
Appeal Decision

Site visit made on 27 October 2014

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 December 2014

Appeal Ref: APP/W1850/A/14/2223809

Land at Wharton, Hereford Road, Leominster HR6 0NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by GR and HC Davies against the decision of Herefordshire Council.
 - The application Ref P140570/O, dated 21 February 2014, was refused by notice dated 20 May 2014.
 - The development proposed is residential development and new vehicular access onto B4361.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 28 November 2014.

Decision

1. The appeal is allowed and planning permission is granted for residential development and new vehicular access onto B4361 on land at Wharton, Hereford Road, Leominster HR6 0NY, in accordance with application Ref: P140570/O, dated 21 February 2014, and subject to the conditions contained in the Annex to this decision.

Procedural matter

2. The application is in outline with all matters other than access reserved for subsequent approval.

Main Issues

3. The application was refused for reasons which included concerns about biodiversity. The Council confirmed that additional information submitted in connection with the appeal overcame this objection, and I see no reason to disagree.
4. The main issues are:
 - i) the effect of the proposal on the supply of housing, and
 - ii) whether the proposal represents sustainable development.

Reasons

Housing supply

5. The site comprises an open field located between the B4361 road and the Hereford to Leominster railway line. Wharton comprises a loose grouping of sporadically located dwellings, and it is not one of the settlements identified in the Herefordshire Unitary Development Plan (UDP) where residential development may take place, and thus it is classed as open countryside. However, the Council does not rely on policies restricting development in the open countryside
6. It is common ground between the main parties that the UDP is out of date, and that the Council is unable to demonstrate a 5 year supply of housing land. In such circumstances, the National Planning Policy Framework (the Framework) says 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.
7. The Framework attaches considerable importance to the need to meet the full objectively assessed need for housing. The failure to demonstrate a 5 year supply of housing land and an appropriate buffer indicates that this important planning objective is not being adequately addressed. Accordingly, I attach significant weight to the proposal in contributing towards meeting the housing needs of the area.

Sustainability

8. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. The Framework explains that for decision-taking, this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
9. In this case, relevant policies for the supply of housing land, and those restricting development outside of defined settlement boundaries are no longer up to date, as the application of these policies has failed to ensure that there is sufficient housing to meet the objectively assessed needs of the area.
10. The Council has objected to the proposal on sustainability grounds, but only in respect of the site's locational accessibility. Paragraph 7 of the Framework identifies three dimensions to sustainable development: economic, social and environmental, and I shall consider each of these in turn.
11. The proposal would have a modest impact on employment and economic growth through the purchase of materials and services in connection with the construction of the proposed dwellings. I afford these benefits limited weight.
12. In terms of the social dimension, I have referred above to the failure of the Council to demonstrate that there is sufficient housing land to meet the needs of the area. In view of the Government's stated aims to boost significantly the supply of housing and widening the choice of high quality homes, I attach considerable weight to the contribution that the proposal would make towards meeting these objectives.

13. As part of the social dimension, the Framework identifies accessible local services as fulfilling part of the social role of planning. Wharton has no shops and although there are sporadic facilities and employment opportunities in the area, these are thinly spread over a wide area and limited in nature. The road running past the site leads to Leominster, some 2 miles or so to the north, which has a wide range of facilities and services, together with transport links to elsewhere. The road between Wharton and the outskirts of Leominster lacks lighting or a footpath. From what I saw on my visit, the road is well-used, although not busy in the middle of the day. However, speeds are fairly high, and I consider that it would be unattractive to use either on foot or on a bike.
14. There is a bus stop adjacent the site, with services running between Hereford and Leominster at a fairly regular basis, although I accept that the times of the earliest and latest services might not be suitable for some people getting to and from work.
15. In my view, the location of the site is likely to result in a fairly highly dependence on the private car to reach most travel destinations. However, occupiers of the proposed dwellings would have some genuine alternatives to travel by car, and I consider that the social dis-benefits of its limited accessibility are very much outweighed by the advantage of providing more housing.
16. In environmental terms, the Council does not allege any harm to the character and appearance of the area, and I consider that the proposed dwellings would be reasonably well related to existing built development in the vicinity of the site. The need to travel to usual destinations would bring with it a likely increase in car exhaust emissions which contribute to climate change, compared to more accessible sites. However, the closeness of the site to Leominster means that many of the journeys occupiers would be likely to be short, and therefore it would result in only limited environmental harm.
17. Taken together, I consider that the limited environmental harm that I have referred to is outweighed significantly by the social benefits that new housing would bring. The modest economic benefits to which I have referred help to tilt the balance further in favour of the proposal. Thus, I consider that, in the round, the proposal constitutes sustainable development, to which the presumption in its favour applies.

Other matters

18. A neighbouring occupier has drawn my attention to the need to ensure that the proposal does not worsen the existing drainage arrangements, and has expressed concerns about building on a flood plain. The grant of planning permission does not directly affect private covenants, the enforcement of which is a private matter between the parties concerned. The site has not been identified as being within recognised Flood Zones 2 or 3, or an area within Flood Zone 1 which the Environment Agency has notified the local planning authority as having critical drainage problems.
19. Thus, whilst the Council's Natural Resources consultee considered it essential to seek a Flood Risk Assessment (FRA), having regard to the advice in the Framework and the national Planning Practice Guidance, it was not imperative to do so, and I am satisfied that the matter can be dealt with by condition.

20. The site lies opposite Cooks Folly, a Grade II listed building, on the other side of Hereford Road. The house is set well back from the road, and I am satisfied that new houses in such a location, well separated from the listed building, would preserve its setting.

Conditions

21. The Council has suggested a number of conditions which I have assessed in accordance with national guidance. Besides the standard outline conditions, it is necessary to impose controls in respect of visibility splays and the location of gates and doors, in the interest of highway safety. In view of the concerns expressed about flooding, a condition to require details of surface water drainage to be submitted is necessary to ensure that the site is flood resilient. Although such a condition was not specifically suggested by the Council, the consultee's request for a FRA should ensure that it would not come as a surprise to any party.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

Richborough Estates

ANNEX

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 113m in each direction along the nearside edge of the adjoining carriageway. Nothing shall be erected, planted and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.
- 5) Any gates or doors shall be set back 6m from the edge of the adjoining carriageway and shall be made to open inwards only.
- 6) Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority

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