



Appeal Decision

Appeal Statement APPENDIX 1

Site visit made on 28 October 2019 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/W1850/W/19/3235107

Land Adjacent the Link , Church Road, Weston-Under-Penyard, Ross-on-Wye, Herefordshire HR9 7QA

- 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 Dr W Green against the decision of Herefordshire Council.
- The application Ref 184117, dated 5 November 2018, was refused by notice dated 29 April 2019.
- The development proposed is described as the construction of a holiday chalet.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. This is an outline planning application with all matters reserved for future consideration.
4. The policies that the Council has referred to within its first reason for refusal relate to housing development. However, the appeal proposal relates to a holiday chalet, the use of which could be controlled by a suitably worded planning condition. I have considered the proposal on this basis, along with a number of policies relating to tourism development which both parties have referenced.
5. Section 5 of the appellant's Statement of Case and the application form suggest that the proposed use would fall under use class C1 – Hotels. However, it is normally accepted that a holiday chalet sits within a C3 use class, along with holiday lets, timeshares, serviced apartments etc. No specific information has been set out as to why this chalet would not and I have therefore proceeded on this basis.

Main Issues

6. The main issues in this case are the following:
 - Whether the appeal site is suitably located for a new holiday chalet having regard to local and national planning policy; and

- The effect of the use of the proposed access on the safety and convenience of users of the adjacent highway network.

Reasons for Recommendation

Location

7. The appeal site is a parcel of land adjacent to a property known as 'The Link' and is stated as being part of its garden. There is no argument that the site is located outside the settlement boundary of Weston under Penyard. For planning policy purposes, it is located within the countryside.
8. Policy E4 of the Herefordshire Local Plan Core Strategy 2011-2031 (LP) supports development that will help diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight. Policy SB1 of The Weston under Penyard Neighbourhood Development Plan 2011 – 2031 (NDP) is broadly consistent with this policy subject to certain criteria being satisfied, including that the development can be accommodated within the rural character of the Parish. Whilst pre-dating the National Planning Framework (Framework), these policies are broadly consistent with its aims to support a prosperous rural economy and enhancing the natural and local environment.
9. Although the new holiday chalet would be likely to comprise small scale tourism development in this rural area and provide overnight accommodation which could be used throughout the year, in the absence of information relating to the layout, scale and appearance of the proposal I cannot be satisfied that the development would be compatible with the character of the area as required by NDP Policy SB1 and LP Policy LD1. These are considerations intrinsic to the establishing that the nature of the proposal is acceptable in this countryside location. Protecting and enhancing the natural environment is one of the three components of sustainable development as set out in the Framework, as is the support given to sustainable rural tourism which respects the character of the countryside.
10. The appellant makes reference to application 160026 where the planning officer and Inspector considered that the proposal would not have a detrimental impact on the wider landscape. It is likely that given the full nature of that application that plans were provided to show the scale, appearance and layout of this development and therefore allow for full consideration of these matters. This is not the case with the proposal before me and this matter does not provide justification for it.
11. In light of the foregoing, I conclude that I have insufficient information before me to demonstrate that the proposal would be suitable in this location. Accordingly, the proposal conflicts with the purpose of NDP Policy SB1 and LP Policy LD1. There would also be conflict with the aims of paragraphs 83 and 84 of the Framework in respect of the support given to a prosperous rural economy.

Highway Safety

12. Although access to the site is reserved for future consideration, I observed on my visit that there is currently a vehicle access to the site and given its

presence there would be a high probability that this access would be used to provide access to the new holiday chalet.

13. Church Road within the vicinity of the site turns into a private track/pedestrian right of way almost immediately past the appeal site. It is unlikely to be busy with vehicle traffic given these conditions or that vehicles would be travelling at speed within the vicinity of the access.
14. Moreover, the likely use of the access as a result of the proposal would be unlikely to be substantial, and whilst noting the Council's concern in respect of this matter no evidence has been brought to my attention which restricts the use of the current access to the site.
15. In terms of the visibility at the access, I am satisfied that a sufficiently wide visibility splay could be provided to allow users of the access seeing other highway users, including pedestrians and cyclists, without harm being caused to the character and appearance of the area. Such a matter could be controlled as part of a subsequent planning application on the site.
16. In light of my findings, and having regard to the Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, I conclude that there is no reason why an appropriate and safe access to the site could not be provided. Accordingly, there would be no conflict with the aims of LP Policy MT1 which requires, amongst other criteria, for development to demonstrate that the highway network can absorb the traffic impacts of the development and is designed to achieve a safe entrance and exit. The Council also refer to NDP Policy SD1 in its second reason for refusal. This policy relates to community facilities and is not of relevance to the proposal before me.

Other Matters

17. There are a number of listed buildings within the village including the Church of St Lawrence, on Church Lane to the north of the appeal site and tomb chests to the north of the Church tower and the north aisle of the Church. These heritage assets are approximately 60 metres to the north east of the appeal site, and given the distance and intervening development, the development of the appeal site would be unlikely to affect their significance. The proposal would have a neutral effect on the setting of these heritage assets.
18. The appellant references a number of additional local policies which they consider of relevance in this case. I have not been provided with a full copy of these policies so am unable to take them into consideration.

Conclusion and Recommendation

19. The proposal is unacceptable for the reasons given above, and there are no other matters that would outweigh the harm identified or justify a decision other than in accordance with the development plan. Therefore, I recommend that the appeal should be dismissed.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR