

DELEGATED DECISION REPORT

APPLICATION NUMBER

200208

High View, Parkmill, Llangarron, Herefordshire,

CASE OFFICER: Ms Elsie Morgan

DATE OF SITE VISIT: 13/2/2020

**Relevant Development
Plan Policies:**

Herefordshire Local Plan – Core Strategy

Policies:

RA1 Rural housing distribution

RA2 Housing in settlements outside Hereford and the Market Towns

RA3 Herefordshire's countryside

RA5 Re-use of rural buildings

MT1 Traffic management, highway safety and promoting active travel

LD1 Landscape and townscape

LD2 Biodiversity and geodiversity

SD1 Sustainable design and energy efficiency

SD3 Sustainable water management and water resources

SD4 Waste water treatment and river water quality

Llangarron Neighbourhood Development Plan

(Submitted Regulation 14 draft plan on 6th February 2017)

SUS1 Sustainable Development

ENV1 Landscape and biodiversity

HOU1 Housing numbers

HOU8 Local needs housing

TRA1 Transport requirements related to development

National Planning Policy Framework (NPPF)

Chapter 2 Achieving sustainable development

Chapter 5 Delivering a sufficient supply of homes

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well-designed places

Relevant Site History: None relevant

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X	X			
Transportation	X		X		
Ecologist	X		X		
Hyder	X	X			
Natural England	X		X		
Trees	X	X			
Press/ Site Notice	X	X			
Local Member	X		X		

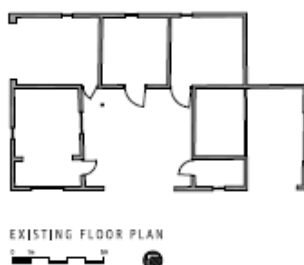
PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application relates to a site located approximately 1 mile to the south of Llangarron. The site comprises a two storey detached dwelling with a single storey outbuilding to the south. Access to the dwelling is taken between the two buildings off the C1250. The detached outbuilding is currently used for storage and was constructed as a stable building.

This application seeks to convert the outbuilding into a dwellinghouse with associated works. This will include the closing of the courtyard aspect with a glazed opening to create an additional room. This would be constructed of the existing white render with additional timber board cladding under natural slate roof. For ease of reference, please see the below plans:

Existing



EXISTING



Proposed



NOT TO SCALE
 1. New windows
 2. New doors
 3. New roof
 4. New walls
 5. New floor
 6. New garden
 7. New driveway
 8. New parking
 9. New fence
 10. New gate



PROPOSED



Representations:

Parish Council – No response

Transportation – Approve with conditions

“No objections to the proposed.”

Ecologist – Approve with conditions

“The site is within the River Wye SAC catchment (approx. 300m from Garren Brook); and nearly over 3.9km from the Wye Valley Woodlands SAC. This application triggers the requirement for a Habitat Regulations Assessment process. The assessment completed by the LPA is subject to consultation with Natural England prior to any consent being granted.

The applicant has indicated that foul water will be managed through a new private foul water treatment system with a final outfall to a soakaway drainage field on land under the applicants control and approx. 250m for the Garren Brook and over 50m from any watercourse.

All additional surface water can be managed through onsite infiltration-soakaway features.

The LPA has no reason to consider these drainage option are not achievable at this location.

The site is on the far edge of the 4km core sustenance zone for Horseshoe bats related to the Wye Valley Woodlands SAC. There is no potential for any roosting within existing structures to be demolished and replaced. A net gain in native species hedgerow will be delivered through the development. The development is well screened by hedgerows and trees and no lighting will affect the Garren Brook which is a key wildlife corridor at this location. Biodiversity Net gain enhancement include provision for encouraging bat roosting.

The agreed schemes can be secured by condition on any consent granted.”

Hyder – No response

Natural England – No objection

“Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).

The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in ‘unfavourable’ conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.”

Trees – No response

Press/Site Notice – No response

Local Member – Updated via email on 18th March and 21st April. Cllr is happy for determination to be made under delegated authority.

Pre-application discussion: Yes - P191888/CE

Constraints:

Listed building Grade II nearby
Contaminated Land nearby
PROW nearby
Protected Species nearby
SSSI Impact Zone
NE Priority Habitat nearby
SWS nearby
National Grid Electric Trans Line approx. 500 metres
National Grid Electric Trans Line Buffer approx. 380 metres

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 consultation on 6th February 2017. At this time the policies in the NDP can be afforded limited weight as planning consideration. The National Planning Policy Framework 2019 is a significant material consideration.

Policy SS1 of the Herefordshire Local Plan Core Strategy (CS) sets out proposals will be considered in the context of the ‘presumption in favour of sustainable development’ which is at the heart of national guidance contained within the NPPF. The policy states:

“When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improved the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant, with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise- taking into account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) Specific elements of national policy indicate that development should be restricted.”*

It is acknowledged at this time, that the Council is unable to demonstrate a five year housing land supply. Paragraph 11d of the Framework echoes the above in that it advised the following in respect of decision making:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i. The application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or*
- ii. 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.”*

In this instance, it is considered part ii of 11d is relevant. As such, the assessment is whether the proposal represents sustainable development, taking account of its three dimensions (social, economic and environmental).

The adoption of the Core Strategy represents a shift in policy that recognises proportionate growth is required in rural areas for social and economic purposes. It is with this in mind that the proposal is assessed under the CS policies alongside the Framework, notwithstanding the out of date nature of the policies.

The approach 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 requisite 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 Country is delivered across the settlements identified at figures 4.14 and 4.15 of the CS under RA2 (Housing in settlements outside Hereford and the market towns). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identified 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 and 98 ‘other settlements’, giving 217 rural settlements where proportionate growth will be acceptable in principle. Llangarron is included in the latter aforementioned list identification and as such, is considered to be a sustainable settlement. Before proceeding to assess the proposal against the criterion of Policy RA2, it is first paramount to ascertain whether or not the sites location is sustainable for residential development by determining whether or not it is within or adjacent to built up settlement. In this case, the settlement is Llangarron. It cannot be disputed that the site falls within an open-countryside location. It is over 0.7 mile south of the village of Llangarron and clearly is not within the main built form of the village. As such, I consider that the site is not sustainable for new open-market residential development and as such, Policy RA2 is failed.

With the forgone assessment of the sites location in mind, Policy RA3 of the CS is engaged. This policy concerns itself with Herefordshire Countryside, setting out the exceptions to the strict control

over residential development in the county where the site is considered to be 'open-countryside', as is the case for the outbuilding adjacent to High View. RA3 sets out the exceptions whereby residential development in open-countryside may be supported. These are as follows;

1. *meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or*
2. *accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or*
3. *involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the excising dwelling; or*
4. *would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or*
5. *is rural exception housing in accordance with Policy H2; or*
6. *is of exceptional quality and innovative design and achieves sustainable standards of design and construction; or*
7. *is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.*

With the above criterion in mind, point 4 is of relevance to the proposal given it is the re-use of a disused building. As set out, the proposal would need to lead to an enhancement of the immediate setting and crucially, accord with the intent of CS Policy RA5 as set out below.

Policy RA5 sets out the cases in which the re-use of redundant rural buildings would be acceptable and as such, is most pertinent to this development proposal. In this instance, the conversion of the building would contribute to the housing stock. It sets out that in order for development proposals to be supported; the following criteria should be satisfied;

1. *The design proposal respects the character and significance of any redundant or disused buildings and that it represents that it presents the most viable use and option.*
2. *Proposal makes adequate provision for protected species and associated habitats*
3. *The proposal is compatible with neighbouring uses and does not cause any undue environmental impacts*
4. *The buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction.*
5. *The building is capable of accommodating the proposed new use without the need for substantial alterations or extensions.*

The building does not carry any heritage significance and its appearance is typical for its current use as an ancillary building. Given the footprint and arrangement of the building, it is likely that the buildings were erected as stables. The outbuilding is a size which allows for a relatively modest dwelling with sufficient private amenity space, therefore it is acceptable to consider that a new, residential use would likely pose the most viable long term option for the outbuilding. Policy RA5 of the CS sets out that it does not support the rebuilding of rural buildings which have fallen into a derelict state. At this point, their significance has usually been lost. Buildings should therefore be structurally sound and capable of bona fide conversion for the proposed use without major reconstruction. From the submitted structural report, it is evident that the conversion would not require re-building or substantial repair. The addition of a glazed wall to close the courtyard would not constitute substantial alteration or extension given it is a minimal addition to create another room which is sympathetic to the originally open aspect. Amended plans submitted retain the existing

roofline maintaining the appearance and character of the existing structure. Over all, the design is considered to be suitable ensuring the character of the building remains whilst in keeping with the surrounding area, adhering to policies LD1, SS6 and SD1 of the CS, and SUS1 and ENV1 of the NDP.

Residential Amenity

There is sufficient distance between the main residence and the proposed, with appropriate private amenity space separated by fencing and native hedgerows. This ensures the amenity of both existing and proposed residents is protected with no concerns for overlooking or overshadowing. There are no other nearby dwellings that would be impacted by the proposed scheme. As such, no conflict with SD1 is found, nor SUS1 of the NDP.

Transportation

The highways safety implications of any development proposals are assessed against Policy MT1 of the CS. This states any proposal should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of the traffic on the network, be designed and laid out to achieve safe entrance and exit with appropriate operational and manoeuvring space and have regard to the parking standards contained within the Highways Development Design Guide. The comments from the Highway Officer are noted as raising no objection. It is accepted that development in accordance with the conditions with regards to driveway and access would result in appropriate and safe parking, entrance and exit in accordance with the requirements of Policy MT1 of the CS and TRA1 of the NDP.

Ecology and Drainage

Noting the nature of the site, a residential garden, there are no overriding ecological concerns. This is reinforced through the comments from the Council's Ecologist which raise no concerns but recommend an enhancement condition.

Policy SD3 of the CS 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 any 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. For waste water, Policy SD4 states that in the first instance development 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). It is indicated that foul water will be managed through a new private foul water treatment system with a final fallout to a soakaway drainage field. All additional surface water can be managed through onsite infiltration-soakaway features. Therefore, these accord with the aims of policies SD3 and SD4 of the CS, and SUS1 of the NDP.

A HRA was sent to Natural England for their approval and they have confirmed they have no objections to the proposals.

Summary

Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously. The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.

The proposal is considered to adhere to the requirements of RA5 of the CS and given the location of the outbuilding adjacent to an existing residential dwelling, the principle of development is accepted. The design of the dwelling is in keeping with the existing character of the dis-used stable, involving minimal and sympathetic works to create additional living space. There are no concerns for impact upon existing and proposed residential amenity given the sufficient distancing, boundary treatments and garden space. With a lack of technical objection, subject to the imposition of the recommended conditions, the proposal is found to be compliant with the relevant policies contained within the Core Strategy. The application is accordingly recommend for approval subject to the conditions set out below.

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

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

1. C01 Time limit for commencement
2. C07 Development in accordance with approved plans and materials (Amended 824-PL01 received 02/04/2020)
3. 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 or 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 SS6, LD2, SD3 and SD4
4. 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 and Habitat Protection and Biodiversity Enhancement plan 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 SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

5. CAB Visibility Splays 25 metres by 2.4 metres
6. CAE Vehicular access construction
7. CAI Parking - single/shared private drives
8. CAT Construction management plan
9. CB2 Secured covered parking provision
10. CBK Restriction of hours during construction
11. C65

Informatives

1. IP2
2. I11
3. I09
4. I45
5. I05
6. I47
7. I35



Signed:

Dated: 19/03/2020

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

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Signed:

..... Dated: 23 April 2020