

DELEGATED DECISION REPORT

APPLICATION NUMBER

194139

Site off Chapel Lane, To the North of 'The College', Chapel Lane, Peterchurch,

CASE OFFICER: Mr David Gosset

DATE OF SITE VISIT:8th of January and 11th February 2020.....

**Relevant Development
Plan Policies:**

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

RA6 – Rural economy
SD1 – Sustainable design and energy efficiency
LD1 – Landscape and townscape
LD2 – Biodiversity and geodiversity
LD3 – Green infrastructure
MT1 – Traffic management, highway safety and promoting active travel

Peterchurch Neighbourhood Development Plan

Policy P6 – Landscape
Policy P10 – Traffic and transport

National Planning Policy Framework

Relevant Site History: None

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X				X
Transportation	X		X		
PROW	X		X		
Ecology	X				X
Press/ Site Notice	X				X (14)

Ward Councillor Hewitt granted delegated authority for a refusal recommendation via email on the 21st of February 2020.

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application relates to a parcel of land on the north eastern side of Chapel Lane, approximately 400m east of the village of Peterchurch. The blue line plan indicates approximately 2.6ha of land in the ownership of the applicant.

The proposal has been amended to address local concerns raised through public consultation. The amended plans have undergone a further public consultation.

The amended proposal is for the erection of a single agricultural building, the building is a 4 span steel structure measuring 18m X 8m.

Representations:

Ecology:

The site is on an area that is indicated as a recorded Habitat of Principal Importance (HPI or Priority Habitat) – “Good quality semi-improved Grassland”. The applicant has not supplied any detailed ecological report with appropriate seasonal botanical surveys to clearly and scientifically demonstrate that no loss of HPI will occur as a result of the proposed development, any additional access or movements on site or during any construction processes.

In line with NPPF 175 c and d If any loss is going to occur the ecology report and applicant would have to demonstrate “wholly exceptional circumstances” or that the development has a primary objective of enhanced management of the grassland HPI and that a clear and demonstrated increase in biodiversity value will be secured as a result of the development. All developments should in addition to mitigation and compensation also clearly demonstrate an outcome of a net gain in biodiversity potential.

“Notwithstanding any Agri-Environment scheme that may still be legally applicable to the land any loss of a designated HPI is contrary to: Conservation of Habitats and Species Regulations (2017), NPPF 170-175, NERC Act (2006). The draft Environment Bill and the Agriculture Bill are both relevant to this application, currently before Parliament, and should be considered and given some weight in considerations and during any determination.

Parish Council:

Initial Response: Having considered Planning Consultation 194139 during their meeting of the 17th December 2019, I can report that Peterchurch Parish Council is not prepared to support the application in its current form.

Councillors would have been more receptive had the application sited the proposed building in a position which was less visible from the village or had included plans for landscaping.

Amended Plans Response: *Peterchurch Parish Council have considered Planning Re-Consultation 194139 and, whilst noting the changes from the original application, they considered that their objections against the original application have not been satisfactorily addressed. On this basis, Peterchurch Parish Council are unable to support the proposals as set out in the revised application.*

Public Representations (14 objections, 2 of which were received from one individual) summarised below:

- Scale and use of the building unjustified for the size of the plot.
- Road/ access not proposed to the barn
- Access via Chapel Lane will be detrimental to neighbouring dwellings through increased traffic in construction period and beyond. Question of rights of vehicular access to the site along Chapel Lane.
- Increased risk of flooding from the erection of the building.
- Ecological damage including to a variety of grasses and wildflowers.
- Lack of details regarding to drainage from inside barn of animal waste and no indication of whether the site will be serviced with water.
- Historic interest of the fields.
- Light pollution as a result of the barn.
- Shading of adjacent field and effect upon the flora there on.
- Landscape impact in this sensitive location.
- Potential future use of the site, including speculation of glamping or residential.
- Dog walking disruption for local community using footpath.
- Impact on tourism as a result of the degradation of the natural beauty of the area.
- Lack of site notices placed on initial consultation.

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Pre-application discussion:

None

Constraints:

Natural England Priority Habitat – 422855 – Good quality semi-improved grassland.

Appraisal:

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’ Peterchurch Neighbourhood Development Plan (PNDP). The National Planning Policy Framework 2019 is also a significant material consideration.

The Landscape Character Assessment, which was adopted as Supplementary Planning Guidance (SPG) in 2004 identifies the landscape character as Wooded Hills and Farmlands. This landscape is characterised by varied sloping topography with very prominent field boundaries and hedgerows. The dominant land use is of mixed farming, interspersed with large, ancient semi-natural woods that frame the views.

In considering the physical and visual impacts of the proposal, Core Strategy policies SS6, SD1 and are of relevance. Broadly, these policies seek to ensure that new development is appropriately designed and sited so as to ensure they make a positive contribution to local distinctiveness and the character and appearance of the landscape. Peterchurch NDP Policy P6 requires development proposal to show regard to the varied and distinctive landscape, relevant to the current proposal, by demonstrating the character of the surrounding landscape has influenced the materials, design, scale, form and siting of the development as well as protecting and enhancing the natural, historic and scenic beauty of the area.

Policy RA6 of the HCS states that employment generating proposal which help to diversify the rural economy. A range of economic activities will be supported to this end, which includes the support and strengthening of local food and drink production as well as supporting the retention or diversification of existing agricultural businesses. Proposals will need to be of a scale suitable for the location and setting. The economic benefits for the rural economy will need to be weighed against any impact on the amenity of nearby residents, impact of the local road network and ensure they do not undermine the achievement of water qualities target.

Assessment

As is characteristic of this landscape the topography of the site is relatively steeply sloping, this means that it is widely visible from below in Peterchurch. The proposed location of the agricultural building is relatively central to the two fields in the ownership of the applicant, to the north of the intervening field boundary. This field boundary provides some visual screening to the proposed barn. However, the scale of the building is such that the sporadic tree cover of this boundary will not provide significant screening and the building will be widely visible. Considering the wide visibility of the site and the scale of the building proposed there is considered to be adverse landscape harm associated with the proposal.

The applicant has stated the proposed barn is to support the growth of a rural business and improve animal welfare. It is of note that the application site is not a part of an established agricultural business. While policy RA6 offers support for the diversification of the rural economy it is worded in such a way that emphasises the extension or diversification of existing enterprises. Furthermore development proposals are required to be commensurate with their location and setting. The identified landscape and visual harm of the proposed building in this sensitive location leads to the conclusion that the proposal is not commensurate in size to its location. Furthermore there is insufficient justification for a building of this size considering there is no established agricultural business and the limited area of land to which this is associated.

Limited details have been provided as to the surface water drainage strategy, in an email from the applicant they state that where possible surface water run-off will be captured and re-used on site. While photos of the a nearby site have been sent through, via public consultation, showing surface water running across nearby fields I do not consider the increase in surface water run-off to be something beyond the control of a planning condition and therefore consider the proposal to have the ability to comply with CS SD3.

The siting of the proposed building is entirely within a Natural England designated Priority Habitat 422855 (good quality semi-improved grassland). Paragraph 177 of the Framework states:

177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

No assessment of the potential effects the erection of the structure will have on this priority habitat has been provided with the application and so no assessment can be undertaken as to the appropriate mitigation measures necessary. The Council's Ecologist has responded with concerns over the lack of assessment undertaken in regards to the impact upon the priority habitat.

While it is acknowledged the applicant has control over the rest of the designated priority habitat and so mitigation is possible it is unclear as to the level of mitigation required and to the level of harm associated with the proposal. It is therefore considered that the proposal is contrary to the guidance of paragraph 175 of the Framework and in line with paragraph 177 the presumption in favour of sustainable development no longer applies as it is not possible to identify the level of harm likely to occur.

The Highways Engineer was satisfied the proposal would not have an adverse highways impact and recommended no conditions. While the construction phase of the proposal would require some increase in heavy traffic on Chapel Lane it is temporary in nature. The ongoing use of the structure is not considered to increase the traffic beyond what the local road network can accommodate.

A range of further issues have been raised through public consultation, however, many of which are immaterial to planning. A common theme of the comments was the potential future use of the application site, including the assertion that a dwelling or glamping business was desired – no weight is given to this argument and this determination is based upon what was submitted. One objection raised concerns over the shading of their land, however the proposed building is in excess of 17m from any shared boundary, the fields are not considered a sensitive receptor for shading effects and the building is orientated in a manner which reduces the potential for shading effects.

In conclusion the proposed 144m² agricultural building is proposed in a location that is highly visible throughout the surrounding landscape, while there is some screening provided by the adjacent field boundary this is insufficient to offset the visual intrusion of a substantial agricultural building in this hillside location. The scale of the proposed building and identified

visual harm is considered to represent a scale that is not commensurate to its location and setting and therefore fails to achieve the support of RA6. Furthermore the proposal does not support the diversification or extension of an existing agricultural business in line with the guidance of RA6. The area of land associated with the building is considered insufficient to justify such a large building in such a sensitive landscape. For the reasons outlined above it is 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 proposed building is not commensurate in scale to its location or setting and will cause undue harm to the wider landscape and represents an unjustified visual intrusion in this sensitive location. There are insufficient identified benefits for the rural economy or for an existing agricultural business to offset the identified harm and as such the proposal is considered to be contrary to Herefordshire Local Plan – Core Strategy Policies RA6, SD1 and LD1, Policy P6 of the Peterchurch Neighbourhood Development Plan as well as the relevant sections of the National Planning Policy Framework.
2. The loss of the Habitat of Principal Importance (HPI) (good quality semi-improved grassland) is both un-assessed and un-mitigated and therefore it is not possible to clearly and scientifically demonstrate that no loss of HPI will occur which is contrary to Policy LD2 of the Herefordshire Local Plan Core Strategy, paragraphs 170-175 of the National Planning Policy Framework, Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

Informatives

Refusal no way forward

Signed:



..... Dated:27th February 2020.....

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

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REFUSE

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Signed:



..... Dated: 27 February 2020