

APPELLANT STATEMENT OF COMMON GROUND

APPEAL REFERENCES **APP/W1850/W/23/3316691 &
APP/W1850/Y/23/3316692**
Herefordshire Council-P222006/F & P222007/L

DATE OF HEARING **Tuesday 12 March 2024**

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT

**Lower Daffaluke Farm
Daffaluke Lane
Glewstone
Herefordshire
HR9 6BB**

APPELLANT **Mr and Mrs North**

LOCAL PLANNING AUTHORITY **Herefordshire Council**

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1. Description of the site

1.1 Lower Daffaluke Farm is to the north west of the settlement of Glewstone. It is located within open countryside, with a few dwellings nearby.

1.2 The site is accessed by Daffaluke Lane, a single track road, running between the U7106 and the U71015. There is a private track that leads from Daffaluke Lane to the farm. The first section of the access track also serves another property, Bramley Barn to the north west of the site.

1.3 The application form identifies a site area of 0.10 hectares, with the total holding being around 6 acres of land.

1.4 The appeal proposal seeks to create accommodation for tourism use and on-site arts and crafts workshops, this would in part be through the conversion of a curtilage listed stone barn into a single unit with 4 bedrooms and self-contained facilities. The pig sheds towards the north of the appeal site are proposed to be retained and repaired, with a proposed raising of the roof on its south facing side. This will be maintained as shelter for livestock.

1.5 The tin barn in the south west corner of the site is proposed to be removed and replaced, with a new tin building, but will be of a smaller footprint and lower ridge height. This building would provide a further unit of tourism accommodation in the form of a single studio, as well as a laundry area and cycle storage (further details required by way of condition).

1.6 The blockwork pens will be removed entirely from the site and the area used for further planting (further details required by way of condition).

1.7 The regularisation of the location of the existing private treatment plant has been added to this proposal, as it was identified that it was installed in a different location to that previously approved as part of an earlier application for an extension on the farmhouse.

1.8 The site does have previous planning application history for a similar proposal. The full application (P212661/F) and associated listed building consent (P213968/L) applications were withdrawn in January 2022. The reason for withdrawing was for the appellants to consider the objections and concerns raised through the process and to amend the proposals prior to resubmitting.

1.9 It is considered useful that the amendments made to the current proposal are brought to the Inspectors' attention. Some of the changes that were made to this resubmission from the previous applications are as follows:

- Relocating all of the proposed accommodation further south on the site, away from the adjacent neighbouring property to the north. In this regard the pig pens are no longer to be used as part of the tourism proposal (formally they were proposed as a four bedroom accommodation). Under this proposal they will remain as a livestock shelter.
- Reducing the overall amount of accommodation to reduce the number of guests and level of traffic
- Changing the layout of the accommodation to reduce the likely attraction

for larger groups to attend.

2. Description of the area

2.1 The site itself comprises of a farmhouse, which is a large stone building in the centre of the site, a large two storey barn to the west of the farmhouse, pig sheds within a paddock to the north west of the farmhouse, blockwork pens to the south of the site and a tin barn in the south western corner. Grazing paddocks surround the farmhouse.

2.2 A stream runs along the southern boundary of the site.

2.3 The farmhouse is Grade II listed and the stone barn adjacent to the west is also considered to be curtilage listed.

3. Planning history of site

3.1 Planning and listed building consent history is listed below in chronological order.

Date	Description	Determination Made
28 August 1998 & 4 September 1998	Conversion of stone barn (listed by curtilage) to form two residential letting units.	Approved with Conditions. <i>(Permission expired before works commenced, hence current application relating to same building)</i>
13 December 2004	Demolition of existing outbuilding and erection of two storey extension.	Approved with Conditions
25 January 2005	Installation of three conservation roof lights. Re-roofing existing building.	Approved with Conditions
9 December 2011	Proposed one and a half storey extension, new rooflights & dormer windows & removal of existing glazed porch to kitchen entrance, replacement of rear entrance porch with new oak framed porch.	Refused
23 May 2012	Proposed one and a half storey extension. Works to include new rooflights and dormer windows and replacement of porches to kitchen and rear entrance.	Approved with Conditions

6 March 2014	Proposed two storey extension, amendment to planning permission S121183/L.	Approved
20 October 2021	Proposed conversion of 2 barns to provide holiday accommodation, and third barn to provide facilities ancillary to holiday use. To include demolition works and proposed extensions to two of the barns.	Withdrawn
9 December 2021	Conversion of stone barn to provide holiday accommodation.	Withdrawn
2 February 2023	Proposed conversion of 1 stone barn (listed by curtilage), to provide holiday accommodation. Demolition of one tin barn (unlisted), to be re-built to provide holiday accommodation and laundry/bike storage area. Raising the south roof of a 'pig-shed' building (unlisted), to the ridge height of the North roof, installing solar panels, no change of usage. Associated work to the site including demolition of blockwork pens. Regularisation of the location of the completed Private Treatment Plant.	Pending appeal (undecided)
8 February 2024	Proposed repair to west elevation (gable end) and north elevation by removing existing non-breathable white paint, re-pointing any open joints in a pure lime mortar and repainting with a breathable white finish to retain existing character.	Valid (undecided)

4. Development plan (including relevant policies) & any draft development plan (including stage reached and weight to be attached).

4.1 The below table lists National Planning Policy Framework (NPPF) policies.

Chapter 2	Achieving sustainable development
Chapter 4	Decision making

Chapter 6	Building a strong, competitive economy
Chapter 8	Promoting healthy and safe communities
Chapter 9	Promoting sustainable transport
Chapter 11	Making effective use of land
Chapter 12	Achieving well designed places
Chapter 14	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	Conserving and enhancing the natural environment

4.2 Herefordshire Local Plan - The below table lists all of the Core Strategy Policies. The policies were attached to the LPA's Statement of Case.

SS1	Presumption in Favour of Sustainable Development
SS4	Movement and Transportation
SS6	Environmental Quality and Local Distinctiveness
RA5	Re-use of rural buildings
RA6	Rural Economy
MT1	Traffic Management, Highway Safety and Promoting Active Travel
E1	Employment Provision
E4	Tourism
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	Waste Water Treatment and River Water Quality

4.3 There is no Neighbourhood Development Plan for the parish.

5. Relevance of any supplementary planning guidance published by LPA (and /or of supplementary planning guidance published under previous provisions and still in place)

5.1 Not applicable.

6. List of possible conditions and the reasons for them (including any that are not agreed, with reasons why)

6.1 In relation to suggested planning conditions (as listed in the LPA's Statement of Case), with the following possible conditions:

<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.</p>
<p>The development shall be carried out strictly in accordance with the approved plans (drawing nos. 193 A105 Revision 1 193 A104 Revision 1 193 A103 Revision 1 193 A003 Revision 3 193 A111 Revision 1 193 A121 Revision 1 (June 2022)), except where otherwise stipulated by conditions attached to this permission.</p> <p>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.</p>
<p>Prior to the first occupation of the development a noise management plan (NMP) shall be submitted for the local planning authority's approval in writing. This shall include communication of site rules, a complaints procedure / log, and a written commitment to a periodic review of the noise management plan</p> <p>Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
<p>With the exception of site clearance and groundworks, no further development shall commence until detailed drainage surface water and foul water drainage plans/construction drawings, including associated surface water drainage calculations have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of any of the buildings hereby permitted.</p> <p>Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
<p>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 4 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.</p> <p>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.</p>

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 existing private foul water treatment system (package treatment plant), and shall be managed and maintained as approved for the lifetime of the development it supports.

Reason: To protect the integrity of the public sewerage system and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

With the exception of any site clearance and groundwork, no development shall commence until written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council

The recommendations in the ecology reports by Environmental Methods dated September 2021 and June 2023 in respect of ecological interests on the site, biodiversity net gain and habitat enhancement recommendations, including mitigation-compensation measures and requirement for any relevant protected species licences from Natural England to be obtained prior to any works commencing on site, shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Within three months of receiving any protected species licence(s) from Natural England, a copy of the issued licence and results of any additional supporting survey works completed, shall be submitted to, and acknowledged in writing by the planning authority.

Reason: To ensure that all species 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.

At no time shall any external lighting except low power (max 550 lumens/5watts), 'warm' LED lighting in directional down-lighter luminaires, on motion operated and time-limited switches required in relation to the immediate safe use of the approved holiday accommodation and associated facilities be installed 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 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

No person or group of persons shall occupy the holiday lodges for more than 28 consecutive days at a time and no same person or group of persons shall occupy the accommodation for more than 156 days in any one calendar year. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the holiday lodges and of their main home address (i.e. place of residence) and shall make this information available at all reasonable times to the Local Planning Authority on request.

Reason: Having regard to Policy RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, [due to the relationship and close proximity of the building to the property in this rural location.

Unless otherwise approved in writing by the planning authority, all foul water created by any development permitted under this permission shall discharge through connection to the existing private foul water system discharging to a soakaway drainage field located on land under the applicant's control.

Reason: *In order to 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 and SD4.*

6.2 In relation to suggested planning conditions (as listed in the LPA's Statement of Case), the applicant and LPA are **not in agreement** with the following possible condition:

Notwithstanding any requirements of the approved Noise Management Plan, there shall be no playing of music whether amplified or non-amplified outdoors, no fireworks, open fires and no camping within the application site.

Reason: To safeguard the amenity of the area in compliance with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

If conditional planning permission is granted, the appellant would like to request that the wording of this condition is adapted to state the following:

*"Notwithstanding any requirements of the approved Noise Management Plan, there shall be **no playing of amplified** music outdoors, no fireworks, and no camping within the application site. **Non amplified music and open fires will be restricted to the hours between of 7am – 11pm.**"*

The reason for requesting this change is to balance the holiday makers' enjoyment of the outside space whilst at the same time minimising impact on the neighbouring property. Additionally, as per page 11 of the LPA's Statement of

Case:

- A use for holiday accommodation falls within the same Use Class as a dwellinghouse and as such is not an inherently noisy one,
- The accommodation is all sited at the southern end of the appeal site, which is some:
 - 99 metres from the neighbouring residential property (Bramley Barn)
 - some 82 metres from the residential property to the south west (Red Barns)
- The Councils Environmental Health Officer stated there are no objections to the proposal in regards to impact upon residential amenity given the nature of the proposed use.
- The proposed scale is small and some distance away from neighbouring properties
- The latest advice secured following specific concerns raised by a local resident have resulted in a recommendation for the conditions suggested by the LPA i.e. to provide a noise management plan.

6.3 In relation to suggested listed building conditions (as listed in the LPA's Statement of Case), the applicant and LPA **are in agreement** with the following possible conditions:

<p>The works hereby permitted shall be begun before the expiration of three years from the date of this consent.</p> <p>Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990</p>
<p>The development shall be carried out strictly in accordance with the approved plans (drawing nos.193 A105 Revision 1 193 A104 Revision 1 193 A103 Revision 1 193 A003 Revision 3 193 A111 Revision 1 193 A121 Revision 1 (June 2022)), except where otherwise stipulated by conditions attached to this permission.</p> <p>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 LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
<p>No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:</p> <ul style="list-style-type: none">● Elevations of doors and windows at 1:5 scale;● Window frame and glazing bar sections at 1: 2 scale● Method & type of glazing. <p>The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990</p>
<p>Before any works in relation to the works specified below begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none">● A sample of the type of roofing material proposed;● Details of new rooflights;● Details of roof and wall insulation

<p>The works shall be carried out in accordance with the approved details.</p> <p>To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990</p>
<p>Details of the material, sectional profile, fixings and colour scheme for Rainwater goods (gutters, downpipes, hopper-heads and soil pipes) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this element of works. The development shall be carried out in accordance with the approved details.</p> <p>To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990</p>
<p>Before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority, prior to any repointing:</p> <ul style="list-style-type: none"> • Mortar mix to be confirmed • A sample panel of the mortar • Sample panel of repointing to be prepared <p>The works shall be carried out in accordance with the approved details.</p> <p>To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990</p>
<p>All raking out of joints on the stone barn are to be done using hand tools only. Reason: In the interests of ensuring that no damage is caused to the part of the building which is to be retained in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990</p>

7. Draft terms of any S 106 obligations

7.1 Not applicable.

8. Others (as per matters that the Inspector intends to particularly focus as per email from Planning Inspectorate on 17 January 2024)

8.1 Identifying the significance of any relevant heritage assets. What the effect of the proposal would be on that significance. Consideration of statutory duties arising under the Planning (Listed Buildings and Conservation Areas) Act 1990.

The following statements are taken from the LPA's Statement of Case:

The stone barn that is proposed to be converted into a four bedroom unit with self-contained facilities is Grade II curtilage listed. In this regard both the direct impacts to the fabric of the building and the implications for the wider setting of the barn itself and Lower Daffaluke Farm are important material considerations The Council`s Building Conservation Officer has

visited the site and provided the following comments on 30 September 2022:

*The works proposed include the repair and alterations to a curtilage listed stone barn, with other works to unlisted associated farm buildings. It is considered that the works are proportionate and sympathetic. **Finding a new use for these structures in particular the redundant curtilage listed structure provides a means by which their long term future is secured**, preserving an historic farm building which contributes to the setting of the listed farmhouse and in the wider context of a traditional farmstead. Provision of holiday accommodation encourages tourism to the area and will contribute to the local economy.*

*It is considered that the removal of the steel lean-to sheds from the west side of the stone barn and change to the roof pitch to the workshop **will enhance the historic character and interest of the building and help to preserve the setting of the listed farmhouse**. It is considered that **these works will have a neutral or marginally enhanced impact the on the former field barn**, now converted to a dwelling, due to its remoteness.*

*The removal of the jerry-built blockwork pens **will be an enhancement to the site**.*

*Replacement of the tin sheds with a similar structure though to a smaller scale and reduced ridge height will have a **neutral impact** on the setting of the two listed structures and curtilage listed barn.*

*The pig sheds lie closest to the former field barn. It is considered however that as the works proposed relate to the south side of the sheds with an unchanged ridge height there will be a **neutral impact** on its setting. There will be no impact on the setting of the farmhouse and stone barn.*

*It is therefore considered that **the proposals accord with the core strategy policies** as follows:*

- Policy LD4 – a development which protects, and where possible enhances heritage assets and their settings.
- Policy SS6 – a development which conserves and enhanced environmental assets which contribute to the county's local distinctiveness
- Policy SD1 – by inclusion of solar array and improvement to the thermal performance of the existing structures this is a sustainable development.
- Policy RA5 - by sustainable re-use of individual and groups of redundant farm buildings, the proposal makes a positive contribution to rural business enterprise and supports the local economy.'

With no technical objections raised by the Building Conservation Officer, and subject to the without prejudice conditions recommended below, the proposed conversion of the barn is considered to secure a beneficial and long term future of the building. Furthermore the demolishing of some of the later outbuildings will serve to improve the setting of the site and provide a degree of

enhancement in accordance with the NPPF and CS Policy LD4. The NPPF (paragraph 205) **advises the great weight should be given to the conservation of heritage assets** and in the light of the consultee advice referred to above it can be reasonably concluded that **there is no harm to the significance of the identified assets** and therefore no requirement to consider the public benefits associated with the proposal (as per NPPF paragraphs 208).

Acknowledging that the LPA is not the determining authority and in the event that the Inspector considers that there is harm to the significance of the identified assets, then it is respectfully submitted that this would be categorised as less than substantial and as per NPPF paragraph 208, this harm would need to be weighed against the public benefits.

8.2 **The effect on water quality and any implications or statutory duties arising from The Conservation of Habitats and Species Regulations 2017 (as amended).**

The following statements are taken from the LPA's Statement of Case:

CS Policies LD2 and LD3 are applicable in relation to ecological impacts and the impact on green infrastructure. 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.

Significant concerns were raised through the application process regarding the Ecology survey being outdated and the potential impact the proposal could have on local wildlife in particular the run off into the stream to the south of the site which leads to nearby ponds.

The Councils' Ecologist has reviewed all of the submitted information, and taken into consideration the comments raised by local residents. In addition an updated Ecological survey was submitted 6 July 2023.

A Habitats Regulations Assessment (HRA) was undertaken and the conclusions were submitted to Natural England for consultation. The key issues and conclusions arising from the HRA are as follows:

Habitat Regulation Assessment (updated) – dated 6 July 2023

- *The proposal is to create TWO new units of holiday accommodation and associated works with an associated creation of new foul water flows.*
- *The site is within the Garren Brook hydrological sub-catchment of the River Wye SAC (SSSI)*
- *The site is within 7km of Upper Wye Gorge SSSI that forms part of the Wye Valley Woodlands SAC which have Lesser Horseshoe Bats as an associated species.*

River Wye SAC

- *The proposal is to manage additional foul water flows through the existing private foul water system (Package Treatment Plant) that was installed to serve a permitted extension to the main dwelling but was located and sized to accommodate future additional flows from this holiday accommodation.*

- *Natural England have not advised the LPA that the River Wye SAC is failing its conservation status.*
- **The LPA has no reason for HRA purposes to consider that the existing system cannot accommodate the additional foul water flows that will be discharged to it.**
- **Natural England SSSI impact risk zone data for this location does not indicate any triggers for private foul water systems that are within or compliant with other regulatory requirements under General Binding Rules.**
- **The existing system, and combined flows created, are compliant with General Binding Rules. (over 3km from River Wye, under 5m³/day discharge to local watercourse that normally has flows throughout the year).**
- **Any additional surface water flows that may be created can be managed through existing surface water systems serving the existing buildings/surfaced areas and are not considered as having any significant effects on the River Wye SAC.**
- *From supplied and available information, no adverse effects on the River Wye SAC (or River Wye SSSI) are identified from the proposed development.*

Habitat Regulations - Nature Conservation (River Wye SAC) – Foul Water
 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 existing private foul water treatment system** (package treatment plant), and 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***

Although 'screened out' Natural England (NE) was still consulted on 14 July 2023 for a period of three weeks. **No comments were received from NE as part of this consultation on the updated HRA.** Should any further comments be received they will be forwarded to the Planning Inspectorate.

However, the Planning Inspector`s attention is drawn to comments received from Natural England on the **original HRA, which did provide a 'No Objection' comment in August 2022.** This response was sent through to the Planning inspectorate with the Questionnaire.

Technical drainage matters
 CS Policy SD3 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).

A number of objections have detailed that the stream to the south of the site does not have a constant flow and is seasonal. This position is a different one to that presented with the evidence provided by the appellants as part of the application. However, all comments and evidence submitted by the objectors and the appellants were taken into account by the Council's Land Drainage consultants. It should be noted that with regards to the seasonality of the watercourse, the General Binding Rules (2015) states that:

*New discharges must be made to a watercourse that **normally** has flow throughout the year.*

The Land Drainage consultants have stated they have no objections and further details can be secured through planning conditions (included in the suggested without prejudice planning conditions in Annexe A of the LPA's Statement of Case and mirrored in Section 6 herein). Their latest comments stated:

Surface Water Drainage

*Kettle Civils Ltd have provided photographic and anecdotal evidence that the GW (ground water) levels at the site are too high for infiltration tests to be undertaken. Therefore, soakaways would be unfeasible as a discharge of surface water runoff to ground is not viable. **The Applicant has therefore designed a SuDS scheme which provides attenuation via a basin prior to an offsite, restricted discharge to the watercourse.***

The Applicant should provide a clear, to scale, site layout plan, which includes calculations to confirm the size of the attenuation basin required.*

*LPA is currently liaising with Balfour Beatty to confirm surface water strategy had been resolved, or in any event could be covered by a condition

Foul Water Drainage

As there is no foul public sewer within 30m of the proposed development site, the Applicant has confirmed that foul water from the proposed development will discharge to the existing foul water drainage system which serves Lower Daffaluke.

As percolation tests could not be established, due to high groundwater levels, the package treatment plant, designed to serve 20 persons, discharges to the watercourse, which has been confirmed as non-seasonal and within the land ownership boundary.

The Applicant has confirmed that the proposed foul water drainage connections from the proposed barn developments to the package

treatment plant will be gravity fed and that no pumped system(s) will be required. The Applicant should note that foul water pumped systems are discouraged and would likely invite objections from Land Drainage if presented at Discharge of Condition. The Applicant has confirmed that the foul water discharge pipe from the Tin Barn development no longer passes beneath the Stone Barn and instead is located around the building. This is acceptable to Land Drainage in relation to ease of future access, required for maintenance.

We understand that the foul water system is a fairly recent installation, constructed as part of previous development to the existing Lower Daffaluke dwelling, under planning application 121041. The Proposed Site Plan (Drwg No /Sk10) submitted under this application appears to show the location of the new foul water treatment plant in a very different location to that shown on the Site Plan as proposed as part of this application. The confirmed location of the package treatment plant under this application appears to be located within close proximity to the watercourse (similar ground levels to the lowest FFL of the stone barn (42.61mAOD) and could therefore be affected by flooding. It is stated that Building Control have previously signed off the foul water drainage arrangements under application 121041. We note that Ecology and Natural England have not objected to the proposed development. We understand that conflicting anecdotal evidence has been provided regarding the seasonality of the receiving watercourse.

Overall Comment

We recommend that the following information is requested within suitably worded conditions:

- **Submission of detailed drainage surface water and foul water drainage plans/construction drawings, including associated surface water drainage calculations**

See proposed condition in 6.1 regarding securing of foul water.

With a conditional **no technical objections raised by the Council Land Drainage consultant, it is considered that the proposal meets the requirements set out in Core Strategy policies SD3 and SD4.**

8.3 The effect on protected species.

The following statements are taken from the LPA's Statement of Case:

The latest Ecologist comments dated 5 July 2023 are as follows:

The ecology surveys and optimal period bat surveys by Environmental Methods September 2021 and update report June 2023 are noted and refer.

*The May 2023 update optimal bat surveys recorded small numbers of Common and Soprano Pipistrelle and Long-eared (likely Brown Long-eared) and has reasonably been assessed in supplied report as non-maternity summer day roosting. Subsequent to any grant of a planning **permission a relevant protected species derogation licence from Natural England will be required to be obtained PRIOR to any works commencing to the existing stone barn. The supplied report provides details of the proposed mitigation and compensation measures and demonstrates that these can be achieved in any final development scheme***

subject to a planning permission. A condition can be included to ensure that no permanently illuminated external lighting is installed as part of the proposed development. Any additional lighting from new fenestration and occupation and use of the holiday accommodation is considered highly unlikely to be an effect across the whole sunset-sunrise period and as commonly occurs in residential use blinds and curtains will be drawn by the occupants to further reduce any potential effects of additional illumination due to occupation/use of the holiday accommodation.

The June 2023 report identifies that Great Crested Newts are likely present in local ponds, **a relevant precautionary approach has been suggested** in the June 2023 ecology report. **The proposed development will not affect the ponds or any immediate terrestrial habitat associated with GCN that lie outside the development site/boundary. There are some ruderal/potential habitat that could be utilised by GCN on an opportunistic basis within the development area adjacent to the buildings. A suitable precautionary approach to site clearance is proposed to ensure GCN are fully considered within the development process. As there are no direct effects on core GCN habitats no GCN protected species licence is identified as being relevant or required.**

With the appropriate mitigation and compensation schemes identified in the supplied ecology reports and securable through condition on any planning permission granted **the LPA concludes that the proposed development will not be detrimental to the maintenance of the populations of the species concerned (Bats and Great Crested Newts)** are a favourable conservation status in their natural range.

Wye Valley Woodlands SAC (Lesser Horseshoe Bat)

- The site is 7km from the relevant interest feature which is outside the normally accepted 'core sustenance' zone for Horseshoe Bat species (4km as identified in current guidance for Horseshoe bat species in Wye Valley & Forest of Dean Bat SAC).
- The ecology surveys and optimal period bat surveys by Environmental Methods September 2021 and update May 2023 are noted and refer.
- **No record of any Horseshoe Bats roosting, foraging or commuting at the site were recorded. The LPA has no records of Horseshoe bats in the immediate locality.**
- From supplied and available information **no effect on Lesser Horseshoe species** and thus Wye Valley Woodland SAC are identified as a result of the proposed development.
- **As no adverse effects are identified from the proposed development and all considerations/mitigation are fully embedded** within the 'project' the Habitat Regulation Appropriate Assessment completed by the LPA can be considered as 'screened out' at Stage 1 and no consultation with Natural England is triggered.

8.4 Highways impact in terms of likely traffic generation from the proposal.

The following statements are taken from the LPA's Statement of Case:

<p>CS Policy MT1 and NPPF guidance require development proposals to give genuine choice as regards movement. NPPF paragraph 114 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.' (NPPF para.115).</p>
<p>The proposal will utilise the existing access track into the site that is currently used by the appellants, and was formally used for all farm traffic when the site was an active farm. There will be parking spaces and a turning area provided at the southern end of the site and to the east of the stone barn. Secure cycle parking will be provided within the new tin shed adjacent to the laundry room.</p>
<p>With regard to the impacts on the road and the associated traffic as a result of the proposal, whilst acknowledging that Daffaluke Lane is single track, it is mainly used by local residents and not as a regular cut through and therefore there are low vehicular movements throughout the day.</p>
<p>In addition, the proposed vehicular movements associated with the use would not result in a tangibly harmful increase over and above that of a small working farm. Therefore it is not considered that the residual cumulative impacts of development are severe. This position is reinforced through the lack of objection to the proposal from the Council's Area Engineer. Whilst acknowledging the degree of concern locally, it is considered that based upon the technical advice provided that the appeal proposal would be in accordance with CS Policy MT1 and the NPPF.</p>

8.5 Explicit clarity on the Council's position.

As per page 12 of the LPA's Statement of Case: "***The Inspector is advised that the likely Officer's recommendations to the Committee would have been for conditional approval.***"

8.6 A list of agreed planning drawings.

Existing

193 A001	Location Plan
MG2578_S1	Existing Layout 3D Annotated Topographical Survey
MG2578_S2	Existing Layout With Contours Topographical Survey
193 A110	Pig Sheds as Existing
193 A120	Tin Barn Plans and Elevations [Existing]
193 A002	Site Plan as Existing
193 A102	Stone Barn Elevations as Existing, 2 [North and South]
193 A101	Stone Barn Elevations as Existing
193 A100	Stone Barn Floor Plans (Existing) [Ground and First]

Proposed

193 A105 Revision 1	Stone Barn, Elevations as proposed [North and South]
193 A104 Revision 1	Stone Barn, Elevations as Proposed [East and West]
193 A103 Revision 1	Stone Barn Floor Plans proposed (Ground and First]
193 A003 Revision 3	Site Plan As proposed
193 A111 Revision 1	Pig Sheds as Proposed
193 A121 Revision 1	Tin Barn Proposed Plans and Elevations

Supporting Documentation

June 2022	Green Leaf Architecture, Design and Access Statement
October 2021	Green Leaf Architecture, Heritage Statement
Undated	Ensign, Package Sewage Treatment Plants
June 2023	Environmental Methods Report, Amended Ecology Update Survey Report
May 2023	Environmental Methods Report, Ecology Update Survey Report
September 2021	Environmental Methods Report, Ecology Survey Report

9. Identification of matters which are the subject of specific agreement/disagreement (or putative reasons in cases of non-determination)

9.1 The applicant and LPA are in broad agreement on all matters, with the exception of the applicants request for the LPA to consider adapted wording in relation to the suggested condition in relation to the Noise Management Plan (as explained in section 6.2 herein).