

DELEGATED DECISION REPORT

APPLICATION NUMBER

221400

Felhampton Farm, Upton Bishop, Ross-On-Wye, HR9 7UB

CASE OFFICER: Mr Josh Bailey
DATE OF SITE VISIT: 8 June 2022

**Relevant Development
Plan Policies:**

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

SS1 - Presumption in Favour of Sustainable Development
SS2 - Delivering New Homes
SS4 - Movement and Transportation
SS6 - Environmental Quality and Local Distinctiveness
SS7 - Addressing Climate Change
RA1 - Rural Housing Distribution
RA2 - Housing in settlements outside Hereford and the market towns
RA3 - Herefordshire's Countryside
RA5 - Re-use of Rural Buildings
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
SD4 - Wastewater Treatment and River Water Quality

**Upton Bishop Neighbourhood Development Plan
referendum to be held on 13 October 2022**

Policies:

UPB1 – Settlement boundaries
UPB3 – Housing mix
UPB5 – Development requirements
UPB6 – Landscape, biodiversity and geodiversity
UPB7 – Key Views

NPPF (July 2021)

Sections:

2 – Achieving sustainable development
4 – Decision-making
5 – Delivering a sufficient supply of homes

- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Relevant Site History: P151962/L – Proposed repair and conversion of former dovecote to form offices for use in conjunction with the main farmhouse – approved with conditions

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Upton Bishop Parish Council	X	X			
Transportation	X		X		
Ecology	XX		X(2 nd)		X(1 st)
Environmental Health (Housing)	X	X			
PROW	X		X		
Site Notice/Press	X	X			
Local Member	X*(updated)	X			

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application is located in an open countryside location comprising Grade II listed Fellhampton Farmhouse and its associated curtilage, including a dovecote which has been fairly recently repaired and converted to form offices for use in conjunction with the main farmhouse. The application before me seeks planning permission for the change of use of the building to residential. No associated operational development is sought at this time.

Representations:

Upton Bishop Parish Council – No response

Transportation – No objections

Ecology – Conditions recommended following further information

Environmental Health (Housing) – No response

PROW – No objection

Site Notice/Press – No response

Local Member – Ward Cllr Durkin was updated by email on 9 September 2022 (16:11). To date, the local member has not objected to a delegated decision or requested re-direction to Planning Committee.

Pre-application discussion:

None

Constraints:

Off B4221

Grade II Listed Building adjacent

PROW adjacent

Surface Water adjacent

SSSI Impact Zone

Wye SAC Catchment

Appraisal:

Policy context

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 Upton Bishop Neighbourhood Area, where the Upton Bishop NDP referendum for voters within the Upton Bishop parish area will be held on 13 October 2022. At this time the policies in the Upton Bishop NDP can be afforded significant weight as set out in paragraph 48 of the National Planning Policy Framework 2021, which itself is a significant material consideration. 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. From reviewing those policies within the CS applicable to the determination of the application, they are viewed to be entirely consistent with the guidance contained within the NPPF and as such, significant weighting can continue to be afforded.

Assessment

Principle of development

Policy RA3 of the Core Strategy lists seven circumstances in which exceptions to the overarching principle of carefully controlling new housing in rural areas can be made. Criterion 4 is applicable to this proposal, which would result in the sustainable re-use of a redundant or disused building. This is subject to it complying with Policy RA5 and leading to an enhancement of its immediate setting. Policy RA5 requires that the development involve the sustainable re-use of individual and groups of redundant or disused buildings, including farmsteads in rural areas, which inter alia contribute to residential development. RA5 also requires more specific tests to be met, as discussed below.

There are no directly applicable policies within the emerging Upton Bishop NDP in relation to the principle of new housing development within the open countryside, except noting that Policy UPB1 identifies settlement boundaries to which it is noted that any land outside of the identified settlement

boundaries should be considered as open countryside and interpreted reasonably to consider in line with Policy RA3 of the Core Strategy. Whilst policies control what may be permitted within villages and land adjoining them, there is no reference to exceptions for more isolated development, such as the re-use of redundant rural buildings. Nonetheless, when the development plan is read as a whole, it will be necessary for such proposals to avoid compromising the quiet rural nature of the parish and demonstrate compliance with Policies RA3 and RA5 of the Core Strategy.

In terms of the question of redundancy, Officers have been provided with little explanation of why the building is regarded as redundant or disused. The building, upon inspection at the time of the site visit, was still in use as a office albeit ancillary to Felhampton. However, it could potentially be argued to be underutilised.

Turning to enhancement of the immediate setting, it is noted that the application is solely for change of use and that no operational development is being sought.

RA5 – Criterion 1

No alterations are proposed to this former dovecote which has been recently repaired following the 2015 LBC approval and is considered to respect its character. The building is of architectural merit and historical interest; and so its most important quality is its continued agrarian appearance and contribution to the character of the rural landscape. The proposal is broadly sensitive to the distinctive character of the area by virtue of its limited change. Accordingly, it is concluded that this criterion has been met. A condition is requested to confirm that any external alterations sought will require permission, noting that LBC will also be required in any event given this is considered to be a curtilage listed building to the Farmhouse.

RA5 – Criterion 2

The proposed development would comply with the requirements of this criterion, when considered alongside Policy LD2 of the Core Strategy in respect of priority species and habitats. The Council's Ecologist has advised, following further information, from the additional information provided detailing the minimal work to the existing building and other available data, the LPA has no reason to consider that the proposed development will have any significant effect on local protected species populations, although there are known local bat populations which should be considered. An advisory note to remind the applicant and their contractors of their own legal obligations to considering and protecting all wildlife is requested to be attached to the decision notice.

RA5 – Criterion 3

The site lies in what is a well-established, historical farmstead, albeit farming operations are small scale; being largely limited to grazing of the surrounding land. Farming activities are therefore not going to be prejudiced by the residential use. Although there is the original farmhouse in close proximity, the proposed dwelling would not be likely to cause any adverse impacts on amenity through loss of privacy or outlook. The use of the building in a residential capacity is thus considered to be appropriate. The proposal respects its immediate setting. This therefore satisfies this criterion and Policy SD1, which also addresses impacts on neighbouring land uses and residential amenity.

RA5 – Criterion 4

This criterion requires that buildings are of permanent and substantial construction. They should be capable of conversion without major or complete reconstruction. The subject building can certainly be said to be permanent and it is not subject to a temporary planning permission. The building is in a sound and serviceable structural condition with no signs of structural distress.

RA5 – Criterion 5

It is considered that the building is capable of accommodating the residential use without substantial alteration or extension, thereby retaining its simple rural character; and avoiding the introduction of new outbuildings or hardstanding areas which might otherwise have a detrimental impact on the landscape setting.

Drawing together all of the above, the principle of development is considered to be acceptable. Given the very tightly drawn curtilage, compromising space beyond the elevations, it is not necessary for permitted development rights for subsequent extensions and alterations to be removed, noting that LBC would be required in any event.

Highway safety and access implications

Policy MT1 of the Core Strategy requires development proposals to demonstrate that the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network; or that traffic impacts can be managed to acceptable levels. Proposals should also ensure that schemes are laid out to achieve safe entrance and exit.

The highways implications of this development proposal are minor in terms of trip generation. Whilst in this countryside setting, the existing building will likely have been generating trips largely internal to the farming office operation, the overall intensification of the existing access could only be assessed as 'minor' and not resulting in a severe cumulative impact on the local highway network. The existing access is already supporting residential uses in this hilltop location and this is acceptable in highways terms. There would also be limited impact on existing waste collection arrangements.

The Council's Highway Area Engineer raises no objection, which I concur with and the proposal accord with Policy MT1 of the CS which is consistent with Section 9 of the NPPF, as well as Policy UBP5 of the emerging Upton Bishop NDP.

Drainage and HRA screening

In respect of flooding, the application site is not at risk from pluvial or fluvial sources; this is reinforced by the location. There would be no increase in roof and hard surfaced areas by reason of no alterations proposed. The retention of existing surface water disposal arrangements is therefore appropriate and the proposal is regarded as drainage neutral.

In respect of the Wye SAC screening, the proposal is for the conversion of office space to residential use. The development will utilise existing domestic facilities (toilet and shower) with all foul water being managed by existing septic tank. No significant change or increase in foul water will be created by the proposed development. As there is no change to the footprint of the existing building no significant change or increase in surface water will be created by the proposed development.

This development is within the 'English' Lower Wye catchment of the Wye SAC. Natural England have not currently advised this LPA that this catchment area is failing its conservation status. The relevant stated factors considered relating to foul water are embedded within the project as proposed and assessed and can be assured through relevant conditions on any planning permission granted.

Based on the information and notes above there are no identified effects from the proposed development that trigger the requirement for an additional 'Stage 2' HRA appropriate assessment process. There is no reason to require a formal consultation response from Natural England to the completed HRA process and a suggested condition to secure embedded HRA certainty is recommended to satisfy Policies LD2, SD3 and SD4 of the CS, which is consistent with Section 16 of the NPPF, and Policy UBP6 of the emerging Upton Bishop NDP.

Heritage

It is considered that the proposal would not adversely impact the setting, significance or experience of the Grade II Listed Felhampton or Dovecote, noting the application solely relates to change of use. In the absence of harm being identified, the paragraph 202 test of the NPPF need not be undertaken. The proposal is considered to accord with Policy LD4 of the CS, which is considered to be consistent with Section 16 of the NPPF.

Conclusion

Policy SS1 of the Core Strategy reflects the presumption in favour of sustainable development in national policy and provides that planning applications that accord with the policies in the Core Strategy will be approved unless material considerations indicate otherwise. The Housing Strategy seeks to support sustainable growth, with reference to rural areas under Policies RA1 and RA3, which are supplemented by Policy RA5 in relation to the re-use of rural buildings.

In the absence of a directly applicable policy within the emerging NDP, no conflict is identified and the principle is acceptable under Policies RA3 and RA5; with an existing underutilised rural building being re-used. Due to the lack of isolation, the proposal is likely to materially modestly enhance the vitality of the local community. Nonetheless, there is a relevant exception in both local and national policy. Officers have carefully considered the proposed development in light of the development plan when read as a whole and conclude that the proposal accords with relevant provisions. As such, and in line with the requirements of the NPPF, the scheme is recommended for approval.

The local member has been updated and does not object to a delegated decision.

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

CONDITIONS & REASONS:

(please note any variations to standard conditions)

1. C01
2. C06 (Location Plan)
3. C10
4. CAI
5. CB2
6. CE3

7. CNS – All foul water shall discharge to the existing septic tank located on land under the applicant's ownership; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended) National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, SD3, SD4 and LD2.

8. CKN – Protected Species and Lighting (Dark Skies)

Informatives

1. IP2
2. INS – All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website: www.herefordshire.gov.uk/directory_record/1992/street_works_licence and <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
3. INS - The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, Badgers and other wildlife that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that further advice from a local professional ecology consultant is obtained.

Signed: 

Dated: 16/9/2022

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

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Signed:

AB.

..... Dated: 16/9/22

Is any redaction required before publication? No