

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 SEPTEMBER 2019
TITLE OF REPORT:	190438 - OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF A SINGLE DWELLING AT HOE FARM, MATHON ROAD, COLWALL, HEREFORDSHIRE For: Mr & Mrs Johnson per Mr Ed Thomas, 13 Langed Drive, Hereford, Herefordshire, HR4 0QG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190438&search=190438
Reason Application submitted to Committee – Councillor Application	

Date Received: 7 February 2019

Ward: Hope End

Grid Ref: 375134,243717

Expiry Date: 20 September 2019

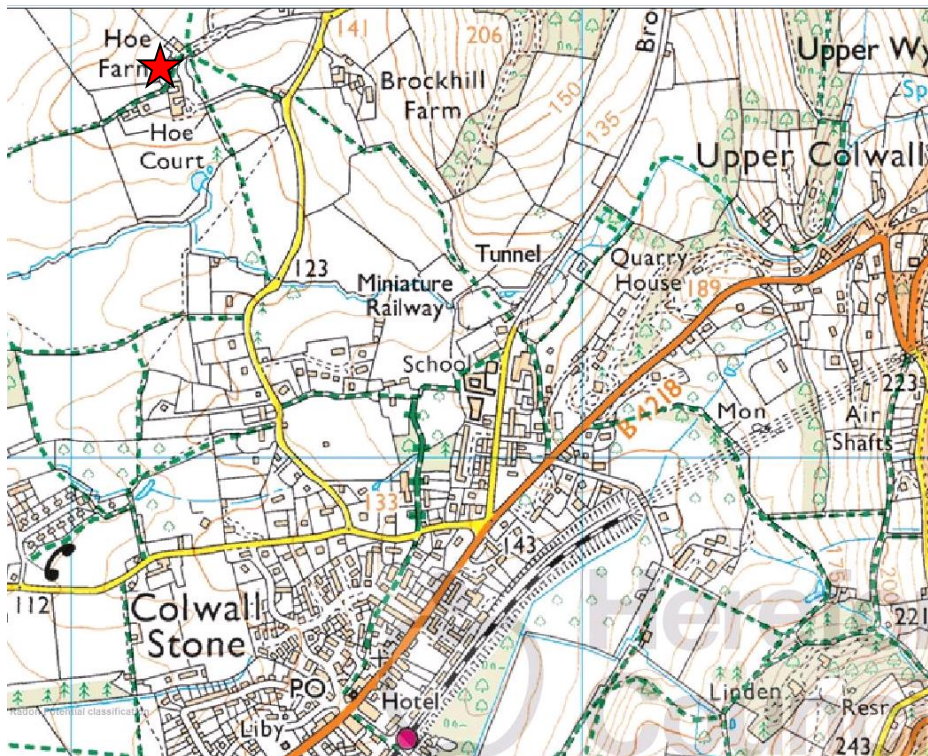
Local Member : Councillor Tony Johnson (Councillor Roger Phillips has fulfilled the role of local ward member for this application)

1. Site Description and Proposal

- 1.1 The application site currently forms part of the residential planning unit that is Hoe Farm, Mathon Road, Colwall. Hoe Farm is a detached two-storey farmhouse of brick and stone construction at the end of a private drive which is also a public footpath which also serves Hoe Court and the adjacent furniture manufacturers.
- 1.2 The private gardens associated with Hoe Farm extend to the west and south-west and include a stable block and workshop. Further to the south-west and within the applicant's ownership is a small woodland plantation. The aspect to the north is open, with views across the applicant's paddock and adjoining arable farmland, which is interspersed with hedgerows and woodland blocks, typical of the Principal Timbered Farmlands landscape character type within which it is located.
- 1.3 Hoe Court, a Grade II listed building, lies to the south on the opposite side of the drive but is orientated away from the site and beyond an existing hedgerow and stone barn.
- 1.4 The application site comprises the area of land situated between the workshop and woodland. It extends to 852 square metres of land associated with Hoe Farm that can reasonably be described as forming part of the domestic curtilage.
- 1.5 The site is approximately 440m as the crow flies from the northern edge of Colwall. In terms of driving distance, the site is approximately 1.3 miles from the centre of the village and the railway station, the route for a large part being along an unlit country road.

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

Application site (red star) and its proximity to Colwall



- 1.6 The proposal is for the erection of a single dwelling with all matters reserved for future consideration. However, the applicant's agent has indicated that it is intended that access would be taken via the existing drive, past Hoe Farm and into the site via an existing double-gateway. It is anticipated that foul drainage will connect to a Package Treatment Plant with surface water drainage via soakaway.

2. Policies

Herefordshire Local Plan – Core Strategy

- 2.1 The following Core Strategy policies are considered to be applicable to this application:

- SS1 – Presumption in Favour of Sustainable Development
- SS2 – Delivering New Homes
- SS4 – Movement and Transportation
- SS6 – Environmental Quality and Local Distinctiveness
- SS7 – Addressing Climate Change
- RA2 – Housing in Settlements outside Hereford and the Market Towns
- RA3 – Herefordshire's Countryside
- MT1 – Traffic Management, Highway Safety and Promoting Active Travel
- LD1 – Landscape and Townscape
- LD2 – Biodiversity and Geodiversity
- LD3 – Green Infrastructure
- LD4 – Historic Environment and Heritage Assets
- SD1 – Sustainable Design and Energy Efficiency
- SD3 – Sustainable Water Management and Water Resources
- SD4 – Waste Water Treatment and River Water Quality

The 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

Colwall Neighbourhood Development Plan

- 2.2 The appeal site lies wholly within the Colwall Neighbourhood Area, which is currently in the process of producing a Neighbourhood Development Plan (NDP). Colwall Parish Council submitted their draft Neighbourhood Development Plan to Herefordshire Council on 31 January 2018. The consultation, this being regulation 14, ran from 1 February to 15 March 2018. As such, and in accordance with paragraph 48 of the NPPF, only limited weighting can be afforded to the Colwall NDP at this time.

National Planning Policy Framework (NPPF)

- 2.3 The NPPF is a material consideration in the assessment of this application. The following sections are relevant:

- Section 1 – Introduction
- Section 2 – Achieving Sustainable Development
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 8 – Promoting Healthy and Safe Communities
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-designed Places
- Section 15 – Conserving and Enhancing the Natural Environment
- Section 16 – Conserving and Enhancing the Historic Environment

- 2.4 Paragraph 2 of the NPPF notes that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a significant material consideration in planning decisions.

- 2.5 Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. For decision-taking, this means that 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 the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

3. Planning History

- 3.1 None relevant to this application

4. Consultation Summary

- 4.1 Transportation Manager – Comments as follows:

No issues at outline stage from a highways perspective. The development is in an extremely remote location so intensification and trip generation will not be an issue. Access is intended from the existing arrangement and this is deemed suitable. The applicant should be aware of

parking, turning and manoeuvring design standards for a single dwelling when preparing reserved matters.

4.2 Landscape Officer – Comments as follows:

The Landscape

Setting:

- The site lies within the Malvern Hills Area of Outstanding Natural Beauty which requires the design of the proposal to integrate and enhance its surroundings.
- To the South of the site there lies Hoe Court Un-Registered Park and Garden which also requires the design of the proposal to integrate and enhance its surroundings.
- To the South of the site are several listed buildings. Our Conservation officer will provide further information on any impact on the setting of these buildings.
- The landscape features of the site are characterised by a field in grass with hedgerows on the boundary of the site.
- The topography of the site is at approx. 130m and is gently sloping towards the West.
- There are existing buildings to the East and South East of the proposed site.

Landscape Character Type:

- Herefordshire Landscape Character Assessment (updated 2009) identifies this landscape as Principal Timbered Farmlands with the following key features:
Hedgerows define field boundaries with an ancient wooded character portrayed by hedgerow trees and woodland. Densely scattered hedgerow trees are predominantly oak *Quercus robur*
- The condition of the Principal Farmlands landscape character has been depleted over time, due to the loss of native oak woodland.

Historic References:

- The historic maps for 1843 to 1893 show the proposed site and its adjacent area to the North as open woodland.

Impacts:

- There will be a loss of open space and an expansion of development in this rural context of the Malvern Hills Area of Outstanding Natural Beauty.
- With future erratic weather predicted due to climate change the risk of flooding is expected to increase.
- Potential night sky light pollution.

Mitigation:

- The existing green infrastructure network of trees and hedgerow boundaries corridors should be retained and enhanced to maintain the character of the sites setting in the wider landscape and to increase the potential wildlife habitats within the site.
- Oak tree planting along the road side boundary with different age structures will help mitigate the impact on the landscape character. Further oak tree planting where appropriate should be considered.
- The landscape design should use Sustainable Drainage Systems including permeable surfaces to help ensure that the ground water run-off does not exceed the rate of the existing green field site.
- Roof rainwater run-off can also be directed into rainwater gardens.

- A minimum amount of outdoor lighting should be provided with low energy light fittings that are directed downwards to minimize night sky light pollution and adverse effects on nocturnal wildlife.

Visual Amenity:

Key Views:

- From the Public Right of Way footpath CW1 which runs parallel and adjacent to the Southern boundary of the proposed site.
- There are also potentially limited views of the proposal from the Northern boundary of nearby Hoe Court Garden Un-Registered Park and Garden. Parks and Gardens are designated by English Heritage under the Historic Buildings and Ancient Monuments Act 1953 for their special historic interest.

Impacts:

- There will be nearby views of the proposal with high visual sensitivity from footpath CW1 which runs parallel and adjacent to the Southern boundary.

Mitigation:

- The Southern boundary of the proposed site should be restored and enhanced with an appropriate hedgerow and appropriate native trees to mitigate any views into the site from views along footpath CW1.
- The maintenance height of the proposed infrastructure screen on the Southern boundary should not be less than 1.5m in height.

Summary & Recommendations:

I would recommend the following below landscape information:

- A Landscape plan identifying existing and proposed green infrastructure for conservation, restoration and enhancement. The proposed green infrastructure plan should provide resilience to climate change while providing appropriate biodiversity and visual amenity value relating to the Principal Timbered Farmlands landscape character of this area.
- A Landscape plan identifying hard landscape surface areas (with permeable surfaces) showing connectivity and proposed hard landscape features. Roof rain water run-off should be considered in a sustainable way (replenishing ground water) such as in the use of rain gardens.
- Guidance for the landscape design can be sought from the Malvern Hills Area of Outstanding Natural Beauty documents:

1. Landscape Strategy and Guidelines,
2. Guidance on the selection of colour in development and
3. Guidance on Building design.

4.3 Ecologist – Qualified comments:

In support of a full application I would request an Extended Phase 1 ecological survey - the supplied report should clearly identify and provide robust risk avoidance measures and working methods for general ecology and any species specific mitigation identified by survey. If any 'Optimal Period' species surveys are identified as being required these should be undertaken and the results included in the finally submitted report. It should be noted that bats are now commonly being found utilising buildings previously considered as 'sub Optimal' such as more modern and metal framed/roofed farm buildings.

Biodiversity Enhancement Plan

In addition to any required ecological compensation as per NPPF Guidance and Core Strategy LD2 all developments should show how they are going to enhance the local biodiversity potential. To ensure this a detailed biodiversity enhancement plan is requested. Enhancements should include consideration for bat roosting, bird nesting, pollinating insect-solitary bee homes built in to or attached to all the new dwellings and consideration for hedgehog homes and reptile/amphibian refugia within any boundary features and soft landscaping.

No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).

4.4 Public Rights of Way Officer – Qualified comments:

Access to the property will be via public footpath CW1. This is only maintained to footpath standard by the council. The applicant must ensure they have landowner permission to use the path as access, which includes vehicular rights.

5. Representations

5.1 Colwall Parish Council – Objection:

It was resolved that on the basis the application is for a proposed new dwelling which is in a rural location “outside of settlement” and the detail of which is restricted due to its “outline” nature Colwall Parish Council objected to the proposed on the grounds that the application is contrary to the restrictions of Section RA3 of the Herefordshire Core Strategy. Whilst the Council appreciates that the Design and Access statement sets out (at length) grounds why the proposal might be acceptable under the NPPF the visual impact of the development cannot be assessed by an Outline Planning Application.

5.2 Malvern Hills AONB Officer – Qualified comments:

The site of the proposed development lies within the Malvern Hills Area of Outstanding Natural Beauty (AONB) which is an area designated for its national landscape importance. The Malvern Hills AONB Partnership seeks to encourage high quality design and to protect and enhance the landscape.

Principle of development

The AONB Unit notes that this application site lies outside of the Colwall settlement boundary as defined in the draft Colwall Neighbourhood Plan. This development, however, will sit amongst a cluster of the existing farm buildings in proximity to the main settlement. As such, we will leave it to the local planning authority to establish whether this development is acceptable in principle and whether it engages policy RA3 – Herefordshire's countryside.

The AONB Management Plan

We welcome that the applicant's Planning, Design and Access Statement recognises the highest of protection in respect of landscape and scenic beauty given to the AONB. It also references the Malvern Hills AONB guidance.

We would like to stress, however, that any new development in this location should be in accordance with the AONB Management Plan - a material consideration in relation to planning, aims to "conserve and enhance the distinctive landscape elements and features of the AONB, particularly those that are most sensitive or have little capacity for change". Additionally, in the same plan is as follows: "Development in the AONB and its setting should be in accordance with approved local design and capacity studies, including the AONB Guidance on Building Design".

Development Plans

The Planning, Design and Access Statement states that this development will not affect any of the special built heritage or landscape features in the context of the AONB. We question whether this impact can be measured based on information submitted with this application. Issues such as the scale (height and footprint), design, type and colour of materials of the new dwelling as well as the site layout and treatment can be deciding factors in relation to how this development will integrate within its context.

In line with the above, we advise that the following considerations are addressed at the reserved matters stage:

- Views: Whilst the site seems well screened at the southern and western boundaries it may be visible looking south including the long distance views towards the Malvern Hills.
- Landscape character: The applicant should follow the Malvern Hills AONB Design Guide for developments within the Principal Timbered Farmlands landscape character type in relation to the built form and site layout, including:
 - Maintain the clustered settlement pattern with unsettled land between, and the characteristic location of buildings set back from the road in their own grounds.
 - Respect the simple character in design, materials and massing
 - Enhance the characteristic mix of materials including timber, red brick and limestone
 - Respect the dominant local character by creatively reflecting local characteristics such as large exterior chimneys, bread oven projections, or steeply pitched roofs etc
- Colour: Use the Malvern Hills AONB Guidance on the Selection and Use of Colour in Development to inform the colour pallet for this development
- Boundaries: Preserve and enhance the characteristic boundary features. Further native tree and hedgerow planting along the boundaries would provide necessary screening whilst performing wider biodiversity and landscape functions.
- Lighting: outdoor lighting should be minimised and in accordance with good practice, to reduce its impact on the night sky pollution.

5.3 18 letters of support have been received. In summary the points raised are as follows:

- No adverse impacts on local setting or the general area
- The proposal will not adversely affect the Malvern Hills AONB
- Will not cause congestion or have any traffic impacts
- The site is in a remote location and will not impact on anyone
- Villages need growth
- The site is near enough to Colwall and its services
- A useful addition to housing stock

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=190438&search=190438

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

Policy context and Principle of Development

- 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 Colwall Neighbourhood Area, which published a draft Neighbourhood Development Plan (NDP) for Regulation 14 consultation on 31 January 2018. The plan has not progressed since this time and in accordance with paragraph 48 of the NPPF, only limited weight can be afforded to the Colwall NDP at this time.
- 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 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 The site lies within the Colwall Neighbourhood Development Area. The plan is post Regulation 14 but progress has not been made beyond this point. Weight should be attributed to the plan in accordance with paragraph 48 of the NPPF. Officers are of the view that limited weight should be afforded at this stage.
- 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 that 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 Policy RA2 of the Core Strategy designates Colwall as a main focus settlement for proportionate housing growth, reflecting the existing local services and public transport provision in the village. The policy provides that; "...housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15."

6.11 It is not a point of contention between the Council and the applicants agent that the site lies outside of the built environs of Colwall. The site is a 1.3 mile car journey from the centre of the village and, in your officers view, is not one that prospective residents of the proposed dwelling would be likely to make on foot. Officers do not consider that this is either 'within or adjacent' and therefore the application site is deemed to be located in open countryside where additional housing development will only be permitted in exceptional circumstances.

6.12 In such instances the provisions of Policy RA3 of the Core Strategy are to be applied. It sets out the exceptional circumstances under which planning permission may be granted. These are set out as follows:

- 1. Meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or*
- 2. Accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or*
- 3. Involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or*
- 4. Would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or*
- 5. Is rural exception housing in accordance with Policy H2; or*
- 6. Is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or*

7. *Is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.*

- 6.13 The applicant's agent has not advanced a case under any of the seven exceptions. Indeed, the Design & Access Statement submitted with the application is explicit in acknowledging this. Rather, it focuses entirely on the Council's continued lack of a five year housing land supply as justification for permitting development in this location. It opinions that due to the absence of a deliverable supply of housing land, policies relevant for the supply of housing in the CS should be attributed reduced weight. It also continues that the application site is not without built context; forming part of a small cluster of development that is entirely consistent with the Principal Timbered Farmlands character type.
- 6.14 It is not in dispute that the proposal would be seen in the context of other built development as the site is within the general environs of Hoe Farm and Hoe Court and their associated buildings. However, they are simply a pair of large properties in an otherwise countryside location. They do not constitute what might be considered as a settlement and the pattern of development that they represent is replicated, not only in the local area, but across the county. Whilst officers acknowledge and accept that the Council does not have a five year housing land supply, this does not mean that it should entirely abandon its strategic approach towards housing delivery and permit sporadic development across the countryside.
- 6.15 The site is not sustainable in terms of its location and given the clear separation between the built environs of Colwall and the application site; and notwithstanding the lack of a five year housing land supply, officers are of the view that significant weight can still be given to its housing supply policies. The scheme is not considered to represent sustainable development in locational terms and significant weight is given to this.
- 6.16 The development would provide some minor economic benefits to the rural area through the construction process, and in generating further economic activity through increased population in the rural area. In respect of the other aspects of the social dimension, the proposal would bring some minor social benefits in that it would provide much needed additional housing. All of these matters weigh in favour of the development, although none of these factors, in isolation or cumulatively, are significant factors.

Heritage Impacts

- 6.17 The Grade II listed Hoe Court lies approximately 80 metres to the south east of the application site. Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:
- "to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- 6.18 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm "considerable importance and weight".
- 6.19 Importantly, this does not mean that an authority's assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or "less than substantial" and to harm that it considers would be "substantial".

- 6.20 Paragraphs 193 - 196 of the NPPF (2019) deal with the approach to decision-making according to the significance of the heritage asset and the degree of harm arising as a consequence of development. Paragraph 193 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 195 is a restrictive policy and directs refusal where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. This is unless such harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or where all 4 stated exceptions criteria apply.
- 6.21 Paragraph 196 explains the approach to decision-making where less than substantial harm to the significance of a designated heritage asset would arise. It states that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. 196 is thus also a restrictive policy.
- 6.22 Accordingly it is necessary for the decision-maker to judge, on the evidence before them and having particular regard to heritage advice from statutory consultees, whether the proposal in this case represents substantial harm to or total loss of significance of the Grade II listed building (in which case paragraph 195 directs refusal unless the scheme achieves substantial public benefits that outweigh the harm) or whether the harm falls within the purview of paragraph 196; in which case it is necessary to weigh the less than substantial harm against the public benefits in an unweighted planning balance. Even if harm is less than substantial, it is absolutely clear that such harm weighs heavily in the planning balance – the fact that it is not necessary to demonstrate that harm significantly and demonstrably outweighs the benefits gives weight to paragraph 196 as a restrictive policy.
- 6.23 The Design & Access Statement submitted with the application makes a brief reference to the setting of Hoe Court and concludes that the proposed development will not impact upon its setting.
- 6.24 Paragraph 189 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting, and advises that the level of detail should be proportionate to the assets' importance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 6.25 Whilst the Design & Access Statement identifies Hoe Court as a heritage asset, I am of the view that the submissions made do not properly consider the impact upon it. Notwithstanding, I have assessed the application in terms of its potential impacts upon the setting of Hoe Court. Public views of both can be gained from a public footpath which intersects the two, but they do not have a discernible visual relationship to one another from here. The application site is within the curtilage of Hoe Farm and in my view the introduction of a modest dwelling in this location will have no demonstrable impact on the setting on Hoe Court.

Other Issues

- 6.26 Comments from the council's Landscape Officer and Ecologist suggest that additional information should be submitted before this application is formally determined. I do not consider that the proposal will have a demonstrable impact upon the Malvern Hills Area of Outstanding Natural Beauty (AONB) due to its modest scale and the surrounding vegetation which will serve to filter any long-distance views. Given that this is an outline application with all matters reserved, which simply seeks to establish the principle of development, the information that has been requested could reasonably be submitted as part of a Reserved Matters application if outline planning permission was to be granted in the first instance.

Planning Balance & Conclusion

- 6.27 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 proposals 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.
- 6.28 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.
- 6.29 The scheme would provide a new dwelling in the context of an undersupply within the county and this is a factor to which weight should be attributed. Although there are some economic and social benefits to the scheme for the local area these are only of limited weight.
- 6.30 However, in this instance the Council considers that policies relevant to the supply of housing within the Core Strategy retain significant weight. The proposal is located in an open countryside location and is well beyond the built environs of Colwall. The applicant's agent has not advanced any evidence to suggest that there is an exceptional need for the dwelling and the scheme is contrary to Policy RA3 of the Core Strategy.
- 6.31 The site is located approximately 1.3 miles away from the nearest facilities and services in Colwall. These would only be accessed by a prospective resident via a private vehicle reinforcing the assertion that the scheme does not represent sustainable development in locational terms.
- 6.32 Officers acknowledge that there is a requirement to address its housing land supply shortfall. However, the provision of a single dwelling will not have any significant effect in reducing the Council's housing deficit. Against this background, to my mind, the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the NPPF taken as a whole.
- 6.33 The proposal would lead to significant harm in terms of its conflict with the Development Plan and promoting unsustainable patterns of development. 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 the NPPF and Core Strategy. For the reasons given above the continued absence of a five year housing land supply does not outweigh this and officers find that the benefits accrued from the delivery of a new dwelling are significantly and demonstrably outweighed by the conflict with Core Strategy Policies RA2 and RA3 such that the application is recommended for refusal for the reasons set out below.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposed development lies in open countryside, well beyond the built environs of Colwall. The proposal therefore conflicts with Policy RA2 of the Herefordshire Local Plan – Core Strategy as the site is neither within or adjacent the village. The applicant has not demonstrated any exceptional justification for development in this location and thus the proposal is also contrary to Policy RA3 of the Core Strategy.

Notwithstanding the fact that the Council is unable to demonstrate a five year housing land supply, the proposal is clearly at odds with the strategic approach towards housing allocation in the rural areas. Economic, social and environmental benefits towards sustainable development are limited and do not outweigh the harm caused by open countryside location of the development. As a result the proposal does not represent a sustainable form of development and is contrary to Policies SS1, SS6, RA2 and RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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 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.

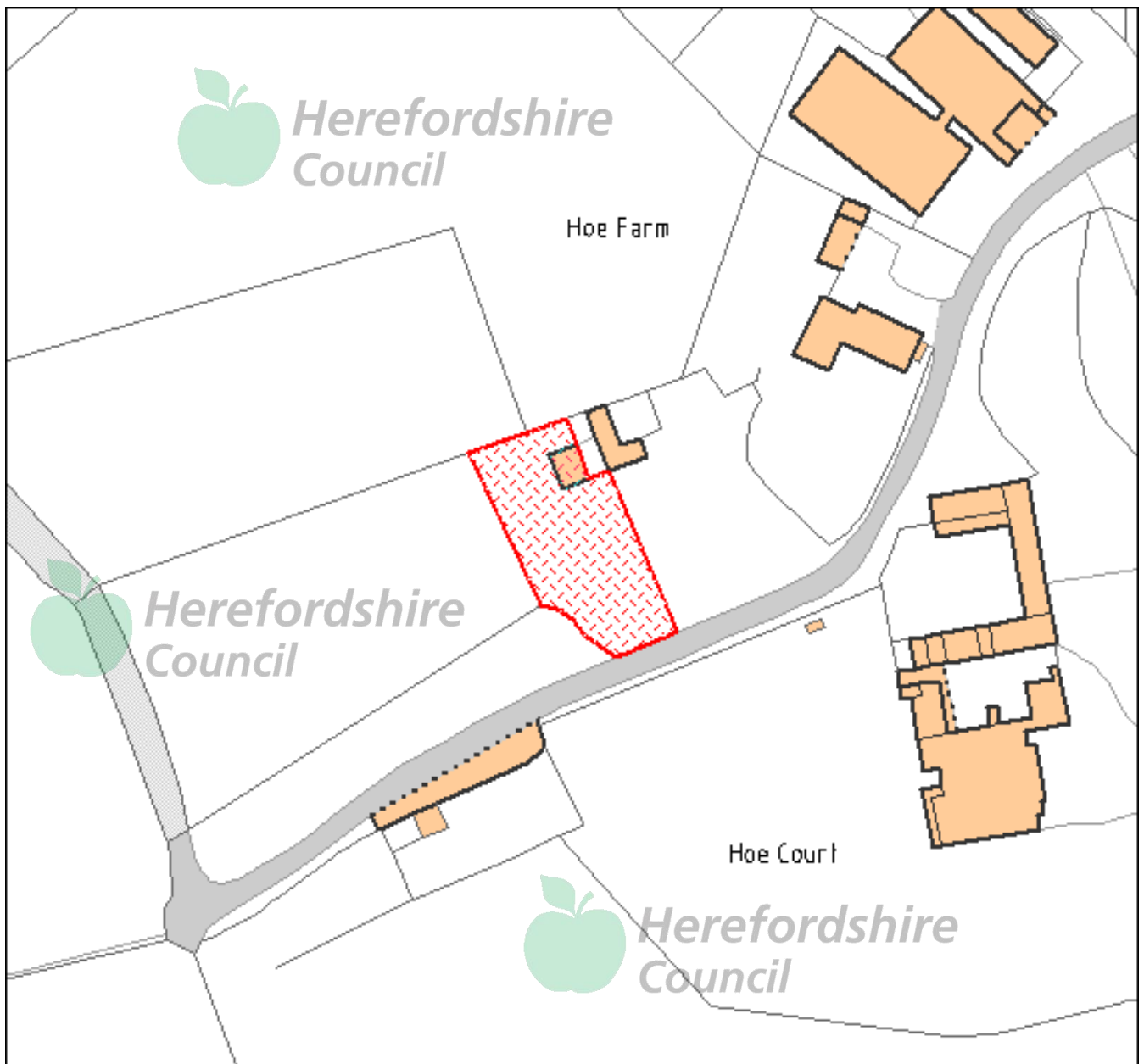
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 190438

SITE ADDRESS : HOE FARM, MATHON ROAD, COLWALL, HEREFORDSHIRE

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