

**Herefordshire Council**

# **STATEMENT OF CASE**

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL UNDER SECTION 78**

**By**

**Mr Paul Smith, on behalf of Mr Andrew Jackson against the decision of the County of Herefordshire District Council - Refusal of Planning Permission for Proposed conversion of Packhouse to one dwelling and associated works at Land at Packhouse, north-west of Glewstone Court Hotel, Glewstone, Ross-on-Wye .**

<b>Grid Reference:</b>	<b>356172, 222420</b>
<b>Planning Inspectorate Reference:</b>	<b>APP/W1850/W/25/3364030</b>
<b>Local Planning Authority Reference:</b>	<b>240069</b>
<b>Date of Statement of Case:</b>	<b>12/05/2025</b>

## **1. Site Description & Proposal**

- 1.1 The appeal site is situated within open countryside and comprises a modest single-storey structure positioned on agricultural land. The structure the subject of the appeal was formerly used as a pack house in association with orchards that once occupied the adjoining land. Access to the site is provided via a farm track that connects to the C1248 road to the south-east
- 1.2 Planning consent was sought to convert the existing building into a three-bed dwelling utilising the existing fabric of the building some work is required to make the building habitable. This includes the removal and re-use of the existing roof, removal of a number of the external wall metal sheets and other associated structural works. The proposal also includes a small residential curtilage and the provision of parking and turning areas to serve the proposed dwelling.
- 1.3 The subject of this appeal concerns whether the proposed works to the Packhouse can reasonably be regarded as constituting a conversion. The Council maintains that the extent of the works required—specifically, the installation of a new floor, new wall coverings, a new roof, and potentially the replacement or substantial alteration of the timber frame structure, as outlined in the submitted Structural Report—would significantly exceed what can reasonably be defined as a conversion. As such, the proposal fails to demonstrate to the satisfaction of the Local Planning Authority that it represents a sustainable form of development within the open countryside and is therefore considered to be in conflict with Policies RA3 and RA5 of the Herefordshire Local Plan Core Strategy.

## **2. Site History**

Application Number	Description of development	Decision
P222773/F	Proposed conversion of Pack-house to one dwelling and associated works.	Refused

## **3. Planning Policies**

### **Herefordshire Local Plan Core Strategy 2011 – 2031**

Policy SS1	Presumption in favour of sustainable development
Policy SS2	Delivering new homes
Policy SS4	Movement and transportation
Policy SS6	Environmental quality and local distinctiveness
Policy SS7	Addressing climate change
Policy RA1	Rural housing distribution
Policy RA2	Housing in settlements outside Hereford and the market towns
Policy RA3	Herefordshire's countryside
Policy RA5	Re-use of rural buildings
Policy MT1	Traffic Management, highway safety and promoting active travel
Policy LD1	Landscape and townscape
Policy LD2	Biodiversity and geodiversity
Policy SD1	Sustainable Design and energy efficiency
Policy SD3	Sustainable water management and water resources
Policy SD4	Waste water treatment and river water quality

## **National Planning Policy Framework (NPPF) – Relevant Chapters:**

Chapter 2- Achieving sustainable development  
Chapter 4- Decision-making  
Chapter 5- Delivering a sufficient supply of homes  
Chapter 9- Promoting sustainable transport  
Chapter 11- Making Effective use of land  
Chapter 12- Achieving well-designed places  
Chapter 15- Conserving and enhancing the natural environment

### **4. Council Statement**

#### Principle of Development

- 4.1 The proposed development site is situated within the Marstow Neighbourhood Development Area, which is not currently engaged in drafting a Neighbourhood Development Plan. Consequently, the relevant policies applicable to this site are SS1, SS2, RA1, and RA2 of the Herefordshire Local Plan – Core Strategy. These policies establish a framework that, in principle, supports new residential development.
- 4.2 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), with the present supply assessed at only 3.06 years, which falls significantly below the required threshold. In these circumstances, Paragraph 11 of the NPPF dictates that housing applications should be considered favourably unless:
- The proposed development conflicts with specific NPPF policies; or
  - The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 4.3 Paragraph 11d(i) and (ii) are particularly relevant, stipulating that the application of policies within the Framework that protect areas or assets of particular importance may provide a strong reason to refuse the development unless any adverse impacts are outweighed by the benefits when assessed against the Framework as a whole. This is particularly relevant in relation to directing development to sustainable locations, making effective use of land, ensuring high-quality design, and delivering affordable housing.
- 4.4 Footnote 7 to Paragraph 11d(i) specifies that policies relating to habitat sites, Sites of Special Scientific Interest (SSSI), Green Belt land, Local Green Space, National Landscapes, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets, and areas at risk of flooding or coastal change are of particular relevance in these considerations.
- 4.5 Policy SS1 of the Core Strategy supports a presumption in favour of sustainable development, requiring the Council to adopt a positive approach in accordance with national policy. Policy SS2 commits to the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet both market and affordable housing needs.
- 4.6 As the site is located outside the principal urban centres of Hereford, Ross-on-Wye, Ledbury, Kington, Leominster, and Bromyard, Policies RA1 and RA2 are applicable.

Policy RA1 seeks to provide 5,300 new rural dwellings by 2031 to support rural economies, while Policy RA2 permits sustainable housing growth within or adjacent to designated rural settlements, subject to the following criteria:

- Proximity to the main built-up area;
- Utilisation of suitable brownfield sites;
- High-quality, context-sensitive design; and
- Provision of housing to meet identified local needs.

- 4.7 It is acknowledged that Glewstone is identified under Policy RA2 of the Herefordshire Local Plan – Core Strategy as a settlement appropriate for proportionate housing growth. However, the proposed development is situated significantly beyond the established settlement boundary of Glewstone, which itself lacks basic services and access to public transport. Consequently, future occupants would be entirely dependent on private motor vehicles for day-to-day activities, which is contrary to Paragraph 115a of the National Planning Policy Framework.
- 4.8 Furthermore, as confirmed by the appellant, the site is detached from the main settlement and is therefore considered to lie within open countryside. The unrestricted introduction of residential development in this location would constitute an unacceptable encroachment into the open countryside. Owing to the unsustainable nature of the site's location, the proposal is in direct conflict with Policies SS1, SS6, and RA2 of the Herefordshire Local Plan – Core Strategy, as well as the provisions of the National Planning Policy Framework.
- 4.9 Policy H3 of the Herefordshire Local Plan- Core Strategy states that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities.
- 4.10 The Council acknowledges the positive contribution the proposed development would represent in securing a smaller home within the countryside and the general acceptability of the proposed unit in terms of housing mix. However, notwithstanding, the principle of an additional dwelling within an open countryside location would conflict with policies SS1, SS6, RA1 and RA2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework unless it met with one of the exception criteria.

#### Re use of Rural Buildings

- 4.11 Policy RA3 of the Herefordshire Local Plan- Core Strategy states that: “in rural locations outside of settlements, as to be defined in either Neighbourhood Development Plans or the Rural Areas Sites Allocations DPD, residential development will be limited to proposals which would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting”
- 4.12 Policy RA5 sets out a number of criteria for proposals of this nature, and states that such proposals will be supported where;
- design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long-term conservation and enhancement of any heritage asset affected, together with its setting;
  - design proposals make adequate provision for protected and priority species and associated habitats;

- the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;
- the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction and the building is capable of accommodating the proposed new use
- without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.

4.13 The Council concludes that whilst the proposed reuse of the rural building would, in principle, be acceptable, it is maintained that as submitted it would be contrary to Policy RA5(4) of the Herefordshire Local Plan – Core Strategy. This conclusion is informed by reference to Sections 4.2, 5.2, 5.3, 5.4, and 5.5 of the appellants structural report. In the Council's view the proposed works would amount to a substantial reconstruction of the existing structure. As such, the building is not considered capable of conversion to residential use without significant and extensive alterations to its existing built form.

## **5. Conclusions**

- 5.1 The proposed development is situated outside the designated settlement boundaries as defined in the Herefordshire Local Plan – Core Strategy. The site is not served by adequate pedestrian or public transport infrastructure, thereby rendering the location unsustainable and heavily reliant on the use of private motor vehicles for access to essential services.
- 5.2 While the Council recognises the current shortfall in its five-year housing land supply, the proposal must nonetheless be assessed in the context of the relevant provisions of both local and national planning policy.
- 5.3 The Council concludes that the identified harm associated with the development would result in significant adverse impacts, particularly by introducing an unjustified new dwelling within open countryside located in the Wye Valley National Landscape which would not be outweighed by the public benefits of the scheme and the short-term benefits associated with its construction. Furthermore, the proposed conversion is considered to conflict with Policy RA5 of the Herefordshire Local Plan – Core Strategy, as it would entail a substantial reconstruction of the existing rural building, contrary to the spatial strategy and the adopted development plan
- 5.4 The Inspector is therefore respectfully requested to support the Council's decision to refuse consent and, for the above reasons to DISMISS this appeal.

## **Annexes:**

### **A. Suggested Planning Conditions**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

The development hereby approved shall be carried out strictly in accordance with the

approved plans (drawing nos. PSA 103-02 A; PSA 103-01) and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, and the National Planning Policy Framework

Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Unless otherwise agreed in writing by the Local Planning Authority all foul water flows created by the approved development shall be managed through connection to a new private foul water treatment system – package treatment plant discharging to a drainage field; and all surface water managed through on-site Sustainable Drainage Systems. The approved foul and surface water scheme shall be managed and maintained as approved for the lifetime of the development it supports.

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

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0-degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency

Prior to the first occupation of the dwelling hereby approved an area shall be laid out

within the curtilage of the property for the parking and turning of 2 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Prior to first occupation or use of any facilities approved under planning permission, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum total of FOUR bird nesting boxes (or similar features) and TWO Bat roosting boxes should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

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

Prior to completion or first occupation of the development whichever is sooner, a full specification of all proposed tree planting shall be submitted to and approved in writing by the local planning authority.

The specification shall include the quantity, size, species and position or density of all trees to be planted. As well as cultivation details - how they will be planted and protected, watered and the proposed time of planting.

All tree planting shall be carried out in the first planting season following the occupation of the building.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, D, E and H of Part 1 and Class A of Part 2 of Schedule 2, shall be carried out

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy RA5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework