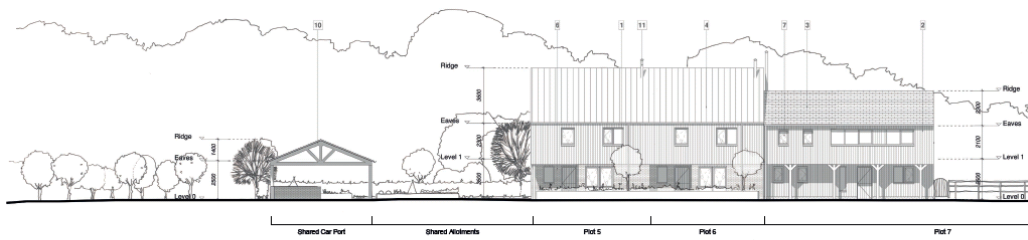
6.31 The final photograph shows the second part of the site looking in a south westerly direction. They all serve to show the landscape character of the area, and particularly its open nature, with which the proposed developpment is at odds with.



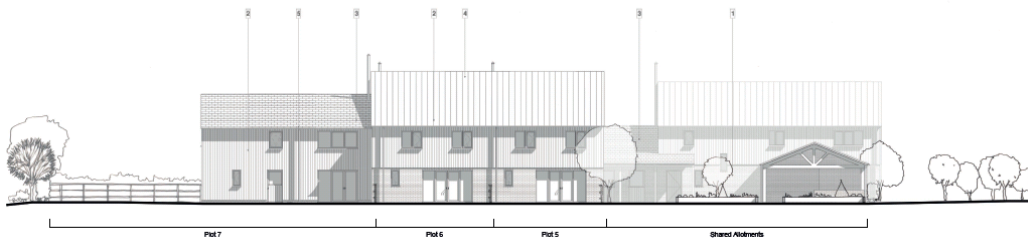
- 6.32 The landscape officer has objected to the scheme and although acknowledging that there is a large amount of mitigation proposed with additional tree planting of the orchard and hedgerow planting, she states that *“the proposed planting compensates to a degree for loss of mature onsite vegetation such as hedgerows. However this proposed planting cannot mitigate fully the impact on landscape character; it is a site within open countryside; the development will therefore result in the domestication of a pastoral landscape as well as the loss of hedgerow; a key characteristic of this landscape type, these changes are permanent.”*
- 6.33 The proposal is not considered to accord with Policy LD1 of the Core Strategy. Whilst the mitigation proposed nods towards the landscape character, the introduction of residential development of the nature proposed here is fundamentally at odds with it. The introduction of built form as proposed would introduce development that would cause harm to the landscape character and setting, no matter the extent of the mitigation proposed. This runs contrary to Policy LD1 and the environmental objective towards sustainable development, and officers are of the view that this holds significant weight in the planning balance.
- 6.34 Furthermore, NDP Policy OPG1 criteria 4 states that developments should:
- “...taking all opportunities to protect and enhance the distinctive natural and historic environments, with development avoiding undue loss of visual amenity or impacts on landscape character and biodiversity”*
- 6.35 This proposal, although, providing some enhancements and mitigation through the landscaping proposed does not avoid the undue loss of visual amenity in the area and the impact upon the landscape character surrounding the site.
- 6.36 It is therefore concluded that the proposal is contrary to the Core Strategy Policy LD1 and the NDP policies OPG1 and OPG11.

Design

- 6.37 As an over-arching strategic document, the Core Strategy does not provide detailed policy advice about design issues. However, Policy LD1 does advise that development proposals should:
- “demonstrate that the character of the landscape and townscape has positively influenced the design, scale nature and site selection, protection and enhancement of the setting of settlements and designated areas;”*
- 6.38 Policy RA2 also provides some assistance and says that housing proposals will be permitted where a series of criteria are met. The third of these reads as follows:
- “They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting;”*
- 6.39 Chapter 7 of the NPPF seeks to promote good design. Whilst it is clear that decision takers should not seek to stifle innovative design, paragraph 60 is clear that it is *“... proper to seek to promote or reinforce local distinctiveness.”*
- 6.40 It is acknowledged that the proposed dwellings are of a good design and reflect the rural nature of the setting, and reflect the design of the former farm buildings to the west of the site. The use of the materials of cladding, natural stone and slate for the roof mimics that of the materials for agricultural barns and the layout of the courtyard feature also mimics that of farmsteads.



1. Dwellings 05, 06 & 07 Courtyard South Elevation 1:100



2. Dwellings 05, 06 & 08 North Elevation 1:100

Material Key

- | | |
|---|---|
| 1. Red brick to match local stock | 9. Slimline aluminium glazing and doors |
| 2. Vertical timber boarding | 10. Natural oak framed carport |
| 3. Slate roof tiles | 11. Stainless steel flue |
| 4. Standing seam zinc roof | |
| 5. Galvanneal steel gutters and downpipes | |
| 6. Timber stable doors | |
| 7. Low profile timber casement windows | |
| 8. Steeple sliding louvre panel | |

6.41 Officers are of the view that the design of the proposed dwellings complies with planning policy and this is an aspect of the proposal that weighs in favour of the development.

Planning balance & conclusion

6.42 Both Core Strategy policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.

6.43 The Local Planning Authority cannot demonstrate a 5 year supply of housing land with requisite buffer. Accordingly paragraph 74 of the NPPF applies. Paragraph 11 seeks to ensure that decisions should be made in presumption in favour of 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. Sustainable Development is achieved through the overarching objectives of social, environmental and economic.

6.44 The scheme would provide 8 new dwellings in the context of an undersupply within the county and this is a factor to which significant weight should be attributed. In addition, the design of the proposal is of high quality and suitable for the setting of the rural area taking into account the context of the site and therefore should be afforded some weight in favour, although there is some economic benefit to the scheme for the local area this is only of limited weight. Therefore this can tip the balance of the scheme towards in favour of sustainable development.

6.45 However, and as explained above, the LPA in this instance considers that policies relevant to the supply of housing within the CS retain significant weight. This is on the basis that the spatial strategy envisages that each Neighbourhood Plan Area will demonstrate the ability through an NDP to meet the indicative minimum growth target for the parish. In this instance although still awaiting the Examiners Report. The NDP allocates 1 site within Burley Gate and upon adoption will benefit from the 'protection' offered by the Written Ministerial Statement. Officers consider it legitimate, therefore, to give moderate weight to the emerging policies of the NDP at this stage.

- 6.46 The proposal is located outside of the defined settlement boundary for Ullingswick and Burley Gate and is therefore contrary to Core Strategy Policy RA2 and Ocle Pychard Group Neighbourhood Development Plan Policy OPG2.
- 6.47 Although acknowledging the benefits that the four affordable housing units can bring to the parish, the current local need is already likely to be met through the allocated site within Burley Gate, in addition the proposed site is located approx. 2.9km away from the nearest facilities and services such as a shop and school, which is likely to only be accessed via the private car and is therefore not seen as sustainable nor as a rural exception site under policy H2 of the Core Strategy.
- 6.48 The landscape mitigation for the site is commended however it is still such that the mitigation is outweighed by the overall irreversible permanent damage to the landscape and its setting caused by new development in the open countryside. I therefore find that the proposal is also contrary to Core Strategy Policies LD1 and the Ocle Pychard Group Neighbourhood Development Plan Policies OPG1 and OPG11 for the impact upon the landscape.
- 6.49 Placing these conclusions into the overall planning balance (which of course requires the adverse impacts to significantly and demonstrably outweigh the benefits arising) officers are of the view that the proposal is unacceptable. In reaching this conclusion I have also had regard to further representations made by the applicant and their agent regarding what are considered to be similarly located sites in Putley Common but do not find that this provides justification to find in favour of this application. It is noted that there is a material difference in that the NDP for Putley identifies both Putley Common and Putley Green as areas where proportionate growth will be permitted. Whilst the plan is currently at examination, no objections have been lodged in respect of its housing allocation strategy.
- 6.50 Officers acknowledge that there is a requirement to deliver self build properties in the county, however this is not an overriding factor to lead the council to abandon the strategic approach to housing allocation that is set out by policy RA2 of the Core Strategy. The site is considered to be located in the open countryside and the delivery of self-build dwellings is not an exceptional justification as set out by Policy RA3. The proposal for a new residential dwelling in this rural location is found to be without justification and would lead to significant harm in terms of its conflict with the Development Plan and promoting unsustainable patterns of development.
- 6.51 In applying the overall planning balance, the scheme would hence not be representative of sustainable development, and as a consequence it does not benefit from the positive presumption set out in in the NPPF and CS. For the reasons given above the continued absence of a five year housing land supply does not outweigh this and officers find that the modest benefits accruing from the delivery of 8 dwellings, 4 of which will be affordable, and the landscape mitigation proposed is significantly and demonstrably outweighed by the conflict with the NDP, and the Core Strategy Policies RA2, RA3, LD1 and H2 such that the application is recommended for refusal for the reasons set out below.

That planning permission be refused for the following reasons:

- 1. The proposed development lies beyond the defined settlement boundaries for Ullingswick and Burley Gate, contrary to Policy OPG2 of the emerging Ocle Pychard Group Neighbourhood Development Plan. The applicant has not provided any evidence to suggest that the proposal is to be considered under any exceptional circumstances, other than self build which is not identified as an exceptional circumstance in Policies RA3 and H2. It represents development in the open countryside without any exceptional justification and is thus also contrary to Herefordshire Local Plan – Core Strategy Policy RA3. The proposal is at odds with the strategic approach towards housing allocation in the rural areas and as a result, the proposal does not represent a sustainable form of development and is contrary**

to Policies SS1, SS6, RA2 and RA3 and H2 of the Herefordshire Local Plan and the National Planning Policy Framework

2. In light of the conflict with the local planning authority's approach towards strategic housing allocation in its rural areas, the landscape impacts caused are unwarranted. The development would result in a degree of domestication in a countryside setting that cannot be adequately mitigated. It is therefore considered that the proposal is contrary to Herefordshire Local Plan - Core Strategy Policy LD1, OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan, and the National Planning Policy Framework
3. The application is not accompanied by a completed Section 106 Agreement which is considered necessary to ensure the delivery of the affordable element of the scheme. It is therefore contrary to Policies H1 and ID1 of the Herefordshire Local Plan – Core Strategy and the Council's Supplementary Planning Document on Planning Obligations.

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 and identifying matters of concern with the proposal and discussing those with the applicant. 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 reason(s) for the refusal, approval has not been possible.

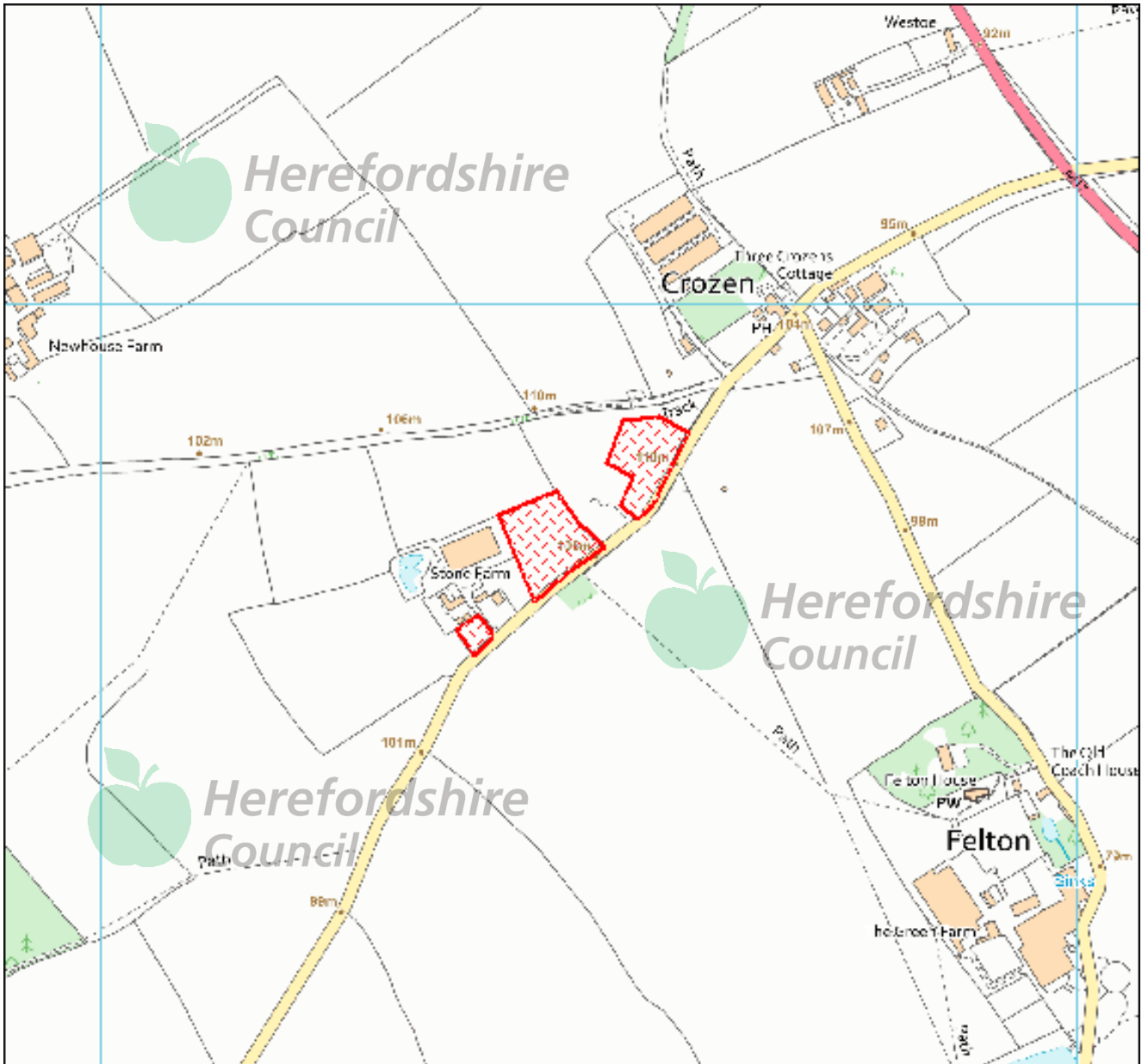
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 181978

SITE ADDRESS : LAND ADJACENT TO STONE FARM, FELTON, HEREFORDSHIRE, HR1 3PW

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