

# **DELEGATED DECISION REPORT**

## **APPLICATION NUMBER**

### **210193**

Snowdrop Cottage, Stone Street, Madley, Hereford, HR2 9NJ

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**CASE OFFICER: Mr David Gosset**

**DATE OF SITE VISIT: .....most recently 4<sup>th</sup> Jan 2022.....**

#### **Relevant Development Plan Policies:**

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

- SS1 - Presumption in favour of sustainable development
- SS4 - Movement and transportation
- SS5 - Employment provision
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA5 - Re-use of rural buildings
- RA6 - Rural economy
- MT1 - Traffic Management, highway safety and promoting active travel
- E4 - Tourism
- 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

#### **Kingstone and Thruxton Neighbourhood Development Plan**

Policy KTD1 – Protecting and Enhancing Green Infrastructure

Policy KTD2 – Nature Conservation

Policy KTE1 – Proposals for New Employment

Policy KTF1 – Reducing Flood Risk and Surface Water Flooding

Policy KTF2 – Flood Resilience

#### **National Planning Policy Framework 2021 (NPPF)**

Chapter 2: Achieving sustainable development

Chapter 4: Decision making

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:** DCH963105/F - ERECTION OF DOUBLE GARAGE AND ALTERATION TO DRIVEWAY AS APPROVED ON APPLICATION SH931230PF - Approved with Conditions - 19-Jun-1996

## CONSULTATION SUMMARY

	Consulted	No Response	No Objection	Qualified Comment	Object
Parish Council (Kingstone)	X		X		
Adj. Parish Council (Madley)	X		X		
Local Highways Authority	X		X		
Ecologist	X			X	
Natural England	X	X			
Land Drainage	X		X		
Site Notice	X	X			
Local Member (Wormside)	X		X		
Adj. Local Member (Stoney Street)	X	X			

## PLANNING OFFICER'S APPRAISAL:

### Site description and proposal:

The application seeks full planning permission for the change of use of an existing ancillary building within the curtilage of Snowdrop Cottage to establish a single unit of holiday accommodation. The garage was erected following permission DCH963105/F in 1996.

Snowdrop Cottage is a wayside dwelling abutting Stone Street (U37209) it lies on the south eastern side of the highway. Adjacent and to the north of the site is the dwelling known as New House surrounding both residential curtilages is agricultural land.

The application site benefits from private access to Stone Street. The proposed change of use of the garage would share this single access and the parking provided would be in front of the garage within the site.

### Consultation Responses and Representations:

Local Highways Authority      *The proposal submitted includes an access to serve a single dwelling. The following observations are a summary of the highways*

*impacts of the development:*

*An existing access is to be used to serve the proposals. The intensification of this access is unlikely to result in a significant amount of additional trips associated to the holiday let. As a result of this, combined with the position in the network there are no highways objections to the principle of the conversion.*

*The parking provided is acceptable, taking into account the requirements of the existing property and the content of Herefordshire Council's Highways Design Guide for New Developments. The proposal includes cycle parking which is adequate for the scale of the conversion.*

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Ecologist

***Initial comments:***

*The site is within the Cage Brook catchment of the River Wye SAC which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna.*

*The LPA must complete a relevant Habitat Regulations Assessment process and have legal and scientific certainty that there are no adverse effects on the integrity of the designated site PRIOR to any grant of a planning consent. The LPA must as required submit any HRA appropriate assessment for formal consultation and approval by Natural England prior to any planning consent being granted.*

*The LPA requires legal and scientific certainty in order to complete the HRA process.*

*Notes in respect of HRA process:*

- The proposal creates a new independent, self-contained residential accommodation with associated new foul water flows. •*
- A new package treatment plant is proposed but no supporting details, location plans or BS6297 percolation and ground water testing have been supplied to demonstrate that the proposed additional foul water system can be accommodated within the land under the applicant's ownership. The location of the existing septic tank and associated soakaway drainage*

*field should be shown alongside the additional proposed PTP and drainage field on plans supplied.*

*Once this additional detailed drainage report and updated plans and information have been submitted the LPA can progress the required HRA process.*

*At this time due to legal and scientific uncertainty and phosphate neutrality not secured there is an identified Adverse Effect on the Integrity of the River Wye Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 and SD3 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; and NERC Act obligations..*

*Additional ecology comments:*

*The LPA has no reason to consider that there could be any direct or significant effects of the barn conversion to protected species, although there are known local bat populations and nesting birds 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:*

*Wildlife Protection Informative*

*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.*

*As supported by NPPF, Core Strategy, NERC Act and declared Climate Change and Ecological Emergency all development should demonstrate how they will deliver a net gain in local biodiversity. A condition to secure this 'BNG' is requested on any application finally granted.*

*CNS based on Std condition CKR (modified to brexit) is relevant  
To obtain Biodiversity Net Gain*

*Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of 'permanent' Bat roosting, bird nesting and pollinating insect breeding enhancements, 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.*

*Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981,, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3. Compliance with council's declared Climate Change and Ecological Emergency.*

***Updated following amended plans:***

*The previous comments made 19/08/2021 are still relevant in respect of general ecological interests at the site and to secure a biodiversity net gain for this single holiday accommodation conversion as proposed.*

***In respect of the required HRA process the following notes and comments are now made.***

*The proposed development of a single unit of new holiday accommodation will create additional foul water flows – potential nutrient pathways in to the River Wye SAC.*

- *No mains sewer system is available at this location.*
- *The proposal is to install a new private foul water treatment system (Package Treatment Plant) to manage the additional foul water flows from the new development.*
- *The supplied plans and BS6297 compliant testing results confirm that a suitable soakaway drainage field can be achieved to manage all outfall from the proposed PTP at this location; and that the drainage field is located on land under the applicant's ownership.*
- *The proposed foul water management scheme can be secured by condition on any planning permission granted.*
- *The proposed development is not identified as creating any significant additional surface water flows and all surface water can*

*be managed through appropriate onsite Sustainable Drainage Scheme/infiltration features.*

*Suggested condition:*

***Habitat Regulations (River Wye SAC) – Foul Water & Surface Water***

*Unless otherwise approved in writing by the planning authority, all foul water created by the development permitted under this permission shall discharge through connection to a new private foul water systems (Package Treatment Plant) discharging to a soakaway drainage field; and all surface water managed by local infiltration-soakaway systems.*

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

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**Land Drainage**

***Overview of the Proposal***

*The Applicant proposes the extension and conversion of an existing carport into a self-catering holiday accommodation. The site covers an area of approx. 0.02ha. A small pond is located to the west of the adjacent highway and Cage Brook flows approx. 135m to the northeast of the site. A larger pond is located approx. 180m to the west of the site which is fed by an ordinary watercourse flowing to the west of the pond. The topography of the site is relatively flat however the surrounding area gently slopes down from the northwest to the southeast.*

***Flood Risk***

***Fluvial Flood Risk***

*Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:*

***Surface Water Flood Risk***

*Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding however the surrounding area to the northwest of the proposed site is shown as being at risk of surface water flooding, which we assume is associated with the ponds, watercourses and a possible shallow dip*

*in the ground elevation facilitating surface water ponding.*

#### *Other Considerations*

*Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.*

#### *Surface Water Drainage*

*We note that the Design & Access Statement states that the surface water from the roof will drain into existing soakaways which currently drain the carport with all other additional surfaces being permeable. The infiltration rate obtained has been calculated as  $5.814 \times 10^{-5} \text{m/s}$ , which is acceptable.*

*The Drainage Letter has confirmed that the building is served by an existing soakaway system which is said to be functioning well. It is stated that the reduced scheme will not extend the building, therefore it would be assumed that the holiday accommodation would continue to use this system. Email correspondence contradicts this proposal, stating that a new soakaway will be constructed and designed based on the dimensions (1m x 1m x 1m) presented in the Drainage Design drawing. Despite the conflicting proposals, we see that there is a commitment to providing an adequately sized soakaway for the discharge of surface water for the development. We understand that Building Control will review the arrangements.*

#### *Foul Water Drainage*

*No detailed foul water drainage strategy has been submitted however the proposals are indicated on the Drainage Design and Design & Access Statement.*

*We note that the foul water drainage system comprises a new package treatment plant, which is separate from the existing septic tank on site. This package treatment plant is located 10m from the proposed holiday let. We understand that this will discharge to a drainage field located 15m from the proposed holiday let.*

*Percolation testing has been undertaken at the site whereby 2 trial pits were excavated and the Vp rate obtained was 17s/mm. The newly submitted Drainage Letter confirms that it was conducted in accordance with BS 6297 during the winter months. We now understand that the trial pits were excavated to a depth of 1.2mBGL as the invert level of the drainage field is proposed to be 1.2mBGL; the water table was below the depth of the trial pit.*

*We note that the amended drainage design drawing now presents a squared drainage field designed in line with the BS 6297 Approved Document H guidance. The drainage field is now proposed to be 19.5m<sup>2</sup> situated 15m from the proposed holiday let. The previously submitted foul water soakaway calculations document found that a drainage field area of 17m<sup>2</sup> would be required. Therefore, the newly proposed drainage field design provides an excess area for foul water discharge which is acceptable.*

*The topography of the ground at the proposed site appears to be relatively flat. It should be noted that a gravity discharge must be achieved from the holiday accommodation to the package treatment plant and drainage field.*

**Overall Comment**

*We hold no objections to the proposed development.*

Natural England	<i>Consulted 25/5/22 – No response received 27/6/22. Proceeding on basis of Councils HRA screening</i>
Adj. Parish Council (Madley)	<i>Further to Madley's recent Parish council meeting, I can confirm that the Councillors discussed the above planning application and confirmed that they have no objections.</i>
Kingstone and Thruxton Parish Council	<i>No objection (comments received 7.7.22)</i>
Local Member	<i>Ward Councillor Bolderson has not requested redirection and is content in the light of no local objections or concerns from Parish Council</i>

Pre-application discussion:

P200735/CE

Constraints:

Road No U73209  
 Surface Water Adj.  
 SSSI Impact Zone  
 NE Priority Habitat  
 River Wye SAC catchment



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.”*

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 has been 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 this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the ‘made’ Kingstone and Thruxton Neighbourhood Development Plan (NDP). The National Planning Policy Framework 2021 is a significant material consideration but does not hold the statutory presumption of a development plan.

With the proposal being for holiday accommodation, policies RA6 and E4 of the CS are engaged in the first instance. Chapter 6 of the NPPF is also relevant which touches on supporting a thriving and prosperous economy. The NDP does not advance any policies specific for tourist accommodation but policy KTE1 does seek to support some small scale employment generating or rural diversification projects beyond Gooses Foot Industrial Estate and the identified settlement boundary. Such proposals are required to meet the requirements of both CS RA5 and RA6.

Policy RA6 acknowledges that the rural economy will be diversified through a range of economic activities, including sustainable tourism proposals of an appropriate scale and in accordance with policy E4.

Policy E4 states that the tourism industry will be supported by a number of measures including:

- 1. recognising the unique historic character of Hereford and the market towns as key visitor attractions and as locations to focus the provision of new larger scale tourist development;*
- 2. the development of sustainable tourism opportunities, capitalising on assets such as the county’s landscape, rivers, other waterways and attractive rural settlements, where*

*there is no detrimental impact on the county's varied natural and heritage assets or on the overall character and quality of the environment. Particular regard will be had to conserving the landscape and scenic beauty in the Areas of Outstanding Natural Beauty;*

- 3. retaining and enhancing existing, and encouraging new, accommodation and attractions throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight. In particular proposals for new hotels in Hereford will be encouraged. Applicants will be encouraged to provide a 'Hotel Needs Assessment' for any applications for new hotels;*
- 4. ensuring that cycling, walking and heritage tourism is encouraged by facilitating the development of long distance walking and cycling routes, food and drink trails and heritage trails, including improvements to public rights of way, whilst having special regard for the visual amenity of such routes and trails, and for the setting of heritage assets in their vicinity; and*
- 5. the safeguarding of the historic route of the Herefordshire and Gloucestershire Canal (shown on the Policies Map), together with its infrastructure, buildings, towpath and features. Where the original alignment cannot be re-established, a corridor allowing for deviations will be safeguarded. New developments within or immediately adjoining the safeguarded corridor will be required to incorporate land for canal restoration. Development not connected with the canal that would prevent or prejudice the restoration of a continuous route will not be permitted.*

The postscript to policy E4 acknowledges that many visitors to the county come to enjoy the beautiful countryside and there is likely to be a demand for new facilities and accommodation associated with this. It goes on to state that whilst some small scale tourism associated development may be appropriate in rural areas, any significant new development for accommodation and facilities should be focused in Hereford and the market towns to maximise sustainable transport opportunities and to protect environmental amenity. The location of the site is not close to any market town and lies between Kingstone and Madley which each provided some limited services and amenities. Madley is accessible on foot from the site and one could utilise the PROW network which connects Stone Street with the village. Kingstone is further away which would likely discourage guests from walking as a result, although the PROW network does connect Stone Street with this village as well. As such it is likely that guests would have a reliance upon the private motor vehicle to access services and amenities during their stay albeit with an opportunity to utilise sustainable methods to access nearby services and amenities. However the rural location remains the intrinsic attraction of such accommodation and this is recognised in the Core Strategy through policy E4 which only seeks to direct significant new tourist development to Hereford and the market towns. On the other hand policy SS7 requires proposals to focus development to the most sustainable locations and reduce the need to travel by private car. This aim is reflected by policies SS4 and MT1, which stipulate that proposals should facilitate a genuine choice of travel modes such as a walking, cycling and public transport. Therefore there is a clear divergence of the development plan with tension between the sustainability of locating developments in rural areas and the need to support the rural economy.

The foregoing is supported by Chapter 6 of the NPPF which comments that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It goes on to touch on tourism specifically saying that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 85 of the NPPF states:

*“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*

Policy KTE1 of the NDP references that support will be given where a proposal meets both RA5 and RA6. Policy RA5 supports the re-use of redundant and disused rural buildings for a variety of uses. To gain the in principle support of this policy it is necessary to consider whether the existing garage is redundant or disused. It is Officers opinion that given the nature of the building, its current ancillary use and the ongoing use of the primary dwelling on the site that the building is not redundant, even if it is not under use by the current owners that use could easily resume in line with the needs of future owners of the dwelling. It does however exist as an under used building on the site and the application does not propose a new structure as a result of the re-use of the existing structure. This has clear benefits when considering both the sustainability and the visual impact of the proposal. Accordingly it is not considered to directly align with policy RA5 as required by KTE1.

It is clear that from the above policy assessment there is broad support for tourist accommodation, truly designed for holiday purposes, even if in open countryside locations/. Some tension has been identified with both the sustainability aspect of locating development beyond identified settlements and with a more technical aspect of NDP KTE1 through a failure to adhere to CS RA5. It is acknowledged that the development plan can pull in different directions and so the matter will be returned to in the planning balance.

### **Highways**

Policy MT1 of the CS seeks to ensure that developments, among other things, are sited, designed and laid out in a manner which ensures the safe and efficient flow of traffic, safe entrance and exit and have the appropriate operation manoeuvring space to accommodate all modes of transport.

The existing access arrangements will be retained for private motor vehicles and the Local Highways Authority have raised no objection to this matter. The existing access has good visibility onto Stone Street due to the geometry of the road. There is sufficient parking within

the application site for both the existing and proposed use even considering the loss of the garage.

Bicycle parking will need to be provided on the site for guests to help encourage the use of sustainable transport methods which will help to off-set the unsustainable location given the proximity to both Madley and Kingstone are within an easy cycling distance.

Subject to conditions no conflict is therefore identified with CS MT1.

### ***Drainage***

Policy SD3 of the Core Strategy, which is supported by KTF1 of the NDP, 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 has been amended and now proposes the installation of a package treatment plant serving the proposed tourist accommodation with final discharge to an on-site drainage field. Although the structure already exists and so no change in the surface water run-off is expected as part of this application it includes the provision of a surface water soakaway crate. The proposed drainage strategy has been reviewed by the Council's Land Drainage Engineers who confirmed it was a viable strategy and held no objection to the application. The proposed strategy conforms with policy and will adequately manage the increased foul effluent from the site as well as better managing the existing surface water run-off from the structure.

### ***Habitat regulations assessment***

The application site is located within the Cage Brook sub-catchment of the wider River Wye Special Area of Conservation (SAC) and as such the Habitat Regulations Assessment (HRA) process applies to this proposal. The Council's Ecologist has reviewed the submitted proposal and undertaken the required Appropriate Assessment (AA) which concluded that there would be no adverse effects upon the integrity of the River Wye SAC subject to conditional mitigation. The HRA AA was submitted to Natural England for review but no response received so proceeding on basis of the Council's screening

### ***Ecology and biodiversity***

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to

harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.

The Council's Ecologist has reviewed the proposed change of use and surrounding ecological records. They have raised no concern with the proposal although note that there are known local bat populations and nesting birds that would need to be considered under the developers own duty of care, a relevant informative will be imposed on any permission to draw attention to this matter.

Additionally and to support the local bat and bird populations as well as providing other habitats the Ecologist has recommended that a condition secure biodiversity net gain enhancements on the site.

### ***Conclusion and balance***

In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Policy SS1 of the Herefordshire Local Plan Core Strategy (CS) sets out that 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. At paragraph 11, the NPPF states that the presumption in favour of sustainable development means "approving development proposals that accord with an up-to-date development plan without delay". Although paragraph 12 affirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

At this time the Development Plan comprises the CS and the NDP. The proposed change of use does accord with the CS with regards to rural diversification and the provision of small scale tourist accommodation in rural areas but some tension has been identified with the unsustainable location of the site and the lack of adherence to NDP KTE1 as a result of the building not being redundant or disused for the purposes of CS RA5. However the proposal is for small scale accommodation within an existing building which is under used on a site and represents a sustainable re-use of the structure that would help to support the rural economy. The ability to secure bicycle storage by condition will help to reduce the over reliance upon the private motor vehicle.

Case law acknowledges that the development plan pulls in differing directions in some instances and that the decision maker should make an assessment against the development plan as a whole. Given the support for the diversification of the rural economy in the development plan and the support of economic growth under chapter 6 of the NPPF, the small scale of the proposal, the fact that it does not include the erection of a new structure and that bicycle storage will help to encourage active travel thereby supporting both sustainable transport and local services in amenities in nearby villages I am content that the small scale development does align with the overall direction of the development plan despite the acknowledged tension. I recommend accordingly.

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

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

*(please note any variations to standard conditions)*

1. C01
2. C06 – Existing and Proposed Block Plans 01, Proposed Floor Plan and Elevations 01 and 1/2021/03a Rev B
3. Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of 'permanent' Bat roosting, bird nesting and pollinating insect breeding enhancements, 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.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3. Compliance with council's declared Climate Change and Ecological Emergency.

4. CB2
5. The building which is the subject of this application shall be used for holiday accommodation only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: Having regard to Policies RA3 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, due to the relationship and close proximity of the building to the property known as Snowdrop Cottage and the rural location.

6. The holiday accommodation and the dwelling known as Snowdrop Cottage shall not be sold or leased separately from each other.

Reason: Given the close relationship of the holiday accommodation and Snowdrop Cottage and the rural location of the application site it would be contrary to policies RA3 and SD1 of the Herefordshire Local Plan – Core Strategy to permit two separate uses on the site.

7. Unless otherwise approved in writing by the planning authority, all foul water created by the development permitted under this permission shall discharge through connection to a new private foul water systems (Package Treatment Plant) discharging to a soakaway drainage field; and all surface water managed by local infiltration-soakaway systems.

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

8. CE6
9. CE3

## **Informatives**

1. IP2
2. 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: .....27 June 2022.....

**TEAM LEADER'S COMMENTS:**

**DECISION:**

**PERMIT**

☒

**REFUSE**

☐

Signed:

AB

..... Dated: 27/6/22

Is any redaction required before publication? **No**