

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 194213

Land Opposite Tredunnoch Farm, Llangarron, Ross on Wye, Herefordshire,

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**CASE OFFICER: Mr David Gosset**

**DATE OF SITE VISIT: ..... 29-Jan-2020.....**

**Relevant Development  
Plan Policies:**

**Herefordshire Local Plan – Core Strategy  
Policies:**

SS1 – Presumption in favour of sustainable development  
SS2 – Delivering new homes  
SS3 – Releasing land for residential development  
SS4 – Movement and transport  
SS6 – Environmental quality and local distinctiveness  
SS7 – Addressing climate change  
RA1 – Rural housing distribution  
RA2 – Housing in settlements outside of Hereford and the market towns  
RA3 – Herefordshire's countryside  
SD1 – Sustainable design and energy efficiency  
LD1 – Landscape and townscape  
LD2 – Biodiversity and geodiversity  
LD3 – Green infrastructure  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality  
MT1 – Traffic management, highway safety and promoting active travel

#### **Llangarron Neighbourhood Development Plan**

(PC are revising the NDP and are likely to undergo another regulation 14)

#### **NPPF**

**Relevant Site History:** None

## CONSULTATIONS

	Consulted	No Response	No Objection	Qualified Comment	Object
Parish Council	X				X
Transportation	X		X		
Ecologist	X		X		
Landscape	X				X
Natural England	X		X		
Welsh Water	X		X		
Site Notice	X	X			
Ward Member	X				

Ward Member Swinglehurst was consulted on the application and agreed the matter could be dealt with under delegated authority.

## PLANNING OFFICER'S APPRAISAL:

### Site description and proposal:

The application site is located on the northern side of the U71213, approximately 400m west of its junction with the C1248 that leads to Llangarron. The site is a corner plot formed by the U71213 to the south and the U71212 that spurs off in a north easterly direction.

To the south of the application site lies Tredunnock Farm, a complex of converted barns comprising of 11 dwellings.

The application seeks full planning permission for the erection of one dwelling with associated landscaping and access works.

### Representations:

#### Area Engineer (Highways):

*No objections to the proposed. The site can accommodate the proposed visibility splays, parking and turning meet HC guidance and the impact of the development on the adopted highway would not be classed a severe under the NPPF guidance, therefore please condition as follows.*

#### Ecology:

*The site is within the Wye SAC (Garren Brook) catchment and a Habitat Regulations Assessment process is triggered. The appropriate assessment completed by the LPA should be subject to consultation with Natural England prior to any planning consent being granted.*

*It is noted that the applicant proposes to utilise a new private treatment plant to manage foul water. This new PTP will outfall to a soakaway drainage field on land under the*

*applicants control. The LPA has no reason to consider this cannot be achieved at this specific location.*

*Surface water can be managed through appropriate onsite soakaway-infiltration features.*

*The agreed mitigation can be secured by condition on any planning consent granted.*

*Habitat Regulations (River Wye SAC) – Foul and Surface Water Management*

*All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate infiltration - soakaway system; unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4*

*The supplied ecology report is noted. The relevant working methods should be secured by condition.*

*Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain*

*The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by Janet Lomas dated November 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.*

*Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006*

## **Landscape:**

*The following information and comments are based on the application material and desktop study.*

*Designations/constraints*

- PROW footpath LG36 north-west of site.*

*Relevant policies*

*NPPF*

- Chapter 12 and 15*

*Core strategy*

- LD1, LD2, LD3 and SS6*

*Landscape & visual amenity*

*Read with figures 1 and 2*

*Summary of site*

- *Topography: Relatively flat*
- *Vegetation: Hedgerows and trees to perimeter*
- *Landscape Character: Sandstone Farmlands (Landscape Character Assessment, SPG 2004, updated 2009, Herefordshire Council).*
- *Views: Perimeter hedgerow and trees mostly screen site, apart from gaps (i.e. field access and gappy areas of hedgerow)*
- *Historic: Field pattern and land use appears to have remained unchanged. The site appears to have been surrounded by dense hedgerow trees.*



Figure 1: Aerial image with 5metre contours.



*Figure 2: Historic image. circa 1843-1893 with 5 metre contours.*

#### *Impacts*

- *Change to Sandstone Farmlands landscape character.*
- *Building and associated infrastructure impacts on visual amenity of open countryside and physical landscape.*
- *Impact on existing tree roots and health of trees.*
- *Water management issues due to increased areas of hard surfaces.*

#### Pre-application discussion:

180344/CE

#### Appraisal:

##### ***Policy Context and Principle of Development***

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Llangarron Neighbourhood Area, which published a draft Neighbourhood Development Plan (NDP) for Regulation 14. However this version of the Plan has not progressed and a resubmission and further consultation is awaited. At this stage only limited weight can be afforded to the Plan but policies relating to housing delivery cannot be afforded any weight. The National Planning Policy Framework is a significant material consideration in this decision.

It is a matter of fact that currently the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 11 of the Framework, the relevant policies in the Development Plan for the supply of housing should be considered out of date.

In such circumstances that the development plan is considered out of date the Framework directs decision makers to grant 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 if specific policies in the Framework indicate that development should be restricted to protect areas or assets of particular importance.

The spatial strategy to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (p. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate. There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle.

In terms of the Llangarron Neighbourhood Area it must be acknowledged that it has performed well in relation to its proportionate target of 64 dwellings during the Plan period. Indeed based upon the latest

published figure from April 2019 there have been 27 new dwellings built and there are 44 commitments, an exceedance of 7 dwellings. I am mindful that there have been schemes permitted since this date also including 4 dwellings under ref: 191288 granted at Planning Committee in October 2019 and 3 dwellings under ref: 191276 granted at Planning Committee in December 2019. However it must also be acknowledged that the target represents a minimum growth expectation and that presently, proposals must be considered in light of the inclusion of Llangarron as a settlement where proportionate growth is appropriate and the tilted balance in favour of sustainable development as directed by the Framework.

It is of note that the spatial strategy for the location of housing contained within the CS is considered to be sound and consistent with the Framework; which itself seeks to avoid the development of isolated homes in the countryside through paragraph 79. It is therefore considered that Policies RA1, RA2 and RA3 of the CS continue to attract significant weight in the decision making process.

Notwithstanding the above, the preamble to CS Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, the NDP at this stage has limited weight and it is understood that Regulation 14 is to be undertaken again. With this in mind, while the representation from the Parish Council received touched on the settlement boundary therein, this can only be afforded limited weight at the present time.

With the foregoing paragraph in mind, it is the relationship between the main built up part(s) of the settlement and the site which is to be assessed. I note a previous decision on land to the south of the current site was considered acceptable as it visually and physically formed a part of a separate built cluster of Llangarron. Policy RA2 specifically makes the provision for more than one built up part of a settlement and Llangarron is made up of a number of nucleated clusters. While each planning application must be considered on its own merits and a range of considerations have changed since the above decision it is clear in policy terms at the time that the group of converted barns at Tredunnock Farm form a secondary cluster of Llangarron. However the relationship between the current application site and that cluster and that which was assessed under 184346 is materially different, as discussed below.

The current application site resides to the north of the U71213 whereas all previous development associated with this cluster is located to the south of the road. This means there is a materially different character to the site and that it appears to be in open countryside rather than physically and visually associated with the established cluster, centred around Tredunnock Farm. The pattern of development, as re-affirmed by 184346, is one that lies to the south of the U71213, the application site is one that would indicate development creep into the open countryside.

Core Strategy Policy RA2 states that In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement. I find the application site to be contrary to RA2 in this grain as no development as part of this nucleated cluster has breached the clear physical and visual barrier created by the road.

The application site lies 750m west of the bus stop in Llangarron which is the only manner in which residents can access everyday services without the use of a private motor vehicle. Except for a church and community centre, Llangarron does not provide everyday services. This likely reliance on the private motor vehicle is considered to undermine the sustainability of the location and feeds into the planning balance.

### **Highways**

The proposed access, parking and turning arrangements have been assessed by the Council's Area Engineer for Highways and was concluded that it provides safe access to and from the site and the

visibility splays demonstrated on the submitted plan are suitable and in line with current policy and the relevant guidance. The parking and turning layout is acceptable and adequately provides for the size of the proposed dwelling. It is also noted that the site plan includes bike storage. The Highways Area Engineer was satisfied with the proposal providing conditions were imposed to cover technical details. In this regard it is considered to align with CS MT1.

### ***Ecology and Drainage***

The site is within the Wye SAC (Garren Brook) catchment and a Habitat Regulations Assessment process is triggered. The proposed drainage strategy is to utilise a new private treatment plan to manage foul water with outfall to a soakaway drainage field and surface water to be dealt with by on-site soakaway-infiltration. The appropriate assessment completed by the LPA's Ecologist concluded that the proposal will have no adverse effects on the integrity of the Special Area of Conservation; subject to appropriate mitigation being secured by condition. Natural England have returned a 'no objection' response to the required HRA Appropriate Assessment. The proposal is therefore considered to adhere to LD2, SD3 and SD4 as well as the other relevant statutory requirements.

The application was accompanied by an Ecological Appraisal Report which concluded that the proposed development's effect upon habitats and priority/protected species could be adequately mitigated through a range of recommended enhancements. The Council's Ecologist was satisfied that these enhancements were sufficient and recommended a condition to secure them. As such it is considered that the proposal could adequately meet the requirements of CS LD2 subject to the recommended condition.

### ***Landscape***

The Landscape Character Assessment, which was adopted as Supplementary Planning Guidance (SPG) in 2004 identifies the landscape character as Sandstone farmlands. This is a unique landscape characterised primarily by fields divided by straight, single species hedges. It is an agricultural landscape with a tendency for sheep to be grazed in smaller fields near the farms and land further from the farm buildings being used for agricultural crops.

The Council's Senior Landscape Officer reviewed the proposal and the conclusion of which was that the proposal would result in an objectionable change to the local landscape character and the building and associated infrastructure would impact upon the visual amenity of the open countryside and physical landscape. This would be contrary to Core Strategy policy LD1 which states that development proposals should be influenced by the existing townscape and landscape in regards to site selection, design, scale and nature.

The creep of residential development into the open countryside has irreversible landscape harm and while the site utilises two existing field boundaries there remains an irreversible harm associated with the proposal which is considered to be contrary to both LD1 and the relevant section of RA2 which requires proposal in smaller settlements to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement.

### ***Planning Balance and Conclusion***

The Council cannot currently demonstrate a 5 year housing land supply with the required buffer. As such Paragraph 11 is engaged which seeks to ensure that decisions are made with a presumption in favour of sustainable development and where there is an undersupply of housing land leading to the development plan policies being out of date a planning balance should be undertaken to assess whether "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

The proposal would lead to the supply of one dwelling contributing to the current undersupply of dwellings in Herefordshire as a whole, the benefits of one dwelling in the scheme of the undersupply

is limited. The aforementioned benefits are further limited by the most recent housing delivery figures which demonstrate that there is not a current local undersupply of housing in the Parish or settlement. The spatial strategy of the Core Strategy, which is considered relevant and to hold significant weight in this decision seeks proportional growth throughout the county. With this in mind I give the limited benefits of of a single dwelling towards the wider undersupply only moderate weight.

The proposal represents development creep beyond the very limited bounds of this cluster of housing formed around Tredunnoch Farm contrary to RA2 which seeks to ensure site selection is informed by the local landscape and townscape. Furthermore the proposed intrusion into the open landscape is considered to have an irreversible landscape impact contrary to LD1.

The application site has a lack of access to everyday services and there would be a likely reliance upon the private motor vehicle to access such services and employment.

The design of the dwelling and site layout is considered to be site specific and appropriate for the local environment. However I find the adverse effects, namely the unsustainable development pattern of new open market housing creeping into open countryside, to significant and demonstrably outweigh the benefits of the proposal when taken against the Framework as a whole and considering the sound spatial strategy contained within the Herefordshire Local Plan – Core Strategy. It is therefore my recommendation to refuse planning permission.

**RECOMMENDATION:**     **PERMIT** ☐     **REFUSE** ☒

**CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:**  
*(please note any variations to standard conditions)*

1. The application site is located outside of any identified settlement that can support proportionate housing growth and as such represents unacceptable development creep into the open countryside, a form of development that is considered to be inherently unsustainable and contrary to the sound spatial strategy of the Herefordshire Local Plan – Core Strategy. As a result, the proposal would cause unjustified harm to the wider landscape setting, future occupants would have an undue reliance upon the private motor vehicle to access basic services and amenities and the proposal does not represent a sustainable pattern of development. It is therefore considered contrary to Policies SS1, SS4, SS6, RA2, RA3 and LD1 of the Herefordshire Local Plan – Core Strategy and the relevant provisions of the National Planning Policy Framework.

## Informatives

No way forward





Signed: ..... Dated: .....13 March 2020.....

**TEAM LEADER'S COMMENTS:**

**DECISION:**

**PERMIT** ☐

**REFUSE** ☒



Signed: ..... Dated: 13 March 2020 .....