

## The Planning Inspectorate

### COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

**Appeal Reference: APP/W1850/W/20/3250543**

#### DETAILS OF THE CASE

Appeal Reference APP/W1850/W/20/3250543

Appeal By LITTLEFIELDS CONSULTANCY LTD.

Site Address  
Land adjacent to Trejenna  
Llangarron  
Herefordshire  
HR9 6NH

#### SENDER DETAILS

Name MR CHRISTOPHER CALIGARI

Address  
Butts Orchard  
Llangarron  
ROSS-ON-WYE  
HR9 6PA

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☒ Interested Party/Person Correspondence
- ☐ Other

## COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

**Relates to Section:** REPRESENTATION  
**Document Description:** Your comments on the appeal.  
**File name:** Trejenna-objection to appeal.pdf

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**LAND ADJACENT "TREJENNA", LLANGARRON, ROSS ON WYE,  
HEREFORDSHIRE. HR9 6NH (Ref. 193230)**

**LETTER OF OBJECTION**

From Chris Caligari HND CBiol. MIBiol. Cert.Ed.  
(Graduate ecologist, naturalist and local resident).

The letter of appeal argues its case against 3 reasons given by Herefordshire Council for the rejection of the original planning application. (I fully support these reasons plus many others).

**Reason 1. Unjustified residential development in an open countryside location.**

The letter of appeal devotes some 11 pages of elaborate argument against this reason including many references to local policy, national policy and even references to case law. This has clearly been composed very carefully but any reference to a map, satellite image or even a view from a suitable hilltop will readily show the folly of any such arguments. It is open countryside with few sparsely distributed dwellings of which the great majority are historic in origin. To suggest that this proposed development site is simply an extension of the village is clearly not the case.

This portion of the parish is of special ecological value and largely unspoilt beauty which will be permanently lost if developments such as this are permitted. As a resident living within a few hundred yards of this site I know the value of this magnificent rolling open countryside and greatly value the presence of such species as red kites (Milvus milvus), buzzards (Buteo buteo), kestrel (Falco tinnunculus), tawny owl (Strix aluco), barn owl (Tyto alba) and sparrow hawk (Accipiter nisus), (most of which are to be seen on a daily basis), which require such open countryside with its rich tapestry of ancient hedgerows, mature trees, flora-rich field margins and myriad opportunities for wildlife.

**If a further 50 pages of carefully composed justifications were to be added to the letter of appeal the denial that it is "open countryside" would still be totally nonsensical.**

**Reason 2. Unacceptable Encroachment upon open countryside.**

The appellant accepts that the proposed development "would result in some adverse landscape and visual effect" but attempts to suggest that this "would not have an adverse effect upon the local landscape and would accord with policies SS6 and LD1". **This is totally incorrect.** The site is highly visible to at least 8 properties, (most of which are situated opposite the site), and especially so when the trees are not in full leaf and would not only be visible but highly conspicuous. Setting the houses into the bank would make little or no difference to this. The proposed properties would also be clearly visible from public rights of way and other viewpoints.

Planning consent has already been granted for 11 new houses in the village of Llangarron in the last couple of years which, in my opinion, is already a gross over-development and exceeds all prevailing targets for the provision of new housing in this small village. All of

these sites are to the North of the Garron Brook. To permit a development to the South of the Garron Brook would be a most undesirable and damaging precedent and a clear encroachment into open countryside. **For this reason the proposed justification is without foundation.**

### **Reason 3. Loss of hedgerow**

The appellant states that the roadside hedge which is described incorrectly as “medium species rich with medium ecological value.....”. **This statement is factually incorrect. The hedge is in fact species rich** and, I have no doubt, any inspection by a [REDACTED] ecologist or naturalist will identify it as an ancient, species-rich hedgerow which easily meets any/all criteria as being of considerable ecological value. **It is clearly a most valuable feature and should be correctly described as “important”.** (The term “important” is applied to this hedgerow as described in the Hedgerows Regulations 1997 which were made under section 97 of the Environment Act 1995 and came into force on 1 June 1997). Independent verification will confirm this as a fact.

To suggest that the suggested partial hedgerow removal would be “..... more than compensated by the proposed planting of 120 metres of new nature, (native ed.), species-rich hedge around three sides of the site.....” is at best naive. Whilst planting such hedges is always to be encouraged it takes many decades at the very least before it can even start to establish the associated flora, fauna, breeding opportunities and ecosystems represented within a typical ancient hedge. In a domestic setting such as that proposed such a desirable outcome may never in reality be achieved due to inappropriate management, disturbance or indeed replacement with inappropriate species over time. Effectively any important hedge of this importance cannot simply be “replaced”.

The appellant’s suggestion that “..... the proposal as a whole should conserve, restore and enhance biodiversity and the provision of green infrastructure of the site” is, in my opinion, the converse of the real effect and would be extremely detrimental.

These grounds are surely sufficient on their own to justify the rejection of this appeal but perhaps the most crucial flaw in the argument that the hedgerow is of “medium ecological value” is the population of **dormice** (*Muscardinus avellanarius*) which are resident in several of the ancient hedges in this part of Llangarron **including this specific hedge**. Several local residents, in addition to myself, are aware of a population of dormice in this very hedgerow and such bodies as Herefordshire Wildlife Trust are fully aware of this area of Herefordshire as an important “pocket” where this endangered species are still to be found at some sites.

**The National Planning Policy Framework (NPPF) specifies that local authorities should aim to conserve and enhance ‘biodiversity’ requiring planning policies and applications to “promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity”.**

The dormouse is included in schedule 5 of **The Wildlife and Countryside Act (1981)** (as amended) and a **European Protected Species** under the **Conservation of Habitats and Species Regulations 2010** (as amended).

The appellants also suggest in relation to the proposed hedge removal/replanting that "This would not entail any adverse effect on ecological assets". This is clearly not the case. They further state that "This would ensure that in net terms harm would not be caused by the proposal." The harm would clearly be immense and irrevocable.

**This site in general is ecologically very important but the hedgerow with its population of dormice mean that it is of international importance.**

**Ecological value of this site (additional to the hedgerows)**

The above points refer specifically to some of the arguments raised by the letter of appeal but there are **essential additional matters** which should perhaps be given equal consideration which must not be overlooked. Briefly these are:-

**Proximity of this site to Garron Brook.**

The proposed development site is adjoining Garron Brook which is effectively a very important linear nature reserve and is a tributary of the river Wye. It is of particular importance because:-

1. The brook, as the appeal document describes, is lined mainly with mature shrubs and trees and climax communities of plants. As such it is an important habitat for a very wide range of flora and fauna. In addition to the opportunities for aquatic species it is especially valuable for species which benefit from the lack of human disturbance which the brook offers since it has relatively few houses close to it. Of particular note are kingfisher (Alcedo atthis), dormouse (Muscardinus avellana), otter (Lutra lutra) and polecat (Mustela putorius). All of these species have been observed close to the proposed development site adjacent to the Garron Brook. **All of these species are protected under the Wildlife and Countryside Act (1981).** In addition the dormouse is a priority species under UK post-2010 Biodiversity Framework and it is also listed as a European Protected Species under annex IV of the European Habitats Directive. The polecat also benefits from additional protection and in 2007 was added to the list of UK BAP mammals, protected as a species of principal importance for the conservation of biological diversity in England under Section 74 of the Countryside and Right of Way (CRoW) Act (2000).

All of the above species have been reported on several occasions by local residents and illustrate the ecological value of the brook. I personally observed a polecat, (mid June 2020), close to the Garron Brook within 400 metres of the proposed development site. The importance of the brook lies not only in the provision of a range of relatively undisturbed habitats but as an extremely important conduit for species to safely move across the country ensuring the possibility of repopulation and the well-being of the gene pool of many species by reducing the possibility of populations of scarce or endangered species becoming isolated.

**At present there are few dwellings close to the brook and allowing developments such as this would be a most undesirable precedent.**

2. Pollution of the Garron Brook has been identified by various scientific bodies and has been identified as a major problem by Herefordshire Council and other concerned bodies. The sources of the pollution are not clear and probably arise from multiple sources but it cannot reasonably be doubted that domestic dwellings will be a significant contributor to this pollution. It surely also cannot make any sense to allow further housing so close to such an ecologically important and sensitive site which will inevitably greatly increase the likelihood of pollution incidents.
3. Permitting further housing adjacent to the brook will inevitably increase the disturbance of wildlife in the area. Many of our most precious and endangered species such as those listed above plus water voles (Arvicola amphibious) are very sensitive to disturbance from humans, domestic noise and domestic animals.

**The case for rejecting this appeal is surely totally overwhelming.**

(All species/key facts mentioned specifically in the above letter of objection have been reliably observed within the parish of Llangarron close to the site or within a mile, (maximum), of the site and details of the reportings can be corroborated to planning officials by individuals within Llangarron and/or local wildlife trust upon request).