

**6 DCSW2008/1264/O - ERECTION OF DETACHED BUNGALOW AND GARAGE, LAND ADJACENT TO THE BOUND HOUSE, DIDLEY, HEREFORDSHIRE, HR2 9DA.****For: Mr & Mrs A Jones, The Bound House, Didley, Herefordshire, HR2 9DA.**

Date Received: 13 May 2008

Ward: Valletts

Grid Ref: 45092, 32163

Expiry Date: 8 July 2008

Local Member: Councillor Mrs MJ Fishley

**1. Site Description and Proposal**

- 1.1 The proposal site comprises an area of ground which is immediately to the north-west of The Bound House. There is an embankment with evergreen trees some 5/6 metres high on it between the A465 trunk road and the much lower application site.
- 1.2 Access is gained onto the trunk road via a well splayed entrance, the northern part of which constitutes a bus stop and lay-by. This access point serves four existing dwellings: Oaklands, Windree, Ivy Cottage (the applicants' former property) and The Bound House (their present address). White House Farm and Upper House Farm and two more recently built bungalows gain access onto the A465(T) at a point 220 metres further north-east.
- 1.3 The application site, which has an open fronted building on it, is the subject of a Section 106 agreement entered into by the applicants before planning permission was granted in 1991, which precludes residential development.
- 1.4 Didley was not an identified settlement at the time planning permission was granted in 1991 and this remains the case such that for planning policy purposes, the site lies within open countryside.

**2. Policies****2.1 National Planning Policy**

- |      |   |  |
|------|---|--|
| PPS1 | - | Delivering Sustainable Development     |
| PPS7 | - | Sustainable Development in Rural Areas |

**2.2 Herefordshire Unitary Development Plan 2007**

- |           |   |   |
|-----------|---|---|
| Policy S1 | - | Sustainable Development   |
| Policy S6 | - | Transport   |
| Policy H7 | - | Housing in the Countryside Outside Settlements  |
| Policy H8 | - | Agricultural and Forestry Dwellings and Dwellings<br>Associated with Rural Businesses |

### 3. Planning History

- 3.1 SH901141PO Detached dwelling (on same site as currently proposed) - Refused 21.11.90
- SH910009PO Proposed dwelling and garage - Approved as Departure from policies subject to S106 Agreement (no further development) 03.06.91
- SH910818PM Proposed dwelling and garage - Approved 14.08.91
- DCSW2007/1057/O Erection of detached bungalow and garage - Refused 17.05.07

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Highways Agency state there will be a marginal increase in traffic movement, but that this will not result in a detrimental impact on the A465 trunk road.

#### Internal Council Advice

- 4.2 The Traffic Manager has no objections, a contribution is also required for Bus Network Support (Services) and Park and Ride South.
- 4.3 The Public Rights of Way Manager states that the proposal will affect footpath SD10 which passes along the access track from the A465, providing access to the new dwelling. This footpath will only be maintained by the highway authority to a standard suitable for pedestrians, any changes, or excavations to the surface of the public footpath must be agreed in advance in writing.

### 5. Representations

- 5.1 The applicants' agent has submitted a Design and Access Statement which can be summarised as follows:
- indicative block plan submitted
  - area of land subject to a Section 106 agreement. Application form to discharge this is also enclosed
  - although proposal does not fall within the proposed UDP and is in open countryside, will not impact upon surrounding environment, be treated as windfall development
  - site kept to grass, much lower than A465(T) screened by large conifers
  - one-off single storey development would form a group of 5 properties, and to west of site, two agricultural bungalows erected in last 5 years
  - regular bus service to Hereford and Abergavenny on A465(T), local shops and petrol station within a one mile range, main shopping in Hereford only 6 miles away
  - good visibility for access, not required to be adopted
  - turning area will be provided on site.

5.2 In a further letter submitted on behalf of the applicants:

- well known family, lived in Didley for a number of years and worked locally
- as well as a neighbour, I have treated Mrs Jones for a number of years for osteoarthritis of the knees. Despite having both knees replaced she continues to have significant knee pain, making it very difficult to climb stairs
- mobility and symptoms would be greatly helped if she could live on one level.

5.3 St. Devereux Parish Council make the following observations:

“The Parish Council at its planning meeting no. KGPC/MW/036P held on Monday the 9 June 2008 resolved by majority to support this outline application only if sufficient justification could be given to have the existing 106 order removed from the land.”

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 site lies in open countryside divorced from any identified settlement, a point which is acknowledged in the application’s supporting information. Accordingly there is a fundamental policy objection to this proposal.
- 6.2 Outside of identified settlements new dwellings will only be allowed in exceptional circumstances and whilst the personal circumstances of the applicant are noted, the proposal does not meet any of the criteria set out in the adopted policy. As such it is contrary to Policy H7 of the Herefordshire Unitary Development Plan and in this case it is not considered that the local connection of the applicants and the mobility problems experienced by Mrs Jones would outweigh the strong presumption against new residential development in this isolated rural location.
- 6.3 In addition to the above, the site is not regarded as being sustainable in terms of its isolated location, placing total reliance on the use of a private car(s). The proposal would therefore fail to satisfy Policy S1 of the Herefordshire Unitary Development Plan.
- 6.4 There are no issues relating to the means of access given the satisfactory visibility available on the A465(T) in both directions. The siting of a dwelling would not directly impinge upon the amenities of residents in the locality in that residents on the new plot would not overlook residential properties in the vicinity of the site nor would it in turn be overlooked unacceptably.

## **RECOMMENDATION**

**That planning permission be refused for the following reasons:**

- 1. The proposal site is outside any designated settlement and therefore constitutes development in open countryside where new residential development would only be permitted in exceptional circumstances. It is not considered that the personal circumstances of the applicant outweigh this presumption. Therefore, the proposal is contrary to the provisions of Policy H7 of the Herefordshire Unitary Development Plan 2007.**

2. The development of this site would not be sustainable and would place reliance on the use of the motor vehicle. Therefore, the proposal is contrary to the provisions of Policies S1 and S6 in the Herefordshire Unitary Development Plan 2007.

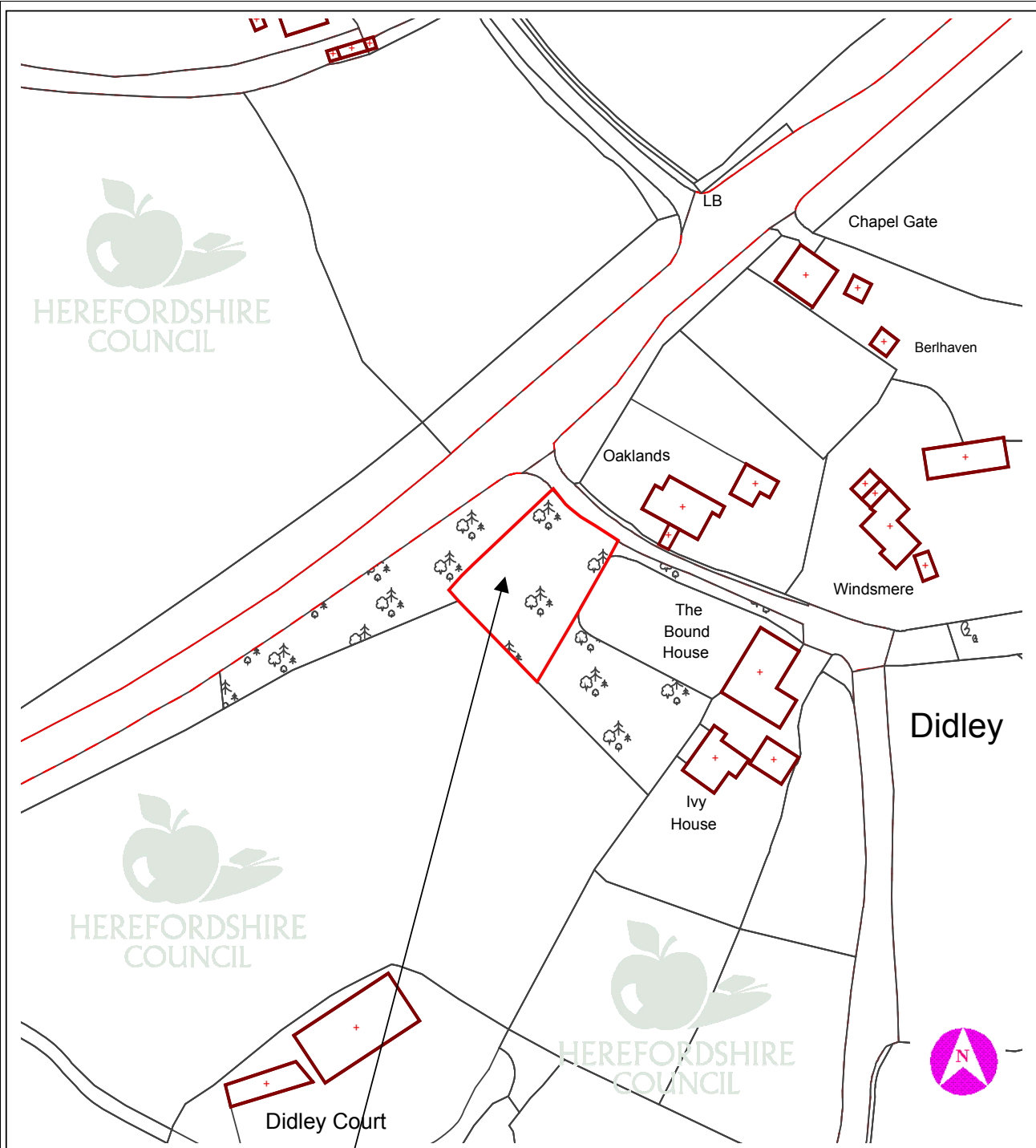
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2008/1264/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent to The Bound House, Didley, Herefordshire, HR2 9DA

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