

DELEGATED DECISION REPORT

APPLICATION NUMBER

213733 & 213734 (PLANNING & LBC)

Uplands, The Burtons, Wellington Heath, HR8 1NF

CASE OFFICER: Planning Contractor
DATE OF SITE VISIT: 20.11.2021

**Relevant Development
Plan Policies:**

Herefordshire Local Plan – Core Strategy

SS1 (Presumption in favour of sustainable development)
SS4 (Movement and transportation)
SS6 (Environmental quality and local distinctiveness)
RA6 (Rural economy)
E4 (Tourism)
MT1 (Traffic management. Highway safety and promoting active travel)
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)

**Wellington Heath Neighbourhood Development Plan Made 18
October 2018**

WH6 – Development in Wellington Heath Village outside the
settlement boundary.
WH10 - Employment

National Planning Policy Framework

Chapters 2, 6, 12, 15, 16.

Planning History

P143444/PA7 – refused Jan 2015

P194109 Pt Retrospective to regularise work done and seek
permission/consent for alterations and extension to kitchen and
alterations to rear of ground and first Floor (Approved)

P201367F Change of Use of outbuilding to antiques showroom
(retrospective) Approved

P204429F Change of Use of use of barn to Class Sui Generis for
storage and servicing/maintenance of plant and machinery
(retrospective) Approved

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X			X	
Transportation	X			X	
Historic Buildings Officer	X				X
Severn Trent	X		X		
Welsh Water	X			X	
Press Notice	X 21/10/2021				X 1
Local Member	X see below				

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The proposal is for the erection of a holiday let, of curved corrugated appearance with canopied porch within a newly planted orchard area for holiday letting. The building has been design as a "Nissan" hut style of curved metal sheeting to reflect an existing Nissan hut situated within the adjacent walled garden. The site lies to the east of the principal Listed Building, Uplands, which is a Grade 2 former farmhouse of stone and brick dressing with a hop kiln and other outbuildings to the rear of the main house in a courtyard style which have been converted and in use for an antiques business. To the east of the main house is the walled garden although part of the wall itself has been demolished and within this area there is an existing Nissan hut used as a garden shed. It is not known when this was positioned in this location. Various alterations have previously been granted for the principal building and for uses within the existing courtyard as shown in the planning history. The east wing of the existing house is already in use as a holiday let.

The proposed additional freestanding holiday let is intended to provide additional income. It is partly set into a rising bank between the kitchen garden and boundary trees in an area where some fruit trees have been planted. There is an existing parking area to the south accessed from Burton Lane and it is intended that a new path from this area is formed to provide pedestrian access from the parking area. Parking on the site as a whole comprises approx. 15 car spaces for existing business and house use. Additional silver birch planting has been shown to the east of the proposed hut.

The holiday let will provide 2 bedroomed accommodation with a living/dining area and an outdoor dining and seating area to the front under a canopied porch of the same metal curved sheeting. The hut will be insulated with powder coated windows with a stainless steel flue. It will be sited approx. 100m from the east side of the main dwelling and approx. 6m from the closest point of the walled garden.

Both planning permission and listed building consent have been applied for. In this case, as the proposed building would not be attached to the listed building or any curtilage listed buildings/structures, listed building consent is not required. The LPA cannot issue a decision to this affect, so the applicant will be advised that it should be withdrawn.

Representations:

Transportation

No objections to the proposed. The site uses an existing access and has enough room to accommodate the required parking, this should include cycle parking.

Historic Buildings Officer

Summary: Concern is raised from a heritage perspective. It is felt the application would result in *less than substantial harm* to the setting of Uplands, a grade II heritage asset.

Site:

Uplands, formally known as Stone House is a grade II listed building located in open countryside less than 1km west of the rural settlement of Wellington Heath. It is a large farmhouse with an attached oast house and traditional courtyard of agricultural buildings to the west and north. The core of the house is given an approximate date in the mid-C17, although it has been significantly altered and extended in subsequent centuries.

The immediate setting of Uplands is characterised by the active agricultural farmyard to the north, still in active use and the traditional U plan courtyard to the west, no longer part of the farmyard but still in ancillary use to the main house. The oast house has been converted for residential use and to the east lies a kitchen garden partially enclosed by brick walls.

Significance:

The key to any successful scheme in the setting of a listed building will be understanding the contribution it makes to the overall significance of the heritage asset. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors, and by our understanding of the historic relationship between places.

The significance of Upland lies in the age and fabric of the building and its former use as a farmhouse at the heart of a traditional farmstead. Historic farmsteads contribute to the history of farming and settlement patterns in Herefordshire and play an important role in defining its character. They also help us understand how people lived and worked in the past.

The immediate setting of Uplands is a physical evidence of this former use and makes an important contribution to its significance as a grade II heritage asset.

Comments:

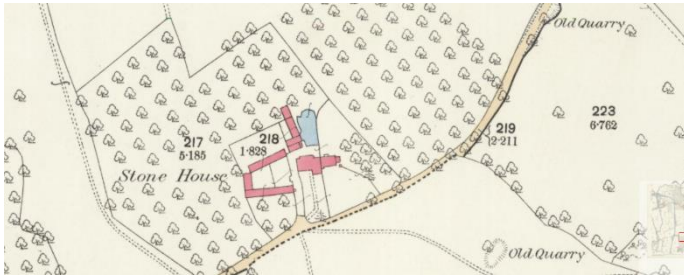
The application calls for the erection of a detached holiday let hut within the ground of Uplands. The holiday let would take the appearance of an old Nissen hut with a curved steel frame structure and clad in corrugated metal sheet.

Impact on Setting:

The supporting Heritage, Design and Access Statement ascertains the impact on the heritage asset is negligible. However there is concern this document does not offer an in depth assessment of the setting of Uplands and does not explore in any detail the impact of proposed development of factors such as views to and from Uplands, and the historic relationship between the main house and the application site.

A general understanding of the historic development site can be achieved by viewing historic mapping

An Ordinance Survey map published in 1887 shows the land to the east of Uplands planted as a traditional orchard.



Source: <https://maps.nls.uk/view/120896866>

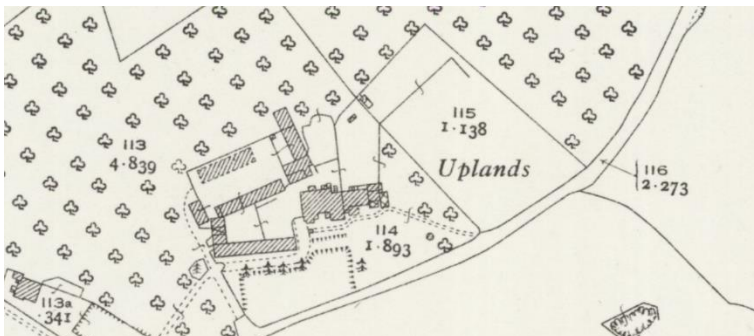
In 1904, a large section of land was cleared of orchard trees and a small structure is visible in the north-west corner of this clearing.

Note the glass house attached to the south elevation of the oast house is visible at this time, suggesting it was converted for domestic use as early as this.



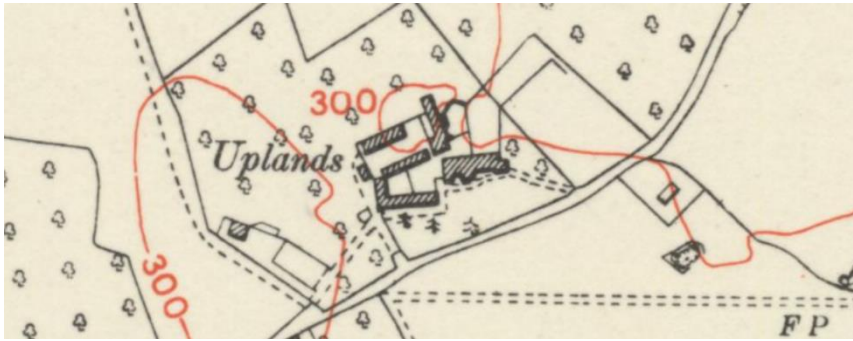
Source: <https://maps.nls.uk/view/120896872>

By 1928, an L shaped line appears in the north end of the clearing broadly following the line of the partial kitchen garden wall as existing today. This paces an early C20 date on the wall and appears to suggest it was either never completed, or was deliberately built as existing. As per paragraph 5(b) of the Planning (Listed Building and Conservation Areas) Act 1990, this wall would be considered listed as part of the curtilage of Uplands.



Source: <https://maps.nls.uk/view/120896872>

The OS published in 1953 shows little change to the site during this period.



Source: <https://maps.nls.uk/view/101569908>

The relatively late date for the walls and fact this area was never fully enclosed are interesting. Aside from the small structure in the north-west corner, there is no evidence of any structures within the area, such as a potting shed, glass house etc. which would support its use as a kitchen garden. As such, it may have historically served a different purpose associated with the occupation of the house.

The principal of development in this location:

Without knowing more at this stage, it's difficult to completely understand the impact the proposed development would have on the significance of the setting and curtilage of Uplands. As the maps clearly demonstrate this area was deliberately cleared of orchard planting for some purpose, and remained undeveloped for over 100 years. The built form associated with the farmyard on site has always been contained to the north and west of the main house and this clear division between the use of space is significant in understanding the character and development of the site. The introduction of built form where none previously existed will undeniably have some impact on the setting of Uplands and how it is experienced. No detailed analysis of the setting has been submitted as part of this application, nor an assessment of any views from within or out of the site.

As such it is felt there is insufficient information at this stage to rule out harm to the setting of Uplands by the principal of development in this location.

Design and materials:

While it is appreciated the proposed design has been informed by the existing garden shed which utilised similar materials and form, Nissen huts were developed for use by the army during the First World War as barracks. As such there is no historic precedence for its use in this context. Their curved form does not respond to the vernacular language used in other buildings across the site and while corrugated metal sheet can be found in some later agricultural building, this part of the site is associated with the domestic occupation of the house, not the traditional farmstead. As such it is felt the design and materials would be alien and out of keeping with the character of the site. It would result in a negative impact resulting in *less than substantial harm* to the setting of the listed building.

It should be noted that listed buildings do not benefit from normal permitted development rights and as such any new structure within the curtilage of a listed building requires planning permission, including garden sheds. There appears to be no record of an application for the existing garden shed/Nissen hut and it is unknown how long it has been in place so its lawful status is unclear. Regardless of this however, care must be taken to avoid the cumulative impact of small, incremental changes to the settings of listed building and so existing precedence cannot be relied upon to justified harm.

Severn Trent

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Welsh Water

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Sewerage: 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.

Surface Water Drainage: With respect to the disposal of surface water flows from the proposed development, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority, Natural England and/or the Environment Agency.

Conditions recommended as below

Parish Council

Whilst Wellington Heath Parish Council has no objections to this application we concur with comments made by Welsh Water as to the importance of ensuring that in order to protect the local environment, this planning proposal includes proper and adequate management of surface water and sewage waste . (Ref. WH NDP -policy WH12). This new build proposal lies both outside Wellington Heath's settlement boundary and the Malvern Hills AONB. We note that the proposed holiday let hut is set well within the landscape and appears to be compliant with WH NDP policy WH6.10.

1 letter of objection received raising the following matters:

- Lack of secure cycle parking including power for electric bikes
- Need to reduce reliance on the car and Ledbury is 5 minutes cycles from this site via e bike

Ward Member

Cllr Harvey has been updated. No re-direction request has been received

Pre-application discussion:

None

Constraints:

Grade 2 LB (Uplands)

Contaminated land adjacent

PROW nearby

Surface Water

SSSI Impact Zone

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) and the ‘made’ Wellington Heath Neighbourhood Development Plan (WH NDP).

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 regard to the Listed Building which lies to the west of the site, section 72 of the Listed Buildings and Conservation Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that listed building or conservation area. The proposed development proposes the introduction of a new building within the curtilage of the LB and the impact on the character of the listed building or that of its setting is therefore of importance.

As can be seen by the objections raised by the Historic Buildings Officer, which are set out in full above, the main concerns lies in the lack of demonstrable evidence that the proposal will not cause harm to the setting of the Listed Building. The Historic appraisal submitted with the application is considered to lack the level of detail required to accurately assess impact on the principal LB and its setting. No detailed analysis of the setting has been submitted nor has there been an assessment of any views from within or out of the site and therefore it is considered that the level of harm which may occur is unclear.

Whilst it is understood that the design has been chosen to replicate the Nissen hut within the walled garden, there is no evidence of any historic permission for this building and the introduction of an additional building of this nature would introduce an alien feature into the setting of the LB without proper justification.

Although the principle of additional holiday use to support the rural economy is supported in principle by CS policy E4 it is recognised that the historic heritage of the County is of paramount importance and must be protected as a major tourism asset. New tourism development need to be sensitively located to protect historic and environmental assets and thus in this instance it is considered that the introduction of an additional building in the grounds of a Listed Building where there has been none previously cannot be justified without further evidence to consider the level of harm that may occur as a result.

The NPPF paras 199-208 require local planning authorities to consider the potential impacts of decisions made on heritage assets. In particular para 202 refers to decisions made where the level of impact of a proposal has less than substantial harm. This para. states that “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*”. The Historic Buildings Officer has commented on this proposal that although it is likely that the impact will be “less than substantial harm” there is a lack of detailed analysis in the submission to demonstrate that this is indeed the case. Even if it is accepted that there is less than substantial harm, paragraph 202 of the NPPF requires the decision maker to weigh up the harm against the public benefit of a proposal. In this instance the proposed erection of a new structure would not result in any benefit arising from the retention of historic fabric. The Council’s Historic Buildings Officer has identified less than substantial harm and, in accordance with para 202 of the NPPF this will need to be balanced against public benefits. In this instance officers are of the opinion that there will be some limited economic benefit through the tourist provision that the proposal provides, and the spend in the local economy associated, but this will be very limited for a single unit. Other benefits are not evident and therefore officers take the view that the proposal would not meet the objectives of NPPF para 202.

Wellington Heath NDP Policy WH6 also requires that development outside of the settlement boundary and in the countryside must be of high quality and make a positive contribution to local distinctiveness and that “listed buildings and their settings must be carefully protected in accordance with Core Strategy Policy LD4”. There is also the requirement that an new ancillary buildings respect the landscape setting, design and scale of the parent building, and whilst the scale of the proposed new building is modest, and set well away from the parent building, as described above the level of impact and harm which could be caused has not been properly considered. The proposal is therefore considered to not fully comply with the aims of the NDP Policy WH6 when taken as a whole.

RECOMMENDATION:

PERMIT ☐

REFUSE ☒

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

(please note any variations to standard conditions)

1. The proposed siting of an additional building for use as a holiday let within the curtilage of the Grade 2 Listed Building, known as Uplands, would introduce a modern feature of alien design without any proper assessment of the heritage impact it may have. The proposal would therefore be contrary to the Herefordshire Local Plan - Core Strategy Policies E4, SS6, LD4 and RA6 and Policy WH6 of the Wellington Heath Neighbourhood Development Plan WH6. The proposal would also fail to meet the objectives for decision making in terms of impact on historic assets as set out in the National Planning Policy Framework Chapter 16, in particular paragraph 202 and therefore is contrary to the National Planning Policy Framework and section 72 of the Listed Buildings and Conservation Act 1990.

Informatives

1. 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 and by clearly setting out the key issues in the Report and within the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

2. The applicant is advised that any future submission for a similar proposal for a new structure must include a full analysis of the impact of a new building on the setting of the principal listed building (Uplands) and to include an assessment of views into and out of the site to allow for proper analysis to be made.

Signed: JHB Dated:17/02/2022.....

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☐

REFUSE

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Signed:

AB

..... Dated: 23/2/22

Is any redaction required before publication? No