

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>6 APRIL 2016</b>
<b>TITLE OF REPORT:</b>	<b>152578 - PROPOSED NEW DWELLING AT LAND AT BETTY HOWELLS, NORTH WEST OF DAREN FARM, LLANVEYNOE, HEREFORDSHIRE, HR2 0NG</b>  <b>For: Mr Morel per Mr Mark Owen, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152578&amp;search=152578">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152578&amp;search=152578</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 27 August 2015**

**Ward: Golden Valley  
South**

**Grid Ref: 329274,230523**

**Expiry Date: 27 October 2015**

Local Member: Councillor GJ Powell

## **1. Site Description and Proposal**

- 1.1 The application site is located on the north side of the Olchon Valley, 2.7km to the north west of Longtown, immediately beneath Red Daren on the eastern side of the Hatterrall ridge. The site is comprised of the ruinous remains of a stone cottage (the use of which is unequivocally abandoned) which occupies a clearing within a small glade of deciduous trees. The clearing is accessed off the Rhiw Road (U75000) by a winding gravelled track which, half way along, gives way to grass. The track skirts around the front (north) of the raised site of the ruined building. A stream flows down from Red Daren, dissecting the site in a north-easterly direction. The site has a gradual slope from its southern boundary down to the northern boundary with the highway, so that the clearing itself is significantly elevated above the highway. The surrounding land is principally agricultural farmlands –the closest buildings to the site are 290 metres to the south-east of the wider site (400 metres to the south-east of the clearing).
- 1.2 The proposed development is for a 132 square metre, single storey, 2-bedroom dwelling. The dwelling would be located within the existing clearing alongside the remains of the previous cottage. It would be constructed out of structural timber sections, with external timber cladding sitting atop columns driven into the ground. A walkway terrace would skirt the dwelling. The previous dwelling will remain, and will be used for storage, herb garden and terrace. Walls will be repaired where necessary, re-using stone from the site using lime based mortar. For drainage, a sewage treatment plant will be used with outfall to the north. Surface water will be collected and discharged by soakaways. Photovoltaic panels will be used on the roof to provide energy to the dwelling whilst a water turbine will generate power. The building envelope is anticipated to achieve the following elemental U-Values:

- Roof 0.14W/m<sup>2</sup>K

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

- Walls 0.25W/m2K
- Floors 0.15W/m2K.

## 2. Policies

### 2.1 The Herefordshire Local Plan Core Strategy:-

SS1	–	Presumption in Favour of Sustainable Development
SS2	–	Delivering New Homes
SS3	–	Releasing Land for Residential Development
SS4	–	Movement and Transportation
SS6	–	Environmental Quality and Local Distinctiveness
SS7	–	Addressing Climate Change
H2	–	Rural Exception Sites
RA1	–	Housing in Settlements Outside Hereford and the Market Towns
RA2	–	Herefordshire's Villages
RA3	–	Herefordshire's Countryside
RA4	–	Agricultural, Forestry and Rural Enterprise Dwellings
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	–	Landscape and Townscape
LD2	–	Biodiversity and Geo-Diversity
SD1	–	Sustainable Design and Energy Efficiency
SD3	–	Sustainable Water Management and Water Resources

### 2.2 The National Planning Policy Framework

### 2.3 The National Planning Policy Guidance

2.4 Longtown Group Parish Council are producing a Neighbourhood Plan which, at the time of writing this report, is at a drafting stage and therefore whilst a material consideration is not sufficiently advanced to attract weight for the purposes of determining planning applications.

2.5 The Herefordshire Local Plan Core Strategy 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/core-strategy/adopted-core-strategy>

## 3. Planning History

3.1 None applicable to this site

## 4. Consultation Summary

Statutory Consultees

4.1 Welsh Water does not object.

4.2 Natural England does not object:

### **SSSI - No objection – with a condition requested**

This application is in close proximity to Black Mountains Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted and the condition below, will not

damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

### **Condition**

To prevent damage to the special interest of the Black Mountains SSSI mentioned above, a condition requiring a construction management plan should be submitted and agreed with the council prior to the commencement of any works. The construction management plan should describe how construction works will avoid damage to the SSSI.

This condition is required to ensure that the development, as submitted, will not impact upon the features of special interest for which Black Mountains SSSI is notified. We also advise that works carried out as part of the proposal (if approved) should be guided by the Environment Agency guidelines on working and storage of materials near watercourses as a watercourse runs through the site.

If your Authority is minded to grant consent for this application without the condition recommended above, we refer you to Section 28(1) (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority:

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

### **Green Roofs**

We note the proposal includes a green roof and advise the following:

Research indicates that the benefits of green roofs include reducing run-off and thereby the risk of surface water flooding; reducing the requirement for heating and air-conditioning; and providing habitat for wildlife.

We would advise your council that some living roofs, such as sedum matting, can have limited biodiversity value in terms of the range of species that grow on them and habitats they provide. Natural England would encourage you to consider the use of bespoke solutions based on the needs of the wildlife specific to the site and adjacent area. I would refer you to <http://livingroofs.org/> for a range of innovative solutions.

### **Other Advice**

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- Local sites (biodiversity and geodiversity)
- Local landscape character
- Local or national biodiversity priority habitats and species

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a

local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

### **Protected Species**

We have not assessed this application and associated documents for impacts on protected species. Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

### **Biodiversity Enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

#### Internal Council Consultations

#### 4.3 The Transportation Manager does not object:

The site is situated on a narrow unclassified highway, with sheep grazing around the area therefore the animals grazing and the very rural nature of this road means that speeds are very low. Parking, turning and site access gradient should meet HC design guidance.

#### 4.4 The Conservation Manager (Ecology) does not object:

The site itself has no designation but is clearly within a very sensitive area regarding ecology which has been identified adequately in the ecological assessments carried out. In consideration of the ecological report and woodland report submitted, the proposals for mitigation, habitat protection and biodiversity enhancements need to be formalised in a full working method statement, a construction environmental management plan and an enhancement scheme respectively. I note that the woodland is under a Woodland Grant Scheme and so habitat enhancement should be commensurate with any management plan produced for the trees on this site. Please note that no works should take place within 10 metres of the surrounding Site of Special Scientific Interest / Special Wildlife Site, or if they are intended, a full and detailed description and mitigation for such works is required.

4.5 The Conservation Manager (Landscape) does not object:

Landscape Impact:

The site for the proposal is located off the Rhiw Road U75000 which follows the contours of the land along the lower slopes of the Black Mountains. Enclosed by deciduous woodland the site is approached by a gravel track with skirts around the front of the remnant building approaching from the former dwelling from the north.

Pre-war maps indicate the presence of a dwelling upon site currently however only partial walls remain indicating a split level stone dwelling reflecting the sloping nature of the site.

Given the heights of the landform the site boundary forms the landscape character type Highhills and Slopes. The site itself is retained within the Ancient Border Farmlands character type for which the settlement pattern is defined as sparsely scattered low density settlement pattern particularly vulnerable to change. New development should be discouraged and strictly controlled to prevent inappropriate clustering.

In this instance paragraph 55 of the NPPF is therefore applicable whereby the proposal would need to demonstrate exceptional quality or innovative nature of the design, as well as significantly enhancing its immediate setting.

I have a number of concerns which would need to be addressed as part of the application:

Having looked at the elevations and read the Design and Access Statement whilst I note the innovative design I am not convinced that it is reflective of or sympathetic to the existing character within the locality. The original building was in fact stone and appears to be split level nestled into the contours of the land rather than elevated above it.

No details are provided of any landscape proposals in order to demonstrate how the development would enhance its immediate setting. A landscape management plan is submitted indicating the retention of the woodland. No details of trees to be removed as part of the proposal are shown. The site is adjacent to the Black Mountains SSSI and Special Wildlife Site thus the retention of the woodland is desirable for biodiversity as well as minimising visual impact which would otherwise be potentially significant. Currently the access track appears to be stone no details are provided as to whether this will be upgraded; currently the track crosses a watercourse which may also need to be addressed.

Further Information:

Detailed landscape proposals indicating trees for retention and removal. As well as details of all soft and hard landscaping proposed.

## 5. Representations

5.1 Longtown Group Parish Council - It was initially reported by the Parish Clerk that Longtown Parish Council have no objection to the application. A subsequent email from the Parish Clerk clarified that the Parish Council in fact support the application.

5.2 19 letters of support have been received from third parties. In summary, these letters make the following points:

- The applicants are a large part of the community and it is important that they are helped to live therein;

- Colin Morel runs an important local business as a heating engineer and Christine Morel runs the local shop and post office;
- The village store in particular is an important local asset which supports local business;
- The applicants were both born and raised locally
- They have started a family and it is important that they have this house;
- There used to be a dwelling on site owned by Colin Morel's father;
- It is a unique opportunity to support a family in supporting and maintaining their local heritage;
- High prices in the area make it very difficult for young families to purchase houses;
- Enlightened planning is oft abused though this will not happen here;
- Whilst communities need a library of rules and guidance to keep it progressing fairly to all its members, this library can swamp common sense.
- There are no objections to the application from the nearest neighbour;
- The proposed development is sympathetic to the beautiful landscape and ecology and the proposal is sensitive to its surroundings;
- The proposed building is of an eco-friendly and sustainable design;
- This grand design is inspired and will not lead to an unwanted precedent being set; and;
- Any external lighting should be positioned to provide shaded downlighting so as not to cause light pollution in what is one of the "darkest" valleys in the UK

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152578&search=152578>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## 6. Officer's Appraisal

### Principle of Development

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

6.2 Here, the Herefordshire Local Plan ('HLP' from hereon) is the development plan. The Core Strategy is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.

6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the Core Strategy shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. Failure to demonstrate an NPPF compliant housing land supply will render the housing supply policies of the Core Strategy and by extension, any adopted or emerging NDPs out-of-date until they have passed Regulation 16. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the HLP cannot be inherently relied upon.

6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central Core Strategy theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new open market and affordable housing development with proportionate growth of sustainable rural settlements, which are listed at figures 4.14 and 4.15, also supported.

- 6.5 In terms of rural settlements, Core Strategy Policy RA2 firstly requires that that proposals accord with the relevant Neighbourhood Development Plan ('NDP') or where there is no NDP with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a 'settlement boundary'. The application site is within the Parish of Llanveynoe which is a part of Longtown Group Parish Council. Longtown Group Parish Council is presently drafting an NDP though this is not sufficiently advanced as to attract weight in the determination of this planning application. In such circumstances, Policy RA2 directs that housing growth will be supported in principle where it would be provided within or adjacent to settlements identified in Figures 4.14 and 4.15, to maintain and strengthen locally sustainable communities across the rural parts of Herefordshire.
- 6.6 Longtown is the closest Core Strategy identified settlement to the site, some 2.7 km (measured as the crow flies) to the south-east of the site. The site cannot therefore be considered to be within or adjacent to an identified settlement and the proposal is fundamentally contrary to Policy RA2. Remembering that the Council cannot presently demonstrate an NPPF compliant supply of housing land, it is your officer's opinion that Longtown also represents the closest settlement to the site which could reasonably be described as 'sustainable' in terms of its ability to provide everyday facilities and services. Therefore and having regard the specific characteristics of this application, the housing supply dimension of the Core Strategy is considered to comply with the direction of the NPPF.
- 6.7 In rural locations outside of settlements such as this, Core Strategy Policy RA3 limits residential development to proposals which satisfy one or more of seven exceptional criteria. The proposal is offered as an affordable dwelling and as such, criterion 4 of Policy RA3 is most relevant, in allowing 'rural exception' housing which is otherwise accordance with Policy H2.
- 6.8 Policy H2 states that proposals for affordable housing schemes in rural areas may be permitted on land which would not normally be released for housing where they meet the following three criteria, which are assessed individually below:
1. the proposal could assist in meeting a proven local need for affordable housing; and
  2. the affordable housing provided is made available to, and retained in perpetuity for local people in need of affordable housing; and
  3. the site respects the characteristics of its surroundings, demonstrates good design and offers reasonable access to a range of services and facilities normally in a settlement identified in Policy RA2.
- Members may wish to note that the conjunctive linking the above criteria is 'and'. All three criteria should therefore be fulfilled for development to comply with Policy H2.
- 6.9 At its last assessment in June 2014, the Local Housing Needs Survey for Longtown Group Parish found a need for 2 affordable homes, 1 mixed tenure home and 4 homes of undetermined need. Further, the Council's Housing Development Team support the planning application and confirm that the proposed initial occupants of the dwelling meet the criteria for local connection and affordability. Thus your officers consider a local need for affordable housing to be proven and, subject to an appropriately worded section 106 agreement, the development would assist in meeting that need in perpetuity. Therefore criteria 1 & 2 are satisfied.
- 6.10 Criterion 3 sets out a test for the appropriateness of a rural exception scheme and can be broken into two divisible sub-criteria for decision taking purposes: a) The ability of the development to demonstrate good design and to respect the characteristics of its surroundings ('Visual Impact'); and b) The ability of the site to offer reasonable access to a range of services and facilities normally in a settlement identified at Policy RA2 ('Accessibility'). Again, both parts of Criterion 3 should be fulfilled.

## 6.11 *Visual Impact*

- 6.11.1 In terms of visual impact, Policies SD1 and LD1 are also relevant. Policy SD1 requires, amongst other things, that proposals: take into account the local context and site characteristics; are designed to maintain local distinctiveness; and make a positive contribution to the architectural diversity and character of the area including through innovative design. Policy LD1 requires that a development demonstrates that the character of the landscape has positively influenced its design and scale; that it conserves and enhances the natural, historic and scenic beauty of important landscapes; and that tree cover is maintained and extended where important to amenity.
- 6.11.2 The application site is a small opening within deciduous woodland and presently comprises the remains of a previous dwelling. It is accessed via a winding, partially unmade and grassed track. A stream flows through the site from the mountain towards the road. The site is enclosed by a dense belt of trees. Land slopes steeply from the road to the site such that the base of the dwelling would be significantly above the Above Ordnance Datum ('AOD') level of the road but would not be visible from it.
- 6.11.3 The site lies within an area of Ancient Border Farmlands landscape character for which the settlement pattern is defined as sparsely scattered and of low density, particularly vulnerable to change. The site's immediate vicinity is representative of this character type being comprised of open fields and deciduous woodland sloping down from the Black Mountains in the west to the Olchon Valley in the east with sinuous single track country lanes providing vehicular access. Very few buildings are provided and where they are, they are almost exclusively in agricultural use. The area is intrinsically beautiful and illustrative of its remote location within the foothills of the Black Mountains.
- 6.11.4 The proposed dwelling would be atop stilts, of a single storey and timber clad. The proposed dwelling draws its appearance from the surrounding landscape, with the buildings massing replicating that of the surrounding trees. The thin columns imitate the thin tree trunks with the larger mass of the dwelling itself sitting within canopies of the trees which merge with one another by virtue of their layering and density. The timber cladding together with the grass roof provides a sympathetic palette of materials to the foliage of its sylvan milieu. Being stilted, the design also obviates potential flooding concerns in relation to the stream which flows through the site. Given the dense woodland between the road (the closest and only realistic public vantage point) and the application site, the development would be almost entirely screened from public view. Little information has been provided with regards the treating of ancillary areas and as such, a condition requiring details of soft and hard landscaping should be appended to any permission given.
- 6.11.5 On the above basis, the proposed dwelling is considered to be of an innovative design, appropriately informed by the unique characteristics of the site and its surroundings. The resultant development is considered to represent good design, making a positive and appropriate contribution to the architectural diversity and character of the area whilst retaining the character and appearance of the intrinsically beautiful countryside.

## 6.12 *Accessibility*

- 6.12.1 In terms of accessibility, Policy H2 requires that *reasonable* access is afforded to services and facilities. A proposal's ability to meet this sub-criterion thus requires a judgement of what may be construed as reasonable in terms of offering access to facilities and services. This test is unlike the equivalent test of Policy RA2 which applies a quantifiable assessment of a proposal's relationship with a settlement – that it is within or adjacent to the main built up part of the settlement. This gives recognition to the fact that rural exception sites will, on occasion, come forward in locations that are removed



from the main built up part of a settlement, hence the term 'exception', though should still relate to that settlement.

6.12.2 Longtown, the nearest RA2 settlement, offers a range of community facilities including a primary school, nursery, public house, village stores and village hall. Given this level of service provision, the Policy RA3 requirement that exceptions sites should offer reasonable access to facilities found normally in an RA2 village is considered relevant.

6.12.3 The application site is 5.0km from Longtown – measured along the quickest route of travel - along a steeply undulating single track road. There is no public transport between the site and Longtown. Given there are 219 settlements at figures 4.14 and 4.15, such distance from the nearest such settlement is considered substantial and illustrative, in this case, of the site's remote location. The journey from the site to Longtown is one that could only reasonably be undertaken in the private motor vehicle, there being no pedestrian infrastructure. For these reasons, it is officer's opinion that the proposed development does not offer reasonable access to a range of services and facilities. Indeed the Berry's Valuation Report which accompanies the application (informing the open market value of the dwelling from which the discount rate would be calculated) acknowledges the site's remote location, suggesting that the proposed dwelling's open market value would be £50,000 less than the sale value of comparable dwellings identified *within* the settlement of Longtown for this reason.

6.13 To conclude on the principle of development, the scheme is considered to provide an affordable dwelling for which there is a need. The proposal represents good design and would uphold the character and appearance of the landscape. However, in being 5.1 km from the closest sustainable settlement, the site is not considered to provide reasonable access to a range of services and facilities. For this reason, officers consider that the development fails to meet the expressed requirements of Core Strategy Policies RA3 and H2 which are founded on the requirement to locate development in sustainable locations expressed by Core Strategy Policies SS4 and MT1 and the NPPF.

#### Other Matters

6.14 The site itself has no designation but is clearly within a very sensitive area regarding ecology which has been identified adequately in the ecological assessments carried out. The Council's Ecologist finds the submitted Ecology and Woodland reports to appropriately assess the impact of the development on its biodiversity context whilst Natural England does not object to the application for reasons expressed at paragraph 4.2 of this report. Should permission be granted, proposals for mitigation, habitat protection and biodiversity enhancements need to be formalised in a full working method statement, a construction environmental management plan and an enhancement scheme respectively. It should also be noted that works should not be undertaken within 10 metres of the surrounding Site of Special Scientific Interest / Special Wildlife Site, or if they are intended, a full and detailed description and mitigation for such works is required. Subject to these provisions, the proposal accords with the biodiversity aims and objectives of chapter 11 of the NPPF and Core Strategy Policy LD2.

6.15 The Council's Transportation Manager does not object to the development. Visibility at the site entrance on to the highway is acceptable. In reaching this conclusion, regard is had to the road class which is 'U', the relatively low volumes of traffic thereon and that the geometry of the highway network limits vehicular speeds. There is sufficient room within the site as to provide for the parking of vehicles whilst maintaining sufficient space for manoeuvring to enable vehicles to enter and leave the site in a forward gear. A severe impact on highway safety has not been found and the development is therefore acceptable in the context of chapter 4 of the NPPF and the elements of Core Strategy Policy MT1 that are relevant to this consideration. This does not override the fact that the proposal does not accord with the MT1 objective that is the promotion, through directing development to appropriate locations, of sustainable transport.

- 6.16 The proposed dwelling would occupy a remote and extensive site enclosed by dense woodland. For these reasons, the residential amenity of proposed and existing residents wouldn't be unduly affected and the scheme accords with NPPF guidance and Core Strategy Policy SD1 in this regard.
- 6.17 For the sake of clarity, officers do not consider the application to meet the tests of paragraph 55 of the NPPF which allows dwellings in unsustainable locations where the dwelling is of exceptional quality or an innovative nature and where that design:
- is truly outstanding or innovative, raising standards of design more in rural areas;
  - reflects the highest standards in architecture;
  - significantly enhances its immediate setting; and
  - is sensitive to the defining characteristics of the local area.
- 6.18 Whilst the proposed development is considered appropriate for its environment in the context of a rural exceptions dwelling, as laid out at paragraph 6.12 of this report, the proposed scheme is not considered to meet the amplified tests of paragraph 55. Specifically, officers do not consider the development to significantly enhance its setting, which is the test prescribed.
- 6.19 It is understood that the applicants provide a local service running the local shop and post office. Policy RA4 supports development in unsustainable locations in exceptional circumstances where "it can be demonstrated that there is a sustained essential functional need for the dwelling" in relation to a rural business. However, the provision of a dwelling on the application site some 6.1km from the shop is not considered to be directly "necessary to the establishment or growth of the rural enterprise".
- 6.20 In considering letters of representation, it is noted that the applicants are repeatedly referred to as 'important' and 'well respected' members of the local community. The National Planning Policy Guidance is clear, however, that personal circumstances should not be used to justify the granting of planning permission. NPPG paragraph 15 on the 'Use of Planning Conditions' confirms that, "A condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building."

### Conclusion

- 6.21 As the Council has been found unable to demonstrate an NPPF compliant housing land supply at appeal, paragraph 49 thereof requires that applications are considered for their ability to represent sustainable development rather than for their inherent conformity with the Local Plan. However, and for the reasons explained within the 'Policy Context' section of this report, the Core Strategy is considered to accord with the aims and objectives on the NPPF in this instance and the housing supply policies of the Core Strategy, Policy SS2 and the housing supply dimensions of Policies RA2 and RA3 in particular here, are considered to retain significant weight.
- 6.22 As a 'rural exception' development, Policy RA3 expects that reasonable access should be provided to a range of services and facilities usually found in an identified settlement. The application site is located remotely from the closest 'service centre' at Longtown, approximately 5km by rural roads, failing to provide reasonable access thereto. For this reason, the proposed development would be contrary to the provisions of Policy RA3 of the Herefordshire Local Plan – Core Strategy and also the NPPF. Therefore, and despite the inherent economic and social benefits of providing an affordable dwelling, even having consideration for the Council's under supply of housing land, the proposed development is not considered to represent sustainable development. On this basis and as directed by Policy SS1 of the Core Strategy and the NPPF, planning permission should be refused.

**RECOMMENDATION**

That planning permission be refused for the following reasons:

- 1. The application is contrary to Herefordshire Local Plan – Core Strategy Policies H2 and RA3 which seek to direct rural exception housing to locations that offer reasonable access to a range of services and facilities found normally in a settlement identified at Policy RA2. The site is 5km (3.1m) from the nearest settlement listed in Policy RA2, a journey that would place reliance on the private motor car. The Council considers the site is beyond what can be considered reasonable accessibility to the services and facilities offered and is thus in a location that is unsustainable and incapable of being made so, which is also contrary to Core Strategy Policies SS4, MT1 and RA3. This fundamental issue represents significant and demonstrable harm that must be weighed against the modest social and economic benefits which accrue from the provision of a single, affordable dwelling. In conducting the planning balance, the Council considers that the adverse impacts associated with the approval of an affordable dwelling in this remote, rural location, significantly and demonstrably outweigh the benefits such that planning permission should be refused.

**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 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.

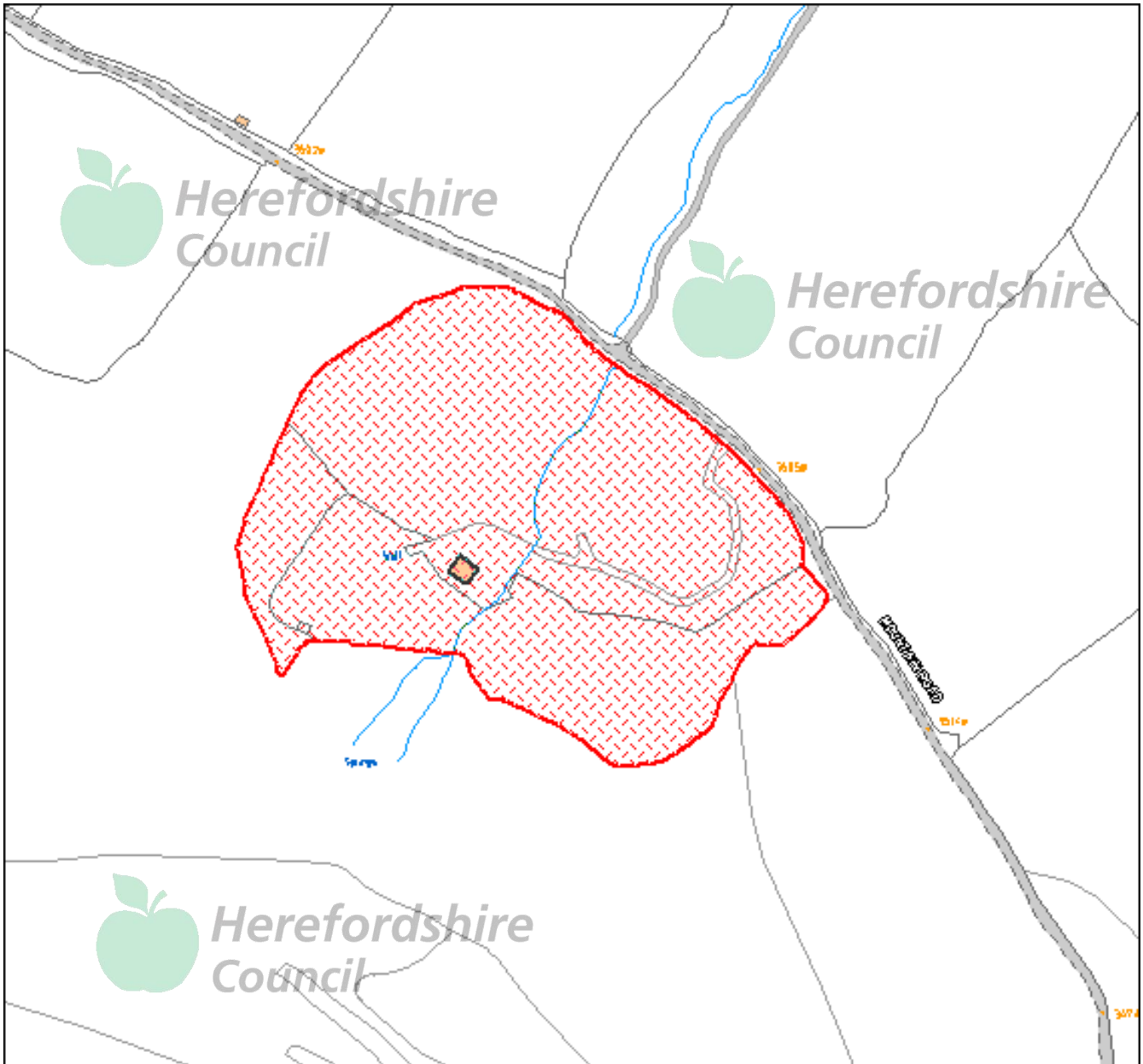
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 152578

**SITE ADDRESS :** LAND AT BETTY HOWELLS, NORTH WEST OF DAREN FARM, LLANVEYNOE, HEREFORDSHIRE, HR2 0NG

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