



Appeal Decisions

Inquiry opened on 13 November 2007

by **John Papworth** DipArch(Glos) RIBA

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

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Decision date:
11 March 2008

Appeal A: APP/W1850/A/07/2041458

Hereford Waldorf School, Much Dewchurch, Herefordshire HR2 8DL

- 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 DfES Academies against the decision of Herefordshire Council.
- The application Ref DCSW2006/3430/O, dated 24 October 2006, was refused by notice dated 24 January 2007.
- The development proposed is new school buildings and new access to extend existing school facilities.

Appeal B: APP/W1850/A/07/2051192

Hereford Waldorf School, Much Dewchurch, Herefordshire HR2 8DL

- 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 DfES Academies against the decision of Herefordshire Council.
- The application Ref DCSW2007/1091/O, dated 4 April 2007, was refused by notice dated 20 June 2007.
- The development proposed is new school building to extend existing facilities and new access.

Decision Appeal A: APP/W1850/A/07/2041458

1. I dismiss the Appeal.

Decision Appeal B: APP/W1850/A/07/2051192

2. I dismiss the Appeal.

Procedural Matters

3. The Inquiry sat on 13 and 14 November 2007, and on 1, 4 and 11 February 2008, for a total of 5 days. I carried out an unaccompanied visit to the more distant viewpoints and footpaths on 10 February and an accompanied site visit on 14 February. At the end of the fifth day there were outstanding documents to be exchanged regarding possible conditions. I did not close the Inquiry then in case there was a need to resume to hear submissions, but in the event I consider that all parties have had opportunity to comment on the documents in writing. I therefore closed the Inquiry by letter dated 7 March 2008.
 4. The appellant's name set out above was correct at the time of the applications. The name of the department is now The Department for Children, Schools and Families.
 5. The applications were both in outline with means of access only to be considered at this time. The 2006 application was described as having a site
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area of 4.473ha, new buildings of 3,050m², parking increase from 48 existing to 80, access shown on drawing HSS/204/GA/000/03 from the B4348, foul water to mains drainage, and some felling or pruning to trees. The description of the 2007 application differed in that the additional floor area is 2,980m² and the foul water drainage is to be to an on-site treatment plant. In addition, whilst indicative at this stage, both applications were accompanied by drawings of the proposed buildings and later drawings were supplied giving maximum and minimum dimensions.

Main Issues

6. I consider the main issues in both appeals to be;
 - The effect of the proposals on the aims of Development Plan policies on the location of facilities and services.
 - The effect of the proposals on the character and appearance of the Much Dewchurch area and the setting of listed buildings.
 - The effect of the proposals on highway safety and the free flow of traffic.

Reasons

Generally

7. The Council cite a single Unitary Development Plan policy in the reasons for refusal, although I have been directed to other policies within the Development Plan on the location of services and sustainability. I shall also have regard to advice from Central Government including Planning Policy Guidance Note 13 "Transport". UDP Policy CF5 states that improved community facilities or the enhanced use of existing facilities will be permitted where they; 1, are appropriate in scale to the needs of the local community and reflect the character of the location; 2, are located within or around the settlement or the area they serve; 3, would not significantly impact upon the amenity of neighbouring residents; and 4, incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space. This policy is therefore permissive, subject to the four requirements which I shall consider in the following main issues.
8. Before considering the detail of the proposal I shall address two particular matters, the catchment area and the fallback position, and my further considerations will be based on these conclusions.
9. On the first, it appears to me that at present, the nature of the education and the financial implications of attendance together with the availability of state funded schools for the same age range, has resulted in a wide catchment area. This is however weighted to the area around Hereford, which is where the population is centred, and within the county, but with sporadic outlying home locations outside the county. There were differences of opinion over the effect of the proposed enlargement and the move to Academy status. I consider it likely that there would be a tightening of the catchment area but more in terms of reducing the sporadic outlying home locations, and that, due to the nature of both the education and the location of population, there would still be significant travelling into the village, in both numbers and distance. I consider

the likelihood as being that the enlarged school would continue to rely on a sizeable catchment area.

10. Regarding the fallback position, there is an extant permission, although this has less than a year to the end of the five year period and there are still pre-conditions to be discharged. I see no reason why, given the will, a commencement of that permission could not be achieved within the period. The permission is said not to address parking, and to be of a lower energy standard. Overall it is stated to be less well fitted to the needs of the school as now identified. However, it was stated that the accommodation would allow an increase to 314 pupils and still accord with recognised standards. It was further stated that in the absence of the appeal schemes, Academy status could still be achieved with the 2004 permission. On the information before me I am of the view that substantial weight can be attached to the stated intention of proceeding with the 2004 permission.

Location of Facilities and Services

11. On that basis I turn to the location of the village and with regard to the UDP. Much Dewchurch is designated a Main Village, but appears to me a small settlement with limited public transport or other services available; a public house, a church, an old people's home and the school. The local authority area as a whole appears predominantly rural, with Hereford by far the largest settlement. I note the tension referred to in the Unitary Development Plan between concentrating services where the population is, whilst ensuring that rural areas are adequately served. The concentration of facilities in Hereford is identified as resulting in congestion particularly at the river crossings.
12. I am of the view that a concentration of those services requiring a sizeable catchment area may well be inevitable and appropriate, and that in an area such as Herefordshire, such concentration within the city of Hereford, which is a transport hub, would provide for a greater use of public transport than if different services were spread around a variety of settlements away from the city. In the rural areas the Unitary Development Plan has a strategy to focus development within selected settlements acting as local service centres with relatively good accessibility by modes other than the private car for jobs, shopping and other services. PPG13 provides for most development for housing, jobs, shopping, leisure and services in rural areas to be in local service centres which are designated in the development plan to act as focal points for housing, transport and other services, and encourage better transport provision in the countryside.
13. Whilst designated a Main Village, I see little evidence of Much Dewchurch acting as a focal point for the range of facilities and services mentioned, other than the school. There is an allocated site for new housing linked to the provision of a village hall, but this limited additional provision is not likely, in my view, to encourage substantially better transport or the provision of significant additional services or facilities in the village. Having in mind these services, or lack of them, in Much Dewchurch I am of the view that were this proposal to be one involving a search for a new site for a school of the size and type that would result from these proposals, this village would not figure highly in that search. However, the school exists and in terms of pupil numbers, if

not built form, is of a substantial size, and there is also the extant permission to add further buildings and pupils.

14. I heard submissions on the terms used in the policy. I consider that a school is a community facility as stated in the first sentence, and the appeal proposals fall within the policy as being for improved community facilities or the enhanced use of existing facilities. Part 1 refers to the local community and I am of the opinion that the needs to be considered are more than those of just the school community, which is likely to be drawn from a wider than local area. It appears to me that the increased size of the school, buildings and pupil numbers would be larger than the scale required by the needs of the local community as I am not persuaded that the catchment area will contract sufficiently to be able to draw only from a local area. Part 2 provides for development outside the settlement boundary, as in this case, although again, the area that the facility serves is significantly larger than the settlement.
15. The proposed car park is large in my judgement, compared with the numbers of staff and even allowing for parents also parking to assist in classes. This appears to be accounted for by an allowance for parents to park and walk pupils to the main buildings, the distance involved adding to the time that a vehicle would be required to occupy a space compared with a simple drop-off outside the school door. This ease of parking compared with the present situation would not tend to discourage the use of cars from a wide and diversely placed catchment area, and whilst a travel plan could be put into place to encourage the use of sharing and minibuses, I am of the view that there would not be a real incentive for parents or pupils to give up the use of cars, for what could be a longer and more circuitous minibus journey, collecting others, and a resulting longer day away from home. By comparison, I find the lack of parking with the fallback scheme to be an incentive for action.
16. From what I heard, that fallback scheme would be implemented and the school would become a maintained Academy. Therefore pupil numbers are likely to increase to closer to that proposed in these appeals. Whilst the further increase in numbers accounted for in these appeals is relatively small, it is, coupled with the increase in parking provision, a movement in a direction contrary to the aims of advice in PPG13. I conclude that the weight of evidence in this main issue is against yet further expansion of numbers on, and hence travel to, this location, in order to accord with the advice in PPG13 and I consider that the harm to the aims of UDP Policy CF5(1) adds weight to this conclusion.

Character and Appearance

17. The applications are in outline as detailed above, but with particular building areas referred to in the applications and with indicative drawings. I heard that due to the client brief and the advanced nature of the design process, the detail massing of the buildings in each case is unlikely to differ substantially from that shown on those drawings and the later information on maximum and minimum sizes reinforces this view. Both schemes appear to be based on the premise of retaining the existing permanent buildings of the school. Furthermore it appears to me that whilst they would be an eventual change in their use, there would be a need to retain their existing use while building work progresses. These considerations, temporary retention of use and permanent retention of

- buildings, seem to lead to the new building elements being sited to the south, with a courtyard area of approximately the existing playground.
18. Of the listed buildings referred to, I consider the church, listed Grade I, to be the most affected by the proposals, due to its size and location, and the high grade of listing adds weight to my views. The cross, which is also a scheduled ancient monument, and the listed tomb are small with only limited settings in my opinion, and the other buildings and structures to the east of the church are less affected.
 19. I consider it of interest to note the arrangement of two previous schemes dismissed at appeal, one in 1994 (Ref; T/APP/V1830/A/94/241906) and the other in 1996 (Ref; T/APP/V1830/A/96/265018) along with the comments of the two Inspectors involved. Those schemes, this appeal scheme and the 2004 permission scheme have usefully been plotted on a site plan. In 1994 the main objection was to the effect of the kindergarten building on the countryside and the view of the church and in 1996 the main objection relevant to the present appeals was the poor quality of the design, in relation to the church. The approved 2004 scheme protrudes further to the south than that in 1996 but less so than the present proposals.
 20. In isolation I have no adverse comments on the quality of this design. It has clearly been developed by a thorough analysis and understanding of the client brief and the workings of the school. However, the total envelope of built form extends significantly south and west of the main building into the countryside away from the settlement boundary. Whilst not involving the building of a structure in the south field as objected to in 1994, and not over-stepping a sight line drawn from the church porch past a dense conifer, similar to that referred to in 1996, the schemes propose not only large buildings, in my judgement, but also ones that project further than any previous scheme in a south westerly direction, to remain within the sight line. I have considered this sight line and its providence, and whilst agreeing that crossing the line would cause harm to the view from the church porch, do not agree that this is the only consideration with regard to the setting of the listed building.
 21. The Inspector writing in 1994 identified the views back to the church from the countryside, and these are wide ranging and significant in my opinion. The new buildings would, I find, appear prominent from the south, despite being split into two blocks, due to their overlapping form and use of glazing. This prominence would vie with the church for attention in a way that the present, more recessive buildings do not. The disposition of buildings would push the church back into the village and tend to erode its present pleasing prominent relationship with other buildings when seen from the countryside. I consider that in views from the south this arrangement would appear to hem-in the church and the size and siting of the new buildings would dominate the vista, reducing the importance of the historic building as the focal point of the view.
 22. In addition there are the views from the churchyard, identified in 1996, in which there would appear a solid line of building running south from near the original school building with limited stepping down and with the second, further, block overlapping the nearer one to give the impression of a longer range. I consider this form and bulk to be at odds with the general arrangement of buildings in the village and substantially larger than the

- existing, almost domestic, style and size of buildings used by the school. Furthermore, there are proposals to extend aspects of the school activity deeper into the countryside by way of the multi-use games area, the use of the land to the south of the church and the footpath from the car park, all of which would consolidate the dominance of developed land and buildings, movement and activity over this part of the village and the church.
23. This brings me to consider the car park and its access. The site of the car park is presently a rough field in an elevated position to the south of the main road, but opposite the outlying group of houses at Church View. That group may in the future be linked more definitely to the rest of the village by the housing development and village hall mentioned previously, but the field to the south of the road would not be affected, remaining as an open area on the far side of the stream which I find visually defines the edge of the village. Development on this field would extend the village to a significant degree, and whilst what is proposed would be low level surfacing and landscaping, this would change the character and appearance from agricultural countryside to a developed car park. Its location on the edge of the village, divorced from the form and function of the school would appear unattractive and incongruous. I consider this change would be prominent and harmful to the setting of the village, and would further divert attention from the church in certain views.
24. All of these buildings, use of land and car parking will generate activity and movement, and that will be dispersed over a wider area than is currently the case, or is likely with the 2004 scheme. This activity and movement would take place across a swathe of land encompassing both sides of the churchyard and the area immediately in front of it, further divorcing the church and its land from the open countryside.
25. I consider that whilst the existing school, or even the 2004 scheme, represents a significant use of land and substantial buildings when compared with the village, the appeal schemes would add to this to an unacceptable degree, resulting in the school, its built form and associated landscaping, car parking and games areas, activity and movement appearing out of balance with the modest size of the village, dominating the character and appearance of the settlement. In short, swinging the balance from that of a small village with an associated school as an ancillary feature, to that of a large school with a village appearing ancillary to it.
26. In summary it is my opinion that the size of building, the sightline and the retention of existing buildings has generated a form that projects too far into the countryside beyond the settlement boundary, causing identifiable harm to the setting of the church and the village and to the character and appearance of the countryside, and that the location and prominence of the car park and other changes to the use and appearance of land would further dilute the visual importance of the church, reducing the value of its edge of village setting. I conclude that the proposals would fail to preserve that which is of interest in the setting of a Grade I listed building thus failing the test in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The schemes would cause harm to the character and appearance of the countryside and the setting of the village and are hence contrary to advice

in Planning Policy Statement 7 "*Sustainable Development in Rural Areas*" on the protection of the countryside and in particular the statement in Unitary Development Plan Policy CF5(1) that development reflects the character of the location.

Highways

27. Part 4 of Policy CF5 requires development to incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space. It appears to be the case that at present vehicles gaining access to the school, either to park for a length of time or to drop-off pupils, need to negotiate the triangle of grass at the main road, along the narrow approach shared with the church car park, and return the same way. I saw congestion due to the narrowness of the approach, and vehicles backing-up onto the main road. This may well cause concern and disruption to residents and users of the main road, but is limited in duration and localised. The 2004 scheme will result in an increase in pupil numbers with no commensurate enhancement of access or parking provision, but may be the catalyst for action to reduce the use of private vehicles.
28. The appeal schemes would provide a substantial car park and, with conditions regarding sightlines, an acceptable access. In the terms of parts 3 and 4 of Policy CF5 I consider that the proposal would not adversely affect the amenities of residents and does incorporate safe pedestrian access. But, I am not persuaded that the provision is convenient or appropriate, being at a distance from the school, causing the harm identified previously and being of a scale which appears to me out of proportion to the numbers of staff or other users likely to stay longer than just dropping-off pupils. I remain doubtful of the likelihood of use in all weather conditions in this exposed site and consider that provision at this scale would operate against the interests of reducing dependency on the private car, and would limit the effectiveness of any travel plans aimed at securing alternative and more sustainable forms of transport.

Other Considerations and Conclusions

29. I have found harm to the aims of Unitary Development Plan policies on the location of services and Central Government advice on sustainability, to the setting of a listed building, to the character and appearance of the countryside and the setting of the village, in addition to finding that the development would be out of scale with the size and nature of the village and would not provide real incentive to reducing dependency on the private car. To be balanced against these considerations are the various advantages of the scheme as put forward.
30. I make no comment on the quality of education, but do note from my site inspection that the buildings, furniture and fittings appear dated and somewhat tired. The kindergarten facilities appeared more attractive and inviting, although I did not enter the buildings. I have no doubt that the proposed new facilities would be a significant improvement for staff and pupils over those in use now. It is clear from the increase in floor area, as opposed to the less marked increase in pupil numbers, together with the intended investment to bring the school to Academy status, that this should be the case. However, I am assured that the 2004 scheme, which achieves only slightly less pupil

- numbers, is likely to achieve Academy status and would comply with recognised standards.
31. The appeal schemes have been designed to high standards of thermal efficiency and energy use generally, with on-site generation, bio-mass boilers and the like. I see no reason however why the 2004 scheme could not be adapted to incorporate a useful number of these measures. Even with such environmental benefits, I place adverse weight on my conclusions regarding the location, travel arrangements and other environmental disbenefits.
 32. The schemes are stated to be for a school which has links with environmental concerns and land-based activities, for which a location such as this is required. Historically this is where the school has grown, from taking over a village school that had closed, but I am not persuaded that there is any strong link with education on this site under the Academy proposals; a major consideration appears to be land ownership. Nevertheless, education on this site, in improved buildings, would continue with the 2004 scheme.
 33. Diversity in the provision of state education is an aspect of Central Government policy, and the schemes would further that aim. However, so would the 2004 scheme. The protection of the environment is a further part of policy and a balance needs to be struck.
 34. It has also been asserted that the movement of the school into the state sector would have an adverse effect on other local schools in a time of falling school pupil numbers, and even threat of closures. There is the stated intention of proceeding with Academy status with the permitted scheme for 314 pupils, and therefore I attach limited weight to these fears in respect of the increase in numbers associated with the appeal scheme.
 35. The schemes would remove temporary buildings and other features that detract from the character and appearance of the area, but it appears that some of these are in place past the expiry of their temporary permission or without express permission and I am able to attach only limited weight to this consideration.
 36. A unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 has been presented restricting pupil numbers to 330. There had been concern expressed that the increase in floor area over that at present, or provided in the 2004 scheme, could accommodate more pupils than the stated number, or that there may be plans to widen the age range. I attach weight to this undertaking in limiting the numbers, but my objections to the scheme are over the effect of the buildings more than numbers, and the undertaking does not overcome those concerns.
 37. Community use of the new buildings has been referred to, including the church possibly having some use of the hall. I can see that this would be beneficial in providing a quality and size of facility not available at present to this small village community, although out-of-hours use could bring disadvantages.
 38. The appeal schemes would secure Travel Plans by condition and these may provide benefits in reducing the use or numbers of private cars. However, my comments on the scale of the car park provision and the merits of reducing

provision in the 2004 scheme count against me attaching substantial weight to this matter.

39. The 2004 scheme is described as a fall-back situation, often put forward as being a somehow more harmful scheme that an appellant is able to implement, adding weight to the case for allowing a later, and arguably less harmful, scheme. Those aspects of the scheme that are inferior to the appeal scheme are, in my view limited and even then some may be capable of being upgraded, such as the use of energy. Another feature of the 2004 scheme appears to be a 'doubling-up' of the use of some spaces, which it has been suggested to me makes better use of land. Overall I find many aspects of the 2004 scheme preferable, in the more limited effect on the setting of the listed building and the effect on the open countryside, together with the car parking arrangements.
40. I conclude that the proposals fail to accord with Development Plan policy identified and also are contrary to the thrust of national advice on the protection of the countryside for its own sake, sustainable development and the preservation of the setting of listed buildings, this last being the subject of a statutory test in addition. The proposals would cause real and serious harm to the character and appearance of the area, the setting of the church and to the wider environment, whereas the benefits of the schemes, as just set out, do not outweigh that harm in my opinion. In addition, that harm is not overcome by the provisions of the unilateral undertaking or by the use of conditions. For the reasons given above I conclude that both appeals should be dismissed.

S J Papworth

INSPECTOR

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DOCUMENTS

- Document 1 Statement of Common Ground signed by Council and appellant
- Document 2 Revised Access Arrangements submitted by appellant
- Document 3 Overlay drawing 1311/P140 submitted by appellant
- Document 4 Additional appendices to Dr Oram Proof of Evidence submitted by Much Dewchurch Society, lettered A to F
- Document 5 County Archaeological Service Document G submitted by Much Dewchurch Society
- Document 6 Information regarding bus stop land submitted by appellant
- Document 7 Map of area to Newport submitted by Much Dewchurch Society
- Document 8 UDP page 72 submitted by Much Dewchurch Society
- Document 9 UDP pages 8, 9 and 131 submitted by Council
- Document 10 Guidance on the Assessment of Travel Plans submitted by Council
- Document 11 Bundle of draft conditions submitted jointly
- Document 12 Letter 31 January 2008 Minister of State for Schools and Learners to All Directors of Children's Services in England submitted by appellant
- Document 13 Signed Unilateral Undertaking submitted by appellant dated 30 January 2008
- Document 14 P Smith Supplementary proof of Evidence submitted by appellant
- Document 15 M Evans Rebuttal Evidence submitted by appellant
- Document 16 G Prodohl Volume 4 Supplementary Evidence submitted by appellant
- Document 17 J Kasdan-Brown Rebuttal Statement and revised 10.3 submitted by appellant
- Document 18 Statement of Agreement on Matters Relating to Highways and Transportation submitted jointly by Council and appellant
- Document 19 Annual Schools' Census 2003 – 2007 submitted by appellant
- Document 20 Home post-codes list and maps submitted by appellant
- Document 21 Exam results 2007, staff numbers and waiting list submitted by appellant
- Document 22 Floorspace calculations submitted by Council
- Document 23 Hand revised comparison areas submitted by appellant
- Document 24 Drainage drawing submitted by appellant
- Document 25 Submission on working hours submitted by Much Dewchurch Society
- Document 26 Letter DCSF to S Sklan 7 February 2008 submitted by appellant
- Document 27 Larkos v Cyprus referred to by Council in closing
- Document 28 Drawing and schedule of maximum and minimum dimensions regarding Appeal B submitted by appellant
- Document 29 Comments on Document 28 submitted by Council
- Document 30 Comments on Document 28 submitted by Much Dewchurch Society (e-mail comments on Document 31 similar)
- Document 31 Drawing and schedule of maximum and minimum dimensions regarding Appeal A submitted by appellant