

DELEGATED DECISION REPORT

APPLICATION NUMBER

183609

Proberts Farm, Hill Lane, Craswall, Herefordshire,

CASE OFFICER: Mr Scott Low

DATE OF SITE VISIT: 18th October 2018

**Relevant Development
Plan Policies:** Herefordshire Local Plan – Core Strategy
Policies LD1, SD1, SD3, SD4, RA6 & MT1

National Planning Policy Framework (NPPF 2018)

**Longtown Group Neighbourhood Development Plan -
Not at a stage where it is afforded any weight**

Relevant Site History: P151925/PA7 – Proposed agricultural building for sheep housing. Prior Approval Not Required 24.7.2015

Following re-consultation on 21st November 2018, due to the description of the application being changed to the following:

Proposed retention of barn as built and proposed construction of woodburning stove chimney to enclosed shelter area.

RE-CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Longtown Parish Council	x				x
Transportation	x			x	
Ecologist	x		x		
Site Notice	x				37
Natural England	x		x		
Local Member	x				x
Landscape Officer	x				x

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

Following re-consultation on 21st November 2018, due to the description of the application being changed to the following:

Proposed retention of barn as built and proposed construction of woodburning stove chimney to enclosed shelter area.

Proberts Farm is an agricultural unit of approximately 15 hectares at Craswall. The unit is isolated from other development and comprises of the subject building sited in the position of that shown in prior approval application P151925/PA7. The site is adjacent to Brecon Beacons National park. The existing agricultural building is sited within the field against a hedge and tree lined boundary, approximately 320 metres to the south-west of the road off which the site is accessed. There is no made track to the building location at present.

This retrospective application seeks to regularise what has been erected. The building is for storage and as a lambing shelter. A wood-burning stove and chimney have been provided. As the building permitted under P151925/PA7 was not implemented in accordance with those details, the building erected is unauthorised.

Representations (following re-consultation on 21st November 2018, due to a change in description of the application):

Longtown Parish Council – Further objection for the previous reasons given above, but also belief is that a retrospective application should be submitted due to the additional bay added.

Transportation – Further info required

Ecologist – No objection

Site Notice – 37 objections, a summary of reasons as follows:

Design is out of keeping with an agricultural building;
visually dominating;
the land does not have organic status;
the building is visible from SSSI, road way and local buildings;
it does not match the approved plans (P151925/PA7);
is questionable as to why an agricultural building requires a woodburning stove;
the mono pitch roof is intrusive and readily visible;
access required would cross over an existing bridleway
a new full planning application should be required due to change of description

Natural England – No objection

Local Member – Objection

Landscape Officer –Objection, comments as follows:

The application submitted is retrospective for the retention of an additional bay and chimney flue as part of a prior approval (P151925/PA7) for an agricultural barn.

I have visited the site and its surroundings and reviewed both applications as well as historic mapping.

The site lies within the local landscape character type; Ancient Border Farmlands described as remote small scale pastoral landscape with a dramatically rolling topography. The settlement pattern is characterised by a scattered pattern of farms wayside dwellings and hamlets.

The agricultural unit is situated on the edge of the Black Mountains at approximately 400m AOD. It lies only 100m from where the landscape type changes to High Hills and Slopes; these are areas where unenclosed highland is characterised by steeply sloping topography with tracts of rough grass and heath. The site therefore has an integral relationship with Hay Bluff and Black Hill.

I was not consulted on the application via Prior Approval and am not convinced that in landscape terms it is compliant with policy LD1 of the Core Strategy for the following reasons:

- The scale and proportions of the development is uncharacteristic in this location.
- The scale of the unit has resulted in alterations to the landform to provide a level plateau, given that the landscape in this location is defined by its topography I consider this harmful to the local character.
- The materials used for construction are incongruous with that of the local character which at the minimum would have been natural materials most likely stone and slate.
- There is potential for harmful visual effects both from the elevated ground to the east – the development is visible from the Hay road as well as potential views from the Black Mountains common land looking down onto the unit.

In respect of the application I can only conclude that this identified harm has been augmented by the increased scale of the proposal and its domestication through the addition of the chimney flue.

Whilst I acknowledge that I am commenting on the proposal before me – I do consider that the proportions of the unit are akin to that of a domestic dwelling which would be wholly inappropriate addition to the landscape character in this sensitive location and would also necessitate a lengthy access in itself likely to cause significant landscape harm.

In conclusion therefore I consider that the proposal is incongruous in character with potentially harmful visual effects and therefore conflicts with policy LD1 of the Core Strategy.

Pre-application discussion:

As a result of an enforcement investigation.

Constraints:

None

Appraisal:

Cllr Jinman confirmed via email on 5th February 2019 that he was happy for me to determine this application under delegated powers.

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). The National Planning Policy Framework (NPPF 2018) is also a significant material consideration. It is also noted that the site falls within the Longtown Neighbourhood Area, which has not yet published a draft Neighbourhood Development Plan (NDP) for Regulation 14 consultation.

Policy LD1 requires that developments should demonstrate that character of the townscape has positively influenced the design, scale, nature of the proposal and site selection to ensure the protection and enhancement of the setting of settlements and designated areas.

The nearest dwelling is greater than 400 metres from the site. Therefore and to be acceptable, development should be sited where it can be readily assimilated into the landscape away from skyline or isolated locations being of an appropriate scale, design, colour and materials.

However, the proposal is incongruous in character with potentially harmful visual effects and therefore does not accord with policy LD1.

Policy SD1 requires that development proposals make efficient use of land - taking into account the local context and site characteristics and new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development while making a positive contribution to the architectural diversity and character of the area.

The building is 27.45 metres long, 6.7 metres deep and a height of 7.13 metres. The design of the building and choice of materials fails to exhibit any local distinctiveness nor make a positive contribution to the architectural diversity and character of the area and therefore the proposal does not accord with policy SD1.

Policy RA6 states that employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:

Support the retention and/or diversification of existing agricultural businesses;

Planning applications which are submitted in order to diversify the rural economy will be permitted where they:

Ensure that the development is of a scale which would be commensurate with its location and setting;

Do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;

Do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.

As the proposal would generate new employment for a shepherd, it is therefore considered to accord with policy RA6.

Policy MT1 requires that development proposals incorporate the following principle requirements covering movement and transportation:

Ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;

Protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan

Upon re-consultation the highways department requested further details of how the land is accessed, in addition to details of the type, size and frequency of vehicles which will be used to service the land/building. However, as there is no made track here and access will only be by the shepherd via quad bike, therefore there are not considered to be any highway safety issues identified with the site and therefore the proposal accords with policy MT1.

On balance and noting that the development allowed under the prior notification procedure has not been implemented, it is considered that the proposal cannot be supported.

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

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

The proposal is incongruous in character with harmful visual effects and is therefore contrary to Herefordshire Local Plan – Core Strategy policy LD1.

The design of the building and choice of materials fails to exhibit any local distinctiveness nor make a positive contribution to the architectural diversity and character of the area and is therefore contrary to Herefordshire Local Plan – Core Strategy policy SD1.

Informatives

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.



Signed:

Dated:6th February 2019.....

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☐

REFUSE ☒



Signed:

..... Dated: 15/2/19