

MEETING:	PLANNING COMMITTEE
DATE:	26 APRIL 2016
TITLE OF REPORT:	160530 - PROPOSED DWELLING AT LAND AT CROSS PLACE, ACTON GREEN, ACTON BEAUCHAMP, HEREFORDSHIRE. For: Mr R Oliver, Cross Place, Acton Beauchamp, Worcester, Herefordshire WR6 5AA
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160530&search=160530
Reason Application submitted to Committee - Redirection	

**Date Received: 22 February 2016 Ward: Bishops Frome Grid Ref: 369739,249938
& Cradley**

Expiry Date: 28 April 2016

Local Member: Councillor PM Morgan.

1. Site Description and Proposal

- 1.1 The site is located approximately 7.6 km (4.75 miles) south-east of Bromyard, at Acton Green This area comprises a cluster of roadside houses around the crossroads on the A465 Hereford to Bromyard road. The plot of land lies between two dwellings Cross Place a cottage and The Quest a bungalow.
- 1.2 The proposal is for a three bedroom chalet bungalow in the curtilage of Cross Place. The proposed dwelling measures 15m by 9 m in floor plan, and some 2.5 metres to eaves and 6 metres to ridge. External finish is proposed as red brick under tiles. Internally a kitchen, study, lounge and bed are shown at ground floor with a further 2 bedrooms, bathroom and en-suite within the roof.
- 1.3 A roadside wall and high hedge would be removed alongside the C1138 road to provide a vehicular entrance into the present garden area which currently houses small greenhouses. The properties either side have no boundary fence or wall between these properties each having an open aspect into each others land.
- 1.4 On the opposite side of the road lie two Grade II listed buildings (furthest away) Dawefields and Rose Cottage (nearest to site). These are set back deep into their respective plots away from the C1138 road opposite 'The Quest'.

- 1.5 The application is supported by a written need statement, ecological assessment and soil porosity assessment. The applicant advises that they will move into the new dwelling and will give their existing real estate (Cross Place) to their daughter and partner.

2. Policies

2.1 Herefordshire Local Plan: Core Strategy (October 2015).

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for New Development
RA3	-	Herefordshire's Countryside
RA5	-	Re-use of Rural Buildings
H2	-	Rural Exceptions Housing
SS6	-	Environmental Quality and Local Distinctiveness
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
MT1	-	Traffic Management and Highway Safety
SD1	-	Sustainable Design and Energy Efficiency
SD4	-	Waste Water Treatment and River Water Quality

- 2.2 The 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>

2.3 National Planning Policy Framework (NPPF):

Chapter 6: Delivering a Wide Choice of High Quality Homes
Chapter 7: Requiring Good Design

Paragraph 14 (presumption in favour of sustainable development)
Paragraph 49 (5 Year Housing Land Supply)
Paragraph 55 (New Housing in the Countryside)

2.4 National Planning Practice Guidance:

Use of Planning Conditions (ID21a)
Planning Obligations (ID23b)
Design (ID26): Form, Scale, Details, Materials

2.5 Neighbourhood Plans

There is no Neighbourhood Development Plan being produced for Acton Beauchamp Parish.

3. Planning History

- 3.1 MH1768/89 - 2 bedroom self contained residential unit for daughter and son-in-law Approved.

DCNE2003/2851/V CLOPD - Residential accommodation within curtilage of site (re MH1768/89) Approved.

151183 - Rear Extension, alteration to rear bay window and internal reconfiguration to main house Approved.

4. Consultation Summary

4.1 Statutory Consultations

None.

4.2 Internal Council Consultations

Transportation Manager: No objection.

5. Representations

5.1 Acton Beauchamp Parish Council: No objection.

5.2 Six letters of support have been received raising the following points

- A local family who should be supported in this proposal.
- The building sits well with the neighbouring house (also a bungalow).

One letter of objection has been received stating that Officers have advised them that a new house in Acton Beauchamp parish would not be supported. There are highway concerns as well at this location.

5.2 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=160530&search=160530>

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

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') is the development plan. The Core Strategy(CS) 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 CS 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 CS. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon.

6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS 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 housing

development with proportionate growth of sustainable rural settlements, which are exhaustively listed at figures 4.14 and 4.15, also supported.

- 6.5 In terms of rural settlements, CS 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 Acton Beauchamp who are not producing a neighbourhood plan and is not a settlement listed under Policy RA2 where proportionate growth is envisaged.
- 6.6 Bromyard is the closest CS identified settlement to the site a distance of 7.6km. The site cannot therefore be considered to be within or adjacent to an identified settlement and the proposal is fundamentally contrary to Policy RA2. Accordingly the site is considered to be in open countryside where RA3 is the appropriate policy. Remembering that the Council cannot presently demonstrate an NPPF compliant supply of housing land, it is your officers' opinion that Bromyard 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 to the specific characteristics of this application, the housing supply dimension of the CS is considered to comply with the direction of the NPPF.
- 6.7 At the time of writing of writing this report this Council does not have a 5 year housing land supply, as per paragraph 49 of the NPPF, and consequently less weight is given to Policies SS2, SS3 and RA3 of the Local Plan in respect of new housing supply.
- 6.8 Recent appeal decisions at Leintwardine and Ledbury and a Court of Appeal judgment amongst other points came to the view that 'out of date' policies because of the housing land supply being under 5 years do not become irrelevant, it is simply that the weight is for the decision maker. The decision overall is one of planning judgment and balance, which includes the weight properly attributable to the NPPF and the housing shortfall and all other relevant policies and facts.
- 6.9 New housing development is directed to Hereford City, Market Towns and settlements identified for proportionate growth. The proposal is located outside of such areas in Herefordshire's countryside where Policy RA3 is relevant in respect of new housing. The proposal does not meet any of the criteria (1-7) in that Policy that would allow for such development at this rural location namely:
- Meets an agricultural or forestry need or farm diversification enterprise;
 - Is for a rural enterprise;
 - Is a replacement dwelling;
 - Sustainable reuse of redundant or disused building in association with Policy RA5 [This proposal does not involve the re-use of an existing building];
 - Is rural exception housing (Policy H2);
 - Exceptional or innovative design;
 - Site for Needs of gypsies or travellers.

Nor does this proposal satisfy Policy H2 (rural exception sites) which allows for affordable housing schemes where:

- This assists in meeting a proven local need;
- Affordable housing is made available and retained in perpetuity for local people in need of affordable housing; and
- The site respect the characteristics of its surroundings, demonstrates good design; and offers reasonable access to a range of services and facilities normally identified in a Policy RA2 settlement.

- 6.10 The National Planning Policy Framework (with its three dimensions to sustainable development (namely the economic, social and environmental roles) in paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development, as defined in paragraphs 18 to 219 of the NPPF.
- 6.11 This development is in a countryside location some 7.6 km by road from Bromyard town centre with its attendant shops and services and recreational resources. This is not on balance considered to be a sustainable location for new private market housing which does not satisfy any exception in Policy RA3 which would allow for such development.
- 6.12 The supporting information provided by the applicant sets out the personal circumstances for the new dwelling, along with support from local residents on this matter. While this is a social dimension to sustainable development (in the NPPF), personal circumstances do not run with the land on which permission relate, and in the long term this cannot be made a planning condition of any planning permission.

Design/Neighbouring Amenity/Landscape

- 6.13 The proposed design is simple and is not of any architectural excellence however in the context of the neighbouring bungalow it would not be out of character at this location, with no appreciable wider landscape implications. Residential amenity for existing and future residents would be safeguarded due to the orientation and design of the dwelling in relation to neighbouring dwellings.

Historic Environment and Heritage Assets

- 6.14 The two listed buildings on the opposite side of the road are sufficiently set back so as to their setting being preserved along the roadside.

Accessibility/Highway Safety

- 6.15 The Transportation Manager raises no objection. This is close to the crossroads and on a single width carriageway where traffic speeds are likely to be low. The C1138 road is straight at this location with some forward visibility.

Waste Water

- 6.16 A package sewage treatment unit would be provided which would provide capacity to deal with waste water from the proposed dwelling. There is a neighbouring field available for underground soakaway pipes.

Ecology

- 6.17 No ecological implications arise from proposal, as evidenced in the supporting information.

Conclusion

- 6.18 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 this report, the CS is considered to accord with the aims and objectives on the NPPF in this instance and the housing supply policies of the CS, Policy SS2 and the housing supply dimensions of Policies RA1 and RA3 in particular here, are considered to retain significant weight.

- 6.19 The site is located in a rural location some distance from a sustainable settlement as identified in the CS. This will mean that occupancy of the dwelling will give rise to significant journeys to Bromyard and beyond for basic day to day shopping, other services and recreation which has overriding economic and environmental implications due to car use reliance. Consequently this is not considered a sustainable location for this proposal.
- 6.20 Policy SS1 and RA3 of the Herefordshire Local Plan seek to achieve sustainable development, and given this proposal's location in the countryside, some distance from day to day shopping, other services and recreation this is considered contrary to that Local Plan and the National Planning Policy Framework. The personal circumstances of the applicant are not an overriding material consideration in this instance.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **The proposal is contrary to Policies SS1 and RA3 of the Herefordshire Local Plan: Core Strategy (October 2015), and the requirement to achieve sustainable development in the National Planning Policy Framework (2012).**

INFORMATIVES:

- 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.**

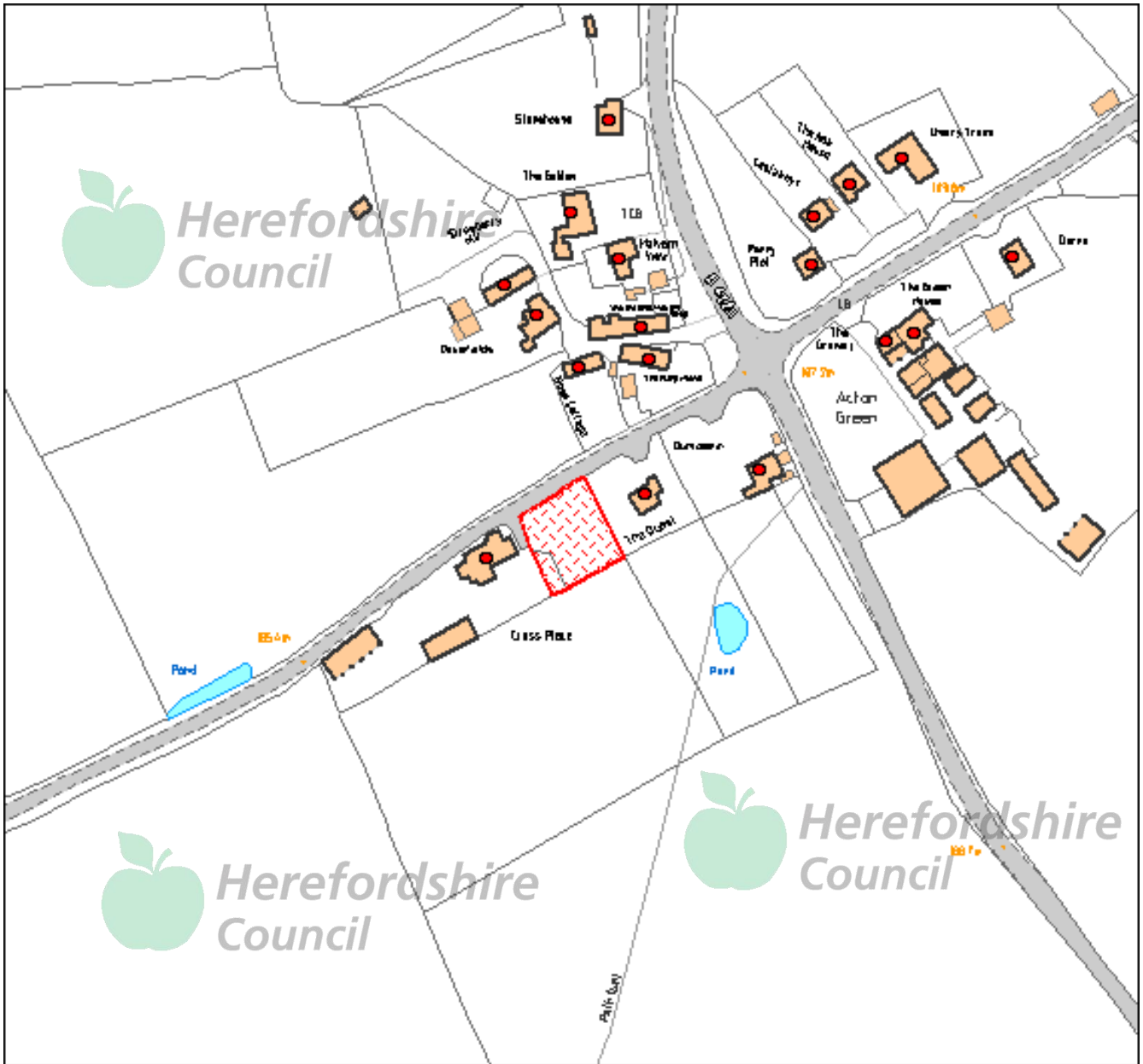
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 160530

SITE ADDRESS : LAND AT CROSS PLACE, ACTON GREEN, ACTON BEAUCHAMP, HEREFORDSHIRE

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