

DELEGATED DECISION REPORT

APPLICATION NUMBER

220056

Luntley Court Farm, Pembridge, Leominster, HR6 9EH

CASE OFFICER: Planning Contractor
DATE OF SITE VISIT: 16.2.2022

**Relevant Development
Plan Policies:**

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

SS1 – Presumption in favour of sustainable development
SS6 – Environmental quality and local distinctiveness
RA3 - Herefordshire's countryside
RA5 – Re-use of rural buildings
RA6 - Rural economy
MT1 - Traffic management, highway safety and promoting active travel
E4 - Tourism
LD1 – Landscape and townscape
LD2 – Biodiversity and geodiversity
LD4 - Historic environment and heritage assets
SD1 – Sustainable design and energy efficiency
SD3 – Sustainable water management and water resources
SD4 – Wastewater treatment and river water quality

Pembridge Neighbourhood Development Plan 2018:

PEM6 - Design Criteria for Residential Development
PEM8 - Reuse of rural buildings and brownfield land for employment enterprise
PEM10 - Agricultural Diversification and Tourism Enterprises
PEM19 - Protecting Heritage Assets
PEM21 - Protection from Flood Risk
PEM22 - Sewage and Sewerage Infrastructure
PEM23 - Sustainable Design

NPPF

Section 2: Achieving Sustainable Development
Section 6 Building a strong competitive economy
Section 11: Making effective use of land
Section 12: Achieving well Designed Places
Section 15: Conserving and Enhancing the Natural Environment
Section 16 - Conserving and enhancing the Historic environment

Relevant Site History: DCN033060/F - Conversion of redundant agricultural barn into tourist

accommodation – approved 2003.

DCN002064/F - Conversion of agricultural building to 3 self contained holiday units – approved 2001.

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Pembridge Parish Council	X		X		
Dilwyn Parish Council	X	X			
Transportation	X		X		
Historic Buildings Officer	X		X		
Historic England	X		X		
Ecologist	X				X
Land Drainage	X				X
Herefordshire Wildlife Trust	X	X			
Environmental Health (contamination)	X	X			
Environmental Health (housing)	X		X		
River Lugg IDB	X			X	
Natural England	X	X			
Welsh Water	X		X		
Press and Site Notice	X	X			
Local Member	X see below				

PLANNING OFFICER'S APPRAISAL:

Site description

The site forms a part of Luntley Court Farm, an operating farmstead that extends across both sides of Tippetts Brook, two miles south of Pembridge. The site relates to farm buildings, including a Dutch barn and a traditional barn, together with two silos that all occupy the northern farmstead. The ground-floor areas of the barns are used as a cattle shelter (main building) and a general store and milling room (southwestern lean-to).

West of the site are a collection of buildings in residential and holiday let use, including the Grade II listed Luntley Court Farmhouse, the Grade II listed Lower House and three Grade II listed converted barns used for holiday letting. Adjoining the site on its northern and eastern sides are large modern agricultural buildings including a grain store and fodder store.

The subject buildings are not considered to be curtilage listed to either Lower House or Luntley Court Farmhouse.

To the south, on the southern side of Tippetts Brook is Luntley Court, a large Grade II* listed timber framed farmhouse. A dovecote, located 30m northwest of Luntley Court is Grade II listed and a Scheduled Monument.

Proposal

The application proposes the conversion of the farm buildings, including the two grain silos, into two holiday accommodation units and an ancillary farm office. The holiday units comprise a one bedroom unit (1) and a three bedroom unit (2). The one bedroom unit is housed within the silos, with the three bedroom unit occupying the ground and first floor of the traditional barn building. The rear Dutch barn building will accommodate a farm office at upper floor level (unit 3) and at the lower ground level there will be communal facilities (laundry, communal room etc.) to serve the proposed holiday let units.

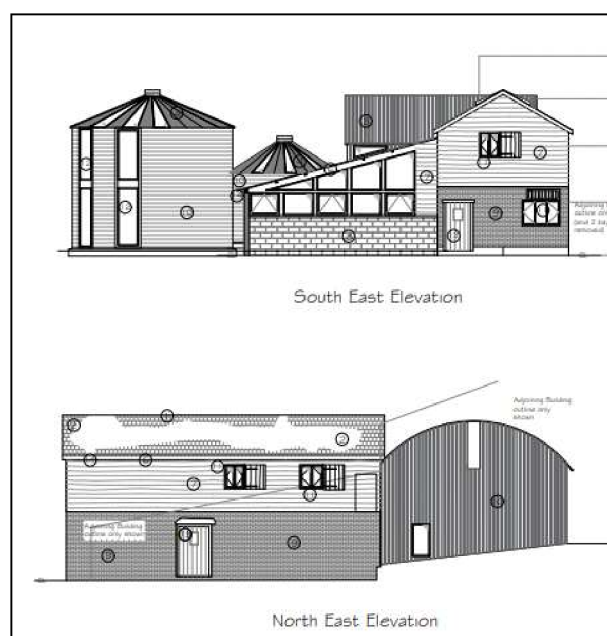
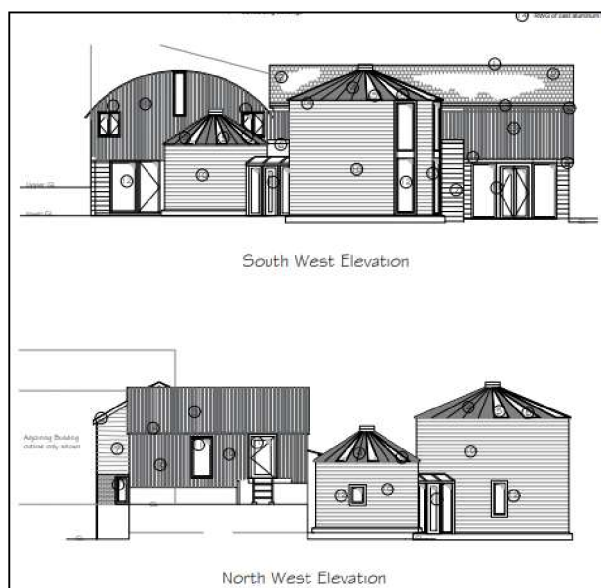
The end bays of the adjacent farm buildings are to be removed with exposed elevations made good with timber cladding. The areas created by the removal of the farm buildings will serve as external amenity space for the three bedroom holiday unit.

Vehicle access is via the existing arrangement. Proposed car parking is west of the existing access, with two spaces provided for each holiday unit.

Foul water management is via an on-site package treatment plant which will discharge by pumped means to a drainage field located 170 northeast of the site.

Proposed plans:





Representations:

Pembridge Parish Council

Pembridge PC SUPPORT this application. Pembridge NDP policy PEM8 - Reuse of Rural buildings and brownfield land for employment enterprises criteria met supporting agricultural diversification and tourism which do not adversely effect the local amenity.

Historic Buildings Officer

Summary: No objection is raised from a heritage perspective. The application would result in to harm to the significance of any nearby heritage assets.

Site: Luntley Court Farm is a cluster of historic and traditional buildings forming two distinct but likely related farmsteads straddling Tibbets Brook in north-western Herefordshire, two miles south of the village of Pembridge in open countryside.

To the south of the brook lies Luntley Court a large grade II* listed timber framed farmhouse dating to the early C16. Historic mapping shows a courtyard of buildings to the east of Luntley Court, roughly U shape in plan, however most of these have now been lost, those that survive have been converted to holiday lets. These include barn about 75m E of Luntley Court, Cowhouse about 20m N of Luntley Court and Granary and Stables about 20m E of Luntley Court, all grade II listed heritage assets. Dovecote about 30m N-W of Luntley Court is grade II listed and a Scheduled Monument.

To the north of Tibbets Brook is another cluster of historic farm buildings, part of which remains in agricultural use. The U-shaped courtyard to the east has been infilled, altered and expanded in the C20 with modern portal frame buildings. The south-western range visible on the map below is one of the building subject to this pre-application advice. The surviving extent of the other two ranges is unknown but likely limited. The building in the centre is Lower House, a grade II listed building, and the structures

immediately north, north-east and north-west are former agricultural buildings now converted for domestic use/holiday let. To the west lies Luntley Court Farmhouse, also grade II listed.



The historic and architectural interest of the group of buildings at Luntley Court lies in the age and fabric of the buildings, which provides valuable information regarding development of the site whilst allowing for an appreciation for the design and craftsmanship of their construction. Their significance also derives from their historic use employed in the traditional industry of farming. Historic farmsteads contribute to the history of farming and settlement patterns in Herefordshire and play an important role in defining its character. The cluster of building at Luntley Court have strong group value.

Although many of the historic barns have already been converted for use as holiday lets, the continuation and expansions of part of the site as an active farmstead is a strong characteristic of its setting. Its rural location and agrarian character make an important contribution to the setting of the group of heritage assets and contribute to our understanding of their development and use. Care should be taken to limit overly domestic features within this setting.

Comments:

Proposal: The application proposes to convert several existing agricultural buildings/lean-tos/grain silos at Luntley Court Farm to holiday lets. Most of the structures marked for conversion date to the latter half of the C20 and as such hold little to no historic value. One building, a two-storey brick and timber framed structure is visible on the earliest OS map for the site (above) and likely dates to the mid C19 and would be considered of some historic value.

Curtilage listing: Considering the established criteria and recent case law, the C19 brick and timber framed barn would not be curtilage listed to either Lower House or Luntley Court Farmhouse. Although based on the extent of surviving historic material, it could be considered a non-designated heritage asset.

Impact on setting of listed buildings: As the buildings to be converted are extant, with new development limited to glass links and new openings where required, it is expected that there will be limited impact to the setting of any of the designated heritage assets identified above through this work.

The proposed block shows the introduction of some patio areas, post and rail fences and planting to demarcate boundaries. These are predominately domestic features and would be alien in a farmyard setting such as this. If care is not taken, these minor introductions can cumulatively impact the character of the site and setting in a significant way, resulting in an overly suburban appearance. Some care should be taken to limit this to preserve the significance of this group of listed buildings.

It is recommended this aspect of the scheme be controlled by a detailed landscaping scheme to be submitted to and approved in writing by the LPA and the removal of PD right from the site.

Proposed Conditions:

- CK3 Landscape scheme
- C65 Removal of PD rights

Historic England

No objection.

Land Drainage

Overview of the Proposal

The Applicant proposes the conversion of existing agricultural barns into holiday accommodation (1x1 bed & 1x3 bed), office and communal room/laundry room. The site covers an area of approx. 0.15ha. Tippet's Brook flows approx. 20m to the south of the site, with a pond found approx. 32m to the south of the site. A tributary of Tippet's Brook is located approx. 160m to the north of the site. The topography of the site is relatively flat as it is found at the bottom of a shallow sided valley. The bottom of the valley slopes from southwest to northeast, following the watercourse. The land to the north slopes to the southeast and the land to the south slopes to the north.

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), January 2022



Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

**except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding.

Other Considerations and Sources of Flood Risk

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

Whilst we understand that there will be no changes to the existing impermeable and permeable areas of the site, as part of the proposed development and that the existing surface water drainage arrangements will be retained, as requested at pre-app stage, the Applicant should confirm whether there are any suitable areas in which infiltration testing can be undertaken. As the proposed development is for residential purposes, a drainage strategy should be submitted to account for a 1 in 100 year plus 40% storm event.

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Where possible, betterment over existing conditions should be promoted. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-riskassessments-climate-change-allowances>.

All new drainage systems for new and redeveloped sites must, as far as practicable, meet the NonStatutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council).

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, a controlled discharge to a local watercourse may be considered. The rate and volume of discharge should strive to provide betterment and be restricted to the pre-development Greenfield values as far as practicable. For brownfield developments, a betterment of at least 20% is considered appropriate. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes. Allowances for climate change would not typically be included in the calculation of existing discharge rates.

On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events. It should be noted that soakaways should be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels, and must have a half drain time of no greater than 24 hours.

For any proposed outfall to an adjacent watercourse, the Applicant must consider the risk of water backing up and/or not being able to discharge during periods of high river levels in the receiving watercourses.

Foul Water Drainage

No foul water drainage strategy has been submitted; however, the intended foul water proposals have been included within the Design & Access Statement. Foul water from the proposed development is to be treated by a package treatment plant, with treated effluent pumped to a drainage field located 170m to the northeast of the barns, in order to adhere to the River Lugg Position Statement and the need to be at least 40m from a watercourse. The Applicant has provided no evidence in the form of percolation test results to confirm that a discharge to ground of treated effluent would be viable. We also object to the proposals for a pumped foul water drainage system, due to the risk of foul water flooding in the event of pump failure. We also note the proposals include the need to cross a highway. Alternative arrangements for the discharge of foul water must be proposed.

The Applicant should undertake percolation tests in accordance with BS6297 to determine whether infiltration techniques are a viable option for managing treated effluent (see Section 1.32 of Building Regulations Part H Drainage and Waste Disposal).

If percolation testing results prove soakage is viable, the following must be adhered to for Drainage Fields:

- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

We notice that the site is located within the river Lugg catchment area, as stated in the Current Development in the River Lugg Catchment Area Position Statement March 2020 and as there is no foul public sewer in the area the following must be adhered to for use of drainage fields, this is to reduce the likelihood of phosphorus reaching the river:

- a) The drainage field is more than 50m from the designated site boundary (or sensitive interest feature) and;
- b) The drainage field is more than 40m from any surface water feature e.g. ditch, drain, watercourse, and;
- c) The drainage field is in an area with a slope no greater than 15%, and;
- d) The drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times and;
- e) The drainage field will not be subject to significant flooding, e.g. it is not in flood zone 2 or 3 and;
- f) There are no other known factors which would expedite the transport of phosphorus for example fissured geology, insufficient soil below the drainage pipes, known sewer flooding, conditions in the soil/geology that would cause remobilisation phosphorus, presence of mineshafts, etc and;
- g) To ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground.

If the above is not true for the site, the Applicant should consider using a drainage mound. Please refer to Sections 1.27 to 1.44 of the Building Regulations, Part H Drainage and Waste Disposal, for further information about drainage mounds. In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage

must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds.

Overall Comment

We recommend that the following information is provided prior to the Council granting planning permission:

- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Submission of percolation test results and subsequent detailed foul water drainage strategy showing how foul water from the development will be disposed of.

River Lugg IDB

This development is within the IDB district. It appears that there will be no changes to existing impermeable and permeable areas so there will be no additional surface water run-of compared to existing. The application form refers to the use of a sustainable drainage system but no details of the existing drainage layout / proposed drainage layout are provided in the application so it is not clear where the surface water currently / is proposed to drain to and whether this is to an existing water course. Please note CONSENT would be required from the IDB should this development lead to any changes to the surface water is be discharged into any watercourses in, on, under or near the site.

Welsh Water

Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

Ecology

The application site lies within the hydrological catchment of the River Lugg SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna.

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

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The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.

The following notes refer in respect of the HRA process:

The development includes additional overnight holiday accommodation with associated additional foul water flows.

No detailed scheme for the proposed management of foul water created by the development has been supplied. The supplied planning statement indicates a new private treatment system – package treatment plant to a soakaway drainage field will be installed.

The drainage field appears to be proposed within a designated habitat of Principal Importance and located between two recorded watercourses. It is also noted that there are multiple 'issues' or water emergence points within 100m of the outlined drainage field. This would indicate that the area may have shallow groundwater or already be considered 'wet' or saturated.

No professional foul water management report has been submitted and supported by relevant ground water, soils and soil saturation and percolation testing (BS6297) to demonstrate that the proposed foul water system is achievable and that it will not create additional nutrient (Phosphate) pathways into the River Lugg SAC.

The nationally identified Habitat of Principal Importance (appears to be potentially botanically interesting permanent grassland) in which the proposed drainage field is located and the pond indicated within 500m (potential Great Crested Newt and Grass Snake presence) has not been subject to any ecological assessment within the supplied PEA by Churton Ecology dated April 2021 and so there is further uncertainty over the ability to achieve a soakaway drainage field at this location.

At this time due to legal and scientific uncertainty and phosphate neutrality not secured there is an identified Adverse Effect on the Integrity of the River Lugg (Wye) Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; and NERC Act obligations.

Other ecology comments:

The "Ecological Impact Assessment at Luntley Court Farm" by Churton Ecology dated April 2021 refers. It should be noted that this report is NOT an Environmental Impact Assessment as legally defined within relevant EIA regulations and is in reality a standard 'Preliminary Ecological Appraisal'.

The supplied ecological report does not appear to have included local biodiversity records search that is normally expected in line with BS42020 guidance – particularly relevant for developments in rural locations where protected species may be anticipated. The LPA has access to HBRC records that include multiple bat species and the presence of Great Crested Newts within the immediate locality.

The buildings proposed for works under this application have potential to support bat roosting, including possibility of low level secondary roosting that can often occur near to established roots and utilise 'less favourable' potential roosting features – such as indicated at this development site. The development could also impact the foraging and commuting patterns and capability of the existing recorded bat populations. There remains an unassessed potential for bats to be impacted by the proposed development and further detailed optimal period surveys are requested so all potential bat usage of all buildings in the immediate agricultural group and commuting and foraging by known bat populations can be fully assessed and relevant detailed mitigation and compensation proposed. This should include assessment of additional lighting and disturbance caused by the operation of the proposed development as holiday accommodation. A fully detailed plan and specification for all proposed mitigation/compensation in respect of protected species and clear details of any species licences required should be supplied so as to clearly demonstrate there are no potential effects of the sustainability of local protected species populations.

As already advised under the HRA notes no assessment of the Habitat of Principal Importance on which the proposed foul water outfall would be located has been supplied and this should be fully rectified in the updated report submitted.

The final ecology information supplied should clearly show the location and full specification of all proposed biodiversity net gain enhancements (over and above any required mitigation or compensation features). Enhancements are expected to help support additional/new bat roosting and bird nesting opportunities.

Until such time as all relevant information has been submitted for consideration there is an ecology OBJECTION raised due to uncertainty on impacts and effects on a recognised Habitat of Principal Importance (irreplaceable habitat) and effects on populations of protected species – any loss or effects would be contrary to Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Transportation

It is noted that the proposal is to convert an agricultural building into a dwelling. These types of conversions have limited highways impacts as the removal of the agricultural use creates an offset of the trips associated with a dwelling.

The existing access is considered appropriate to accommodate the intended use, taking into account the existing uses of the site. In order to secure the visibility and any boundary treatment adjustments condition CAB is recommended at 31m to the west and to the junction to the east from a setback of 2.4m in accordance with the site layout drawing.

The amendments required to form the access will require separate permission from the local highway authority. This is likely to be in the form of a Section 184 Licence and details of this can be found by following the link below. The proposed access specification is not shown. As with all other details of the access arrangements it is recommended that condition CAE is applied to ensure that the correct specification is included.

The vehicle turning area is adequate for the scale of the dwelling. The parking provided is acceptable for the scale and nature of the development. It is noted that the proposal includes the provision of secure cycle storage for the units.

The following link may assist the applicant in discharging conditions:

https://www.herefordshire.gov.uk/downloads/download/585/highways_and_new_development

For any works within the extent of the highway permission from the LHA will be required. Details of obtaining this permission can be found at:

https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents

There are no highways objections to the proposals, subject to the recommended conditions being included with any permission granted.

In the event that permission is granted the following conditions and informative notes are recommended.

- CAB - Visibility Splay Required As Per Submitted Drawing
- CAE - Access Construction Specification
- I11 - Mud on Highway

Environmental Health Housing

As this application concerns holiday accommodation and not residential property, there are no comments from EH Housing.

Press and Site Notice:

No representations received.

Ward Member

Cllr Phillips has been updated and has confirmed that he is content for the application to be dealt with as a delegated matter

Pre-application discussion:

212208 – advice provided in respect to current scheme. General in-principle support offered. Specific cautionary advice included as follows:

Lastly, you will be aware that the site is in the River Lugg catchment and the implications this has in terms of the assessment required under the Conservation of Habitats and Species Regulations. Essentially, the Council is unable to approve any applications at the current moment of time that generate foul water unless they can be shown to be nutrient neutral. The scheme here, which provides additional accommodation and therefore increases the occupancy of the site, would generate additional foul water and hence would be effected by the phosphate issue. The Council's April 2021 Position Statement provides further information on the situation and I attach it to this email for the benefit of the Applicant. I understand that you are likely to explore the possibility of providing a foul management solution which accords with the criteria in the position statement, however from experience the constraints of the site suggest to me that this is likely to be difficult to achieve (bearing in mind the proximity to Tippetts Brook, areas identified as being at flood risk and the likely presence of existing drainage fields within a 200m radius of the site). Should you nonetheless decide to pursue such a strategy, it should be supported by appropriate on site testing with accompanying drainage strategy. It is highly recommended that the services of a qualified drainage engineer be sought to assist with this.

Constraints:

Adj GII, GII*
Contaminated land adj
Flood 2/3 adj
Surface water adj
SSSI Impact Zone
Priority Habitat
Scheduled monument nearby

Appraisal:

Policy Context

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) and the 'made' Pembridge Neighbourhood Development Plan 2018 (PNDP). The National Planning Policy Framework is a significant material consideration.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application

In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight. Notwithstanding that the CS review has not been completed within the statutory time, given the high level of consistency of the policies most relevant to determining the application with the NPPF, the relevant development plan policies are not deemed out-of-date. It follows that the tilted balance at NPPF paragraph 11d does not engage.

Principle of Development – Farm Office

The proposed farm office will serve as ancillary to the well-established farming enterprise. This raises no planning issues and is supported.

A Dwelling in the Countryside?

The proposed three bedroom holiday let is, by virtue of its scale, layout and internal characteristics, tantamount to a single dwelling that could be readily occupied on a permanent basis. It is noted that the supporting Design and Access Statement refers to 'market dwellings'.

If the units were new builds and did not form part of an existing holiday letting arrangement, officers would be minded to extend the assessment scope, with the application subject to the relevant policies in the development plan pertaining to dwellings in the countryside, namely CS Policies SS1, RA2 and RA3. However, it is acknowledged that the conversion scheme proposes letting units that will sit alongside other established holiday lets within the farmstead. The proposal therefore seeks to increase the range of letting types already established, from smaller to larger units. Given this context, officers take the application at face value, that is, the proposed units present as bona fide holiday lets and the intention is to develop them solely for this purpose. The application falls to be assessed against the development plan policies concerned principally with tourism enterprise in the countryside.

Principle of Development – Tourism Enterprise in the Countryside

Paragraph 83 of the NPPF directs that planning decisions should support sustainable rural tourism and leisure developments which respect the character of the countryside. This is reflected at a local level by Strategic Objective 9 of the Core Strategy, which seeks to develop Herefordshire as a destination for quality leisure visits and sustainable tourism by the provision of new, and the enhancement of existing, tourism infrastructure. More detailed CS policy guidance in this regard is provided by CS Policies RA6 and E4.

Broadly, CS Policy E4 seeks to promote Herefordshire as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county's unique environmental and heritage assets and recognising the intrinsic character and beauty of the countryside. Moreover, CS Policy RA6 confirms that proposals which help diversify the rural economy, including through the promotion of sustainable tourism, will be supported subject to certain criteria being satisfied, as follows:

- Ensure that the development is of a scale which would be commensurate with its location and setting;
- Do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;
- Do not generate traffic movements that cannot safely be accommodated within the local road network;
- Do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.

Although the subject buildings are not disused as such and therefore CS Policy RA5 is not strictly applicable, it nonetheless serves as a useful assessment reference given its rural building conversion focus and the fact that the conditions of the subject buildings indicate they may be nearing their useful life expectancy. This policy permits the re-use of disused rural buildings which support the local economy where:

- design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting;
- design proposals make adequate provision for protected and priority species and associated habitats;
- the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;
- the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and

- the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.

Policy PEM8 of the PNDP supports the development of employment generating enterprises through the conversion of rural buildings subject to appropriate character, heritage, amenity and highway safety outcomes.

Policy PEM10 of the PNDP encourages sustainable rural tourism ventures as a form of agricultural diversification provided they do not adversely affect landscape character and existing buildings are used in accordance with Policy PEM8. The supporting text to Policy PEM10 states that support for the tourism sector and agricultural diversification are seen as very important to the local economy.

From the policies above it is clear that there is 'in principle' support at national and local level for tourism enterprise in the open countryside, subject to compliance with relevant criteria and ensuring sustainable development is delivered. More specifically, the conversion of rural buildings for tourism enterprise is expressly encouraged at a local policy level in the form of PNDP Policy PEM8 and PEM10. The proposal, a farm diversification scheme that re-uses rural buildings for tourism purposes, benefits from this policy support.

Landscape Character

NPPF paragraph 174 states that planning decisions should enhance the natural environment by recognising the intrinsic character and beauty of the countryside.

CS Policy SD1 states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. CS Policy LD1 seeks to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, and nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management.

As noted above, PNDP Policy PEM10 supports tourism enterprise where impacts on the parish's rural character is appropriate, with particular support being offered where existing rural buildings are converted (PNDP Policy PEM8).

The conversion works are largely confined to the existing building envelopes, with no enlargements proposed other than the modest glazed links between existing structures. Physical alterations are therefore largely limited to external cosmetic changes, with the introduction of new openings and updated cladding.

The external works to the buildings, which are of substantial construction, will help unify the appearance of the buildings, providing a visual improvement upon existing conditions. The works maintain the rural character of the farm complex and wider area. The proposed garden areas result in some level of domestication, however on the whole the site's agrarian character will remain clearly appreciable and evident. This accords with CS Policy RA5.

The removal of the end bays of the modern agricultural buildings is supported on character grounds, enhancing the setting of the retained and converted traditional barn building. This is a positive character outcome.

Heritage Character

NPPF paragraph 130(c) states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

CS Policy LD4 is concerned with the impact of development on heritage assets and the wider historic environment. The policy seeks to, amongst other matters, ensure development protects, conserves and where possible enhances heritage assets and their settings, and contribute to local distinctiveness of the townscape or wider environment, especially within conservation areas.

PNDP Policy PEM19 seeks to ensure every effort is made to retain and conserve buildings and heritage assets of local importance, including traditional rural buildings.

The subject buildings are not curtilage listed. The traditional barn building is however considered to be of some historic value and is considered a non-designated heritage asset. Its retention offers some heritage benefit and this element of the scheme is therefore welcomed. It responds positively to CS Policy RA5, LD4 and PNDP Policy PEM19.

The HBO considers the physical works to have a limited impact on the setting of any of the nearby designated heritage assets. Concern is expressed in respect to the domesticating of the site with patios, garden areas etc. It is agreed however that this could be adequately controlled by landscaping condition and a PD rights removal condition.

The proposal delivers an appropriate heritage character outcome, consistent with CS Policy LD4 and PNDP Policy PEM19. No heritage character harm is identified that cannot be adequately controlled by planning condition. NPPF paragraph 202 therefore does not engage.

Residential Amenity

CS Policy SD1 requires development proposals to safeguard residential amenity for existing and proposed residents. PNDP Policy PEM1 supports diversification of the rural economy whilst ensuring residential amenity is protected.

The site is set sufficiently away from neighbouring dwellings such that the development will not adversely impact neighbouring residential amenity.

The holiday units are located essentially cheek-by-jowl with an operating farm. If the units were dwellings with permanent occupation then there would be significant concern regarding the potential for reverse sensitivity issues, with noise and odour from the operating farm potentially impacting the amenity of future occupants. This would not accord with CS Policy RA5.

However the intended occupation is not permanent, it is for temporary visitors only. It is well established that amenity expectations associated with temporary holidaymakers are significantly lower than those associated with permanent residents. On this basis, the amenity interface with the existing farming enterprise is considered satisfactory, noting also the added buffer provided by the removal of

the westernmost sections of the adjacent grain and fodder store buildings. The compatibility of the uses is acceptable, in accordance with CS Policy RA5.

Potential contamination issues, noting the proximity of the adjacent farm buildings and their historical uses, could be adequately managed by planning condition. Subject to condition, the proposal accords with PNDP Policy PEM23 in respect to contamination.

No amenity-related concerns are raised that cannot be resolved by condition; the proposal accords with CS Policy SD1.

Highway Safety

CS Policy MT1 seeks to ensure that developments, amongst other matters, are sited, designed and laid out in a manner which ensures the safe and efficient flow of traffic, safe entrance and exit and have the appropriate operation manoeuvring space to accommodate all modes of transport. Generally, the principles of the development plan are consistent with the advice set out within the NPPF.

The Highways Engineer does not object to the proposed scheme. On this basis it is concluded that the application does not compromise local highway safety. The proposal does not conflict with CS Policy MT1 and PNDP Policy PEM24.

Biodiversity

NPPF paragraph 174 seeks to minimise impacts on, and provide net gains for biodiversity. CS Policy LD2 states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of the district. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. PNDP Policy PEM18 seeks to ensure the protection of local biodiversity values.

The application is supported by an April 2021 ecology impact assessment and a further September 2021 ecology impact assessment. It appears that the ecology consultant has reviewed only the April 2021 assessment.

Following the April 2021 assessment two dusk bat emergence surveys were carried out in July and August 2021. The survey findings are reported in the September 2021 assessment. No evidence of a bat roost could be identified in any of the buildings. The report concludes that no further bat survey effort, impact assessment or mitigation is required in relation to roosting bats.

Two survey visits of the pond on the southern side of Tippetts Brook were undertaken to ascertain evidence of great crested newts. No egg folds were visible during the two survey visits and this typically indicates the presence of just a small number of breeding adults. The assessment concludes that the various barriers to site dispersal and the general lack of suitable habitat on the site makes the presence of great crested newts (on-site) unlikely. The assessment recommends mitigation measures in any event given great crested newts given the unpredictability of them.

The assessment considered other protected and priority species and concludes, based on field surveys, that there is limited potential for these to be negatively affected by the proposed development.

The assessment sets out avoidance measures, mitigation and enhancements. These are supported and could be conditioned.

The proposed wastewater drainage field, 170m west of the buildings, is located within a Habitat of Principal Importance. No assessment is made as to the impact of the drainage field and the associated treated wastewater discharge on this habitat. There is no certainty that this element of the scheme minimises biodiversity impacts, contrary to the NPPF, CS Policy LD2 and RA5, and PNDP Policy PEM18.

Water Quality

CS Policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway). With either of these non-mains alternatives, applications are to demonstrate that there will be no likely significant effect on the water quality, in particular of designated national and European sites including the River Wye SAC.

As noted above, the site is in the hydrological catchment of the River Lugg SAC, which comprises part of the River Wye SAC. As observed by the ecology consultant and land drainage consultant, no professional wastewater management report has been submitted and supported by relevant ground water, soils and soil saturation and percolation testing (BS6297) to demonstrate that the proposed on-site wastewater treatment system is viable and that it will not create additional nutrient (Phosphate) pathways into the River Lugg SAC. Additionally, the land drainage consultant objects to a pumped drainage system, due to the risk of wastewater flooding in the event of pump failure.

The application does not adequately demonstrate that wastewater disposal will not have a likely significant effect on local water quality in the River Wye SAC. The application therefore fails to meet CS Policy SD4.

Flooding and Drainage

CS Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water.

No changes to the existing impermeable and permeable areas of the site are proposed, with the existing surface water drainage arrangements to be retained and utilised. On this basis, and noting a drainage strategy could be adequately controlled by condition, surface water management is not a matter that is fatal to the application. CS Policy SD3 is adequately met.

PNDP Policy PEM21 states that development will not be permitted in areas identified as Flood Zones 2 and 3. The site is outside Flood Zones 2/3. The land drainage consultant confirms the site is not at risk of surface water flooding nor is it located within a designated Source Protection Zone or Principal Aquifer. On this basis, the proposal is unlikely to lead to increased flood risk.

Conclusion

There is clear 'in principle' policy support at the national and local level for tourism enterprise in the open countryside.

The proposal responds positively to the criteria set out at CS Policy RA6. A farm diversification scheme that re-uses rural buildings, the scheme accords with Policy PEM8 and PEM10 of the PNDP. The scheme keeps new openings to a minimum, respects the existing internal spaces and features, and avoids unsympathetic non-traditional features. The scheme retains the rural character of the site and there is heritage benefit through the re-use of a non-designated heritage asset. There is no heritage character harm, complaint with PNDP Policy PEM19 and CS Policy LD4 and RA5.

External and internal amenity impacts are acceptable given the proposed non-permanent occupation of the holiday let units. Critical is ensuing that non-permanent occupation is conditioned, as permanent occupation would be tantamount to a dwelling and such a sensitive residential use would result in an unacceptable amenity interface given the relationship with, and the scale of, the adjacent operating farming enterprise.

Highway safety is not unacceptably compromised with the existing access utilised and adequate on-site parking provided.

Countering the above positives, the application fails to demonstrate that local biodiversity values associated with the Habitat of Principal Importance will not be adversely impacted. There is conflict with CS Policy LD2 and RA5 and PNDP Policy PEM18.

It also fails to adequately demonstrate that the water quality of the River Wye SAC will not be adversely impacted. It has not been demonstrated that the wastewater system is viable. Moreover, a pumped system presents significant risk from mechanical failure and is not supported. There is conflict with CS Policy SD4.

There are no material considerations indicating that a decision should be made other than in accordance with the development plan.

Planning permission is not recommended owing to the magnitude of the conflict with the development plan, including the Pembridge Neighbourhood Development Plan and the NPPF.

RECOMMENDATION: REFUSE


REASONS FOR REFUSAL:

1. The application fails to adequately demonstrate that the proposal would not adversely impact the integrity of the adjacent Habitat of Principal Importance, contrary to Policies SS1, SS6, RA5, LD2 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy PEM18 of the Pembridge Neighbourhood Development Plan 2018, the Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework 2021 and the Natural Environment and Rural Communities Act 2006.
2. The application fails to adequately demonstrate that the proposed means of foul water disposal adequately protects the water quality of the River Lugg (Wye) Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site), contrary to

Policies SS1, SS6, RA5, LD2 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy PEM18 of the Pembridge Neighbourhood Development Plan 2018, the Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework 2021 and the Natural Environment and Rural Communities Act 2006.

Informatives

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against local and national planning policy, and the implications of this, and any other material considerations. The identified issues are so fundamental to the proposal that it is not possible to negotiate a positive way forward and due to the harm which have been clearly identified within the reasons for the refusal, permission should not be granted.

Signed:  Dated: 15/06/22

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☐

REFUSE

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Signed: *AB* Dated: 23/6/22

Is any redaction required before publication? ~~Yes~~/No