

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>11 DECEMBER 2013</b>
<b>TITLE OF REPORT:</b>	<b>132448/O - NEW THREE BEDROOM DWELLING WITH ACCESS DRIVE, PARKING AND GARDEN. AT LAND ADJACENT TO LONGLANDS, LOWER HARDWICK LANE, BROMYARD, HEREFORD.</b>  <b>For: Mr &amp; Mrs Graham per Bodkin Hall, Edwyn Ralph, Bromyard, Herefordshire HR7 4LU</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132448">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132448</a>

**Date Received: 5 September 2013      Ward: Bromyard      Grid Ref: 364954,255288**  
**Expiry Date: 20 November 2013**

Local Members: Councillors JG Lester and A Seldon

**1. Site Description and Proposal**

- 1.1 Longlands is a relatively isolated dwelling on Lower Hardwick Lane, approximately 200 metres outside the settlement boundary of Bromyard as defined under UDP Policy H1. The application site is an associated parcel of land directly to the north-west of Longlands. The parcel of land is currently utilised as additional garden space and is bound by Lower Hardwick Lane to the north, the existing driveway serving Longlands to the south-east and open fields to the south-west and west. A post and rail fence marks the boundary of the site with the driveway whilst all other boundaries are composed of dense hedgerow. An existing outbuilding is located at the southern tip of the application site. The land slopes up moderately from the roadside boundary to the south. The site is approximately rectangular in shape on an east-west axis being far wider than it is deep.
- 1.2 Lower Hardwick Lane is a narrow, winding and unlit country lane which rises away from the town of Bromyard before terminating at the start of a farm track after approximately 400 metres. No footpath flanks the lane. The slope of the Lower Hardwick Lane, the high hedgerows which flank it and the twisting nature of Tenbury Road (B4214) render visibility splays at the junction with Tenbury Road of a poor standard, particularly in a southerly direction towards Bromyard
- 1.3 Lower Hardwick Lane remains relatively undeveloped with only the sporadic provision of dwellings flanking it, although four relatively large dwellings are located on the opposite side of the lane towards the junction with Tenbury Road. The abiding characteristics of the lane are its high hedges and predominantly rural character.
- 1.4 The site is approximately:
- 200 metres from the Porthouse Industrial Estate

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

- 450 metres from the shops and facilities on Tenbury Road
- 650 metres from the Central Shopping and Commercial Area as defined under UDP Policy TCR1

- 1.5 The application seeks outline planning permission for the erection of a single dwelling with parking area and garden. It is indicated that the dwelling would be just west of central within its plot though all matters save for access are reserved for future consideration. The closest dwellings to the site are Longlands, approximately 20 metres south of the proposed dwelling and West Gate approximately 60 metres east.
- 1.6 Access to the site would be from a new driveway which would fork off the existing driveway which serves Longlands. The driveway would skirt around the rear of the proposed dwelling providing access to a parking area for 2 vehicles at the western extent of the site. No new access to the public highway would be required.
- 1.7 A modest garden would be provided to the east of the dwelling. It would be flanked by the existing hedgerow to the north, the proposed dwelling to the west, the new driveway to the south and the existing driveway to the east.

## **2. Policies**

### **2.1 National Planning Policy Framework**

Chapters 1, 6, 7, and 11 are referred to throughout this report with the following paragraphs of particular relevance:

Paragraph 47: To boost significantly the supply of housing, local planning authorities should ... identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land ...

Paragraph 49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 61: ... Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

### **2.2 Herefordshire Unitary Development Plan**

- S1 Sustainable development
- S2 Development requirements
- S3 Housing
- DR1 Design
- DR2 Land use and activity
- DR3 Movement
- H1 Hereford and the market towns: Settlement boundaries
- H7 Housing in the countryside and outside settlements
- H13 Sustainable residential design
- LA2 Landscape character and areas least resilient to change
- LA3 Setting of settlements

- 2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

- 2.4 Herefordshire Local Plan Core Strategy

SS1 Presumption in favour of sustainable development  
SS6 Environmental quality and local distinctiveness  
SD1 Sustainable design and energy efficiency  
RA3 Herefordshire's countryside  
BY1 Development in Bromyard  
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 geo-diversity

- 2.5 The Core Strategy has only recently passed through council and a number of objections have been lodged against housing policies therein. As such only minimal weight can be attributed to policies of the emerging Core Strategy in accordance with paragraph 216 of the NPPF.

- 2.6 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

### **3. Planning History**

- 3.1 None applicable to this application.

### **4. Consultation Summary**

- 4.1 The Council's Transportation Manager did not object to the proposal but recommended that a condition be attached to any permission given ensuring that:

- a) Secured cycle parking provided in perpetuity
- b) Space is provided for the turning and parking of 2 vehicles

- 4.2 Welsh Water did not object to the proposal but recommended that conditions be attached to any permission given to ensure that:

- a) Foul and surface water is discharged separately from the site;
- b) Surface water does not connect with the public sewerage system; and
- c) Land drainage run-off is not permitted to discharge to the public sewerage system.

### **5. Representations**

- 5.1 Bromyard Town Council resolved to support the application.
- 5.2 No letters of representation were received from third parties.

- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-  
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## **6. Officer's Appraisal**

- 6.1 The site is located 200 metres to the west of the adopted settlement boundary for Bromyard as defined under Policy H1 of the UDP. As the application is for the residential development of this site it falls, in the first instance, to be considered in terms of policies relating to development within the open countryside, particularly UDP Policy H7. The intent of UDP Policy H7 is in line with the provisions of paragraph 55 of the NPPF (para. 55) with regards to development outside of settlements.
- 6.2 Policy H7 & para. 55 state that, other than for certain exceptions, housing outside of settlements will not be permitted. The current proposal does not satisfy any of the exceptional criteria listed therein and is therefore fundamentally contrary to both local and national policy. It is therefore necessary to ascertain whether there are any other material planning considerations that warrant setting Policy H7 and para. 55 aside.
- 6.3 The local authority is currently failing to provide a 5 year Housing Land Supply, plus a 5% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF goes on to state that 'relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.
- 6.4 In recognition of the current shortage of housing land supply the Council produced the report, "Local Development Framework and Local Transport Plan Update (12th July 2012)". Amongst the report's provisions is an interim protocol to be apportioned to housing developments outside of adopted settlement boundaries, the content of which is consistent with the NPPF's presumption in favour of sustainable development. It advises that an application for residential development of less than 5 dwellings which conforms to other national and local policies be permitted where it is located adjacent to an existing settlement boundary.
- 6.5 In this case the application site lies 200 metres from the settlement of Bromyard and is not, in my opinion, adjacent to the settlement as required by the interim approach. This does not necessarily preclude the site from being considered suitable for residential development particularly if there are sustainable means of accessing goods and services and the proposal meets all other relevant local and national policies.
- 6.6 Bromyard provides a range of local services and facilities which one would expect to find within a market town of its size including shops, a secondary school, primary school, leisure facilities, open spaces, sports clubs and social meeting places. It is therefore necessary to consider the means by which prospective residents would be able to access goods and services by means other than the private car.
- 6.7 A pavement is located along the B4214 providing a pedestrian route from the junction with Lower Winslow Road to the local shops and to the town centre. However, Lower Winslow Road itself is a narrow, unlit, winding lane which does not benefit from the provision of a footpath. Furthermore, the junction of Lower Winslow Road with the B4214 is particularly difficult to navigate given the tall dense boundaries which flank the road. To reach the local facilities within Bromyard from the application site, a pedestrian would

have to walk 200 metres along this road. I am of the opinion that it would be unsafe to encourage pedestrian movement along this road and unsustainable to promote the use of private motor vehicles for such journeys. The application site is considered to be unsustainably located, contrary to the presumption in favour of sustainable development as prescribed by the NPPF.

- 6.8 On this basis, the initial consideration of the application (paragraphs 6.1 and 6.2 of this report) against UDP Policy H7 and paragraph 55 of the NPPF remains the relevant test of whether or not the proposed development is acceptable. As the proposal fails to meet the exceptional criteria listed under these policies and with no other material considerations indicating that these principles should be set aside, the application is considered to be contrary to both local and national policy. Notwithstanding this, the finer detail of the proposal is considered below.
- 6.9 UDP policies S1 and DR1 require development to promote or reinforce the distinctive character and appearance of the locality specifically referring to a localities layout. This is a requirement reinforced by paragraph 61 of the National Planning Policy Framework. The application site is physically remote from the settlement of Bromyard. It does not relate to the built form of Bromyard nor does it provide connections to the facilities and services provided therein.
- 6.10 The application is for outline permission only and as such all other matters save for access are reserved for later consideration. The junction of Lower Hardwick Lane with Tenbury Road is substandard in terms of available visibility splays and there appears to be no opportunity to overcome this issue through the use of conditions attached to any permission given. However, Lower Hardwick Lane is already used by 7 dwellings and having consulted the Transportation Manager, the provision of one more dwelling along the lane is not considered to exacerbate the current highways safety concern to an extent which would warrant a refusal.
- 6.11 An indicative plan of the site layout has been submitted and it appears as if there is scope to provide ample parking. The indicated garden space is relatively small, particularly given the large plots which dwellings on lower Hardwick Lane occupy. However the garden would not be of a size which would preclude one's enjoyment of the space.
- 6.12 There are no apparent amenity or privacy issues in relation to the occupiers of neighbouring dwellings given the distance between dwellings and the application site, having particular consideration for Longlands approximately 20 metres south of the proposed dwelling.
- 6.13 To conclude, the proposed application site is relatively close to the town of Bromyard however it does not directly abut the settlement as required by the interim protocol issued by Cabinet in July 2012. Furthermore, Lower Hardwick Lane is not considered to provide safe pedestrian access to the facilities provided along Tenbury Road or elsewhere within Bromyard. On balance, the site is not considered to be sustainably located as required by the NPPF and UDP Policy S1. It is recommended that the application be refused.

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

- 1. The application site is remote from the settlement of Bromyard failing to physically relate to it. As such, the proposal does not respect the defined pattern of local development as required by policies S1 and DR1 of the Herefordshire Unitary Development Plan and the objectives of the National Planning Policy Framework, where paragraph 61 is of particular relevance.**

2. **Lower Hardwick Lane is a narrow, unlit lane with no recognised footpath. It would be unsafe to encourage further pedestrian use of this lane and as such the site is unsustainably located contrary to Policy S1 of the Herefordshire Unitary Development Plan and the objectives of the National Planning Policy Framework.**
  
3. **None of the exemption criteria listed under paragraph 55 of the National Planning Policy Framework and Policy H7 of the Herefordshire Unitary Development Plan which state circumstances where residential development in the open countryside may be acceptable have been met.**

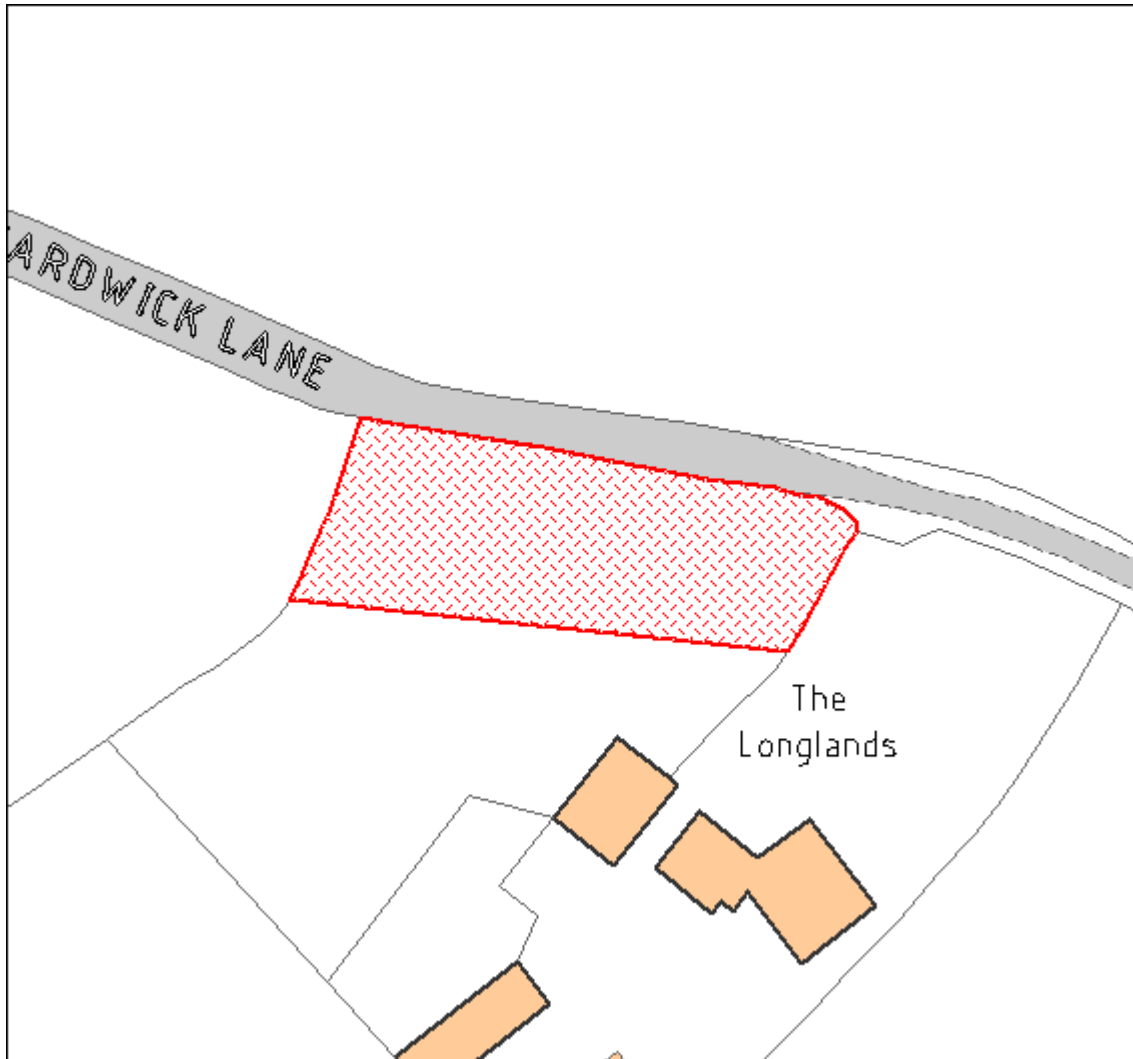
Decision: .....

Notes: .....

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### **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 132448/O

**SITE ADDRESS :** LAND ADJACENT TO LONGLANDS, LOWER HARDWICK LANE, BROMYARD, HEREFORD

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