

DELEGATED DECISION REPORT

APPLICATION NUMBER

184176

The Mill Farm, Little Cowarne, Herefordshire,

CASE OFFICER: Mr Josh Bailey

DATE OF SITE VISIT: 14th March 2019

**Relevant Development
Plan Policies:**

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

SS1 – Presumption in favour of sustainable development
SS4 – Movement and transportation
SS6 – Environmental quality and local distinctiveness
RA3 – Herefordshire's countryside
RA6 – Rural Economy
MT1 – Traffic management, highway safety and promoting active travel
E4 – Tourism
LD1 – Landscape and townscape
LD2 – Biodiversity and geodiversity
LD4 – Historic environment and heritage assets
SD1 – Sustainable design and energy efficiency

Stoke Lacy parish are not considering a Neighbourhood Development plan

NPPF

2. Achieving sustainable development
4. Decision making
6. Building a strong competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change
15. Conserving and enhancing the natural environment

Relevant Site History: None

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X				X

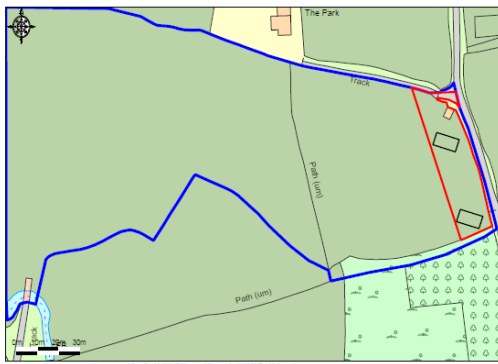
Transportation	X				X
Landscape	X				X
Hyder/Welsh Water	X	X - No comment			
PROW	X		X		
Site Notice/Press	X		X(1sup)		X(15obj)
Local Member	X	X*			

PLANNING OFFICER'S APPRAISAL:

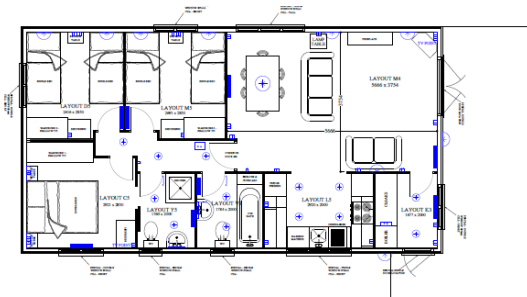
Site description and proposal:

The site refers to a largely rectangular parcel of land within open countryside, adjacent to Woodend Lane, close to the border of Stoke Lacy parish with Little Cowarne parish. The site is approximately 1 mile north-west from the junction with the A465.

The application proposes a change of use of agricultural land to house two temporary mobile homes for holiday let accommodation. To demonstrate the proposed layout, a proposed site plan and floor plan has been submitted, along with indicative photographs of the proposed cabins, shown below:



- Location plan identifying proposed siting of cabins



- Proposed floor plan of cabin



- Photographs of cabins proposed

Representations:

Stoke Lacy Parish Council – Objection: *“The access road, Woodend Lane, is not good enough to service the extra traffic which would be created. It is an unclassified, single-track no-through-road with no passing places, high banks and many bends, some of which are at a 90 degree angle. The site of this application is based in Stoke Lacy Parish, not Little Cowarne. There are also other inaccuracies in the planning application as submitted”.*

Transportation – Objection: *“There are concerns from this development, as there are no material improvements proposed to the access given the site entrance would require users to turn two 90 degree corners in a very short distance. There is also insufficient information provided on the parking and turning arrangements that will accompany the development. This is concerning from looking at the floor plans which could give rise to an intensification on the highway network from given the units proposed and possible number of people using each cabin.*

Conclusion - *More information is needed on parking and turning arrangements for the homes, as well as vehicle movements. If such information is not provided, the local highway authority objects on the grounds of insufficient information to satisfy Policy MT1 of the Core Strategy, given the absence of parking details to allow for safe manoeuvrability within the site and given the intensification proposed, lack of detail on the vehicle numbers anticipated to accommodate within the local highway network”.*

Landscape – Objection:

“Setting:

- *The landscape features of the site are characterised by a field in grass pasture with a native hedgerow on the Eastern boundary to the site, maintained at approx. 2+m in height. On the Southern boundary there is a mature native woodland.*
- *The topography of the site is elevated and steeply sloping towards the West with long distance uninterrupted rural views to the West.*
- *There are existing buildings to the South East the ‘Folly’ a Listed Building and to the North West ‘The Park’. There is a potential impact on the Listed Building and our Conservation Officer can provide further information on this.*

- *There is a footpath SL5 on the Southern boundary going through the existing woodland with restricted and intermittent views of the proposal site. There are long distance clear views of the proposed site from footpath LC6 which is in the valley bottom to the West of the proposed site.*
- *The site has no landscape designations.*

Landscape Character Type:

- *Herefordshire Landscape Character Assessment (updated 2009) identifies this landscape as Timbered Plateau Farmlands with the following key features:
Field boundary hedgerows are thrown into visual prominence by the landform. There are wooded valleys and dingles with an ancient wooded character.*
- *The condition of the grassland pasture is in good condition and the Landscape Character is High, as it is a good representation of its character type.*

Historic References:

- *The historic maps for 1843 to 1893 show the proposed site as woodland. The proposed site especially the elevated Eastern part, is today denuded of native woodland.*

Impacts:

- *The proposal without substantial Landscape Character enhancements will be out of character with the Timbered Plateau Farmlands Landscape Character.*

Visual Amenity:

- *The design of the proposals when seen from Public Rights of Way without appropriate visual mitigation will also be incongruous with these rural surroundings.*
- *Any potential impact on the setting of the Listed Building needs to be discussed with our Conservation Officer.*

Summary & Recommendations:

Based on the information provided:

- 1. The Block Plan*
- 2. The Proposed Plans*
- 3. The Photographs and*
- 4. The Planning Support Statement, Item 5*

I would object to this application on landscape grounds.

The development at present does not comply with policy LD1 of the Core Strategy as it appears incongruous within its surroundings due to its elevated position, uncharacteristic architecture for this landscape character type, visual impact associated with views from the adjacent and long distant footpaths SL5 and LC6 and the potential impact on the nearby Listed Building the Folly. This application without substantial native woodland planting around

the proposed units would therefore be substantially harmful to the local landscape character of this area.

The proposal by virtue of:

- 1. The present layout and design would not create a strong sense of quality place making, associated with this Landscape Character type.*
- 2. The engineering works associated with the level platform requirements for the units and any proposed car parking areas would potentially disrupt the natural topography of the landscape. There are potential cut and fill implications which have not been identified on a Landscape Plan.*
- 3. The lack of green infrastructure information being proposed for the site on a Landscape Plan or within the Planning Support Statement, Item 5.2 would not enhance the site. No Visual mitigation measures and Landscape Character conservation, restoration and enhancement measures have been proposed for this site. The Planning Support Statement, Item 5.2 only quotes 'All existing boundaries will be retained to provide natural landscaping to the site. Additional landscaping if required can be agreed via a landscaping condition as part of the Planning Consent'.*
- 4. The lack of information being proposed on a Landscape Plan for hard surfaced areas associated with proposed car parking and proposed waste bins on site, would also harm the character and appearance of this landscape, if not clearly defined and considered at this application stage".*

Hyder/Welsh Water – No Comment: *"As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency/Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal".*

PROW – No objection: *"The proposal would not appear to affect public footpath SL5, which is south of the site".*

Site Notice – As of 12:00 on 16th May 2019, 18 letters of objection had been received, summarised as follows:

- There is an existing access from The Mill Farm.
- Affect quality of life on Woodend Lane for residents and wildlife.
- Privacy will be invaded.
- Buildings are not conducive to the location and are not in keeping.
- Increased light output.
- Number of historic buildings in the area which would be at risk.
- Increased vehicle movements along Woodend Lane, which has few passing places.
- Size, nature and intended use(s) of the buildings, and the extent of engineering and ground works required.
- Access issues to the site.
- Inadequacies and insufficient details on the application.
- Consistent flow of vehicle movements would lead to more accidents.
- Landscape impact to the Loddon Valley.

1 letter of support also received, raising the following points:

- Supporting farm diversification and promoting local business and community benefits.

Local Member – The application has been discussed with Ward Cllr Lester, who notes the main planning issues surrounding this application. An email to update the local member was sent on 7th May 2019 at 15:45. To date, the local member has not objected to this application being determined as a delegated matter in accordance with the officer recommendation.

Pre-application discussion:
None

Constraints:
Woodend Lane (U65210)
Grade II Listed Building nearby
PROW footpath adjacent
Surface Water adjacent

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). It is also noted that the site falls within the Stoke Lacy Neighbourhood Area, although a Neighbourhood Development Plan is not being considered. The National Planning Policy Framework 2019, is also a significant material consideration.

Strategic Policy SS1 of the Herefordshire Core Strategy sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the NPPF. Policy SS1 confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. This is broadly reflective of the NPPF.

In the context of proposals for tourism development, paragraph 83 of the current NPPF directs that planning policies and decisions should support sustainable rural tourism and leisure developments which respect the character of the countryside. This is reflected at a local level by Strategic Objective 9 of the Core Strategy, which seeks to develop Herefordshire as a destination for quality leisure visits and sustainable tourism by the provision of new, and the enhancement of existing, tourism infrastructure. More detailed policy guidance in this regard is provided by RA6 and E4. Broadly, E4 seeks to promote Herefordshire as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county’s unique environmental and heritage assets and recognising the intrinsic character and beauty of the countryside. Moreover, policy RA6 confirms that proposals which help diversify the rural economy, including through the promotion of sustainable tourism, will be supported subject to certain criteria being satisfied.

This includes that proposals should;

- Ensure that the development is of a scale which would be commensurate with its location and setting;
- Do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;
- Do not generate traffic movements that cannot safely be accommodated within the local road network;
- Do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.

From the policies above it is apparent that there is, 'in principle', support for tourism related proposals at both national and local levels. However, they also make it clear that in order to benefit from this support, proposals must be 'sustainable' when having regard to relevant development plan policies and the three objectives of sustainability as set out at paragraph 8 of the NPPF. This is considered below.

Location

In terms of location, it is acknowledged that the Core Strategy does not specifically define what may be considered sustainable in the context of development for tourism related proposals. Notwithstanding this, the NPPF does advise at Paragraph 84 that planning decisions should recognise that sites to meet local business 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. It also advises at paragraph 102 that development proposals should promote walking, cycling and public transport use, whilst policies SS4, SS7 and MT1 of the Core Strategy require that proposals should focus development to the most sustainable locations'; reducing the need to travel by private car; and facilitate a genuine choice of travel modes.

Given that the application relates to a change of use of the land, it would be noted that in accordance with Paragraph 84 of the current NPPF, the site is considered to be located in a settlement not well served by public transport. Notwithstanding this, consideration needs to be given upon the design; appearance and landscape; highways and heritage.

Landscape Impact

The policy of relevance in considering the landscape impacts of the development; is notably LD1 of the CS. The policy requires that proposals demonstrate that the character of the landscape has positively influenced the design, scale, nature and site selection, and schemes should also seek to conserve and enhance the natural, historic and scenic beauty of important landscapes and features. This is also reflective of paragraph 170 of the current NPPF, which directs that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscape and recognising the intrinsic character and beauty of the countryside.

The Herefordshire Landscape Character Assessment (updated 2009) identifies this landscape as Timbered Plateau Farmlands with features of field boundary hedgerows are thrown into visual prominence by the landform. There are also wooded valleys and dingles with an ancient wooded character and the condition of the grassland pasture is in good condition and the Landscape Character is High, as it is a good representation of its character type.

The landscape features of the site are characterised by a field in grass pasture with a native hedgerow on the Eastern boundary to the site, maintained at approx. 2+m in height. On the Southern boundary there is mature native woodland. The topography of the site is elevated and steeply sloping towards the West with long distance uninterrupted rural views to the West. There are existing buildings to the South East the 'Folly' a Grade II Listed Building and to the North West 'The Park'. There is a footpath SL5 on the Southern boundary going through the existing woodland with restricted and intermittent views of the proposal site. There are long distance clear views of the proposed site from footpath LC6 which is in the valley bottom to the West of the proposed site. Hence, the high quality of the landscape and value of the views are clearly highlighted in the various representations received from local residents and the Council's Landscape Officer.

The proposed buildings would be sited at the eastern end of the field adjacent to existing hedgerow and Woodend Lane. This siting has presumably been chosen in an attempt to reduce the visual prominence of the structures. However, given the rurality of the site and also medium and long-distance views from public footpaths and valleys (given the site's elevated positioning), the change of the use of the land will result in a formalisation of the landscape, losing its localised agricultural feel and establishing a setting which whilst it may offer filtered views, which would appear as prominent and discordant elements that are out of keeping with the character of the surrounding area, also raising concerns from a heritage perspective on the setting of The Folly (discussed below).

The siting of the units are arbitrary, and given its layout and siting, the buildings would appear isolated within the wider landscape and not appropriately related to the built form. The infrastructure required to support the new units (such as the new track and parking area, which have not been shown on the proposed plans given this is a change of use application) and the inevitable paraphernalia associated with a residential use would also serve to further domesticate the site to the detriment of its rural character, further formalising the landscape. The impact of the development of the change of use of the land in this sense would be particularly striking when the site is experienced from the nearby public footpaths.

Historically, the site is shown as woodland and this can be identified from historic maps for 1843 to 1893 and the proposed site especially the elevated Eastern part, is today denuded of native woodland.

As the landscape officer notes, the proposal does not comply with policy LD1 of the Core Strategy as it appears incongruous within its surroundings due to its elevated positioning, uncharacteristic architecture for this landscape character type, visual impact associated with views from the adjacent and long distant footpaths SL5 and LC6 and the potential impact on the Folly. This application without substantial native woodland planting around the proposed units would therefore be substantially harmful to the local landscape character of this area.

The current site characteristics, when viewed from the nearby PROWs, are shown on the photographs below:



The proposal by virtue of the layout and design would not create a strong sense of quality place making, associated with this Landscape Character type. Furthermore, the engineering works associated with the level platform requirements for the units and any proposed car parking areas would potentially disrupt the natural topography of the landscape.

Hence, the design of the proposals when seen from Public Rights of Way without appropriate visual mitigation will also be incongruous with these rural surroundings, cementing a landscape character which would be out of keeping with the historic field pattern that defines the area. Cumulatively, it is considered that the proposal would lead to significant harm by failing to respect the character and intrinsic beauty of the countryside – which is highlighted by the advice received from the Council's Landscape Officer. The change of use of the land would thus conflict with Policy LD1 of the CS.

The overall form of the buildings – in terms of their shallow roof pitch, fenestration and detailing – does little to reflect or respond positively to local character. However, given that the scheme proposes a change of use of the land, I do feel that refusing the application merely on design would attract weighting, given the compounded landscape harm identified above, leading to further conflict with policies LD1 and SD1.

Highway Matters

Policy RA6 makes it clear that rural economy and tourism proposals can be supported if they would have no adverse impact upon the local and strategic highways network. Policy MT1 of the Core Strategy offers more details guidance in this sense and requires that proposals need to demonstrate that the strategic and 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 to reduce and mitigate any adverse impacts from the development. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide. This approach accords with the section 9 of the NPPF, particularly with regards to paragraph 109 that advises that development should be refused on highways grounds if there would be an unacceptable or severe impact upon highways safety and the wider road network.

The proposal would utilise Woodend Lane to access the local highways network. This lane is approximately 1 mile in length and leads onto the A465 to the south-west of the site. Woodend Lane is surfaced with tarmac (including potholes) but is single vehicle width along its length, without any formal passing places except 'informal' passing places through residential driveways.

Moreover, the internal layout of the site itself also appears to be impractical in terms ensuring that appropriate operational and manoeuvring space is available – particularly in terms of negotiating the two 90 degree bends near to the gated entrance. The level of parking provision (at one space per three bedroom unit for up to six people) also appears to be inadequate, which would put further pressure upon the surrounding area to accommodate additional vehicles and increase the likelihood of indiscriminate parking that may adversely affect the efficient operation of the network. Indeed, the local highway authority raise concerns regarding the limited information submitted on this matter, with particular reference to parking and turning arrangements and vehicle numbers, feeling that the development proposal could give rise to a material intensification, likely to be year round.

In summary, it is considered that the proposal has failed to demonstrate that satisfactory access and parking arrangements would be delivered that would avoid any adverse impact upon the safe and efficient operation of the highways network. Hence, the scheme would lead to conflict with policies MT1 and RA6, as well as paragraph 109 of the current NPPF.

Other matters – heritage

A number of objections have raised the concerning the impact on the setting of The Folly, a Grade II listed Building and is of local interest. The area is not a conservation area, but the

proposed development would need to take into account the settlement pattern and local scale.

Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state the following: - "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

When considering the impact on the nearby heritage asset, regard is paid to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 along with paragraph 196 of the National Planning Policy Framework. Insofar as greater weight be given to the conservation of a designated heritage asset and advises that significance can be lost or harmed through alteration or destruction of the asset or development within its setting or any features of special architectural or historic interest which it possesses. Additionally, policy LD4 states that proposals affecting heritage assets should conserve, and where possible enhance the asset and their settings through appropriate management, uses and sympathetic design.

The resultant harm from the proposal is considered to be less than substantial, but at the upper echelons of this level of harm, particularly with respect to its setting. The harm is multifaceted, with the harm to the setting of the listed building being considerable, and the experience of the listed building from the public realm, particularly from PROW nearby, as was shown on the photographs above when viewed from the nearby PROW.

The harm to the listed building is considered to be less than substantial to the setting of the listed building but is not outweighed by the benefits of permitting this scheme, namely this is on the basis that the change of use of the land would compromise on highway safety arrangements and an unacceptable landscape impact, formalising the landscape and its setting, which would not be outweighed by the minor economic and social benefits which would be brought about through this proposal, namely two wooden cabins which would provide a minor tourist benefit to this part of rural Herefordshire, as part of a agricultural diversification scheme.

Hence, the impact from the proposal will mean that the less than substantial harm the proposals would cause to the setting of the listed building is not mitigated by the improved viable use of the site and as such is not in accord with policies contained within the National Planning Policy Framework (NPPF) and Herefordshire Council's Core Strategy.

Indeed, in accordance with Paragraph 189 of the NPPF, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field

evaluation. Indeed, from reading the planning statement, no heritage reference is mentioned and as such, I have factored this into my considerations.

On this basis, the harm to the heritage asset is considered to be less than substantial but towards the upper limit of this degree of harm and so the proposal should be considered against paragraph 196 of the National Planning Policy Framework, which states:

“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 securing its optimum viable use.”

As such, on balance, the proposal is considered to result in demonstrable harm when compared to the very minor benefits of the development, clearly failing to meet the test of paragraph 196 of the NPPF, along Policy LD4 of the HCS.

Conclusion

The NPPF makes it clear that all proposals should be considered in the context of the presumption in favour of sustainable development, and proposals which accord with an up-to-date development plan should be approved without delay. It also advises that the pursuit of sustainable development has three objectives – economic, social and environmental. Moreover, these objectives are interdependent and need to be pursued in mutually supportive ways.

Applying this to the current case, it is acknowledged that the change of use of the land would have some benefits in the economic sphere by increasing the provision of tourism accommodation and consequently contributing to visitor expenditure in the local economy. However, this benefit would not be unique to the scheme (in the sense that it would occur with any proposal, regardless of its location, in accordance with Paragraph 84 of the NPPF) and overall the contribution to the local economy would be relatively modest. Any additional economic activity would also have benefits in the social sphere in terms of its contribution to increasing the vitality of the rural community; however again these would be very modest.

In the environmental sphere, the change of use of the land to house two temporary mobile homes would introduce a formalisation of the landscape through a discordant new built form into a high quality rural landscape character which is currently devoid of such features, and as such the proposal leads to harm by failing to respect and uphold the intrinsic character and beauty of the countryside. Whilst harm is further compounded by the poor design of the new buildings, given their proximity of the site to public footpaths – the amenity of which would be eroded as a result of the scheme, the change of use of the land would introduce harm to the setting of a designated heritage asset, namely the Folly, a Grade II Listed Building. Further significant harm is also identified as a result of the proposals failure 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, particularly in terms of ensuring that safe entrance and exit can be achieved onto Woodend Lane and ensuring that the existing arrangements can safely accommodate the additional traffic that would be generated.

Considering the three roles of sustainable development together, it is considered that the harm in the environmental dimension would demonstrably and significantly outweigh the very minor benefits accrued in the social and economic spheres. The proposal is not therefore representative of sustainable development and hence it does not benefit from the positive presumption at the heart of the Framework. Moreover, significant conflict has been identified with policies of the development plan, notably policies RA6, MT1, LD1, LD4 and SD1 of the Core Strategy, as well as a number of paragraphs within the current NPPF.

At this time, the application is accordingly recommended for refusal for the reasons set out below. The local member has been kept informed and updated and does not object to a delegated decision or the officer recommendation.

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

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:
(please note any variations to standard conditions)

1. The proposed change of use of the land, by virtue of its layout and siting, would not create a strong sense of quality place making, associated with the Timbered Plateau Farmlands Landscape Character type identified in the Herefordshire Landscape Character Assessment which would result in formalising the landscape character and become incongruous with its setting, resulting to significant landscape harm which would not be outweighed by the minor benefits of the proposal, particularly when experienced from prominent public vantage points, including public right of way footpaths SL5 and LC6. The proposal is hence in conflict with Policies SS1, SS6 and LD1 of the Herefordshire Local Plan Core Strategy and Chapter 15 of the National Planning Policy Framework.
2. The proposal has failed to adequately demonstrate that the local highway network can absorb the impacts of the development without adversely affecting the safe and efficient flow of traffic, particularly in terms of ensuring that safe entrance and exit can be achieved onto Woodend Lane and ensuring the proposal can safely accommodate additional traffic movements that would be generated. The internal layout of the site is also such that insufficient parking and manoeuvring space would be able to support the proposed development. The proposal is hence in conflict with Policies MT1 and RA6 of the Herefordshire Local Plan Core Strategy, and Chapter 9 of the National Planning Policy Framework.
3. In the absence of a heritage statement which describes the significance of heritage assets affected, the proposal would result in less than substantial harm to the setting of The Folly, a Grade II Listed Building, which is not outweighed by the public benefits of the development proposal. The proposal does not conserve or enhance the setting of the designated heritage asset and impacts on the public's ability to experience the heritage from surrounding vantage points. The proposal fails to accord with paragraph 189 and 196 of the National Planning Policy Framework and Policy LD4 of the Herefordshire Local Plan Core Strategy.

Informatives

IP5 – Application Refused Without Discussion – No Way Forward

J.P. Ba

Signed: Dated: 17/5/19

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☐

REFUSE

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Signed: AB Dated: 20/5/19