

DELEGATED DECISION REPORT

APPLICATION NUMBER

220418

Blackhill Farm, Craswall, Herefordshire, HR2 0PH

CASE OFFICER: Ms Laura Smith
DATE OF SITE VISIT: 12.5.22

**Relevant Development
Plan Policies:**

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

RA1 Rural Housing Strategy
RA2 Herefordshire's Villages
RA3 Herefordshire's Countryside
RA5 Re-use of rural buildings
MT1 Traffic Management Highway Safety & Active Travel
LD1 Landscape and Townscape
LD2 Biodiversity and Geodiversity
LD3 Green Infrastructure
LD4 Historic environment and heritage assets
SD1 Sustainable Design and Energy Efficiency
SD3 Sustainable Water Management and Water Resources
SD4 Wastewater Treatment and River Water Quality

Longtown Neighbourhood Development Plan

Policy LGPC4 – Residential use associated with Historic Farmsteads
Policy LGPC 5 – Providing for local housing need
Policy LGPC 8 – Highways design requirements
Policy LGPC 10 – Protecting and enhancing the landscape and its features
Policy LGPC 14 – Foul and storm water drainage

National Planning Policy Framework (NPPF)

Chapter 2 Achieving sustainable development
Chapter 4 Decision Making
Chapter 5 Delivering a sufficient supply of homes
Chapter 12 Achieving well-designed places
Chapter 15 Conserving and enhancing the natural environment
Chapter 16 Conserving and enhancing the historic environment

Relevant Site History: **None directly relevant**

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X		X		
Transportation	X		X		
Ecologist	X			X	
Environmental Health (Housing)	X			X	
Hereford Wildlife Trust	X	X			
PROW	X		X		
Land Drainage	X			X	
Welsh Water	X		X		
Site Notice	X			X(X1)	
Local Member	X		X		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

Blackhill Farm is a smallholding which is accessed of a narrow farm track leading directly off the C1203. It lies is a highly attractive rural landscape at the edge of the Black mountains. The traditional barn is of stone construction under a corrugated tin sheet roof. It has a rear lean-to of steel portal frame construction with corrugated sheet roof and a modern lean-to located to the rear.

The proposal is for the conversion of existing traditional barn into a residential dwelling, including removal of modern attached barns and erection of a lean-to rear extension. Installation of a package treatment plant and other associated works



Proposed Plans

Representations:

Parish Council – ‘Longtown Group Parish Council sat on 16th March 2022. This application was discussed with the Council resolving to Support the application without comment’

Transportation – *‘It is noted that the proposal is to convert an agricultural building into a dwelling. These types of conversions have limited highways impacts as the removal of the agricultural use creates an offset of the trips associated with a dwelling.’*

The existing access is considered appropriate to accommodate the intended use, as set out on the Location Plan submitted. The site also includes adequate space for the parking and turning of vehicles. All developments require secure cycle storage, and to ensure that this is delivered condition CB2 is recommended.

There are no highways objection to the proposals, subject to the recommended condition being applied.’

Ecologist – ‘The development is outwith the ‘English’ catchment of the River Wye SAC catchment or the River Lugg SAC catchment. Consequently, a Habitat Regulations Assessment process is NOT triggered by this application.

It is noted from the bat surveys (undertaken July/August 2021) reported in the Ecological Impact Assessment by Churton Ecology (dated September 2021) that the barn supports a small populations of up to four bat species – any works undertaken will trigger the requirement for a relevant higher status protected species licence to be obtained from and granted by Natural England prior to any works commencing– this can only be applied for once planning permission and any associated conditions have been discharged. The responsibility for obtaining this licence is down to the applicant and their contractors and any breach of this requirement would be enforced by the local police force wildlife crime team and is not subject to final enforcement by the Council or Planning Authority.

The Natural England licence application process may well trigger a requirement for an updated optimal survey – but this is not a requirement for the planning process.

The mitigation/compensation for bats and birds indicated in the supplied EIA report should be secured for implementation on any planning permission granted.'

Environmental Health (Housing) – *'The comments below from the Environmental Health Housing team are informative.*

They are to assist the applicant, and to save time and money should the application go ahead. They are provided to assist any future occupants of these premises, including the housing landlords, and to prevent complaints to the Environmental Health Housing team, who enforce the Housing Act 2004, and other Acts of Parliament in relation to domestic premises. We inspect against 29 Hazards, and all of these premises should be free of Category 1 Hazards, under Part 1 of the Act.

Comments:

1. Damp and Mould Growth (Hazard 1)

Windows need to be accessible and openable, especially in Bedrooms.

Extraction systems in kitchens and bathrooms in this application must be suitable and sufficient to prevent build up of black mould.

2. Fire safety/travel times to exit the property (Hazard 24)

The building will have to comply with the fire safety requirements of the Housing Act 2004. An appropriate automatic fire detection system complying with BS5839:2021 should be fitted in the dwelling. The proposed plans should include for a fire escape windows from all bedrooms, if the only internal escape route in the event of fire is through a risk room i.e. open plan kitchen/lounge. If there is more than a 4.5 meter drop from bedroom windows, then an alternative layout should be provided so that persons can exit the property from the bedroom without the need to go through a risk room.

3. Excess cold (Hazard 2)

There are no details of the heating system in this application. The heating system must be suitable, sufficient and EFFICIENT (cost effective for the occupant) to run. The applicant must provide a fixed form of affordable and controllable space heating to all rooms including bedrooms, bathrooms and kitchen/living rooms that is capable of achieving a room temperature of 21°C within one hour of being turned on when the air temperature outside is -1°C. Central heating is the preferred option, however an electric heater or a balanced flue gas heater or open flue gas fire with oxygen depletion cut off device are also acceptable. Electrical appliances must have a dedicated socket. Heating should be available at all times and be under the control of the occupier.

4. Amenity and Facility Standards & Licence for House in Multiple Occupation (HMO)

If the property is a HMO, as a minimum standard, the applicant must comply with all aspects of Herefordshire Council's Amenity and Facility Standards.

The standards can be found using the following link.

https://www.herefordshire.gov.uk/download/downloads/id/2075/amenity_and_facility_standards.pdf

An application for a HMO licence must be submitted to the Local Authority if there are to be 5 or more tenants from 2 or more households sharing facilities.

The application and guidance can be found using the following link.

<https://www.herefordshire.gov.uk/directory-record/1987/house-in-multipleoccupation-hmo-and-licensing>

Hereford Wildlife Trust

PROW – *'Public footpath CZ1 is shown on plans and would not appear to be affected by the conversion. No objection.'*

Land Drainage February 22 – *'We recommend that the following information is provided prior to the Council granting planning permission:*

- Results of infiltration/percolation testing undertaken in accordance with BRE365/BS6297 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;*
- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features; or evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;*
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of.'*

Amended Comments August 22 – *'We have no objection to the proposed development; however we recommend that the following information is provided in suitably worded conditions:*

- Submission of a detailed surface water and foul water design plan/construction drawing, which takes into account our above comments.*
- Confirmation the drainage infrastructure is located within the blue line ownership boundary.*

- *Confirmation that the watercourse proposed for discharge is non-seasonal and has a constant base flow. ‘*

Full detailed comments available online

Welsh Water – ‘We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. As we have no sewers or water mains within this area we have no comment on development proposals.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.’

Site Notice – 1x Comment, G & R Stroud

Concerns raised with regard to highways, ecological impacts
More information wanted on continued use of site

Local Member – No Objection to recommendation of approval

Pre-application discussion:

Constraints:

PROW – Adj
Surface Water – Adj
SSSI Impact Zone
NE Priority Habitat – Adj
Aquifer Secondary A

Appraisal:

Policy context and Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the ‘made’ Longtown Neighbourhood Development Plan (NDP). At this time the policies in the NDP can be afforded weight as set out in paragraph 48 of the National Planning Policy Framework 2021, which itself is a significant material consideration

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

Policy RA2 of the CS states that Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be allocated. Where these are absent or not advanced in the process to be afforded weight in the planning balance the main focus for development will be within or adjacent to the main built up parts of the settlement. Craswall is not listed under figure 4.14 or figure 4.15, and is therefore regarded as being located in an open countryside location.

Accordingly, Policy RA3 is relevant in order to assess the principle of new housing in this location. Policy RA3 sets out the circumstances in which new housing proposals are capable of being supported where they are in the open countryside. Policy RA3 sets out seven criteria under which houses in open countryside may be permitted:

1. Meets an agricultural or forestry need or other farm diversification enterprise for a worker to live near their place of work;
2. Accompanies and is necessary to the establishment or growth of a rural enterprise and complies with Policy RA4;
3. Involves the replacement of an existing dwelling (with lawful residential use) that is comparable in size and scale;
4. Would result in the sustainable reuse of a redundant or disused building where it complies with Policy RA5;
5. Is rural exception housing in accordance with Policy H2;
6. Is of exceptional quality and innovative design satisfying the design criteria set out in paragraph 79 of the current NPPF and achieves sustainable standards of design and construction;
7. Is a site providing for the needs of gypsies or other travellers in accordance with Policy H4

However taking into account the policy context as outlined above, it is considered that support is given to the re-use of rural buildings for residential/tourism uses. It is a pre-requisite of a conversion scheme that in accordance with Policy RA3 that the development would result in an enhancement of its immediate setting.

The application benefits from pre application advice in which several improvements to the overall scheme were made to the proposal submitted.

Design and amenity

While the design of the buildings has been touched on above, the detail of this is assessed by policy SD1 of the Core Strategy. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing. This is reinforced through policy 5 of the NDP which states that proposals will be permitted for buildings which reflect existing, and particularly historic, local building styles in the use of materials such as stone, slate, wood and brick.

The proposal is for one unit including removal of modern attached barns and erection of lean-to rear extension along with the installation of a package treatment plant and other associated works. The conversion will retaining existing features where possible with the walls continuing with natural stone with some timber boarding added, along with corrugated sheeting for the roof and timber window and doors with the window type being a traditional style.

As per the pre application discussions the rear lean to has been reduced in size with the eaves sitting below those of the main barn. With all other original features retained along with one original opening reopened to provide natural light.

Initial concerns were raised during pre-application advice in relation to the immediate adjacent barns. The agent has confirmed that the site is interconnected and the barns will be occupied by [REDACTED] it was also clear at my time of visit that these barns were no longer used for storing of livestock and were clearly used for more storage purposes therefore no adverse impact on residential amenity is considered to occur.

Highways

Policy SS7 requires proposals to focus development to the most sustainable locations and reduce the need to travel by private car. This aim is reflected by policies SS4 and MT1, which stipulate that proposals should facilitate a genuine choice of travel modes such as a walking, cycling and public transport. These policies are reflective of the National Planning Policy Framework objectives to guide development to sustainable locations.

Furthermore policy MT1 of the CS seeks to ensure that developments, among other things, are sited, designed and laid out in a manner which ensures the safe and efficient flow of traffic, safe entrance and exit and have the appropriate operation manoeuvring space to accommodate all modes of transport.

Access to the site is from a steep track accessed directly off the C1203, no objections have been raised from the Highways Engineer who stated that the existing access is considered appropriate to accommodate the intended use, as set out on the submitted Location Plan. With the site also including adequate space for the parking and turning of vehicles. All developments require secure cycle storage and therefore a relevant condition is attached below. With the minimal movement

that one additional dwelling will create it is not considered to adversely impact the local network and therefore complaint to CS MT1.

Ecological impacts

Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.

The development is outwith the 'English' catchment of the River Wye SAC catchment or the River Lugg SAC catchment. Consequently, a Habitat Regulations Assessment process is NOT triggered by this application.

It is noted from the bat surveys (undertaken July/August 2021) reported in the Ecological Impact Assessment by Churton Ecology (dated September 2021) that the barn supports a small populations of up to four bat species – any works undertaken will trigger the requirement for a relevant higher status protected species licence to be obtained from and granted by Natural England prior to any works commencing– this can only be applied for once planning permission and any associated conditions have been discharged. The responsibility for obtaining this licence is down to the applicant and their contractors and any breach of this requirement would be enforced by the local police force wildlife crime team and is not subject to final enforcement by the Council or Planning Authority.

It is re-iterated that the applicant and any contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process.

Drainage

Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

Initial comments from Land Drainage required further information before being able to make a recommended at initial consultation stage. The amended information was provided by the agent and Land drainage subsequently confirmed no objection to the proposed development on the basis that relevant conditions are attached (stated below) therefore the proposal compliant to CS SD3.

Conclusion

In summary, applications for planning permission are to be determined in accordance with the development plan unless material considerations indicate otherwise. The Core Strategy identifies a set of circumstances whereby residential development outside of a settlement is acceptable. That includes where a proposal will result in the sustainable conversion of a redundant building and result in an enhancement to the immediate setting.

Having considered the scheme against all the provisions set out within Core Strategy RA5, it is acceptable and also meets other policies within the Core Strategy, namely SS1, LD1, LD3, MT1 and SD1. Furthermore, the requirements of the Framework are met. To ensure the development remains this way a relevant condition is attached removing permitted development rights.

In light of the above, the recommendation is to approve the applications, subject to conditions.

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

CONDITION(S) & REASON(S) / :

(please note any variations to standard conditions)

1. C01
2. C07 (KI 5669 2B, KI 5669 7A & KI 5669 3B)
3. C65
4. CB2
5. **CNS - Ecological Protection & Biodiversity Net Gain**

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Churton Ecology dated September 2021 shall be fully implemented and hereafter maintained in as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced 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 (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

6. CNS - Protected Species and Lighting (Dark Skies)

At no time shall any external lighting, except low power (under 5 Watt), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwellings be installed or operated in association with the approved development and no permanently illuminated

external lighting shall be operated at any time, without the written approval of this local planning authority.

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Bat Conservation Trust-Institution of Lighting Professionals.

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.

7. CBM & Surface

- 8. CNS** - Prior to first occupation confirmation that the watercourse proposed for discharge is non-seasonal and has a constant base flow shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that satisfactory drainage arrangements are provided and complied with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9.** Prior to completion confirmation that the drainage infrastructure is located within the blue line ownership boundary shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that satisfactory drainage arrangements are provided and complied with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Informatives

IP1

I33

Signed: 

Dated: 15.8.22

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☒

REFUSE ☐



Signed: Dated: 15th August 2022

Is any redaction required before publication? No