

MEETING:	PLANNING COMMITTEE
DATE:	29 JANUARY 2014
TITLE OF REPORT:	132701/F - PROPOSED ERECTION OF LOW COST MARKET BUNGALOW FOR REGISTERED DISABLED PERSON AT AMBERLEY HEIGHTS, SUTTON ST NICHOLAS, HEREFORD, HR1 3BS For: Mr Ashcroft per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132701

Date Received: 30 September 2013 Ward: Sutton Walls Grid Ref: 354047,247587

Expiry Date: 25 November 2013

Local Members: Councillor K S Guthrie

1. Site Description and Proposal

- 1.1 The site is located on the west side of the C1125 Sutton St Nicholas to Bodenham Road at the junction with Wyatt Road. The site is to the south of the Amberley Arms public house and can be reached by an access track granted permission retrospectively in 2001 from the south eastern corner of the car park of the Amberley Arms. This track provides access to the application site and to a 'workshop' used for storage purposes.
- 1.2 The application site comprises part of a paddock, associated with a stable block that lies to the west that is also in the ownership of the applicant. The site lies in a slightly elevated position above the adjoining highway.
- 1.3 The application is for the erection of a single dwelling as a low cost market bungalow. The application is made on the basis of the applicant's specific medical circumstances, details and evidence of which have been provided in the supporting documentation.
- 1.4 The proposed single storey dwelling would be sited in a plot (edged red) of just under 350 sqm. The dwelling would have a footprint of 13.5m by 7.5m (101sqm) with a single car port attached. Internally it would accommodate three bedrooms, living room, dining / kitchen bathroom and en-suite wet room. The dwelling would have an eaves height of 2.5m and ridge height of 6.5m.
- 1.5 Access to the site is via the existing track, with parking and turning provided within the red-edged site. To improve visibility, not only for the applicant but also for the users of the public house and adjoining land, the applicant also proposed removal of the existing fence and obstructions along the highway to the east of the site with planting proposed in the form of a hedge behind this new splay.

2. Policies

2.1 National Planning Policy Framework

Chapter 1 – Paragraphs 7, 8, 14, 17
Chapter 4 – Paragraphs 32
Chapter 6 – Para 47,49, 55
Chapter 7 – Paras 58, 60, 61 and 64

2.2 Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H4	-	Main villages
H6	-	Smaller settlements
H7	-	Housing in the countryside outside settlements
H10	-	Rural exception housing
H13	-	Sustainable residential design
LA2	-	Landscape character and area least resilient to change
LA6	-	Landscape Schemes

2.3 Core Strategy

SS1 – Presumption in favour of sustainable development
SS2 – Delivering New Homes
RA1 – Rural Housing Strategy
RA3 – Herefordshire Countryside
H2 – Rural Exception Sites
LD1 – Landscape and Townscape

2.4 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	CW2001/2639/F	1) Retrospective planning permission for 70m of roadway from existing on site roadway to highway. 2) Change of use of existing building from agricultural to welding and fabrication business for agricultural vehicle parts, building/equipment parts. 3) Demolition of existing loose boxes and re-erection of new building in same position for 2 stables and hay and tack store. - Approved	23/01/002
3.2	CW2002/3326/F	Change of use and conversion of Amberley Workshop to disabled residential property (including dormer windows and balcony) for Mr. and Mrs. D. A. Ashcroft – Refused and dismissed on appeal.	19/03/2003

- 3.3 DCCW2004/0034/F Renewal of temporary permission to allow permanent permission and variation of condition 1 of planning permission CW2001/2639/F for use of welding and fabrication 10/03/2004
- 3.4 S120037/F Proposed change of use of existing building for storage of ice cream vans. – Approved with conditions 18/04/2012

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Comments

- 4.2 The Transportation Section has no objection and recommends conditions in relation to parking and turning.
- 4.3 The Housing Team makes the following comments:

I refer to the above planning application and can confirm that Housing Needs and Development have been in discussion with the applicant and from the evidence that has been provided Mr Ashcroft is in housing need and would not be able to purchase a suitable dwelling off the open market. In addition to this I can also confirm that there are currently no suitable affordable housing properties available within the areas that Mr Ashcroft would need.

However, whilst I appreciate that this property will be built for the applicant it is essential that local households have the ability to access the property should it ever become available for purchase. Therefore, I would expect any future sale price of the property to be discounted off the open market value to ensure that it is affordable and meets local housing needs.

To ascertain the required discount percentage the applicant would need to provide two open market valuations and a S106 would be required to guarantee that the property remains affordable in perpetuity

5. Representations

- 5.1 Marden Parish Council - The parish council notes that this application is in open countryside, but feels that the circumstances of the member of the applicant's family for whom the proposed dwelling would be built mean that this application should be supported.
- 5.2 7 letters of support have been received in response to the application. These letters raise the following points:
- The proposed bungalow would help him and his family with his physical needs and continue to live as a family unit.
 - Noticed decline in his health and mobility
 - The size and positioning of the bungalow there will be no visual or landscape harm

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

6. Officer's Appraisal

6.1 Having regard to the fact that the proposed development is intended to be an 'affordable dwelling' as a low cost market bungalow for a registered disabled person and their family, saved Unitary Development Plan policy H10 is considered to be the most appropriate to consider the development against. This policy allows for individual affordable houses and requires that these are within or adjoining an established rural settlement. This policy applies to settlements which are not specifically designated in policies H4 – Main Villages, or H6 – Smaller Settlements and which have some facilities. It is expressly stated that *'it is not the intention of the policy to allow isolated new housing in the countryside'*. This policy's requirements go on to state:

1. The scheme will contribute to meeting a proven genuine and quantifiable local need for affordable housing as ascertained from an up-to-date local affordable housing needs survey. In the case of a single affordable dwelling, clear evidence of a long-term local need will be required;
2. It is evident that local housing conditions could not otherwise satisfy the need;
3. The scheme respects both the character and size of the settlement concerned and the identified scale of need;
4. Arrangements are made to ensure that the benefits of affordable housing, for single dwellings as well as larger schemes, will be enjoyed in perpetuity by subsequent occupants in local need as well as by the initial occupiers;
5. The site's location affords reasonable access to facilities and where possible public transport;
6. Proposals do not involve mixed developments consisting of open market housing to offset the lower return on affordable housing on the same site; and
7. In settlements other than Kington (policy H2), the main villages (policy H4) or smaller settlements (policy H6) the proposal is limited to the construction of a single affordable dwelling which does not exceed the dwelling and plot size limits set in policy H6 unless clear evidence is provided to indicate a need exists for a larger dwelling.

6.2 The application site and its environs are divorced from, and have no physical connecting relationship, with any settlement whether designated or not. It is in excess of 2km from Marden or Sutton St Nicholas and whilst there is a small cluster of dwellings in this location, and the public house adjacent, the immediate locality is not considered to be capable of being described as an established rural settlement in its own right. As such this proposals fails to meet the initial requirements.

6.3 Criterion 5 of the policy states that the site location should afford a reasonable access to facilities and where possible public transport. Supporting information submitted with the application includes details of the bus service that passes the site on an hourly basis in each direction between Hereford and Leominster. This must be weighed against the fact that, whilst

walking 2km may be considered at the cusp of what would be reasonable, the highway does not have a footpath and would not be an easy or pleasant walk, along a well used, fast and in places, narrow highway.

- 6.4 These requirements mirror the requirements of Policies S1, S2 and S3 of the Unitary Development Plan to promote sustainable development in rural areas by ensuring new dwellings are located in/adjoining existing settlements. These policies are consistent with the NPPF guidance that housing should be located where it will enhance or maintain the vitality of rural communities which includes supporting existing local services.
- 6.5 As such it is concluded that the site is not located in a sustainable location since it does not form part of an existing settlement and has no services or facilities readily available and as such fails to comply with these policies and parts of H10 above.
- 6.6 Having regard to the remaining criteria of Policy H10, the personal circumstances of the applicant have been carefully considered by colleagues in Housing. They confirm their support of this application as the applicant is considered to be in housing need and would not be able to purchase a suitable dwelling off the open market. They also confirm that there are currently no suitable affordable housing properties available within the areas that Mr Ashcroft could occupy that would meet his need. Officers are also satisfied that through the use of a Section 106 agreement, this dwelling could be retained as affordable housing to meet a local need in perpetuity.
- 6.7 The proposed dwelling would also meet the size criteria, falling within the thresholds outlined in policy H6 of the UDP. The dwelling design, scale and size is also considered to be acceptable in the context, and whilst visible from the highway, would be read in the context of other buildings in close proximity and would not be visually intrusive or impact upon the amenities of any nearby residential properties. As such, this would comply with the requirements of policies DR1 and H13 of the Unitary Development Plan along with part requirements of policy H10.
- 6.8 Access to the site is also considered to be acceptable and there is an added benefit in the significant improvement in visibility for those accessing the site and public house. At present, the foliage, fence and bank cause a significant restriction of visibility leaving the car park of the public house as well as forward visibility for those approaching from Sutton St Nicholas. This application would secure a significant improvement to this and should be considered a benefit in the assessment of this application.
- 6.9 Consideration must also be given to the Council's position in respect of its 5 year housing land supply. In acknowledging that the Council does not have a 5 year supply, the requirements of paragraph 14 of the NPPF must be considered. The proposals would assist in addressing the shortfall in housing supply within the County and contribute towards achieving the required supply of housing. It would also increase choice of housing and accord with the Government's objective to boost significantly the supply of housing. As this is to be an affordable dwelling, meeting a specific need in the locality, this is also an important matter which should be given considerable weight in the determination of this application. The development would, in a small way, assist in supporting local services and facilities, as well as the construction industry. These economic considerations should also be given weight in determining this application. The recent 'Home Farm' appeal decision also noted that residential development would also provide the Council with additional revenue via the New Homes Bonus.
- 6.10 These benefits must be weighed in respect of any identified harm arising from the development. In this instance, officers would consider that all physical impacts can be successfully mitigated, but that the proposal fails to comply with the core principles of the NPPF and Unitary Development Plan policies in that its location cannot be considered

'sustainable' and as such it fails to comply with the requirement of paragraphs 7, 8 and 14 of the NPPF and of Policies S1, S2, S3, H7 and H10 of the Unitary Development Plan.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. Whilst it is acknowledged that the personal circumstances of the applicant and the detailed design, scale and size of the dwelling would meet the requirements of part of policy H10 of the Unitary Development Plan, the site does not lie adjacent to a settlement and its remote location is considered to be unsustainable. As such, the proposed development would fail to meet the requirements of Policies S1, S2, S3, H7 and H10 and cannot be considered sustainable development in accordance with the requirements of the National Planning Policy Framework.**

INFORMATIVE:

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.

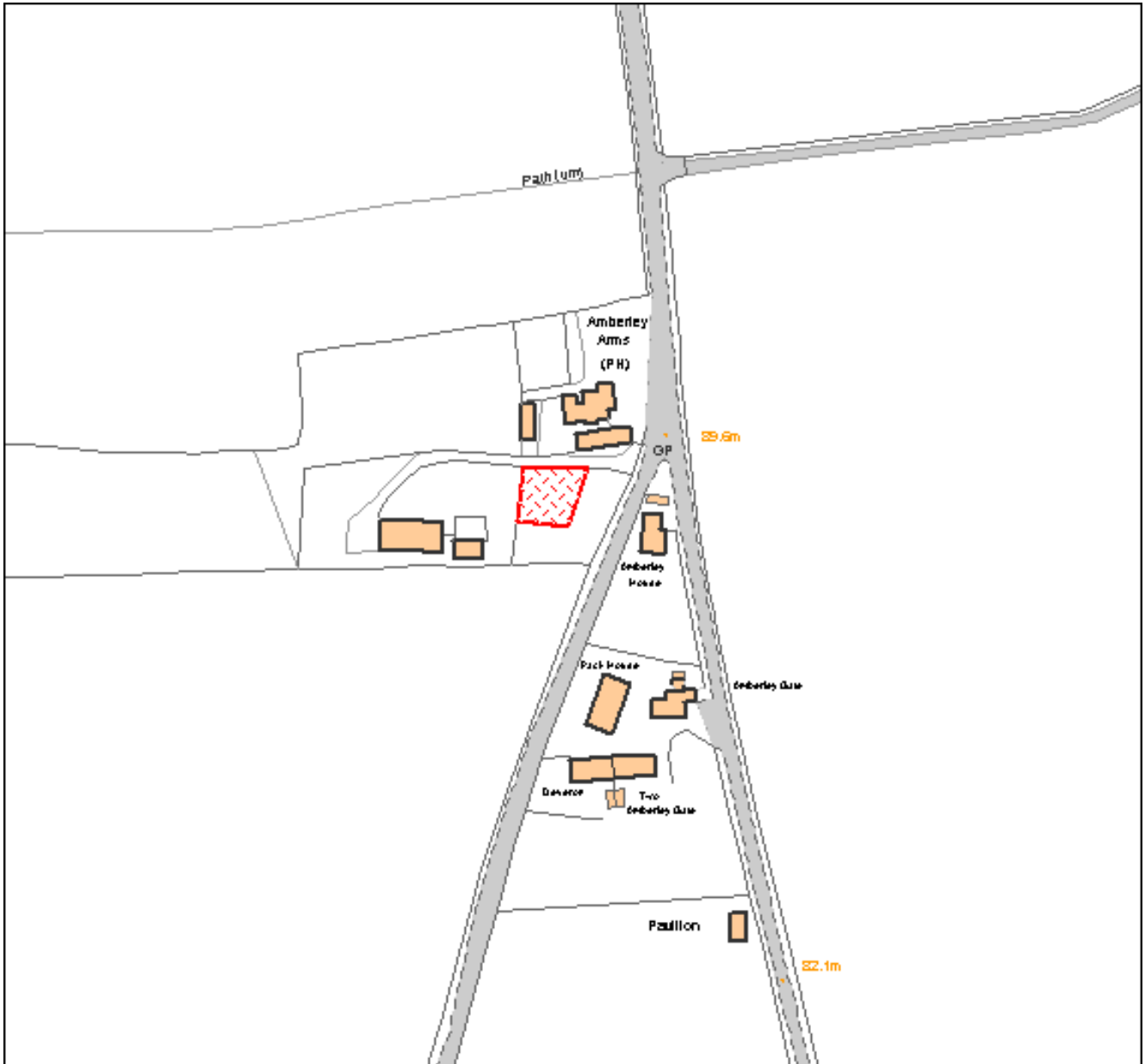
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132701/F

SITE ADDRESS : AMBERLEY HEIGHTS, SUTTON ST NICHOLAS, HEREFORD, HR1 3BS

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781