
Appeal Decision

Site visit made on 25 October 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/W1850/W/22/3310188

Land North of Gilberts Wood, Ewyas Harold, Herefordshire

- 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 Mr Gary Gittings against the decision of Herefordshire Council.
 - The application Ref 221876, dated 8 June 2022, was refused by notice dated 20 September 2022.
 - The development proposed is residential development of up to 25 houses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved for later determination except access. The appeal has been considered on this basis, treating the submitted indicative layout plan as illustrative only.

Main Issues

3. The main issues are:
 - whether the proposal would comprise an acceptable location for development having regard to the provisions of the development plan;
 - whether the highway access arrangements would be acceptable, in particular pedestrian accessibility to local services; and
 - the landscape and visual effects of the proposal.
4. An objection that the scheme would not provide the necessary affordable housing and other planning obligations has been overcome following a S106 agreement between the appellant and the Council dated 14 July 2023.
5. Subsequent to the decision notice with its reason for refusal relating to the drainage strategy for the site, the Council's drainage officer has confirmed¹ that there are no objections in principle however further details would be required before progressing the application to approval of reserved matters/discharge of condition stage. Since the application is only in outline, a suitable condition could be attached to ensure satisfactory details in due course.

¹ Letter dated 1 June 2023

Reasons

6. The proposal is for a residential development of up to 25 dwellings on a long, irregular parcel of agricultural land about 2.17 ha in size running to the north of Gilberts Wood and Oakbrook Close which form part of the eastern outlier of Ewyas Harold. The sloping site lies to the east of the B4347 road to Abbey Dore and comprises grazing pasture with a central group of farm buildings.

Location

7. Ewyas Harold lies in the rural area outside Hereford and the market towns where Policy RA1 of the Herefordshire Local Plan Core Strategy adopted in October 2015 (the HLPCS) proposes a minimum of 5,300 new dwellings during the period 2011-31 with about 12% of this total – a minimum of 304 dwellings - in the Golden Valley housing market area. This area includes Ewyas Harold and ten other villages identified as 'the main focus of proportionate housing development'. Policy RA2 states that neighbourhood development plans will allocate the sites 'or otherwise demonstrate delivery' to meet these targets and sets the criteria for housing proposals. These include that their design and layout should reflect the size, role and function of the settlement concerned and that their location should be within or adjacent to the main built-up area. Unfortunately, no recent monitoring evidence is submitted to establish whether the 5,300 and 304 figures for the rural area and Golden Valley respectively are being met or exceeded.
8. Following the HLPCS, the Abbeydore, Bacton, Ewyas Harold, Dulas, Llancillo, Rowlestone and Kentchurch Parishes Neighbourhood Development Plan (the NDP) was made in April 2018 to plan for the 2011-31 period. This states that Ewyas Harold is the largest village in south-west Herefordshire with 486 dwellings and a range of services and facilities. The 12% indicative growth target suggests an increase of at least 58 dwellings is required, but the NDP noted that there were already 53 commitments in the form of 2 completions and 51 planning permissions. Again, no recent monitoring information is submitted, but on the site visit it was seen that about 38 dwellings are nearing completion next to Callowside. It is therefore likely that the figure of 58 is at least being approached.
9. The NDP defines a settlement boundary for the village which follows the southern boundary of the appeal site and includes twelve criteria to be used to assess housing proposals in Policy EH1. As an outline application for up to 25 dwellings the quantum, mix, layout and design of the development would all be determined at reserved matters stage. The site lies adjacent to the settlement boundary, so the only criterion in dispute is whether the proposal 'can easily be integrated into the wider village and rural environment'. This rather subjective criterion lies at the heart of the appeal but can only be determined in the round following consideration of the other main issues and is therefore dealt with in the planning balance section below.

Highway access including pedestrian accessibility

10. The vehicular access to the site would be from a new priority T junction off the B4347 in the position of the existing farm track. A 4.8 m access with 8.0 m radii and 2.4 m x 51/51.5 m visibility splays would be provided. Although the reason for refusal states that this may not provide a safe entrance and exit,

this does not appear to be supported by the comments of the local highway authority which relate to pedestrian connectivity to the village.

11. The proposal includes² the provision of a 2.0 m wide pedestrian footway along the eastern side of the B4347 from the site access to connect with the 2.0 m footway at the entrance to Gilberts Wood, a cul-de-sac some 70 m or so to the south. The practicality of this however is not entirely clear given the narrow verge. In any event, there would still be a gap in footway provision from Gilberts Wood to the junction with Elm Green Road, perhaps a further 150 m or so, from where a continuous footway leads to the main part of the village further west with its range of facilities.
12. This 150 m section of the B4347 comprises a semi-rural lane between frontage hedges with narrow and in some sections negligible grass verges on either side. Albeit relatively lightly trafficked and with some street lighting at night, pedestrians and users of pushchairs/wheelchairs would be forced to use the carriageway leading to potential conflict with vehicles and highway safety risks.
13. The appellant has now demonstrated the feasibility of a pedestrian connection which would be provided via Oakbrook Close and Elmdale to Elm Green Road, thus providing a continuous footway link to the village. However, this would only be convenient for dwellings in the eastern part of the site; for those in the western part the route via the B4347 would be considerably shorter and thus still likely to be used. The pedestrian connectivity between the site and the village would therefore be unsatisfactory, discouraging walking to and from the site and leading to highway safety concerns, although it should be said this is already the case for Gilberts Wood, a cul-de-sac of about 30 dwellings whose residents have to use the same route.
14. For these reasons, in the absence of proposals to provide a footway as far as Elm Green Road and perhaps traffic calming to slow traffic, the highway access arrangements would not be acceptable, in particular pedestrian accessibility to local services would be unsatisfactory, discouraging walking and leading to highway safety concerns. This would conflict with HLPCS Policies SS4 and MT1 and NDP Policies G6 and EH4. These require development to provide safe and suitable access, a choice of modes of travel including walking, to accommodate the needs of people with disabilities, and to include links to existing footways.

Landscape and visual effects

15. The site comprises gently sloping farmland adjacent to an outlier of Ewyas Harold within the wide valley of the River Dore. The western section forms part of a large field alongside the B4347 and the lower lying eastern section an individual field wrapping around the rear gardens of Oakbrook Close. Between the two the farm buildings comprise a series of poorly maintained storage sheds with scattered pieces of equipment. The field boundaries are marked by hedgerows, some trimmed, with individual large trees.
16. The appellant's Landscape and Visual Impact Assessment notes that the adjacent housing contains the appeal site to the south with the landscape to the north forming part of the 'Principal Settled Farmlands' landscape type characterised by a rich patchwork of hedged fields and scattered hedgerow trees. This relatively stable landscape is vulnerable to inappropriate hedgerow

² Transport Statement paragraph 3.3.5 & Drawing 23137-01

- maintenance and development pressure, and indeed both Oakbrook Close and Gilberts Wood are examples of past encroachment into this landscape.
17. The proposal would essentially expand the village to the north, with housing extending some 50-100 m further into the agricultural land. This would inevitably involve a significant change in character for the land concerned but would remove the unsightly farm buildings and new structural planting would strengthen existing hedgerows and form a new hedgeline to the north of the farm track. This would establish a strong village edge in place of the various rear garden boundary treatments that currently skirt the field. This would consolidate the landscape qualities of the farmland to the north.
 18. The visual effect of the proposal would be to replace an area of farmland and farm buildings with new housing which would be readily apparent from the surrounding area, in particular nearby residents, walkers on the west-east footpath to the north and those using the B4347 and Elm Green Road. The topography limits views from public locations further afield.
 19. Whilst there would be some boundary screening, rear facing views from the properties in Oakbrook Close would be particularly affected by housing in the adjacent field, but this would follow from the unfortunate way the close was developed projecting into the field with minimal landscaping. Some residents in Gilberts Wood and 'Val Dor' also have wide or glimpsed views of farmland. However, the group of unattractive farm buildings would be removed offsetting at least some of the harm. The other property affected, 'Garthside', isolated on higher ground across the field to the north-west, has longer distance views. From here, the eastern part of the scheme would be barely visible due to the intervening hedge, but the western part would appear noticeably closer than the existing housing, albeit mitigated by a new landscaped edge to the village and removal of the unsightly farm buildings.
 20. The visual effects seen by walkers on the west-east footpath which leaves the B4347 next to Garthside would be similar to those seen from the property, whilst road users approaching along the B4347 would observe the closer village edge and an additional cul-de-sac, again mitigated by new landscaping along the village edge and removal of the farm buildings. Visibility splays and a section of new footway along the road would involve some hedge and verge loss and this would harm its current semi-rural character. Finally, the development would be seen over the roadside hedge by travellers using Elm Green Road to the east of the fire station.
 21. Taken together, the proposal would have the landscape benefits of removing the farm buildings and establishing a stronger village edge, albeit the latter would appear raw at first and only become fully effective over time. On the other hand, farmland would be lost and there would be adverse visual effects for some sensitive receptors, particularly nearby residents and recreational walkers, these effects reducing in time as the scheme and its landscaping matures.
 22. For these reasons the proposal would have some adverse landscape and visual effects, particularly at first, but these would be relatively minor for a peripheral greenfield development of up to 25 houses given the topography of the site, the removal of unattractive farm buildings, the existing hedgerow screening along the north of the eastern field and the new landscaped village edge. There would however be some conflict with HLPSC Policy LD1 and NDP Policies

G1 and EH1. These require proposals to be positively influenced by the character of the Golden Valley landscape, to protect and enhance the setting of settlements, and to enhance the character of the area.

Planning balance

23. Given the development plan background and local circumstances, this appeal decision turns on the weight given to a series of different factors. The HLPCS is now eight years old and thus a review is overdue, after which presumably the NDP will also require updating. Up to date monitoring figures against the HLPCS housing requirement have not been provided, but the September 2022 delegated report states that the Council can demonstrate a respectable 6.19 years housing land supply. It would also appear that Ewyas Harold is at least on course to deliver a 12% increase in housing over the period to 2031, albeit this target figure is indicative only and delivery elsewhere in the Golden Valley or rural area may be behind schedule. The quantitative need for the proposal is not therefore clear cut.
24. In terms of benefits, the proposal would deliver up to 25 dwellings, of which 35% would be first homes, social/affordable rented units and dwellings for shared ownership, which would make a valuable contribution to local housing needs and provide social and economic benefits for the village. Contributions would also be made towards other infrastructure requirements.
25. Turning to the disadvantages, for a scheme of this size on a greenfield site the adverse landscape and visual effects would be relatively minor, but the need for a further up to 25 dwellings in Ewyas Harold is not clear cut. In addition, the highway access arrangements would not be acceptable in that pedestrian accessibility to local services would be unsatisfactory, discouraging walking and leading to highway safety concerns.
26. It is also relevant that a large scale housing scheme of about 38 dwellings is already nearing completion next to Callowside in a significant expansion of the eastern outlier of the village, and that footway improvements have been provided along Elm Green Road to ensure a continuous pedestrian route to the main part of the village which would not be the case here.

Conclusion

27. On balancing these factors and given the evidence in relation to quantitative need, the proposal does not meet the NDP Policy EH1 test of being 'easily integrated into the wider village and rural environment'. HLPCS Policy RA2 envisages that neighbourhood development plans will have the primary role in allocating the necessary sites and the NDP allows for the site next to Callowside by including it in the settlement boundary. In the circumstances of this case the flexibility for further housing sites adjacent to the settlement boundary does not justify up to 25 dwellings on the appeal site. The proposal conflicts with the development plan taken as a whole and material considerations do not outweigh this conflict.
28. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR