

PLANNING, DESIGN AND ACCESS STATEMENT

**NACKLESTONE FARM, LEINTWARDINE, CRAVEN ARMS,
HEREFORDSHIRE, SY7 0LZ**

DOWNTON ESTATES LTD



**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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1. INTRODUCTION

- 1.1 This Planning, Design and Access Statement has been prepared by RAW Planning Ltd to accompany a planning application which is submitted on behalf of Downton Estates Ltd (“The Applicant”). The application relates to a redundant farmyard at Nacklestone Farm, Leintwardine, Craven Arms, SY7 0LZ (“The Application Site”).
- 1.2 Full planning permission is sought for the removal of the existing agricultural buildings, erection of five dwellings, car ports, access, landscaping and associated works. This application follows approval of a Class Q consent (ref: 203679) to convert some of the buildings into 5no. residential dwellings.
- 1.3 This submission follows a recently determined application for a similar scheme (ref: 214509). The application was refused for one reason relating to impact on the countryside due to the siting, layout, design and appearance of the development. This revised application seeks to overcome this reason for refusal through a re-designed layout, design and appearance which will enhance the site and the character of the surrounding countryside.
- 1.4 This application is accompanied by a Bat Survey prepared by Broadview Ecological Consultants; Preliminary Ecological Appraisal and Tree Survey prepared by Arbtech; a Drainage Audit Report prepared by Mayglothling, and the a drawing package prepared by Border Oak.
- 1.5 This Statement considers the application site and its context; identifies relevant planning history and details the development proposals. The Statement then goes on to consider the planning policy framework applicable to the application and provides and assessment of the main planning issues.

2. THE APPLICATION SITE AND SURROUNDINGS

- 2.1 Nacklestone Farm is situated to the south east of the village of Leintwardine, and to the west of Ludlow. The site is accessed by a road directly from Leintwardine.
- 2.2 Nacklestone Farm forms part of the Downton Estate.
- 2.3 The site comprises five post war agricultural buildings with an area of hardstanding and concrete, and a silage clamp. The buildings are surrounded to the north by woodland, to the east by agricultural land, and to the south and west by detached residential dwellings.
- 2.4 The Class Q consent (ref: 203679) allows for the conversion of The Old Dairy and the Cubicle Shed into five new dwellings. The gardens would be located on the site of the existing silage clamp.

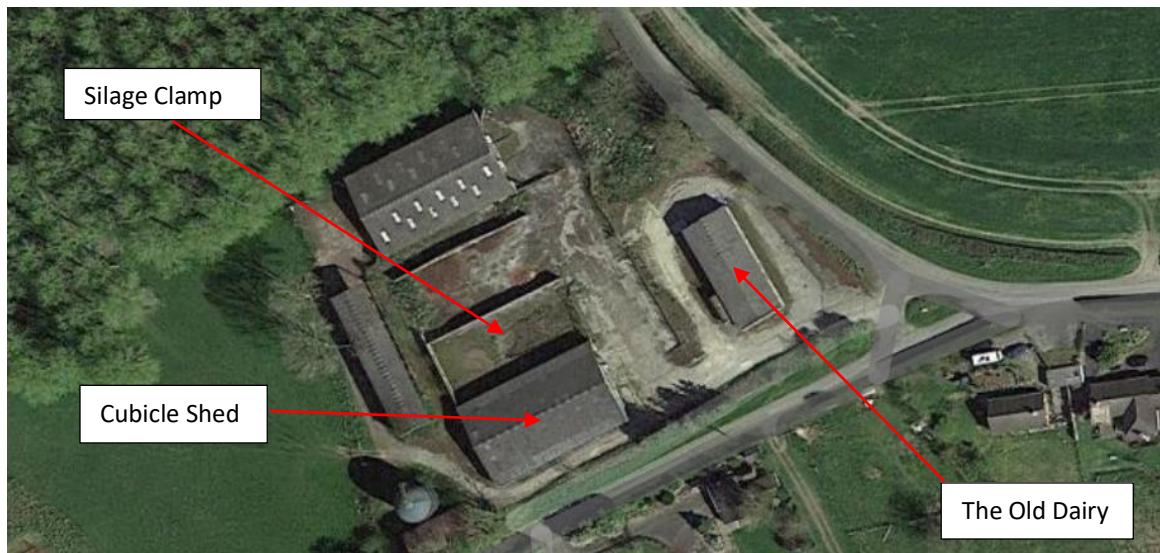


Image 1: Location of buildings with extant Class approval for conversion to residential

- 2.5 In terms of planning designations, the site does not lie within any landscape or ecological designations, nor are there any designated heritage assets within close proximity. Maps on the Environment Agency website indicate that the site is regarded as being within Flood Zone 1 (an area with the least probability of flooding).
- 2.6 The photographs overleaf illustrate the existing buildings at the application site.



3. THE APPLICATION PROPOSALS

- 3.1 The proposal seeks to demolish all of the redundant agricultural buildings, to allow for the construction of five new dwellings, with car ports and landscaping. The main components are described below.
- 3.2 The redevelopment proposals would result in a high quality development by local craftsmen Border Oak of five detached dwellings, positioned across the site. Images 2 and 3 below illustrate the revised site layout along with the sketch view of how the site would look in context.



Image 2: Proposed Site Plan



Image 3: Proposed Aerial View

- 3.3 As seen in the images in section 2, the existing redundant agricultural buildings are tired looking, bulky building that do not make a positive contribution to the character or appearance of the site and surrounding area. It is therefore considered that a more appropriate approach to delivering five dwellings on the site would be to replace the existing buildings that benefit from extant consent for conversion, along with demolishing all of the remaining buildings to deliver a 'clean' site for redevelopment. These buildings have been individually designed by the architectural team at Border Oak, who are an award winning oak framed house building company, based very locally to the application site.
- 3.4 All of the five dwellings have been designed to be in keeping with the aesthetic of the area, rather than simply converting the buildings that are in situ. The dwellings would be built to last, and the re-designed scheme is based on a traditional farmyard, in response to the feedback from the Historic Buildings Officer at Herefordshire Council.

Plots 1 and 2

- 3.5 Plots 1 and 3 provide a 238sqm and a 328sqm dwelling, respectively. Both dwellings would have four bedrooms. Plot 1 comprises a more compact ground floor, with a kitchen, sitting room and utility with the first floor comprising four bedrooms. Plot 2 includes a sitting room, kitchen, office, utility and garage at the ground floor, with four bedrooms upstairs plus a studio over the garage.



Image 4: Plots 1 & 2 Proposed Elevations

- 3.6 Plots 1 & 2 have been designed to represent traditional barns that can be found on local farmsteads, using traditional materials including brick and timber weatherboarding. The façade is broken up using these materials, along with fenestration. In order to add interest, the roof height drops down with the ground levels.

Plot 3

- 3.7 Plot 2 provides a 241sqm 3 bedroom dwelling with a detached garage. The design is of a traditional farmhouse and is positioned as having the appearance of forming the focus of the farmstead as it would have been traditionally. The house would be constructed of brick, with a slate roof. Other proposed materials include weatherboarding with a plain clay tiled roof. The boot and utility room section has been reduced in scale to a single storey to add interest and variety into the design, and have the appearance of having developed over time.



Image 5: Plot 3 Proposed Elevations

Plots 4 and 5

- 3.8 Plots 4 and 5 comprise a pair of semi-detached dwellings. Plot 4 provides a 169sqm 3 bedroom dwelling with a sitting room, kitchen, utility and cloakroom at the ground floor. Plot 5 provides a 145sqm 2 bedroom dwelling, incorporating a kitchen and sitting room at the ground floor, along with a utility and shower room.

- 3.9 The design incorporates a similar design for both dwellings, to create a cohesive scheme. The proposed materials include brick and weatherboarding for the walls, with plain clay tiles. The introduction of gable dormers into the roof adds interest in a traditional design.
- 3.10 The design of plot 5 is akin to a farm worker's cottage, with the attached Plot 4 having the appearance of a converted hay barn, with the first floor door with dormer roof.

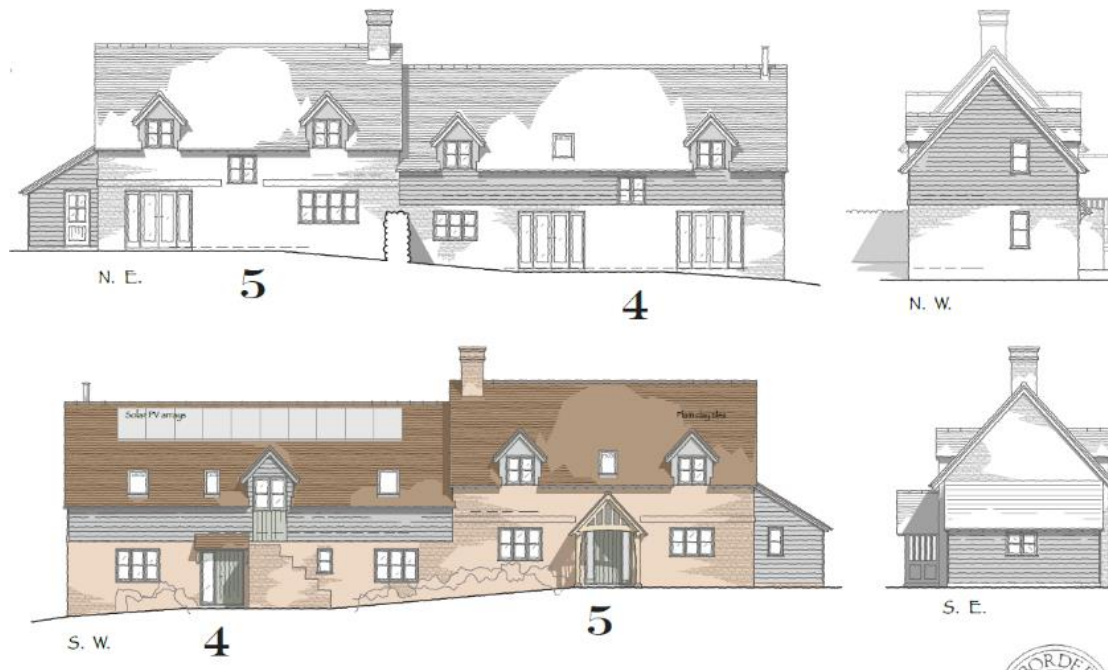


Image 6: Plots 4 and 5 front elevation

- 3.11 The dwellings would all benefit from car port parking, and due to the proposed site clearance, there would be ample manoeuvring space and cycle storage. The site would be accessed from the main vehicular access, which would be utilised by both properties. An attractive hard landscaping scheme would ensure that the plots are gently reinforced.
- 3.12 In terms of landscaping, the Applicant proposes to retain all existing hedgerow and trees.
- 3.13 To conclude, the opportunities afforded by a full planning application have allowed enhancement to the site and surroundings, allowing the properties to relate far better to the surrounding context; provide generous gardens and make more effective use of the land. The application also improves the Class Q consent by providing buildings that will provide beautiful homes for the future.

4. RELEVANT PLANNING POLICIES

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is considered to be a material consideration which attracts significant weight.

4.2 This section refers to relevant national planning policy and guidance as well as Development Plan policies that provide the planning policy framework within this planning application should normally be considered. It deals with the following layers of policy and guidance:

- The National Planning Policy Framework (NPPF)
- The Development Plan

National Planning Policy Framework (NPPF)

4.3 The NPPF outlines national guidance and the Government's policies on the many different aspects of planning. The latest version of the NPPF is dated July 2021. Local Authorities are required to take its content into account when preparing their Development Plans and it is a material consideration when making decisions on planning applications or appeals.

4.4 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It reiterates the role of the Development Plan noting at paragraph 2 that:-

"Planning law requires that applications for planning permission must be determined in accordance with the Development, unless material considerations indicate otherwise".

Achieving Sustainable Development

4.5 Central to the NPPF is the principle of sustainable development. Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

4.6 Paragraph 8 identifies three overarching objectives of sustainable development. These include economic, social and environmental objectives.

4.7 Paragraph 9 stresses that:-

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area”.

The presumption in favour of sustainable development

- 4.8 Paragraph 12 confirms that the NPPF does not change the statutory status of the Development Plan as the starting point for decision making.
- 4.9 Paragraph 11 sets out a presumption in favour of sustainable development that should be applied in Plans and decisions. For decision-taking this means:-

“(c) Approving development proposals that accord with an up-to-date development plan without delay; or

(d) 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:

- (i) 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*
(ii) 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”.

Delivering a sufficient supply of homes

- 4.10 Guidance in relation to housing is provided at paragraphs 60 to 80. The Government’s clear and overarching objective is to significantly boost the supply of housing.
- 4.11 Paragraph 74 explains that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
- 4.12 Paragraph 79 promotes sustainable development in rural areas advising that housing should be located where it will enhance or maintain the vitality of rural communities.

Making effective use of land

- 4.13 Paragraph 119 emphasises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 4.14 Paragraph 120 states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes as well as promoting and supporting the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.

Conserving and enhancing the natural environment

- 4.15 Paragraph 174 sets out six ways in which planning policies and decisions should contribute to and enhance the natural and local environment. These include: recognising the intrinsic character and beauty of the countryside, and providing net gains for biodiversity.

The Development Plan

- 4.16 The Statutory Development Plan covering the application site comprises the Herefordshire Local Plan – Core Strategy (2015).
- 4.17 The application site is not subject to any land based policy designations or constraints. The most relevant Local Plan policies are identified below.
- 4.18 **Policy SS1 – Presumption in favour of sustainable development** – is consistent with paragraph 11 of the NPPF.
- 4.19 **Policy SS2 – Delivering new homes** – states that there is a minimum requirement for 16,500 homes within the plan period (2011-2031) with approximately one third of these (5,300) to be located in rural settlements where there is a more limited range of services. The policy states that in the wider rural areas, new housing will be carefully controlled reflecting the need to recognise the intrinsic character and beauty of the countryside. The supporting text at paragraph 3.34 supports one of the NPPFs key principles which is to encourage the effective use of land by re-using land that has previously been developed.
- 4.20 **Policy SS4 – Movement and Transportation** – encourages new developments to be located to minimise the impacts on the transport network, and *where practicable*, to be accessible by a choice of modes of travel, including walking, cycling and public transport.
- 4.21 **Policy SS6 – Environmental quality and local distinctiveness** – development proposals should conserve and enhance landscape and biodiversity.

- 4.22 **Policy RA3 – Herefordshire’s countryside** – this policy limits residential development in rural locations outside of settlements by setting out seven criteria. These include: rural workers dwellings; replacement dwellings; re-use of redundant buildings (where they lead to an enhancement of the landscape setting); are of exceptional quality, or gypsy / traveller sites.
- 4.23 **Policy LD1 – Landscape and townscape** – states that development proposals should conserve and enhance the natural landscape, incorporate new landscape schemes and maintain and extend tree cover.
- 4.24 **Policy SD1 – Sustainable design and energy efficiency** – development proposals should make efficient use of land taking into account local context and site characteristics; maintain local distinctiveness; safeguard residential amenity; use sustainable construction methods and ensure that designs can be easily adapted to meet changing needs throughout the lifetime of the development.
- 4.25 **Policy SD3 – Sustainable water management and water resources** – requires development to include a sustainable drainage system, incorporate water conservation and efficiency measures, and separate foul and surface water on new developments.
- 4.26 **Policy SD4 – Wastewater treatment and river water quality** - If developments cannot connect to the existing mains wastewater, then a package treatment plant should be provided.

Other Material Considerations

- 4.27 The Court of Appeal in *Mansell v Tonbridge and Malling Council* [2017] EXCA Civ 1314 has clarified when a ‘fallback’ development may be a material planning consideration for an alternative development scheme.

5. PLANNING ASSESSMENT

- 5.1 Section 38 (6) of the Planning and Compulsory Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. This is echoed in paragraph 2 of the NPPF. Whilst the proposed development would represent a departure from Policy SS2, it is considered that in this instance, there are other material considerations that carry significant weight and must be taken into consideration in the determination of the application.

Principle of development

- 5.2 Although the prior approval proposal has yet to be implemented, the consent is extant and so the fallback position it creates is an important material consideration. In a recent Court of Appeal case (Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314 [08 September 2017]) Lord Justice Lindblom considered, inter alia, whether the Council was entitled to accept that there was a real prospect of the fallback development being implemented.
- 5.3 The Mansell v Tonbridge case related to the proposed development of four dwellings in the Green Belt that had been permitted despite the fact that the development was contrary to policy in the development plan. In making the decision, the Council had regard to the 'fallback position', namely that there was an existing bungalow on the site as well as a barn that could lawfully be converted to three dwellings by virtue of Class Q of the GPDO (change of use of agricultural buildings to dwellings).
- 5.4 In his decision, Lord Justice Lindblom stated that *"the Council was entitled to accept that there was a 'real prospect' of the fallback development being implemented, and to give the weight it evidently did to that fallback as a material consideration."* The Court of Appeal is therefore clear that fallback positions need not be highly likely, but there should be a 'real possibility' of the development being undertaken. With regards to this application, it is clear that the Applicant intends on developing the site for residential development, as evidenced by the earlier application and therefore, there is a real prospect that there will be five new dwellings on the site.
- 5.5 The use of the application site for residential purposes has therefore been established. Whilst the proposed dwellings are 'new build' as opposed to 'conversion', the impacts of the proposed development are effectively the same as the extant proposals, and in design terms there are clear benefits in removing all of the existing buildings and 'starting from scratch'.
- 5.6 Set against the realistic fallback position, the proposed development is acceptable in principle. The dependency on the private car would be the same, and the resultant dwellings and associated landscaping would make a considerably more positive contribution to the local area when compared

to the conversion of the existing barns. Fundamentally, the total amount of built footprint and hardstanding would be dramatically reduced.

- 5.7 The principle of five dwellings at the site was accepted by officers when the previous scheme was determined. The Officer's report on the previous scheme concluded that:

"Developing the site for residential purposes at the intensity proposed, having regard to the realistic fallback position that exists, is acceptable in principle."

Impact on the character and appearance of the area

- 5.8 Policy SD1 highlights that all development should integrate, respect and complement the character of the surrounding area and ensure that a proposal makes efficient use of the land whilst also ensuring that it respects the surrounding locality.
- 5.9 The existing buildings sit within a rural setting of a small cluster of buildings. The application site is not considered to be sensitive in landscape terms, is fairly well screened from the surrounding landscape setting and is not located in a prominent location.
- 5.10 The existing site is vacant and underused and the proposed development seeks more efficient use of the site as a whole.
- 5.11 The design of the extant dwellings at the Old Dairy and the cubicle sheds, by their conversion nature, reflect that of a large, functional, agricultural barn converted in a hap hazard way for residential use. It would, therefore, appear as relatively odd and poorly considered and as such would also appear out of character in its setting.
- 5.12 When assessing the previous scheme, officers considered that the layout, scale and appearance of the proposed dwellings was suburban, which would be out of character with the surrounding agricultural setting. However, the officer's report did accept that even by implementing the extant Class Q consent, there would be a 'element of domestication' of the site.
- 5.13 The proposed arrangement enables the dwellings to create a focal point in the centre, whilst also ensuring that there is no material impact on the setting of the immediate vicinity. The proposed layout has been re-designed to create the character of a traditional farmyard, with buildings that would have originally formed part of a working farm but converted over time.
- 5.14 It is considered that the proposed layout and the overall quantum of development is appropriate for the site, resulting in plot sizes and spacing which reflect and sit comfortably within the existing

farmstead. As such it is considered that the proposals provide a more sympathetic scheme in their setting in these respects, and result in an improvement in any landscape views.

- 5.15 As part of the proposed development, a landscaping scheme can be secured which would further enhance the character of the area.
- 5.16 Overall, it is considered the proposed scheme respects the character of the surrounding area, whilst making vast improvements in terms of land use efficiency. Therefore, as well as according Policy SD1, the proposals are entirely accordant with chapter 11 of the NPPF which seek to maximise the efficient use of land.

Highways Impact

- 5.17 It is important to note that the number of trips generated by the existing site use would likely exceed the number of trips generated by two residential dwellings. As such, the proposal will not likely increase the number of vehicular movements. The site is also served by an existing access which will be retained and utilised for the new dwellings. There were no objections from the highways officer with regards to the access into the site for the Class Q consent, nor for the previous scheme.

Ecology

- 5.18 Policy SS6 focuses relates to ecology and biodiversity. A Preliminary Ecological Appraisal has been carried out at the site, which found no evidence of any protected species, and no further surveys were therefore recommended. A Construction Environmental Management Plan is expected to be conditioned.

Residential Amenity

- 5.19 The siting, scale and fenestration of the proposed dwellings has been carefully considered, to ensure that the amenity of both neighbouring properties and future occupiers will not be adversely affected by the proposed development. The proposed gardens for the new homes are spacious, well-screened and will provide the future occupiers of the development with a satisfactory level of private amenity space.
- 5.20 Overall, it is not considered any overlooking, overshadowing or loss of privacy issues would occur as a result of the development given the degree of separation distances, and the design, layout and orientation of the proposed dwellings.

Drainage

- 5.21 There is no mains drainage available in the locality and it is therefore proposed that the dwellings would be served by a new package treatment plant. The proposed location of the plant is identified on the Proposed Site Plan (ref: D1901.1A) and would discharge to ground owned by the Applicant.

6. SUMMARY AND CONCLUSION

- 6.1 This application seeks to redevelop the existing site to create five residential dwellings, car ports, landscaping, parking and associated works.
- 6.2 There is an identified conflict with Policy SS2, as the application site lies within the open countryside in policy terms. However, this statement has demonstrated that the fallback position of the permitted development, and this was accepted by officers when determining the previous scheme. The extant permission is an important material consideration in the decision making of this application. This approach is entirely consistent with that adopted by previous Inspectors deciding appeals and there is supportive case law as set out in this Statement.
- 6.3 The re-design of this revised application seeks to address and overcome the concerns raised by the Historic Buildings Officer by creating a traditional farmstead development that would reflect the character of the surrounding countryside.
- 6.4 As discussed in the relevant sections, the proposals are also considered to accord with the relevant adopted policies regarding the impact on the character and appearance of the area, highways impact, ecology residential amenity and drainage.
- 6.5 Therefore, in the absence of any significant disbenefits of the scheme, the identified benefits to all three dimensions of sustainable development, and the accordence of the proposals with both the NPPF and the development plan when read as a whole, the planning balance lies in favour of the proposed development.

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