

DELEGATED DECISION REPORT

APPLICATION NUMBER

184589

Pen y Lan, Broadmeadow Lane, Hardwicke, HR3 5TA

CASE OFFICER: Miss Emily Reed

DATE OF SITE VISIT: 07/02/2019 and under pre-application

Relevant Development Herefordshire Local Plan – Core Strategy
Plan Policies: Policies: RA2, RA3, RA5, E4, LD1, LD2, SD1, SD3, SD4

Clifford Neighbourhood Development Plan
 Not yet at a stage where it is afforded any weight

NPPF

Chapter 2 – Achieving sustainable development
 Chapter 6 – Building a strong, competitive economy
 Chapter 9 – Promoting sustainable transport
 Chapter 12 – Achieving well-designed places
 Chapter 15 – Conserving and enhancing the natural environment

Relevant Site History: None

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X	X			
Transportation	X		X		
Historic Buildings Officer	X	X*			
Ecologist	X		X		
Environmental Health (housing)	X			X	
PROW	X		X		
Natural England	X		X		
Welsh Water	X		X		
Site Notice	X	X			
Local Member	X		X		

X* HBO comments not deemed to be required

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The sites lies to the east of a bridle way in the parish of Hardwicke. It lies across the bridleway from a complex of barns at Pen y Lan which have been converted to three residential units. The site at the centre of this application comprises of several agricultural buildings including a stable, chicken house, cattle shelter and larger barn.

This application seeks planning permission for the conversion of the collection of barns to a holiday let. Alterations are proposed to the elevations with some small scale extensions.

Representations:

Based on a HRA AA sent to **Natural England** they have no objections to the proposal.

Councillor Price agreed to delegated authority of the application via email dated 26 February 2019.

Pre-application discussion:

181331/CE – principle of development found to be acceptable. Design should take into consideration the context and location of the buildings.

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 Clifford Neighbourhood Area, where the Plan is at drafting stage. At this time the NDP cannot be afforded weight.

While the re-use of the building for holiday accommodation purposes has been proposed, the tests of whether the building is appropriate for conversion is still the starting point.

Despite the relatively recent adoption of the Core Strategy, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 11 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date.

Paragraph 11 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and 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 the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 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. This goes back to the weight to be afforded to policies relevant for the supply of housing with an absent a 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 79). It is therefore considered that Policies RA1, RA2 and RA3 of the CS continue to attract significant weight.

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 County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (pp. 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. The application site lies within open countryside and away from the built up part of any settlement listed under policy RA2. With this in mind, the principle of new build residential development in this location would not be acceptable.

In such locations as this, a proposal would fall to be assessed against Policy RA3, which contains a list of excepted residential development in open countryside. This includes, inter alia, replacement dwellings, agricultural workers dwellings and at criterion 4, the sustainable re-use of redundant or disused buildings where they comply with Policy RA5 and would lead to an enhancement of its immediate setting.

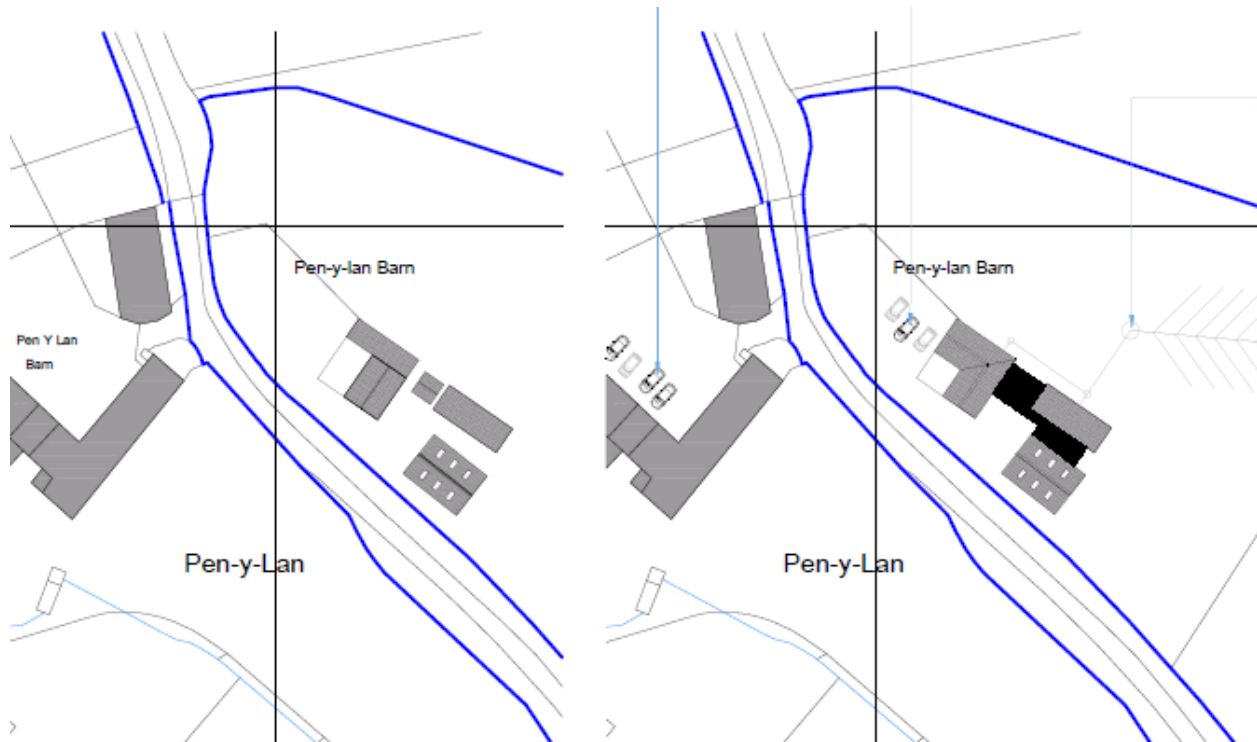
Policy RA5 includes several criteria that a proposal should meet in order to represent a sustainable re-use. For ease, these are found below:

1. 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;
2. design proposals make adequate provision for protected and priority species and associated habitats;
3. the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;
4. the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and
5. 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.

The application is accompanied by an ecology survey which finds that the barns are not suitable for bot roosting. Mitigation for bird nesting is proposed including two nesting bowls under the eaves. The Council's Ecologist has had sight of the assessment and does not object to its conclusions and

recommendations. It is noted that Natural England also have no objections to the scheme following the submission of the HRA AA.

While the application is not submitted with a structural survey, from visiting the site it is clear that the buildings do not suffer from defects which render them incapable of conversion without major or complete reconstruction. Notwithstanding this, cladding of the buildings is proposed including corrugated metal sheeting and slatted timber cladding. It is noted that there are small extensions proposed in order to link the buildings. These are identified on the block plans below:



Policy RA3 makes it clear that the re use of rural buildings will be supported where they lead to an enhancement of the immediate setting. The proposed alterations have to be taken into consideration as a whole and a judgement made on whether the cumulative effect is acceptable. The cladding proposed respects the agricultural nature of the buildings (noting the materials proposed) and there is arguably an improvement to the wider landscape with all the buildings being treated as an holistic scheme as opposed to the variety of materials and forms that have led to the development on the site at the present time. While the extensions are noted, given their scale and the form following the existing (and that accommodating a bedroom being located between existing buildings and screened from wider viewpoints) and the approach taken to the scheme as a whole, there is found to be an improvement to the immediate site and therefore this accord with this part of policy RA3.

In terms of openings, while there are a number that are new, the external elevational treatments ensures that these are not incorporated in an out of keeping way that would be detrimental to the wider landscape. The windows and doors will be largely screened and incorporated within the cladding with louvres to allow in light. This also avoids implications for the wider rural landscape where schemes can result in becoming illuminated boxes.

Policy E4 states that the tourist industry will be supported by several measures including retaining and enhancing existing, and encouraging new, accommodation and attractions throughout the country which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight. The postscript to the policy goes on to make it clear that due to many

visitors coming to the county to enjoy the countryside, there will be some demand for facilities and accommodation associated with this. While any significant scale development should be directed towards Hereford and the market towns, some small scale tourism associated with the countryside may be acceptable.

In light of the above, the proposal is a sensitive conversion scheme which not only looks to re-use the buildings in situ but also respect the wider landscape. While some alterations are proposed, including extensions, these are found to be of a scale that is acceptable and does not undermine the rugged agricultural character of the buildings. The use of the external treatments proposed will ensure that the scheme results in a development that assimilates into the rural location. Notwithstanding this, a condition will be placed on any approval with regard to the external treatments to ensure they are of the correct finish. With this in mind, the principle of development is found to be acceptable.

Design and amenity

While the design of the buildings has been touched on above, the detail of this is assessed by policy SD1 of the Core Strategy. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

The building will accommodate a living room, kitchen, four bedrooms, home office, four en-suites and an outside amenity area. While there is not a large curtilage associated with the property, given that it is proposed for holiday accommodation, it is found to be an acceptable level.

In relation to the impact on neighbouring dwellings, with the buildings being largely in situ, issues of overshadowing are not anticipated. The complex of barns to the west are noted but these are converted to residential use, as opposed to being used for agricultural purposes, and are within the applicants ownership. As such, and noting the proposed use of the barns at the centre of this application and orientation of the openings, issues affecting the amenity of both future and existing occupants are not anticipated. Furthermore, the scheme will be largely self-managed with the applicant living near to the site.

Parking and access

Policy MT1 of the Core Strategy is engaged in relation to the highways impacts of the proposal. This states any proposal should 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 proposal will utilise an existing access onto the site and benefits from existing hardstanding to the northwest. The Council's Highways Officer has had sight of the plans and is satisfied with the arrangement subject to the imposition of relevant conditions on any approval.

Drainage

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. For waste water, 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).

The application form which accompanies the proposal states that foul water will be disposed off by a package treatment plant with surface water utilising a sustainable drainage system. These methods accord with policies SD3 and SD4 and given the size of land within the applicant's ownership are found to be acceptable. The HRA AA which was sent to Natural England included these details and were approved.

S106

In light of the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, S106 contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm. With this in mind, no S106 contributions are required as part of an application for one dwelling.

Conclusion

In summary, the proposal represents the re-use of redundant buildings with alterations that are sensitive to both the buildings and wider landscape. The imposition of holiday accommodation conditions will ensure that the benefits to the tourism industry in the county are retained in perpetuity. The technical details in relation to highways, ecology and drainage are also found to be acceptable. As such, the application is recommended for approval subject to the conditions outlined below.

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

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

(please note any variations to standard conditions)

- 1) C01
- 2) C07 – drawing numbers JSP 002, JSP 008, JSP 009, JSP 010, JSP 020 and JSP 022.
- 3) C13
- 4) C81
- 5) C65
- 6) CAL
- 7) CB2
- 8) All foul water shall discharge through connection to a 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 soakaway-infiltration features; 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, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

- 9) Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements and TWO bird nesting boxes and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. External habitat

boxes should be made of a long-lasting material. No external lighting should illuminate any habitat enhancement or boundary feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy LD2, National Planning Policy Framework (2018), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013 (2018)

10) C96

11) C97

Informatives

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Signed: Dated:5 March 2019.....

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

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REFUSE

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Signed: Dated: 5 March 2019