

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>4 JUNE 2014</b>
<b>TITLE OF REPORT:</b>	<b>P140116/F - NEW DWELLING AT LAND ADJACENT TO RECTORY GATE, STOKE PRIOR, HEREFORDSHIRE, HR6</b>  <b>For: Mr Hinton per Mr Garry Thomas, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140116">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140116</a>

**Date Received: 10 January 2014      Ward: Hampton Court      Grid Ref: 352445,256735**  
**Expiry Date: 7 March 2014**  
 Local Member: Councillor Jeremy Millar

**1. Site Description and Proposal**

- 1.1 The application site is to the north east of the main built up area of Stoke Prior. It is linked to the main part of the village by a class III road that leads north eastwards to the site and continues eastwards to the Three Rivers Ride, classified road, at a point just north of a dismantled railway.
- 1.2 The proposal site gains access off the northern side of a bend on the C1112 road . An unadopted track which is also the line of a public footpath leads north westwards. The proposal site is elevated above the level of this track. There are trees along the western boundary and trees to the south and east of the site with existing portal framed blockwork structures and hardstanding. The access point is 50 metres north of the C1112 road. The aforementioned public footpath leads eastwards by following the northern boundary of the site. The unadopted road leads further north westwards to Grovefields. The Old Rectory is 120 metres to the north east of the proposed site. It is understood that the site has been rented out for use as stabling.
- 1.3 The proposal entails erecting a predominantly vertically timber clad 4 bedroom dwelling. It will be 9.8 metres to its clay tiled roof. The roof will cantilever out by 2.2 metres on the southern end of the dwelling. This elevation will be predominantly glazed for purposes of maximising solar passive gain. The floor area will be 93.3 sq metres for each floor measured externally i.e 186.6 in total but excluding the covered area on the south elevation and the integral double garage.

**2. Policies**

**National Planning Policy Framework**

2.1 The following sections are of particular relevance:

- Introduction - Achieving Sustainable Development
- Section 6 - Delivering a Wide Choice of High Quality Homes
- Section 7 - Requiring Good Design
- Section 8 - Promoting Healthy Communities

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

Section 11 - Conserving and Enhancing the Natural Environment

## 2.2 Herefordshire Unitary Development Plan 2007 (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H6	-	Housing in smaller settlements
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity

## 2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-Diversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

## 3. Planning History

3.1 None.

## 4. Consultation Summary

### Internal Council Advice

4.1 The Council's Transportation Manager has no objections on highway safety grounds.

- 4.2 The Council's Conservation Manager (Ecologist) accepts the contents of the submitted ecology report and does not object to the proposal. Conditions are recommended to ensure that the proposed mitigation works are carried out.
- 4.3 The Council's Environmental Health & Trading Standards Manager (Air, Land and Water Protection) has no objections as regards the possible contamination of the site from previous use.

## **5. Representations**

- 5.1 Humber, Ford and Stoke Prior Group Parish Council's response is as follows :

The above planning application was considered by the Group Parish Council's Planning Committee on 5 February 2014. The applicant (Mr James Hinton) and 3 other residents attended the meeting: the meeting heard statements from the applicant and also statements and questions from local residents. The Committee noted that there were several errors of fact in the application itself, which needed to be corrected:

1. Firstly, the applicant's name at the address given is Mr James Hinton, and not Mr Stuart Hinton, and he is the applicant and not the agent.
2. Secondly, the location of the development site is incorrectly given as "Land adjacent to Rectory Gate, Stoke Prior"; the site is actually adjacent to The Old Rectory, Stoke Prior. The Committee noted the possibility that local residents may have been misled as to the location by this error.
3. Thirdly, the Committee was concerned to correct the misrepresentation in the Design and Access Statement and in the covering letter from Mr James Hinton that the Parish Council, individual councillors or its officers had indicated their support for the application prior to the meeting of its Planning Committee. Although the applicant had spoken with the Clerk and Chairman about the application, advice was given only about the relevant planning policies and the procedure for considering applications, including the advice that the Council's views on the application could only be determined at a formal meeting.
4. Fourthly, there were other inaccuracies in the Planning Application Form, including section 5 details of the pre-planning advice received, section 12 details of the adjacent water course and section 15 reference to trees and hedges.

The Committee also noted concerns from the owners of the neighbouring property, The Old Rectory, about the development causing possible damage to the septic tank and surface water drainage from their property, which had been raised with the applicant prior to the application but had not been addressed in the application.

The Committee also noted that UDP Policy H6 (Housing in smaller settlements) might preclude this development, but that the new draft Core Strategy policy RA1 required the growth of villages including Stoke Prior, and that under the National Planning Policy Framework (para 216), emerging strategy should be given weight in planning decisions.

After considering the comments and questions from the public and the applicant, and discussing the application, the Committee resolved that:

The Committee supports the application as providing additional housing in the village of Stoke Prior, towards the target of meeting the county's housing needs in the Bromyard Housing Market Area (Policy RA1 in the draft Core Strategy 2011-2031), this support being conditional on the application being amended to:

- (a) correct the name of the applicant, the location of the development and other inaccuracies in the application;
- (b) correct the statements concerning prior statements of support from the Parish Council;
- (c) address the concerns of the owners of the adjacent land about drainage, and that these amendments be notified to the Council.

5.2 One letter of representation has been received from an adjoining property (The Old Rectory).

The following main points are made and summarised as follows :

- Group Parish Planning Committee request changes to application form,
- Incorrect name and address
- No details of Pre –Application Advice shown, recycling not detailed, foul sewage not detailed on plan
- Site is within 20 metres of a watercourse, not as stated
- Existing use Horse Quarantine Stabling
- There are trees and hedges to south and east of site
- It does involve a change of use.
- Not clear what new tree planting entails
- No mention of how development would affect my septic tank and spreaders which are not detailed; have commissioned third party to locate them
- No mention of how water would be supplied i.e bore-hole or mains particularly give existence of our existing septic tank and spreaders.

5.3 The applicant's agent has responded to the issues raised by the Group Council as follows :

- The applicant name can be changed to Mr James Hinton ( and not his father)
- There are no trees affected by the development i.e cut down
- There is no watercourse crossing the site, there is a swale carrying storm water from the Old Rectory. This is a civil matter, but have advised my client to speak to his neighbours

5.4 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

Principle of Development

6.1 The application site is located outside of the settlement boundary of Stoke Prior as defined under UDP Policy H4, 85 metres to the east of the southernmost part of the village. Being outside of a defined settlement, the principle of development falls to be considered firstly against local policies relating to residential development within the open countryside, UDP Policy H7.

6.2 The intent of UDP Policy H7 accords with the aims and objectives of the NPPF with paragraph 55 being of particular relevance in this instance and indicates that unless exceptional circumstances can be demonstrated, housing outside of defined settlements will not be permitted. This proposal does not appear to satisfy any of the exceptional criteria under which housing in the open countryside could be considered acceptable as listed under Policy H7 and therefore conflicts with it.

- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and became the sole planning policy document at national level, replacing the series of Planning Policy Statements and Planning Policy Guidance documents which were in place when the previous applications were made on the site. Paragraph 215 of the NPPF states that 12 months from the publication of the NPPF, “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework”. This 12-month period expired on 27 March 2013. Consequently the weight which can be attributed to individual policies of the UDP must therefore be assessed through their level of conformity with the NPPF. The closer the UDP policies are to the policies of the NPPF, the greater the weight that may be given.
- 6.4 Paragraph 47 of the NPPF requires all local authorities to provide a 5 year supply of land for housing plus a 5% or 20% “buffer”, dependent on the each local planning authority’s record for housing delivery. A recent appeal decision at Home Farm, Belmont (APP/W1850/A/13/2192461) considered Herefordshire Council an authority requiring a 20% buffer to their 5 year Housing Land Supply.
- 6.5 Herefordshire Council are currently failing to meet this requirement and consequently ‘relevant policies for the supply of housing should not be considered up to date’ as stated in Paragraph 49 of the NPPF. On this basis, the council’s housing policies (H4 in this instance) which define the geographical limits of residential development can be attributed little weight in the determining of an application for residential development.
- 6.6 As the Council’s housing policies can no longer be relied upon to determine the principle of residential development, applications shall be considered ‘in the context of the presumption in favour of sustainable development’, as prescribed by paragraph 49 of the NPPF. Sustainable development is defined in paragraph 7 of the NPPF as a three pronged notion encompassing its economic, social and environmental roles.
- 6.7 The ‘social role’ of development places particular emphasis on the location of development with respect to local services and facilities. In this instance, the closest facilities and services to the site are located at Stoke Prior including a village hall, bus stop and public house, although currently closed. Stoke Prior is identified as a smaller settlement in the HUDP, where the emphasis is on limited infill development. The proposal site is remotely located and will be car dependent and as such not only falls short of what constitutes sustainable development in the HUDP in Policies S1, S2, DR1, DR2, H13 and T8 but also of Paragraphs 7, 17, 34, 55 and 109 of the National Planning Policy Framework.

#### Ecology

- 6.8 The Council’s Ecologist concurs with the content of the ecology report by Tyler Grange dated November 2013 which accompanies this application and considers the proposed development to exert no undue impact on biodiversity or wildlife in accordance with UDP Policies NC1, NC6 and NC7. Conditions should be attached to any permission given to ensure that works are undertaken in accordance with recommendations made throughout the ecology report.

#### Highways and Access

- 6.9 There is an existing access to the application site which is located on the western boundary of the site. This vehicular access is a relatively short distance from the C1112 road. The traffic generated by this proposal can be readily absorbed on the local road network in terms of safety of other road users and therefore the proposal is in accordance with UDP policies DR3, T8 and H13 and chapter 4 of the NPPF.

## Residential Amenity and Privacy

- 6.10 The proposed dwelling will not compromise the privacy of residents living in the vicinity of the site given the existing screening around the proposed dwelling and the distances between the site and surrounding residential properties. Therefore, the proposal in this respect is in accordance with Policy DR2 of HUDP.

## Other Matters

- 6.11 The matter raised relating to the name of the applicant has been confirmed, the issue of the watercourse acknowledged and confirmation about the removal of trees clarified by the applicant. The matter relating in particular to the watercourse is a civil matter and not considered to entail grounds for withholding planning approval. Should planning approval be granted the extent of tree removal could be controlled by planning condition.

## Conclusion

- 6.12 In light of the above, the principle of development is not considered acceptable having particular regard for the location of the site in relation to local services and facilities, local transport infrastructure, and the reliance on the use of private transport. The need for sustainable development is a fundamental principle in the NPPF, and therefore notwithstanding the recognised shortfall in the housing land supply, there is still a requirement that development be in accordance with Paragraph 14 of the Framework, which is the *presumption in favour of sustainable development*. This principle is not satisfied given that the benefits of providing the development are outweighed significantly, in this instance and as such the application is recommended for refusal.

## RECOMMENDATION

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

- 1 The proposal represents unsustainable development within the open countryside with poor pedestrian access to local facilities and services. Therefore, the proposal is contrary to the provisions of policies S1, S2, DR1, DR2, H13, and T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework , particularly paragraphs 7, 17, 34, 35, 55 and 109.**

## Informative

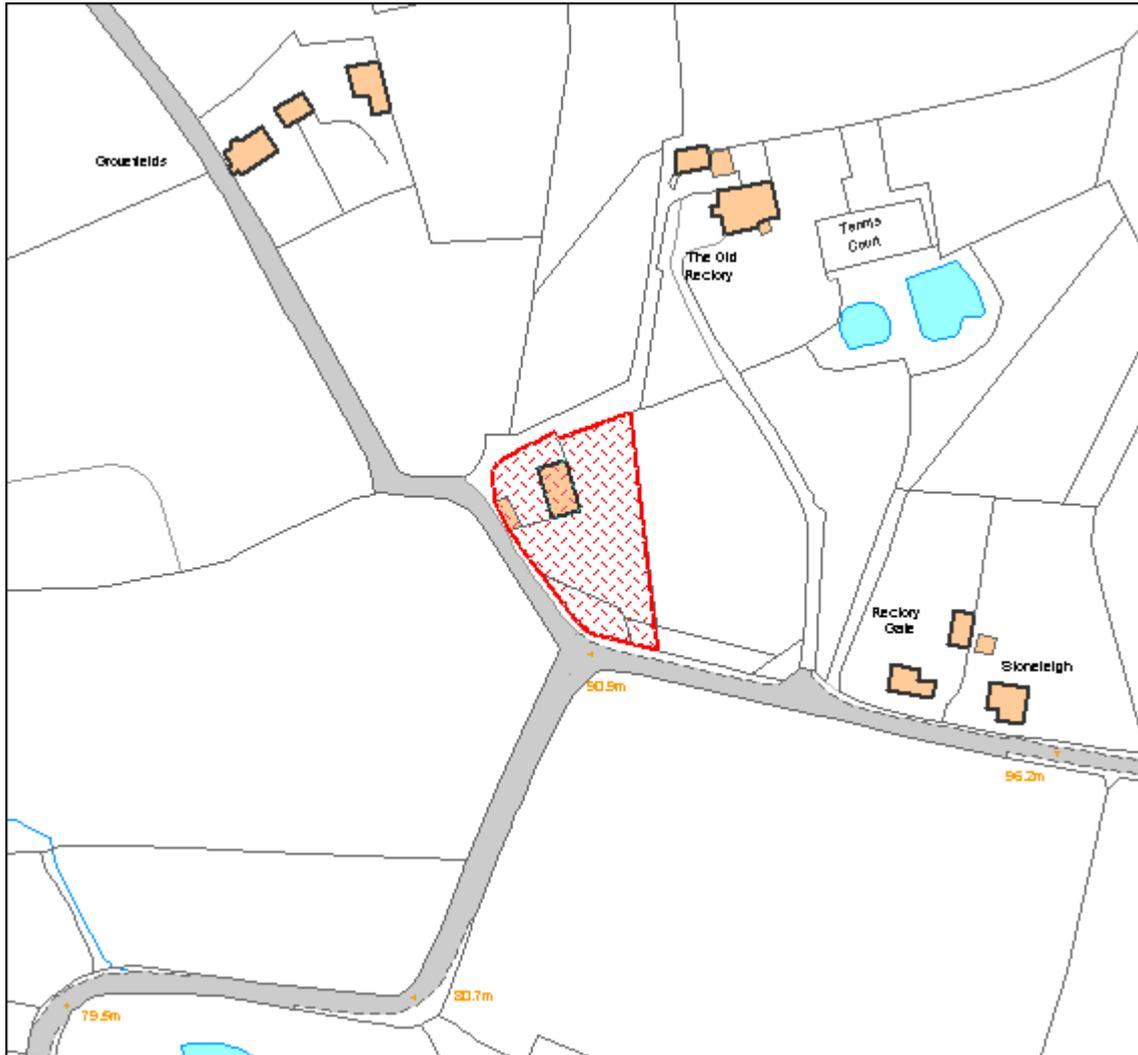
- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.**

Decision: .....

Notes: .....

## Background Papers

Internal departmental consultation replies.



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**APPLICATION NO:** 140116/F

**SITE ADDRESS :** LAND ADJACENT TO RECTORY GATE, STOKE PRIOR, HEREFORDSHIRE, HR6

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