

DCSW2007/2978/O - OUTLINE PLANNING APPLICATION FOR TWO DWELLINGS, BROOKVIEW, CLEHONGER, HEREFORD, HR2 9TJ

For: Mr & Mrs C. A. Gardiner, Brookview, Clehonger, Hereford, HR2 9TJ

Date Received: 21st September 2007 **Ward: Valletts** **Grid Ref: 44296, 37245**

Expiry Date: 16th November 2007

Local Member: Councillor Mrs. J. Fishley

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on 7th November 2007 when Members resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 7th November 2007 the Southern Area Planning Sub-Committee was recommended to refuse this application for the following reasons:

- 1. The proposal would create two dwellings in the open countryside outside a designated village settlement, as defined in the Herefordshire Unitary Development Plan 2007 which seeks to restrict new residential development in the absence of any special justification in such areas. As such the development would be contrary to Planning Policy Statement 7 'Sustainable Development in Rural Areas' and Policies S1, S2, DR1, H7 and H10 of the Herefordshire Unitary Development Plan 2007.**
- 2. The site is in a relatively isolated location and would therefore likely to result in the increased need for travel by private car and as such is not a sustainable form of development thus being contrary to Government Guidance Planning Policy Guidance 13 'Transport' and Policies S6 and DR2 of the Herefordshire Unitary Development Plan 2007.**
- 3. Furthermore, the proposal would necessitate a significant amount of hedgerow to be removed at the entrance to the site and mature trees to the south-west boundary and as such would be detrimental to the visual amenities and character of this country lane thus being contrary to the Policies S1, S2, DR1, LA5 and LA6 of the Herefordshire Unitary Development Plan 2007.**

In the debate the Members of the Area Sub-Committee expressed the view that two new houses here would assist with delivering the Council's house building requirements notwithstanding the fact that they are not in any identified settlement. There are already four houses on this lane and the Sub-Committee considered that two more would not have any adverse effect on the area. The would-be developer apparently knows that there are local people who would be interested in living here and therefore that was acceptable to the Area Sub-Committee as evidence of local need. They considered that the Unitary Development Plan is too restrictive and these dwellings should be seen as allowable exceptions to policy.

They also noted that the applicant has the support of the Parish Council and the application had given rise to no objections other than from officers.

It was resolved to grant planning permission

The application raises the following issues:

1. The site is outside any identified settlement boundary where new housing is controlled through Policy H.7. None of the exceptions allowed by that policy apply in this case.
2. No survey of housing need has been undertaken to demonstrate a local need for affordable housing. There is no involvement of a Registered Social Landlord or other mechanism for these houses to be considered as affordable housing for the purposes of planning (or housing) policy.
3. The proposals amount to speculative housing development in open countryside with no justification in planning policy. An approval in this case cannot be justified on the basis of national, regional or local planning policies and would be detrimental to the Council's planning and housing policies.

In the light of the above it can be seen that the proposal conflicts with the development plan policies which seek to restrict new housing in the open countryside without special justification. Consequently the application is referred to this meeting for further consideration.

The report to the Southern Area Planning Sub-Committee follows:

1. Site Description and Proposal

- 1.1 Brookview is a detached cottage situated within substantial grounds to the north-west of the Class III 73413. It is accessed off the B4348 road from the direction of Clehonger leading to Kingstone. Mature high hedgerow abuts the roadside boundary to the north-east, mature tree line boundary to the north-west and fencing with some trees to the southern boundary. The southern part is divided by post and rail boundary fencing, which is at a higher level to the grounds surrounding the cottage. Three properties are situated to the southern boundary. Open fields are beyond the tree line boundary to the north west and south west. The application site lies within the parish of Allensmore and the Herefordshire Unitary Development Plan does not define the area to be a settlement and thus is considered to be within the open countryside.
- 1.2 The proposal seeks outline planning permission for the erection of two dwellings within the grounds of Brookview. The site comprises an area of 0.15 ha's to the southern corner of the land being adjacent to the neighbouring property known as Rose Dene. An indicative plan suggests that the land is divided into two plots served by a new splayed access directly onto the Class III road, necessitating the removal of hedgerow. Each plot measures approximately 32m long x 20m wide, accommodating an approximate dwelling size of 10m long x 8m wide. All matters in terms of layout, scale, appearance, access and landscaping are matters that are reserved for future consideration. A design and access statement was also submitted with the planning application.

2. Policies

2.1 Planning Policy Statements

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Design
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR4	-	Environment
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H13	-	Sustainable Residential Design
Policy H16	-	Car Parking

3. Planning History

None.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager recommends permission is refused in order to fully assess the highway safety improvements to B4348/U/C73413 junction and splay for new properties. Hedgerow to be removed across both frontages.

5. Representations

5.1 The applicant has submitted a Design and Access Statement that is summarised as follows:-

- To prepare this document we have followed guidelines laid out by CABE.
- Outline planning permission for 2 detached houses, the approximate layout of which is shown on the drawing.
- Intended to be average family homes to complement existing houses in area.
- Plots are of adequate size to accommodate off road parking for at least three vehicles.
- Sufficient land to include a pull-in, being of benefit for other traffic using road.
- Two storey dwellings, scale parameters being 8-10m wide and 8-10m depth.
- It is intended that houses will not be obtrusive, will be not be of an un-contemporary design and would be constructed of similar materials to houses either side.
- Willing to donate piece of land off end of garden at the junction of B4349 to enable widening/improvement.

5.2 Allensmore Parish Council comment as follows:-

“Although outside the parish envelope with the present requirement for housing we feel this parcel of land could be used to fulfil this need. The extra traffic generated by these dwellings would not create a problem, on this quiet road.”

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The application seeks outline planning permission as to whether the principle of developing the land would be acceptable. Other matters are reserved at a later stage, should the application be considered acceptable.
- 6.2 The Unitary Development Plan does not identify the site as being within a main village or smaller settlement whereby residential development can be permitted. As such the proposal is defined to be within open countryside and thus Policy H7 applies.
- 6.3 Policy H7 seeks to protect the open countryside from unnecessary development unless it satisfies the relevant criteria. The application fails to meet any of these criteria. However, criterion 7 refers to rural exception housing provided it is in accordance with Policy H10. Policy H10 permits affordable housing on land within or adjoining an established rural settlement, which would not normally be released for development. In terms of its location the application fails this policy.
- 6.4 The proposal seeks the development of two detached houses and they are intended to provide an average family home. Even though the applicant has stated that if planning permission was granted they would be willing to donate a part of the garden where it meets the B4349 to enable future road widening. However, the essential question is to consider whether the proposal would satisfy the requirements of Policy H7 and H10.
- 6.5 In terms of an exception the application has no information that an up-to-date local housing need survey has been undertaken to prove that there is a genuine local need because it proposes more than one single affordable dwelling outside an established rural settlement. The parcel of land lies outside the settlement of Clehonger and within the parish of Allensmore. Clearly without justification to prove that these dwellings would contribute towards meeting a proven local need, the principal of allowing development within the open countryside is contrary to the Herefordshire Unitary Development Plan policies.
- 6.6 The Transport Manager has objected to the proposal and stated that hedgerow would be removed across both frontages. The loss of hedgerow to provide required visibility splays would significantly alter the character of the lane, and would be visually harmful within its surroundings.
- 6.7 Furthermore, the proposal site would encourage the need to travel by car to access local services and thus would be contrary to the strategy of the Development Plan to ensure that development is sustainable in overall terms.
- 6.8 It is recommended that the application be refused having regard to the policies outlined above.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal would create two dwellings in the open countryside outside a designated village settlement, as defined in the Herefordshire Unitary Development Plan 2007 which seeks to restrict new residential development in the absence of any special justification in such areas. As such the development would be contrary to Planning Policy Statement 7 ‘Sustainable Development in Rural Areas’ and Policies S1, S2, DR1, H7 and H10 of the Herefordshire Unitary Development Plan 2007.**
- 2. The site is in a relatively isolated location and would therefore likely to result in the increased need for travel by private car and as such is not a sustainable form of development thus being contrary to Government Guidance Planning Policy Guidance 13 ‘Transport’ and Policies S6 and DR2 of the Herefordshire Unitary Development Plan 2007.**
- 3. Furthermore, the proposal would necessitate a significant amount of hedgerow to be removed at the entrance to the site and mature trees to the south-west boundary and as such would be detrimental to the visual amenities and character of this country lane thus being contrary to the Policies S1, S2, DR1, LA6 and LA6 of the Herefordshire Unitary Development Plan 2007.**

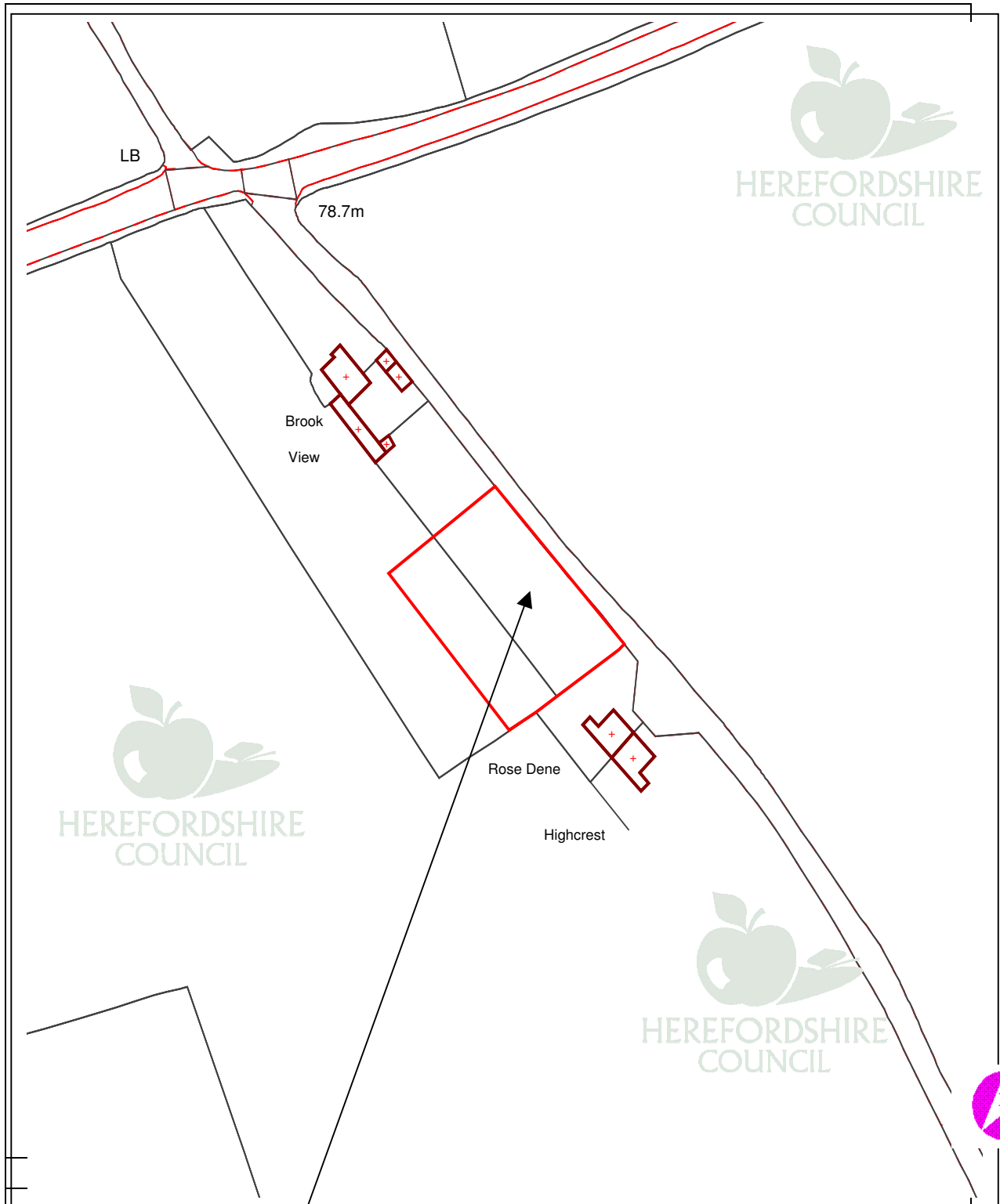
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCSW2007/2978/O

SCALE : 1 : 1250

SITE ADDRESS : Brookview, Clehonger, Hereford, Herefordshire, HR2 9TJ

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