



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 APRIL 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>130461/F - CHANGE OF USE OF FARM BUILDINGS TO CREATE 3 LETTING HOLIDAY COTTAGES, 1 B&amp;B LETTING ROOM &amp; AN EVENTS VENUE FACILITY. ERECTION OF 5 DEMOUNTABLE GEO DOMES FOR HOLIDAY/EVENTS LETTING USE, WITH WC/SHOWER FACILITIES IN A NEW BUILDING &amp; COMMUNAL FACILITIES IN ONE FARM BUILDINGS AT LLANERCH Y COED, DORSTONE, HEREFORD, HR3 6AG</b></p> <p><b>For: Mr &amp; Mrs Smolas per Mr David F Baume, 41 Widemarsh Street, Hereford, HR4 9EA</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130461&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130461&amp;NoSearch=True</a>

**Date Received: 20 February 2013**

**Ward: Golden Valley North**

**Grid Ref: 327449,242597**

**Expiry Date: 23 May 2013**

Local Members: Councillor PD Price

## **1. Site Description and Proposal**

- 1.1 The site is an isolated farmstead in a remote and sensitive landscape. The site is some distance from the nearest designated settlement, Dorstone, which is 3.3 miles away to the east and accessed via a local road network of single width country lanes. Hay on Wye is 3.1 miles away to the west. The landscape character type is Ancient Timbered Farmlands and adjacent to High moors and Commons. Both of these are high quality and highly sensitive to change. The area contains some of the oldest field patterns in the county. This small scale, intimate landscape relies on the topography, hedgerows and tree cover.
- 1.2 The site comprises a farm holding which includes an agricultural field and a number of unlisted stone agricultural buildings which are arranged around a farm yard area comprising existing hardstanding area and feature the unlisted farmhouse adjoining that yard. Access is gained from an unclassified no through road which is also a bridleway. The access along with the site adjoins Ancient Woodland, common land and Little Mountain Local Nature Reserve. Protected species and a Site of Special Scientific Interest are also hereabouts.
- 1.3 The proposal is the change of use of redundant farm buildings to create three holiday let cottages, one bed and breakfast letting room and an events facility for corporate staff training and Weddings, the erection of five demountable geodomes within farm land for holiday and events letting, erection of a WC/ shower building, communal facilities and a car park.
- 1.4 The proposal is for a phased development resulting from year 3 onwards, 25 Weddings and 10 training events per year, with outside of any such event occurring, the accommodation can

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Further information on the subject of this report is available from Mr C Brace on 01432 261947

be used as holiday lets. Weddings are restricted to 100 guests and training events 25 delegates. Accommodation through the conversions and geodomes allows 26 people to stay onsite with one onsite staff accommodation unit. This is served by a new car park of capacity 25 cars. The geodomes are for use between April – September. Outside of these dates they will be taken down and put in storage with only the raised platform remaining.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan

S1	–	Sustainable development
S2	–	Development requirements
S4	–	Employment
S6	–	Transport
S7	–	Natural and historic heritage
S8	–	Recreation, sport and tourism
DR1	–	Design
DR2	–	Land use and activity
DR3	–	Movement
DR4	–	Environment
DR13	–	Noise
DR14	–	Lighting
E11	–	Employment in the smaller settlements and open countryside
E12	–	Farm diversification
T6	–	Walking
T8	–	Road hierarchy
T13	–	Travel plans
LA2	–	Landscape character and areas least resilient to change
LA5	–	Protection of trees, woodlands and hedgerows
LA6	–	Landscaping schemes
NC1	–	Biodiversity and development
NC4	–	Sites of local importance
NC6	–	Biodiversity Action Plan priority habitats and species
NC7	–	Compensation for loss of biodiversity
NC8	–	Habitat creation, restoration and enhancement
NC9	–	Management of features of the landscape important for fauna and flora
HBA8	–	Locally important buildings
HBA12	–	Re-use of rural buildings
RST1	–	Recreation, sport and tourism development
RST6	–	Countryside access
RST12	–	Visitor accommodation
RST13	–	Rural and farm tourism development
RST14	–	Static caravans, chalets and touring caravan sites
CF2	–	Foul drainage
CF5	–	New community facilities

### 2.2 National Planning Policy Framework

Para 17	–	Core planning principles
Para 28	–	Supporting a prosperous rural economy
Para 32	–	Assessing significant traffic generation
Para 56-68	–	Good design and design requirements
Para 109-125	–	Conserving and enhancing the natural environment
Para 203-206	–	Planning conditions

- 2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

### **3. Planning History**

- 3.1 S122922/F – Change of use of farm buildings to create 4 no. letting holiday cottages, 3 no. B & B letting rooms and an events venue for corporate staff training, weddings, etc. Change of use of land for a mixed use of agricultural and temporary siting of 10 no proprietary demountable geo domes. Erection of WC's/showers units, community building and communal car parking – Withdrawn

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 The Environment Agency commented that at the water abstraction rates proposed no permit or license is required by the applicants. Furthermore the Environment Agency states they have no reason to dispute the hydrological report provided.
- 4.2 Natural England has not yet returned comment, however they did not object to the withdrawn planning application S122992/F which covered a larger land area and included land classified as 'sensitive' by Environmental Impact Assessment legislation.
- 4.3 The Forestry Commission has no objection given the nature and scale of the proposal.
- 4.4 Welsh Water Dwr Cymru has no comment to make noting a private treatment plant is proposed.

#### Internal Council Advice

- 4.5 The Traffic Manager objects to the application, noting the submitted Transport Assessment and Statement is deficient regarding its data, assessment of various junctions, and lack of consideration of other road users and peak time activity over the agricultural year. Furthermore the proposed mitigation can not be enforced or monitored and controlled, there is a reliance on passing places formed on land outside the applicant's control and overall the increase in vehicular movements represents an unacceptable risk to highway safety. The detailed assessment of the Area Engineer is set out within the main report.
- 4.6 The Conservation Manager (Landscapes) notes that the new build development can be contained and mitigated within this landscape, however objects given the proposal will have a significant detrimental impact upon the character and appearance of this sensitive area through the intensity of the proposed uses and increased number of people and vehicles into this isolated tranquil landscape.
- 4.7 The Economic Development Manager supports the application on the following grounds –
- The proposal will bring back into a productive economic use a number of currently redundant farm buildings
  - The proposal will directly generate a number of employment opportunities within the business. It should be recognised that the location of the proposal is such that employment opportunities within the locality are limited and the majority of residents will currently have to travel outside of the area to gain employment, for example – Hereford, Hay, or Peterchurch.

- The proposal has the potential to directly support a number of local businesses through the business supply chain, for example – local food production, local taxi services, local building firms and contractors.
- The proposal has the potential to indirectly support a number of tourism related businesses both in terms of increases in the number of visitor nights in the local economy and in terms of increased use of local tourism activities/facilities.
- The proposal is of a nature that does not fit with the generally recognised model for employment uses of location within a B Class employment site and the location of the proposal is integral to the business plan for the proposal.
- Whilst not a planning consideration, the applicant has been successful in getting through to the second round of a DEFRA funded grant scheme which looks to support rural employment. This would suggest that the broad thrust of the proposal accords with government policy for rural areas.

4.8 The Conservation Manager (Ecology) objects to the application due to the cumulative impact of all aspects of the proposal which will increase disturbance and negative impacts (noise, light and water quality) on the adjacent sensitive designated sites. Inconsistencies between the recommendations of the ecological report and the architectural drawings are also noted. Off-site impacts in terms of increased traffic and passing places on Alt Common as well as hedgerow loss on the site are also unacceptable.

4.9 The County Land Agent objects to the application. It is noted that advice from Legal Services is pending regarding prescriptive rights of access through the farmyard area to the adjoining common land. Furthermore concern is expressed regarding the impact of the applicant's activities on existing water supplies derived from bore holes and springs, which could have a devastating impact on adjoining agricultural enterprises and wildlife. The applicant's claims regarding the fall back position regarding their ability to farm livestock intensively on the land hereabouts is disputed given significant land degradation would occur.

4.10 The Environmental Protection Manager has provided a co-ordinated response covering issues regarding contaminated land, noise, water and public health matters –

Regarding contamination, given the previous use of the buildings, a condition requiring a contamination assessment is recommended, with the findings informing any mitigation and remediation measures required.

Control of water abstraction is regulated by the Environment Agency who have advised that no license is required for abstractions of less than 20m<sup>3</sup> per day. Abstractions less than this are not subject to any formal legal controls.

Statutory controls exist to protect neighbours from nuisance as provided by the Environmental Protection Act 1990 and the Licensing Act 2003. There will be an onus on the developer not to create a nuisance by way of noise affecting neighbours in the vicinity.

4.11 The PROW Manager has no objection.

4.12 The Conservation Manager (Building Conservation) has no objection to the conversion of the historic agricultural buildings to the uses proposed. Conditions regarding details are recommended to safeguard the character and appearance of these buildings which are considered to be locally important, capable of and worthy of the conversion.

## 5. Representations

5.1 Clifford Parish Council objects in the 'strongest terms', considering the application completely inappropriate for a wide variety of reasons including traffic, noise, light pollution and water problems, through to the serious impact it would have on the wildlife of this very special area.

Regarding water source supplies, the Parish Council states that from previous experience near the top of the hill it can be difficult to maintain for existing properties let alone 100's of wedding guests. The knowledge and experience of many residents is even if a bore hole is utilised, this might significantly affect the water table of the area and therefore give properties, many of whom rely on the natural water themselves, problems.

5.2 Dorstone Parish Council objects to the application, having concern over the traffic generated, the landscape impact of the geodomes, concern over the water supply in this area, ability of emergency services to reach the site, and the feasibility of the proposed traffic management being carried out and followed. The Parish Council states it would have no objection to the conversion of the existing barns to provide holiday accommodation only.

5.3 The CPRE objects to the application, however stresses wherever possible it supports appropriate rural economic development. The objection is on the following grounds –

- The proposal is self defeating, undermining the very qualities for wanting to have the business located here
- The proposal is totally inappropriate in its scale having regard to the isolated location
- The geodomes are unsympathetic and out of keeping with the character of the area
- The detrimental resultant impact upon the character, amenity and ecosystems of the adjacent common, Ancient Woodland and Local Nature Reserve
- Noise and light pollution undermining the character and tranquillity of the area
- The traffic management proposals are not enforceable
- Impact and risk on the local road network and variety of road users including cyclists, horse riders and walkers
- Concern over the water supply hereabouts, which is derived from non mains sources
- The waste of taxpayers money spent on the agricultural landholding through DEFRA grants, now all being reversed to accommodate these new uses

Visit Herefordshire supports the application stating there is a requirement for the provision of this type of facility within Herefordshire, however notes there is a balance between this and not spoiling the environment.

5.4 69 objections have been received from individuals. For clarity, many people have made more than one representation. These comments are combined to form one representation from that individual. The issues raised are summarised as –

- The proposal will cause a noise nuisance and undermine the tranquillity of the area
- No appropriate noise assessment has been included with the application
- The proposal will cause light pollution harming the night time landscape and adjacent designated dark sky reserve
- No appropriate light assessment has been included with the application
- The applicant's website which promotes the proposed uses includes structures not included with this application and facilities and features not disclosed or assessed within their application
- No Environmental Impact Assessment has been provided
- The local road network, due to its nature is unsuitable for and will not cope with the significant increase in traffic movements
- There will be a conflict between vehicles accessing or leaving the site with other road users, including farm traffic and machinery, walkers and horse riders
- Access to the site is totally reliant on use of private vehicles
- The proposed traffic mitigation management plan is unenforceable and can not be monitored
- The proposal relies on the use of passing bays located on private land
- The proposal is unsustainable development

- The proposal makes little if any mention to national or local planning policies
- The hydrological assessment is flawed and inaccurate
- Dwellings and businesses in the area have experienced water shortages and supplies have run dry, the proposal will create significant extra demand on supplies derived from natural sources, which are relied on by people, farms and wildlife
- The applicant's own website reveals they have experienced a loss of water supply
- Significant detrimental impact upon common land, Local Nature Reserve, Ancient Woodland and the overall current isolated valued tranquil landscape hereabouts
- Impact on wildlife, including protected species and habitats
- Within the locality and area there are existing wedding venues which also have capacity for extra bookings this year
- The geodomes are out of character with the area and detrimental to its appearance
- The proposal will cause significant disruption to local residents and farming enterprises
- Concern over the use of the bio disc treatment plant and discharge entering the water course and supply, which is used for drinking water
- The proposal is of an unacceptable size and scale for its location
- The proposed uses are inappropriate and harmful to the location
- Impact on the occupiers of the dwelling accessed from the unclassified road
- Conflict between wedding parties and those such as property owners, farmers with hill rights, equestrian exercisers and individuals who are permitted access over the application area on an established right of way and access to the common and Local Nature Reserve
- Concern over public safety and access for emergency services
- The qualities of the area advanced as a reason to justify the proposal will be undermined and harmed by it
- Despite the records there have been numerous road traffic accidents on the road network hereabouts. These go unreported for various reasons, including 'no blame' and a local acceptance of the nature of the roads hereabouts can lead to incidents
- Health and Safety requirements will result in the car park and walk ways requiring to be illuminated
- The vehicle movements will result in significant damage to the road verges, many of which are unsuitable for passing places
- The claimed neighbour consultation referenced was not received and there is no knowledge of local support within the immediate area
- The comments, concerns and objections of the CPRE and local residents should be respected and listened to
- The comments regarding agricultural movements bear no relation to reality or fact. These are actually year round with peak times between February and November, and can involve significant farm vehicle movements involving large and slow machinery each day and from each farm holding
- Concern over litter and rubbish and its impact on wildlife
- Concern over weddings and potential use of fireworks, Chinese lanterns, amplified music, light shows and helicopters
- Inadequate details regarding refuge, waste and recycling
- Impact on adjoining designated biodiversity assets and protected species found there has not been assessed. This includes European protected species.
- The proposal and its mitigation and management strategy is unrealistic, impractical and will not happen
- Concern that the withdrawn application, which was larger, had 0 employees proposed and this application proposes 13 employees
- The intensive livestock use of the land referenced is unrealistic. 84 cattle could not be kept for if nothing else, welfare reasons.
- The farm buildings are not redundant as claimed and are use for agricultural purposes

- 5.5 17 letters of support have been received. Many of these are from local businesses. The reasons for support are summarised as –
- The proposal will benefit existing business within the locality
  - The proposal will create jobs in the area
  - This is an ideal location, centrally located from large urban areas
  - The proposal would create a wonderful venue
  - The proposal has an emphasis on environmental and sustainable principles
  - The proposal fills a gap and demand within the market
  - The proposal is eco friendly
  - The existing use of the farm would place a greater burden on the local environment
  - Objections are based on the fact the applicant's are not 'locals'
  - No legitimate credible reasons of objection exist
  - The proposal is small scale unimposing and respectful of its location
  - The re use of redundant farm buildings is a good thing
  - Concerns over water are overstated and no permit or permission is required to extract the amount of water proposed
  - The traffic assessment demonstrates there is no issue regarding the road network
- 5.6 Hay on Wye Chamber of Commerce supports the application as it will bring much needed business into the area and have a beneficial effect on Hay town and its businesses. There is also a community benefit to the proposal and it will help offset the closure of Clifford Golf Club and its hospitality facilities.
- 5.7 The consultation responses can be viewed on the Council's website by using the following link:-  
[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)
- Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## **6. Officer's Appraisal**

- 6.1 This application has generated a significant level of public interest, and indeed objection. In particular many of the objections are made regarding the potential impact the proposed uses will have on the character, amenity, and functionality of this isolated open countryside location. Having regard to the policy context a range of principle issues have been identified and are set out as follows –
- 6.2 Economic Development and the Rural Economy
- 6.3 The Unitary Development Plan policies E11, E12, RST1 and RST13 are in broad conformity with the National Planning Policy Framework, which sets out that planning authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, paragraph 28 of the NPPF directs Local Planning Authorities as follows: –
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings
  - promote the development and diversification of agricultural and other land-based rural businesses
  - support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities

in appropriate locations where identified needs are not met by existing facilities in rural service centres

- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

- 6.4 The application seeks to establish a new rural business tapping into a sector where within the county as a whole, and in this area generally, there is a clear gap and potential demand for such facilities as reported and recognised by the comments of the Economic Development Manager and Visit Herefordshire. The business is taken to be a viable proposition given the financial and written support from Lloyds TSB Bank. On this basis it has to be accepted the proposal is a bona fide viable proposition.
- 6.5 The proposal also has potential spin off economic benefits to the locality and wider areas through employment and products and supplies sourced from local suppliers, craftsmen, businesses and labour. Cross business benefits also include visitors and users of the proposal using local public houses, accommodation, shops and other existing facilities. This potential economic benefit to the area is underlined by the number of supportive representations from existing local businesses. It should be noted however, planning cannot require the applicant's to use local employment or source or utilise local produce or businesses. The proposal in its own right can become a 'local service and facility' benefiting the area and communities.
- 6.6 The proposal clearly diversifies the activities and business base of an existing agricultural holding. The proposal includes the retention and conversion of existing non designated heritage assets with minimal new built development. The proposal would also involve controlled managed responsible countryside access, benefiting the environment itself and visitors alike.
- 6.7 As such it is considered the proposal is considered to conform to the above aims and objectives of the NPPF and Herefordshire Unitary Development Plan regarding economic growth in the rural areas. The acceptability of the proposal is therefore down to the assessment of material considerations and the acceptable mitigation of any impacts.
- 6.8 Highways and Traffic Impact
- 6.9 The proposed development proposes a 100 persons guest venue for Weddings and a Staff Training Centre hosting 15 – 26 delegates for use between April and September and for up to 25 Weddings and 10 training events each year. These numbers would have to include children as the precise capacity total will impact on the number of mini buses required and referenced in the applicant's submission. Furthermore there will also be staff, deliveries and people employed for the wedding such as chefs, waiting staff, bar staff, make-up, hair, cleaners, sound engineers, band and so on, all generating two way trips, some potentially using vans and lorries.
- 6.10 It is stated 13 vehicles will be used for guests staying at the site limited to one vehicle per accommodation unit. All other guests will be ferried in by mini bus, this must cater for 74 adults plus children which equates to a minimum of 7 minibuss trips if no children are in the party, 14 two way trips generated on the proviso only 2 mini buses are being used. The Transport Statement also states taxis will be used as necessary to collect guests from other accommodation. Any taxis used will double the trips and be no different in traffic terms than as if guests brought their own car. Pick up from Hereford or Abergavenny train station has the potential to also double the trips in the locality.
- 6.11 The training events have the same issues as the wedding venue though at a lower scale. Events are not proposed during the Hay Festival due to the problems with accommodation,



however this could not be conditioned on any approval and would not comply with the provisions of Circular 11/95 and NPPF paragraphs 203 – 206.

- 6.12 The trips generated by the proposed development on the u75236 no through road conflict with one other property served by this unclassified road as well as the existing used bridleway. The C1208 has 12 properties on the route though the Transport Statement doesn't identify or fully take into account what other land use / access there are along and from this C Class road. The Transport Statement also states there are 36 well used passing places along the route. Overall it is proposed that the development will be managed to maintain a level of flow no greater than the existing vehicular movements on the unclassified and C Class road.
- 6.13 The data informing the Transport Statement was captured during a week in September 2012. It is considered this snapshot does not accurately represent traffic movements hereabouts and excludes peak periods of agricultural activity which occur Spring through to harvest. Furthermore agricultural movements on the local roads can be weather dependent, with weather extremes either resulting in significant movements or limited or none at all. A number of representations from local established agricultural enterprises dispute some of the assumptions made by the Transport Statement regarding vehicle movements and activities. Through the proposed usage, 35 events per year between April and September, there will be conflict at some stage and during peak periods of agricultural activity.
- 6.14 The feasibility and realistic probability of a very strict traffic management plan keeping the flows below 18 cars per hour and refusing guests who simply drive themselves to the venue to park up is unlikely, and in any event unenforceable. Such a condition would not satisfy the requirements of Circular 11/95 or the NPPF paragraphs 203 - 206.
- 6.15 The car park has been designed for an entrance and exit to avoid conflict, due to the narrowness of the lane and given the management put in place this appears over engineered or conflicts with the whole Transport Statement, two entrances are not essential or necessary and would require the removal of additional hedgerow.
- 6.16 The passing places have been assessed, although no dimensions of these have been given. Most are soft verges without formal surfacing, or gateways and other accesses which are outside the public highway and outside the applicant's ownership or control. These cannot be relied upon for either their use or availability.
- 6.17 The access points onto the B4348 and the C1208 have not been assessed, and this work was advised as essential and required to be undertaken given the junctions at Dorstone and nr Hawkswood Farm do not have suitable visibility –
- Dorstone - exiting onto the B4348 with 50m visibility to the left to the centre of the road.
  - Hawkswood Fm - 40m visibility to the left in an area where overtaking is a possibility. 72m visibility to the right.
- 6.18 A high proportion of drivers will not be from the locality. This has not been factored in or formed part of the Transport Statement. The Transport Manager reports that at the time of one of his visits, overtaking at the junction near Hawkswood Farm was observed which would be hazardous to vehicles exiting the junction.
- 6.19 Also, weddings are advertised and run to be three day events. This will inevitably result in guests coming and going from the site, to explore the area or to visit with guests staying elsewhere. This has not been factored or considered within the Transport Statement.
- 6.20 With the information provided Officers are sceptical about how the venue can work in this very remote rural location. Information has been provided into how the applicants envisage this working. Traffic will be managed to ensure traffic trips will be kept to the level experienced

locally as per the flow rates from their survey, however it cannot be argued that the unclassified road and bridleway will, as a result of the development, have significant vehicle flow numbers above current levels. The development would also need to be flexible to take peak activity, such as farming and the Hay Festival, into account. Planning conditions are not suitable to try to achieve such a co-existence.

- 6.21 Given all of the above and the objection from the Traffic Manager, a recommendation for refusal due to the impact on the local network is advanced. Policy RST 13 requires that for any rural or farm diversification development, traffic must be able to be accommodated safely upon the local road network without the need for widening lanes or loss of hedgerows, however the proposal is contrary to this requirement. There is a reliance on passing places outside the applicant's ownership and a requirement for passing places which would impact on a Common and Special Wildlife Site. The proposed travel plan is not sufficient to manage the traffic generated by the development. The Transport Statement also has not adequately assessed the existing situation regarding vehicular flows over the calendar year, fails to take into account peak periods regarding agricultural activity, and not assessed existing junctions. As such the proposal represents a risk to highway safety and is contrary to the relevant aims and objectives of the NPPF and Herefordshire Unitary Development Plan policies S1, S2, DR1, DR2, DR3, E11, T8 and RST13.
- 6.22 Landscape Impact
- 6.23 The site is an isolated farmstead in a remote and sensitive landscape. The landscape character type is Ancient Timbered Farmlands and adjacent to High moors and Commons. Both of these are high quality and highly sensitive to change. The area has one of the oldest field patterns in the county. This small scale, intimate landscape relies on the topography, hedgerows and tree cover. Any development should take great consideration of the wider landscape character, the possible impact that increased use and development of this site will have and in particular the visual impact. Notwithstanding this, it is noted the application site is within an undesignated landscape area and not subject to any special statutory protection.
- 6.24 The NPPF and UDP Policies E11, E12 RST1, RST12 and RST13 allow new development and land uses within such a landscape providing it is of an appropriate scale and impacts are mitigated appropriately. The NPPF states distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.
- 6.25 Whilst the application site is not within or adjoining such a protected landscape area and the proposal is in accordance with the NPPF's and UDP's aims and objectives of ensuring a prosperous diverse rural economy, this does not permit development at any cost. Policies require development should be appropriate to its location and of appropriate size and scale. The landscape and its intrinsic character and qualities should be conserved and enhanced and in particular areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason should be protected.
- 6.26 It is recognised NPPF policies promotes mixed use developments, and encourage multiple benefits from the use of land in rural areas, recognising that land can perform many functions, such as for wildlife, recreation, tourism and economic development.
- 6.27 Geodomes – One field, close to the main buildings, has been chosen which restricts the spread of development. As per the Design and Access statement (DAS) it is agreed that this is the least sensitive locations which could have been selected for the geodomes. The proposed dark green colour is appropriate (as per dwg no. 6082-1-7a). Existing trees have been marked on the proposed site plan (6082-1-9b), and are also shown in the landscape management plan and described in detail in the preliminary ecological appraisal. The Design

and Access statement confirms that the geodomes are demountable, for use between April to September only. A condition requiring that the domes are removed outside of this time could be imposed to safeguard the character of the area and minimise impact during the winter months when there is less coverage and screening from surrounding vegetation. However the timber deck, steps and handrail (as per dwg no. 6082-1-7a) represent permanent construction that adds to clutter and detracts from the sensitive, low key intentions of the geodome ethos.

- 6.28 Lighting – As described in para. 8.7 of the Llan Y Coed farm diversification summary there will be ground level lights to the car park, field and decking area. These are marked on the landscape plan and are labelled as removable. The number of lights should be kept to a minimum in this rural location and given the existing lack of light pollution and adjoining dark sky reserve. However given the lack of appropriate details and potential conflict between any planning conditions regarding external lighting and Health and Safety legislative requirements means a precautionary approach must be taken to preserve the existing valued night sky situation.
- 6.29 Car park – The car park will have a negative visual impact and extend built development of the farm. The coming and going of cars and minibus will reduce the tranquillity of the existing sensitive landscape. The new access point and widening of the existing gateway will alter the existing enclosed character of the lane. It is accepted that car parking is necessary if the development is to go ahead and that a sensitive design has been chosen, including new planting and a permeable surface. It is assumed that the car park will follow the existing ground levels and not be levelled.
- 6.30 Communal building – In landscape terms it would be preferable for one of the existing buildings to be converted to this use. As proposed, however, it will have limited visual impact as it is set behind the existing buildings and smaller in scale. The design with slate roof and timber weatherboarding (dwg no. 6082-1-8b), is suitable to the character of the site. The conversion of existing buildings is in landscape terms acceptable. The planting layout to the existing courtyard is welcomed and is an enhancement.
- 6.31 Landscape Management Plan – This document also includes landscape proposals. New native planting and strengthening of existing hedgerows around the geodome field is welcome. This will help to integrate the geodomes into the field. It also describes a minimal hard surfacing treatment to the area at between the proposed venue and new communal block. The plan shows mown paths and kick-about area, with the remaining field area to be hay-meadow. The management prescriptions are clearly set out and suitable to the site.
- 6.32 This application will cause a change to the landscape character of the site and local surroundings, as the land will no longer be farmed and a new use will be introduced. The question is whether this change is appropriate to the sensitive landscape and whether the change will have adverse impacts on the landscape character. There will be a visual impact where the geodomes, car parking and other infrastructure is visible from public viewpoints on the common land. There will be a reduction in tranquillity at times when there is intense use of the site (principally when there are weddings).
- 6.33 Whilst it is recognised balance can be struck between the negative impact of new structures and associated activities within a rural landscape with conservation objectives and sensitive site management, in this instance however, due to the inability to adequately control and manage the traffic generated by the development, and the overall scale, nature and intensity of the proposed functions, this will have a significant and detrimental landscape impact which is further increased by the site being in an isolated remote location and the access formed by the unclassified road crossing through the designated areas of Common Land and Special Wildlife Site.

- 6.34 Given the above, this leads to real concerns that the fine balance will not be met between human use of the landscape and conservation aims. The traffic will have direct landscape impact on verges in the wider area where passing is required on the narrow lanes, which are characteristic of the area. There will be direct landscape impacts on the site if more traffic than planned or able to be controlled arrives, resulting in parking, turning, pick up / drop off taking place outside of the designated car park.
- 6.35 In the absence of an adequate or enforceable travel plan, there will be indirect landscape impacts on the level of tranquillity in the area. As stated previously, the landscape character types Ancient Timbered Farmlands and High moors and Commons are both high quality and highly sensitive to change. The scale of change that can occur in these areas is very limited before the character of the landscape is compromised. A significant proportion (over 72%) of the county's High moors and commons are found in the Golden Valley locality. The primary characteristics of this landscape type that are vulnerable to change by increased traffic generation are the unsettled landscape with few signs of human presence and the introduction of vehicles into the exposed panoramic views. The introduction of high traffic volume predicted by the Traffic Manager would reduce the level of tranquillity in this area of good amenity value, high scenic quality, few visual detractors and harmony between landscape elements.
- 6.36 The NPPF requires that LPA's should identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. The traffic generation and increased activities in this area will significantly reduce the tranquillity of this sensitive isolated area and therefore to have a negative impact on the overall landscape character. This is contrary to the stated aims and objectives of the NPPF and UDP policies S1, S2, DR1, DR2, and LA2.
- 6.37 Dark Skies, Light Pollution
- 6.38 The Brecon Beacons National Park is now a 'Dark Sky Reserve', one of only five globally, and so afforded this designation due to it being so unaffected from light pollution and allows the enjoyment of clear unobstructed night skies. The application is located in relative proximity to this designated area. Light pollution is also a transfrontier issue that does not recognise or is restricted by national or authority borders. The impact on this designated area and light pollution generally is therefore considered a material planning consideration.
- 6.39 The NPPF has specific regard to light pollution and the value of dark landscapes as a finite limited resource. The NPPF requires decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Equally, local plan policies S1, DR2 and DR14 all require development to have appropriate regard to and not have a detrimental impact upon adjoining land uses. This includes amenity, environmental and landscape character. Policy DR14 specifically sets out development requirements regarding lighting and seeks to minimise light spillage. It also requires that lighting should be necessary and appropriate to the development and its location.
- 6.40 In the absence of sufficient details and assessment there is a concern the proposal would have an unacceptable impact. The Landscape Officer and Ecologist both have concerns regarding detrimental impact caused from light pollution associated with the proposed activities themselves and the external illumination required for the safe use and access of the site and its facilities. As such the proposal fails to satisfy Officers that the valued dark landscape and sky resource will be protected and not adversely affected. NPPF and local plan policies S1, S2, S7, DR2, DR14 and LA2 are therefore not satisfied.
- 6.41 Hydrological Issues
- 6.42 Significant concern has been expressed by local residents regarding water resources hereabouts. Dwellings, businesses and indeed the wildlife and valued common land, Ancient

Woodland, and Local Nature Reserve are dependent on natural private water supplies. There is no mains water or sewerage hereabout. Water is supplied from boreholes, springs or steams. It is on record that resources have 'run dry' leaving people without water.

- 6.43 The Environment Agency has advised that given the amount of water the applicant's intend extracting from a borehole, no permit is required. Whilst acknowledging the local concern on this issue, given the Environment Agency's position and relevant legislation regarding water extraction, there are no grounds for this application to be refused for hydrological issues. In the event of the applicant's extracting higher quantities of water or there being a local issue, the Environment Agency would have to act accordingly. Furthermore, with a better hydrological assessment and the full time use of various mitigation measures the applicant's could adequately address this issue through utilising grey water harvesting full time and extracting water at their permitted quantity to holding tanks and storing water for future use.

6.44 Ecological Issues

- 6.45 The site is adjacent to a Local Wildlife Site (Little Mountain Common) which is also designated as a Local Nature Reserve and has areas of Ancient Woodland. The common has valuable habitats and supports ground-nesting birds. The access road to the site passes through another area of common land that is also a Local Wildlife Site (Alt Common and Cot Wood) and Ancient Woodland. The following are the wildlife site descriptions for each site:

SO24/15 Little Mountain and Newhouse Wood SWS

The register states: "Newhouse Wood is an ancient woodland which, although inter-planted in parts, still has a good variety of trees, shrubs and ground flora. Species include mountain ash, holly and wood-sorrel. Little Mountain has a rich variety of plants, including pillwort, an international rarity. The site supports many species of insects and birds."

Date 1990

SO24/12 Alt Common and Cot Wood SWS

The register states: "Alt Common has a good number of trees, and dense scrub in places. Species present include oak, crab apple, holly and gorse, with harebell and bluebell in the ground flora. Cot Wood is an ancient semi-natural wood mostly ash with coppiced hazel and bluebell."

Date 1990

- 6.46 The farm buildings include features that could support roosting bats and nesting birds. The proposed geodome field is currently improved pasture and is surrounded by species-rich, mature hedgerows.
- 6.47 UDP policies NC1, NC4, NC6 and NC7 sets out how habitats and protected species are to be protected and biodiversity enhanced. These policies are in conformity with Section 11 of the NPPF which sets out planning aims and objectives regarding conserving and enhancing the natural environment. Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused
  - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland unless the need for, and benefits of, the development in that location clearly outweigh the loss
- 6.48 The landscaping proposals include biodiversity enhancement measures through the management of much of the grassland as a wildflower meadow and additional planting of native species shrubs and trees. The field margins and hedgerows will also be less-intensively managed which will enable them to function well as wildlife corridors. Some hedgerow removal will be necessary to provide access to the car park. It is not clear just how much removal is required to provide sufficient width for access as well as visibility – the lane is particularly narrow at this location. It would be preferable if one of the existing accesses could be blocked with native species planting as this would retain better ecological connectivity and would also fall in to alignment with the Hedgerow Regulations 1997. The Traffic Manager has concerns about the access and egress to the car park; these concerns need to be addressed and the design of access and egress clarified, including visibility splays.
- 6.49 Given the comments of Traffic Manager that passing places on the road are inadequate and many are outside highway land, the Ecologist is particularly concerned about the section of the unclassified road that goes through Alt Common and Cot Wood. This is common land and also a Local Wildlife Site; it does not appear to be possible to provide passing places whilst avoiding engineering and the introduction of hard surfacing and as a result, harm to the woodland.
- 6.50 A package treatment plant is proposed to the north west of the barn complex. The applicant's were alerted to the concern over installation of a package treatment plant in such close proximity to the Local Wildlife Site and that a permit from the Environment Agency would be required. It is unclear if the proposal is to discharge direct to water course or to ground as this is not shown on drawings. No justification is provided to support such a location for the treatment plant or that there are no alternative locations. Given the above and the lack of detail regarding this matter it is not clear that harm to the nature conservation status of the designated site will be avoided.
- 6.51 Bat activity surveys have been undertaken and a number of species have found to be present at the site, but in relatively low numbers. Mitigation measures are proposed that include installation of a number of bat boxes as well as provision of bat lofts in two buildings. A small bat loft is shown in one of these, but not in the Threshing Barn as recommended. It is not likely to be appropriate to have a bat loft in the threshing barn as noise levels during events would disturb roosting bats. Appropriate mitigation needs to be clarified.
- 6.52 The use of the site as a wedding venue with associated significant increase in human activity at the site and negative impacts on the adjacent Local Wildlife Site is a major concern. Bullet point 4 in paragraph 123 of the NPPF states that planning decisions should aim to protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value. The application site and adjacent commons/ Local Wildlife Sites are tranquil and relatively undisturbed by noise and the increase in noise levels during wedding events is unavoidable and unacceptable. The Local Nature Reserve is also valued as a recreational space due to its current tranquillity and lack of disturbance.
- 6.53 Whilst there are aspects of these proposals that could be or are acceptable or addressed through better information or amendments, on ecological grounds the Council is unable to support them as they stand because the cumulative impact of all aspects of the proposals will increase disturbance to and negative impacts (noise, light and water quality) on the adjacent sensitive designated sites. Furthermore there has been inadequate assessment of the proposal on adjoining protected habitats and species, including Dormice, which are European Protected Species and are present in nearby woodlands. It is important to ensure that these

are not affected by these proposals and to maintain the hedgerow connectivity between woodland habitats.

- 6.54 There is inconsistency between the recommendations of the ecological report and the architectural drawings regarding provision of bat mitigation and enhancement. Off-site impacts in terms of the nature and increased activities proposed, influx of people and traffic in this area, along with the requirement for passing places on Alt Common as well as hedgerow loss on the site make the proposal unacceptable. As such the proposal does not comply with the ecological and biodiversity aims and objectives of the NPPF, Circular 06/2005 and local plan policies NC1, NC4, NC6 and NC7.
- 6.55 Sustainability
- 6.56 Sustainability is more than just about the location of development. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. UDP policies S1 and S2 are in conformity with this, and set out how this should be achieved and secured over a combined 23 criteria.
- 6.57 As such the wider considerations of 'sustainable development' have been addressed above, however it is acknowledged that given the isolated location of the application there would be a total reliance on the private vehicle to access the site. It is also acknowledged rural Herefordshire is unsustainable in transport terms by its very nature and that most countryside recreational resources are also 'unsustainable' by such a definition.
- 6.58 Environmental Impact Assessment
- 6.59 Unlike the withdrawn application S122992/F, this application has been found by the Council not to require an EIA. This is primarily based upon the fact that none of the land within this application is classified as 'sensitive' as defined within the legislation. The fact an EIA is or is not required has no bearing on the acceptability or otherwise of a planning application, which is assessed against planning policies.

## RECOMMENDATION

**That planning permission be refused for the following reasons:**

- 1. The proposal represents a significant risk to highway safety and the free flow of traffic through the resultant increase in vehicular movements generated by the proposal on the local network. The proposed transport mitigation can not be controlled, monitored or unenforced and conditions would not be compliant with Circular 11/95. Furthermore there is a reliance on the use of passing places adjacent to the public highway which are located on private land outside the applicant's or Authority's control and as such these can not be relied on for their availability or use. The submitted Transport Assessment is also deficient, having insufficient survey data and has not assessed adequately two substandard road junctions where traffic flow will be significantly increased. As such the proposal is contrary to Herefordshire Unitary Development Plan policies S1, S2, S6, DR1, DR2, DR3, T6, T8, E11 and RST13**
- 2. Given there will be a significant increase of vehicles and people into this isolated, tranquil landscape area and the land use and activities proposed, this will**

significantly reduce the character, amenity and tranquillity of this sensitive isolated area and therefore have a negative impact on the overall landscape character. This is contrary to the stated aims and objectives of the National Planning Policy Framework and Herefordshire Unitary Development Plan policies S1, S2, S7, DR1, DR2, E11, LA2 and RST13

3. The proposal fails to demonstrate that the valued dark landscape and sky resource will be protected and not adversely affected. As such the aims and objectives of the National Planning Policy Framework and Herefordshire Unitary Development Plan policies S1, S2, S7, DR2, DR14, E11, LA2 and RST13 are therefore not satisfied.
4. The proposal fails to ensure protected habitats and species will be suitably protected and safeguarded. The proposal, through the increased number of people into the area, traffic generated and requirement of unspecified vehicular passing places on common land, Special Wildlife Site and Ancient Woodland, and the location of the proposed package treatment plant all represent an unacceptable unquantified risk and impact to ecological and biodiversity resources, included designated resources and protected species, contrary to the aims and objectives of the National Planning Policy Framework and Herefordshire Unitary Development Plan policies S1, S2, S7, DR2, DR4, DR13, DR14, E11, NC1, NC4, NC6 and NC7

Decision: .....

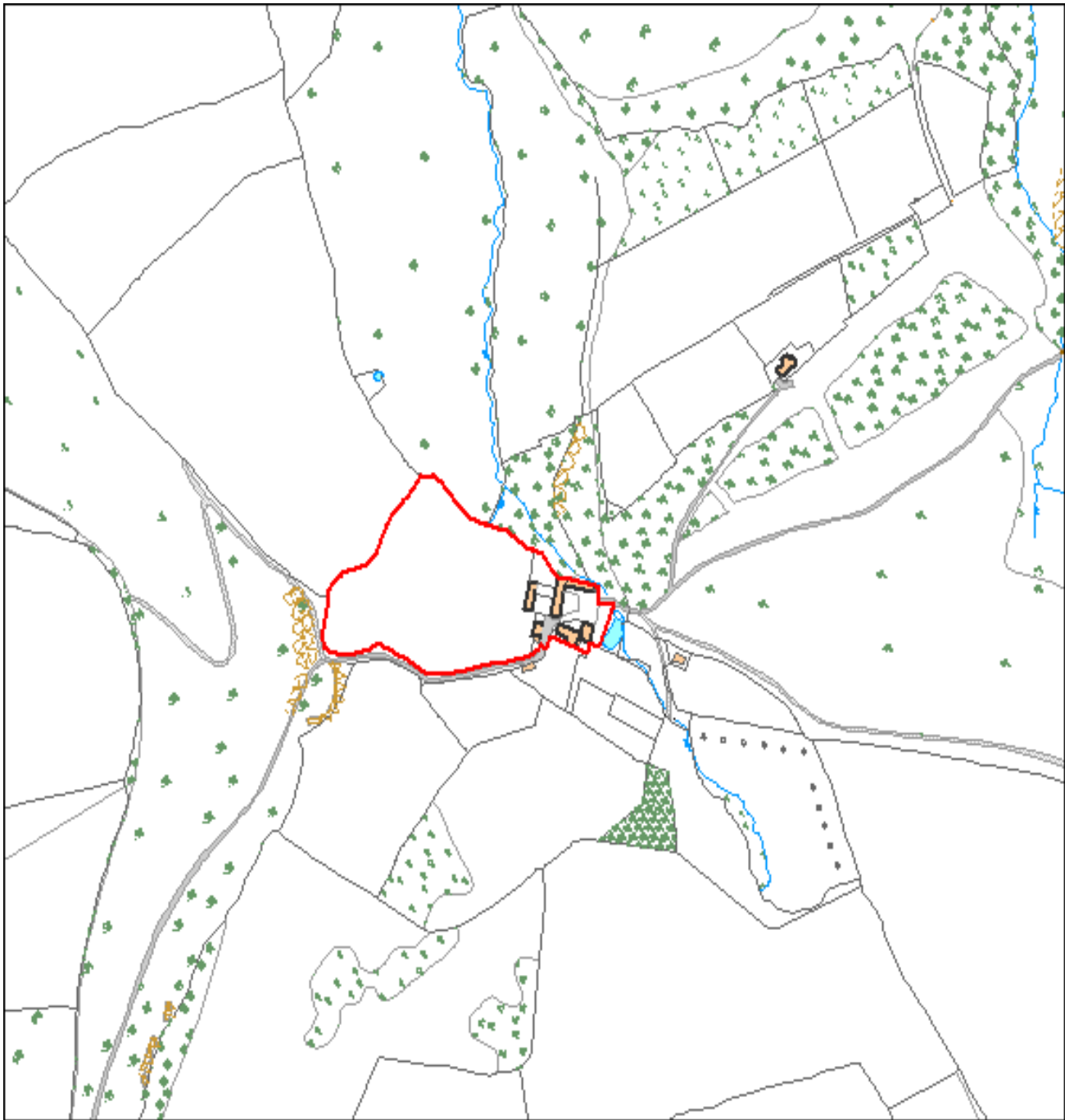
Notes: .....

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## Background Papers

Internal departmental consultation replies.





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**APPLICATION NO:** /130461/F

**SITE ADDRESS :** LLANERCH Y COED, DORSTONE, HEREFORD, HEREFORDSHIRE, HR3 6AG

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Further information on the subject of this report is available from Mr C Brace on 01432 261947

