

**From:** [clerk@pixleyanddistrictpc.org.uk](mailto:clerk@pixleyanddistrictpc.org.uk) <[clerk@pixleyanddistrictpc.org.uk](mailto:clerk@pixleyanddistrictpc.org.uk)>

**Sent:** 01 February 2022 08:59

**To:** Brace, Carl <[Carl.Brace@herefordshire.gov.uk](mailto:Carl.Brace@herefordshire.gov.uk)>

**Subject:** Planning application 214068

Hi Carl

Pixley & District Parish Council resolved to submit the comments as attached in objection of Planning application 214068 Land off Roman Road.

Thank you for your patience with the submission of their comments.

Kind regards

Diane

Diane Baldwin, Clerk to the Council



# EXAMINATION OF PLANNING APPLICATION 214068

**PROPOSED USE OF LAND FOR THE STATIONING OF 14 STATIC  
CARAVANS FOR HOLIDAY OCCUPATION AND ASSOCIATED ACCESS  
MODIFICATION**

Submitted by:

~~J R D Glanville~~

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## **Objective**

The objective of this paper is to examine how this application has been modified to address the reasons for refusal of a similar application (number 204570) made a year ago, and to decide if the extent of those modifications merit permission now being granted. This examination will also consider any new factors, not previously considered, that are relevant to this modified application.

## **History**

Planning permission was granted on 13<sup>th</sup> June 2019 for “Proposed 6 Holiday Lodges with new Access,” under application number 184486. This permission was for development and construction of 6 log cabins for holiday use with restrictions on length of occupancy.

On 5<sup>th</sup> May 2021, Planning Permission was refused for “Proposed Use of Land for the Stationing of 22 static Caravans for holiday occupation and associated access modification,” under application 204570. This refusal was for a Change of Use to a caravan site (very different to 184486, which was development)

On 19 November 2021, the applicant submitted a second modified application for “Use of Land for the stationing of 14 Static Caravans for holiday occupation and associated access modification,” under application 214068 which attempts to address the reasons for refusal of 204570.

## **Reasons for Refusal of 204570**

The reasons for refusal of the previous application are

1. The proposal by virtue of its location, scale and nature represents unjustified unsustainable development in an open countryside location that is also more akin to permanent residential use than a genuine tourism accommodation proposal, contrary to Core Strategy policies SS1, SS7, E4, RA2, RA3 and RA6, the Pixley and District Neighbourhood Development Plan and relevant aims and objectives of the National Planning Policy Framework.
2. The proposal by virtue of its location, scale and nature would result with considerable and harmful change to the landscape character, appearance and amenity of the area, which takes no demonstrable account of its setting, integration or landscape mitigation and is inappropriate to context. The resultant development would be of a size, scale and design that is both inappropriate and prominent within the landscape contrary to Herefordshire Core Strategy policies SS6, SS7, E4, RA6, LD1, LD3 and SD1, the Pixley and District Neighbourhood Development Plan and the aims and objectives of the National Planning Policy Framework.
3. The Local Planning Authority is not satisfied the proposed drainage strategy is sufficient, appropriate or deliverable and as such on the basis of the submissions provided must take a precautionary approach in the interests of the environment, amenity, public health and highway safety. The proposal is therefore contrary to Herefordshire Core Strategy policies MT1, SD1, SD3 and SD4, the Pixley and District Neighbourhood Development Plan and relevant aims and objectives of the National Planning Policy Framework.

In addition, the informative that accompanied the refusal indicated read:-

“The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.”





the development and sale of static caravans with future income from recharging site maintenance and management costs to owners. It is not running a holiday rental business. This is certainly the way it operates other sites and you can easily see this from their website.

<https://avon-estates.co.uk/stratford-parks/holiday-home-ownership/the-bards-rest-opening-march-2022/>

Essentially though, although a tourism veneer has been put on the latest application, it remains substantially the same as 204570. It is [REDACTED] property development, much the same as the previous application and in summary, very little has changed.

We must now examine in a little more depth the reasons for refusal of the previous application and whether adequate steps have been taken to address them.

### **Refusal Reason 1 – Nature, Location & Scale**

1. The proposal by virtue of its location, scale and nature represents unjustified unsustainable development in an open countryside location that is also more akin to permanent residential use than a genuine tourism accommodation proposal, contrary to Core Strategy policies SS1, SS7, E4, RA2, RA3 and RA6, the Pixley and District Neighbourhood Development Plan and relevant aims and objectives of the National Planning Policy Framework.

#### **a. Nature**

The previous concern was that the development was more akin to permanent residential use rather than a genuine tourist accommodation. This has still not been fully addressed. The applicants in this new application have done little to resolve this concern other than suggest there are appropriate conditions that could be used to resolve any concern about a permanent residential use. There are clearly concerns that this application does not have a strategy to encourage tourists to visit Herefordshire but instead is geared toward providing second holiday homes. A business that attracts a constant new flow of genuine tourists is much healthier for the local economy than second home users.

No effort has been made to offer the use of a Section 106 agreement that requires the applicant to retain and manage all units into a single ownership thus preventing them from being sold as second homes for holiday use.

#### **b. Scale and Location**

The development is in a rural location. Little Marcle is a rural hamlet characterised by scattered dwellings in a predominantly farmed landscape. There are about 70 dwellings. Putting up a further 14+ in a close proximity is out of character with the landscape. It is more akin to an urban density. It is simply not in keeping and as such will change the rural landscape.

**Site Plan and Elevation Drawing**

**Key:**

- Caravan pitch (Up to 40ft x 20ft caravan)
- Bike shed
- EVCP
- Existing landscaping
- Existing trees
- Additional landscaping
- New trees (indicative position)

**Elevation Drawing:**

Existing building 2.5m high

Proposed building 4.5m high

Road

Bike shed

Proposed 2.5m high building, 4.5m high for ridge

Existing building 4.5m high

Section A-A

Scale 1:100

**Site Information:**

M47-204

Proposed Site Plan-3

1:250

8/2021

**stansgate**

A Fire Consultant, Fireworks, Bridge Road, Southend-on-Sea, Essex, SSO 1 1 1

For all other enquiries, please contact us on 01702 333333 or visit our website at stansgate.co.uk

Location plan (Scale 1:3000 @ A3)

Land at Roman Road, Aylton, Ledbury, Herefordshire HR9 2QG

Site Area - Red application area = 11044m<sup>2</sup> / 2.73 acres / 1.10 hectares

Blue land ownership area = 8230m<sup>2</sup> / 2.03 acres / 0.82 hectare

The permission granted for the 6 log cabins (under 184486) is much smaller and concentrated in one area of the site. The site ends half way up as indicated by the red lines.

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It is therefore clear that the scale of this application has not been addressed in any meaningful way. Equally worrying is the prospect of increasing numbers of units on the Baregains Lane end of the site and the impact this has on scale.

PIX3 states that proposals to generate employment and to support and diversify the rural economy will be supported by Pixley & District where they are of a scale, type and nature appropriate to their countryside location and setting. In summary, the proposal is not in compliance with PIX 3 as it is out of scale to its countryside location and setting.

## **Refusal Reason 2 – Change to Landscape Character, appearance and amenity**

2. The proposal by virtue of its location, scale and nature would result with considerable and harmful change to the landscape character, appearance and amenity of the area, which takes no demonstrable account of its setting, integration or landscape mitigation and is inappropriate to context. The resultant development would be of a size, scale and design that is both inappropriate and prominent within the landscape contrary to Herefordshire Core Strategy policies SS6, SS7, E4, RA6, LD1, LD3 and SD1, the Pixley and District Neighbourhood Development Plan and the aims and objectives of the National Planning Policy Framework.

Refusal reason (2) is about the harm to landscape character, appearance and amenity and again when one compares the actual layout of the original approval for six cabins with the 14 units scheme you will see that the layout shows the 14 units spread out in three blocks or a linear layout. No matter how hard you try to screen it with trees, it will still be visible in the open landscape as highlighted by the previous comments from the Landscape officer who said (of the application for 22 units)

“In the context of the existing lodges (located in close proximity to the site) and additional 22 static caravans would have a cumulative effect and would have an incongruous appearance in the rural landscape. Due to its linear layout, it would accentuate the scale of the built form in the open countryside that at night would spread light over a wide area.”

It is useful to look at the existing aerial photograph of the area and then to imagine how this would be impacted by a population of static caravans on the site



The highlighted site, if populated with Static Caravans would change the appearance of the countryside dramatically. Other than make a token reduction from 22 to 14 units, this application does nothing to address the reasons for refusal 2.

The Landscape and visual impact assessment included in this application, [REDACTED] picks various viewpoints that support its conclusion that there is a negligible visual impact. If viewed from Ast Wood, or the North of the site or from any of the adjacent Oasis Lodges, the impact is dramatic.

In conclusion, refusal reason 2 has not been properly addressed and therefore those reasons for refusal should still stand.

### **Refusal Reason 3 – Drainage Strategy**

3. The Local Planning Authority is not satisfied the proposed drainage strategy is sufficient, appropriate or deliverable and as such on the basis of the submissions provided must take a precautionary approach in the interests of the environment, amenity, public health and highway safety. The proposal is therefore contrary to Herefordshire Core Strategy policies MT1, SD1, SD3 and SD4, the Pixley and District Neighbourhood Development Plan and relevant aims and objectives of the National Planning Policy Framework.

Whilst the development is not within the Lugg or Wye Valley Catchment, there is considerable concern over phosphate level on the Ludstock Brook into which the waste water will flow. It is noted that the Environment agency have been consulted on this application but have not responded. It is important that their response to concerns over increased phosphate levels in the Ludstock Brook and further downstream is received before any decision is made.

The applicants Drainage report submitted with this application is only compliant for a maximum 14 static Caravans. [REDACTED]

[REDACTED] Just on economic calculations, to recoup a [REDACTED] investment in development site would require well in excess of 14 units assuming their sale for [REDACTED] each.

In addition, the total area of impermeable surface is estimated based only on roof run off. 14 units, each with an area of 74 sq m, gives 1036 sq m in total. No allowance for the roadways has been made. The applicant says that this is because the roadways will be gravel and permeable but this is not the case at any other of other sites with which the applicant is associated which are extensively tarmacked. Certainly the entrance will need to be tarmacked and no account has been taken of this.

These concerns, in addition to the unsuitability of a site which is in Flood Zone 3 at the A4172 end, leads to a conclusion that the site itself is not suited to private drainage and the strategy proposed is not sufficient.

### **New Factors to Consider relevant to this Application**

There are some new factors to consider quite apart from whether the applicant has adequately addressed the reasons for refusal of 204570. These are:-

#### **1. Other provision of holiday accommodation locally**

The applicant proposes to provide 14 units for holiday use. There are already 6 log cabins adjacent to the site used for holidays (Oasis Lodges) and an additional 10 Log cabins at Woodside Lodges some ½ mile north east of the site. In addition there is a holiday cottage at Upper House (1/4 mile south east) and a further 5 holiday cottages at White House Cottages (1/2 mile north west). In total over 20 units are in close proximity. In order to ascertain whether there is a need for a further 14+ units, occupancy rates have been looked at. Information obtained from these holiday suppliers indicates that occupancy rates vary from 30% to 75%. There is considerable headroom already, and this indicates that the existing provision is sufficient as they are not fully booked.

The applicant spends some time in its ACPS arguing that people spend on average £467 per week on off site spending. It goes on to say that with 70% occupancy 14 units would add £237983 in off site spending. If this expenditure is at the expense of lowered occupancy for the existing providers, then this analysis is flawed.

In addition, if the business plan is to sell the static caravans as second homes for holiday use, those occupants (owners who are not so much tourists as regular visitors) are unlikely to spend as much on local attractions and entertainment, using their breaks for a change of scene, rather than sightseeing etc. The £467 is likely to be optimistic in that scenario.

In summary, there would appear to be sufficient local provision already for holidays as evidenced by occupancy rates. Further provision is not needed.

#### **2. Access at Bargains Lane End**

There must not be any vehicular access from the site at the Bargains Lane end. This lane is entirely unsuitable for more vehicles as it is mostly single track with very few passing places or safe havens for pedestrians. A Recent 2021 traffic volume survey indicated the following volumes on Bargains Lane;-

Site No.	Location.	Direction.	Speed Limit - PSL (mph)	Start Date.	End Date.	Total Vehicles.	5 Day Ave.	7 Day Ave.	Mean Speed	85%ile Speed
1	Baregains Lane, Att, fence post, OSGR: SO 67461 37010	North bound	60	24 April 2021	30 April 2021	225	36	32	18.5	22.4
		South bound	60	24 April 2021	30 April 2021	216	33	31	18.6	23.4
		Two Way	60	24 April 2021	30 April 2021	441	69	63	18.6	23.1

There are currently about 5 cars per hour in the day, using this lane. If vehicular access is permitted, extra traffic will result, as this is the shortest route to Ledbury, the local town. It will also be chosen by drivers as the access is far safer than the fast A4172 exit. The road is not suitable for extra traffic particularly as a 150 yard stretch of the Herefordshire trail runs up this lane where there are few safe havens for pedestrians.



### 3. PIX 6 – Natural Environment and Protected Species of Dunnock

The full NDP Policy PIX6 reads:-

*Policy PIX6: Natural environment*

*Proposals must be able to demonstrate that they protect, conserve and enhance the natural environment of Pixley and District in accordance with the principles in Local Plan Core Strategy policies LD1, LD2 and LD3. This includes the following, as is relevant to the proposal:*

- 1. the protection and recovery of European and nationally protected species; and*
- 2. conserving, restoring and enhancing sites and features of biodiversity interest in accordance with their status, including those identified in the Priority Habitats Inventory, Local Wildlife Sites, woodland, veteran trees, hedgerows, ponds and watercourses; and*
- 3. maintaining, restoring and where possible enhancing the contribution of habitats to the coherence and connectivity of the Herefordshire Ecological Network, and taking into account their role as green infrastructure; and*
- 4. the creation of new wildlife habitats; and*
- 5. ensuring that proposals respect the prevailing landscape character, as defined in the County Landscape Character Assessment, including associated views, trees and hedgerows and local features of interest.*

**Comment** - Large areas of roadway, cut lawns and traffic will actually discourage Biodiversity. There are no plans to create new wildlife habitats. [REDACTED]

[REDACTED] In the applicant's own ecological survey it discloses that "Dunnocks are noted on the site" and these are on the RSPB Amber list of protected species. They nest in hedgerows and spend much of their time rooting around in undergrowth looking for food. The change to a manicured layout and the fact that Dunnocks are shy birds by nature, means that they will most likely be forced to leave this habitat when the development is completed. Hence the proposal does not satisfy PIX6 which is mandatory using the word "must."





#### 4. PIX8 – Design and Access

*Development proposals must:*

1. *respect the character of adjoining development and the wider landscape, having regard to siting, scale, height, massing, detailing, means of enclosure and the use of traditional materials; and*
2. *incorporate relevant sustainability measures to include building orientation and design, energy and water conservation, the use of sustainable construction methods and materials, provision for the recycling of waste, cycle storage, communications and broadband technologies, and the generation of renewable energy; and*
3. *in the case of proposals for new housing, be sited and designed to avoid adverse impacts on the amenity of future occupants from the operation of existing uses, including agricultural and business operations; and*
4. *be capable of being safely accessed from the local road network without undue local environmental impacts which cannot be mitigated. The arrangements for access (including those to/from the existing road network) should include provisions for pedestrians and cyclists, to encourage active travel; and*
5. *avoid creating unacceptable impacts on existing residential amenity and the tranquillity of the countryside from noise, volume and nature of traffic generated, dust or odour; and*
6. *where external lighting is proposed, avoid adverse amenity and environmental impacts occurring through light spillage; and*
7. *retain and incorporate existing site features of amenity and biodiversity value, such as trees, ponds and hedgerows, as far as practicable; and*
8. *provide for new landscaping which is in keeping with the prevailing landscape character, to integrate new buildings within their surroundings and to support green infrastructure and the Ecological Network.*

**Comment** - Point 1 – Is this scale appropriate- 14 additional homes in Little Marcle compared to 75 existing dwellings?

**Comment** - Point 4 – Is the additional traffic entering and exiting on to the fast A4172 sensible and safe. There is no provision for Cyclists and Pedestrians. Would access be possible from Bargains Lane at the other end. This lane is clearly unsuitable (see traffic survey - Page 8)

**Comment** - Point 5 – Is the extra traffic unacceptable?

**Comment** - Point 6- Necessary for night time illumination of common areas and sewerage disposal.

**Comment** - Point 7 – [REDACTED]

**Comment** - Point 8 – Is this a manicured Parkland setting in a rural farming landscape? Is this is keeping with the prevailing landscape character?

**Comment** - There would appear to be sufficient grounds to reasonably conclude the proposed development does not satisfy PIX 8

## **Conclusion**

This application is very similar to the previous one, bar one or two concessions. The previous refusal was emphatic and the applicant was told that there was no realistic way forward. Hence the modifications would need to be substantial to merit granting permission. This application has not adequately addressed the reasons for refusal of 204570. Hence the application should once again be refused.