
Appeal Decision

Site visit made on 24 March 2015

by P N Jarratt BA DipTP MRTPI

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

Decision date: 31 March 2015

Appeal Ref: APP/W1850/A/14/2224785

Land at William's Mead, Bartestree, Herefordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Rowson against the decision of Herefordshire Council.
 - The application Ref P132536/F, dated 1 October 2014, was refused by notice dated 12 March 2014.
 - The development proposed is the development of 50 new dwellings of which 18 will be affordable (36% affordable housing provision).
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Preliminary Matters

1. The Council originally refused the application on three grounds, including one which identified that as a s106 agreement had not been completed, there was no legal mechanism in place to deal with the payment of contributions or to control the affordable dwellings. However, as an acceptable s106 planning obligation has subsequently been executed which secures the delivery of affordable housing and contributions to education, library, play space, recycling and transport facilities or initiatives, the Council is not pursuing the reason further.

Decision

2. The appeal is dismissed.

Main Issues

3. The issues in this appeal are the suitability of the site with reference to the separation of Bartestree and Lugwardine; the effect of the proposed development on the setting of a listed building; and, whether the proposal represents sustainable development to which the National Planning Policy Framework's (the Framework) presumption in favour should apply.

Reasons

Background

4. The appeal site of about 1.9 hectare is an L-shaped open field adjacent to the A438 Ledbury Road, wrapping around the William's Mead gated residential development to the east, the Grade II listed Prospect Cottage to the west and open fields to the north.

5. The site is outside but immediately adjacent to the settlement boundary for Bartestree as defined in the saved Policy H4 of the Herefordshire Unitary Development (UDP) adopted in 2007. Bartestree is a main village in the UDP and, with Lugwardine, is identified as a village where proportionate growth is considered appropriate in the emerging Core Strategy in which the indicative proportionate growth target of 18% to 2013 would equate to 118 dwellings.

Suitability of the Site

6. Bartestree and Lugwardine are separate settlements despite their relative proximity and the considerable growth that both settlements have experienced in the past. It is evident from the representations made by local people and by the Parish Council that the separate physical identities of both settlements is highly regarded and that the appeal site contributes to this characteristic by its position between the settlements.
7. Although the site benefits from no landscape designations and it is flat and somewhat featureless, it does provide the last and most significant break between the two villages offering a view across open countryside to the north towards the rolling Herefordshire hills. In the Council's 2004 Landscape Character Assessment, the appeal site is situated within the Principal Settled Farmland landscape character type which is heavily prevalent across the county.
8. However, I do not consider the absence of formal landscape designations to be critical in the context of this appeal. It is more a matter of the landscape setting of the settlement and the effect that the proposed residential development would have on the character and identity of the two villages. The proposed development would result in the infilling and loss of a significant undeveloped area that remains between the two settlements, detrimental to their character and legibility and affecting their rural setting. Although the appellant has referred to other open spaces to the west and south of the appeal site, none of these diminishes the importance of the contribution that the appeal site makes to the physical and visual separation of the villages. The coalescence of the two villages would be harmful.
9. I recognise that no existing or emerging policy recognises the appeal site as an important gap, but this does not mean that it is any less important. UDP Policy LA3 seeks to protect the setting of settlements. I regard the gap that the appeal site represents to be an important landscape feature that should be protected from unnecessary development.
10. Reference has been made to the physical position of the Bartestree road sign in support of the appeal proposal, but its position is irrelevant in assessing the contribution the appeal site makes to the separation of the villages.
11. The proposal would not represent ribbon development but development in depth accessed by a service road similar to the adjoining William's Mead development. The appellant describes the gateway to the village as being characterised by the William's Mead development. Whether 'gateway' is an apt description is debateable but the western boundary of that scheme presents a very clear edge to the current built development of Bartestree. It is also significant that prior to the development of William's Mead, the settlement gap would have been substantially greater, such that the remaining smaller gap takes on a greater significance.

12. A Neighbourhood Development Plan (NDP) is being prepared and a survey of potential development sites in the village has been carried out. Some 76% of households responded to the survey. The appeal site has been ranked as the 14th least preferred site out of the 15 sites identified. I note that progress on the NDP has been delayed pending receipt of the Strategic Housing Land and Availability Assessment (SHLAA). Residents generally expressed the view that developments should be moderate, in-fill and/or brownfield sites. The appellant has also referred to the SHLAA and to a view that the appeal site is in a tier of sites deemed suitable and appropriate for future growth. Whilst many sites may be considered as part of the SHLAA, this does not represent the allocation of a site for residential development through the formal local plan process.
13. I note that the Bartestree with Lugwardine Group Parish Council draws attention to recent applications which if all were approved would provide a total of 191 houses representing a considerable increase in the number of dwellings and well in excess of the 117 dwellings over 20 years recommended in the Core Strategy. However I have considered this appeal on its merits.
14. I conclude on this issue that the proposed development would result in the loss of the physical separation between Bartestree and Lugwardine and this would be harmful to the identity and character of the two villages. This would be contrary to UDP Policy LA3 and to Policy HBA9 that seeks to protect open areas and green spaces.

Setting of the listed building

15. Prospect Cottage combines an original 17th century cottage with a 19th century two storey extension. It is set in a large plot equivalent in depth to the appeal site and reflects the historic pattern and depth of development along the main road. This is clearly illustrated on the 1888 OS map. This shows dwellings in generous garden and orchard plots which were adjoining larger scale fields in a farmed landscape, rather than being situated in the centre of the village. The significance of the cottage is in part its 17th century structure and, to some extent, its 19th century addition with the curtilage garden and orchard setting adding to the heritage value of the cottage. It represents the last surviving dwelling to the west of Bartestree village that retains its setting and relationship with the historic landscape.
16. To the west of the cottage is large 19th century house in extensive grounds where the relationship of the cottage to the historic agricultural use has been lost. The development of the appeal site would alter the relationship between the cottage and the farmed land by leaving the heritage assets between two built developments. Notwithstanding the presence of a tall hedgerow on the boundary with the appeal site, the proposed development would adversely affect the significance and setting of the listed cottage.
17. Although the appellant has amended the scheme layout in an attempt to respect the setting of Prospect Cottage, the setting is more extensive than that part of the site immediately adjacent to the cottage. The Heritage Statement (August 2014) submitted with the appeal concludes that the proposed development would cause minimal harm to the significance of Prospect Cottage and this is equated by the appellant to less than substantial harm in the context of paragraph 134 of the Framework. Whilst I agree that the harm caused would be less than substantial, I attach weight to the aspect of setting

related to the listed building's relationship with the historic landscape, which I consider would be harmed and needs to be weighed in the balance.

18. I conclude on this issue that the harm caused to the setting of the listed building is not outweighed by the affordable housing or other public benefits of the proposed development. The proposal is also contrary to saved UDP Policy HBA4 relating to the setting of listed buildings and UDP Policy HBA9.

Sustainability of the Proposals

19. The Council accepts that it cannot demonstrate a deliverable five year supply of housing land in the terms set out in the Framework. The Council's May 2014 assessment indicates that the supply is only 2.61 years when assessed against the emerging Core Strategy. The appellant states that the site accords with the Council's interim protocol for determining planning applications in the absence of a five year housing supply, but in my view that alone is insufficient to justify the development proposal on the appeal site.
20. In the absence of such a supply, paragraph 49 of the Framework indicates that relevant policies for the supply of housing should not be considered up-to-date, which, in this appeal, relates to saved UDP Policy H4 which seeks to restrict residential development outside the designated development boundaries of settlements.
21. This means that the location of the appeal site adjacent to but outside Bartestree's settlement boundary is not a reason to refuse planning permission for the scheme but that the scheme should be assessed in accordance with paragraph 14 of the Framework. This sets out that 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. For decision-taking, this means that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of a development would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicates that development should be restricted.
22. Turning to the three dimensions of sustainable development, I consider that the proposed scheme would lead to economic benefits in the building sector and social benefits through the provision of affordable housing and contributions towards education, play area and library facilities.
23. Although Bartestree is an accessible location within the rural area with a range of services, including public transport links, the nature and location of the appeal site raises questions on its suitability for development. Despite the absence of any landscape designations, the site makes a contribution through its openness to the identity and character of Lugwardine and Bartestree and to the setting of the listed building, which would be harmed through the built development of the site. Consequently these factors would have a negative impact on the environmental dimension of sustainability.
24. I conclude on this issue that whilst the provision of additional housing is a significant benefit, when taking into account all relevant factors, the proposed development would not represent sustainable development in the context of the Framework. It would also not accord with UDP Policy S1 regarding sustainable development.

Other Matters

25. The design and layout of the proposed development has been the subject of criticism. Whilst the design of the scheme might not add positively to the quality or local distinctiveness of Bartestree, its design would nevertheless not appear to be at odds with the character of other developments in the village.
26. Concern has been expressed about traffic generation arising from the proposed development but in the absence of any objections from the highway authority, I consider that the impact on the highway network to be acceptable. Similarly, there are no drainage or flooding issues that could not be satisfactorily dealt with through the imposition of appropriate conditions.
27. I have considered the contributions set out in the planning obligation and consider that all of these satisfy Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and are necessary, directly relevant, and fairly and reasonably related in scale and kind to the development in question.

The planning balance and conclusion

28. Although the UDP pre-dates the Framework, its policy approach towards heritage and landscape issues is broadly consistent with it such that I can award a considerable degree of weight to the UDP policies that I have identified. The NDP and the emerging Core Strategy have not progressed to a point where weight could be attached to them.
29. I have found that in the absence of a five year supply of deliverable housing land, the Framework gives support for the scheme to which I attach significant weight. However, against this must be balanced the harm that the development would cause.
30. The proposed development would result in the loss of physical separation between Bartestree and Lugwardine and this would be harmful to their identity and character. This is an adverse impact to which I attach substantial weight.
31. I also found that the harm caused to the setting of the listed building, which although is less than substantial, would not be outweighed by the affordable housing or other public benefits of the proposed development. I attach moderate weight to the harm that would arise.
32. The totality of the harm I have identified is not clearly outweighed by the social or economic benefits of the development, including the supply of new housing, both market and affordable.
33. In the context of the Framework taken as a whole, the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits of the scheme. Accordingly, the proposal would not represent sustainable development for which a presumption in favour should apply.
34. For the reasons given above and having had regard to all matters that have been raised, including other appeals referred to by the parties, I conclude that the appeal should be dismissed.

P N Jarratt

Inspector