

DELEGATED DECISION REPORT

APPLICATION NUMBER

180971

Ballingham Court, Ballingham, Hereford, HR2 6NH

CASE OFFICER: Mrs Charlotte Atkins
DATE OF SITE VISIT: 10.4.2018 (& previously for pre-app)

Relevant Development Plan Policies: CS – SS1, SS4, SS7, RA6, MT1, E4, LD1, LD2, LD3, SD1, SD3, SD4.

Ballingham, Bolstone and Hentland Group Neighbourhood Development Plan (dBBHNDP) is at examination stage (sent 11.6.2018). The reg 16 consultation ran from 19 April to 31 May 2018

Policies: BBH3, BBH5, BBH6, BBH8, BBH9 & BBH10.

NPPF – introduction, Achieving Sustainable Development
 Chapters 1, 3, 4, 7, 8, 10, 11
 Decision-taking

NPPG

Relevant Site History: 172160 - The proposed development is for a change of use from an agricultural field to a glamping site comprising three safari tents each with its own shower and toilet area, hot tub, access track, wooden playground and septic tank – withdrawn 19.9.2017

173571/CE – Pre-application advice for glamping site and associated works.

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	✓		✓		
Transportation	✓			✓	
Landscape Officer	✓			✓	
Ecologist	✓✓			✓✓	
Land Drainage	✓✓✓		✓	✓✓	

Natural England	✓✓			✓✓	
Welsh Water	✓		✓		
Site Notices	✓		✓ x4		
Local Member	✓ see below				

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The essentially rectangular site, which comprises part of Ballingham Court – an operational agricultural holding, lies to the southwest of the hamlet of Ballingham, between the C1267 (to Carey) and the River Wye. It is within the Wye Valley AONB and comprises part of a large arable field, some 166m to the north of the riverbank. It is adjacent to flood zone 2, but falls within zone 1. Levels slope down from the northwest to the site before becoming more level to the top of the riverbank. There is an existing track, through the farm to the site and an area of mixed tree and shrub planting to the north of the site.

Permission is sought for the change of use of part of the field to a leisure use, comprising the provision of three 'safari tents' (olive green in colour - externally) on raised platforms, with associated drop off parking area and septic tank. The tents would each be aligned in a northeast-southwest orientation, with a distance of 6.5m between. They would be sat on timber stilts placed directly into the ground (no concrete base) with wooden fencing to the ends, raised approximately 1m above ground level at the highest point. From the platform, the tents would be 5m to ridge and 2.9m to eaves. Each tent would be 11.5m x 5.4m (to sleep 6 persons), with an oversailing roof. They would each provide cooking, dining area, beds and showers. It is advised by the applicant that the safari tents would be similar in construction to the Clear Sky Plus Range Woody WWP3 <http://www.safaritents.net/plus-safari-tent.php>. There would be no mains electric, with power provided from the farm's anaerobic digester. Low level (output of 6 lumens) solar powered lighting is proposed. A water supply already exists and a 6,000 litre septic tank is proposed. Supplied percolations tests results are an average value of 76.66vp. It is proposed to use the site from Easter to October in each calendar year.

A native species hedgerow would be planted to the west of the site, continuing the western boundary of the planting to the north and to separate the site from the rest of the field. Additional planting is proposed to the south of the tents along with the septic tank and associated soakaway field. The parking area would be alongside the modern farm buildings to the east of the farmyard, with access of the unclassified road to the north. No alterations are proposed to the access.

The application was accompanied by a FRA, Landscape Planting and management Plan, Supporting Statement, Construction Environmental Management Plan (CEMP), Habitat Survey, Septic Tank information and supplemented by additional drainage details during the consideration of the application.

Representations:

Land Drainage

Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;
- Location Plan (Ref: RUD02_SL_008);
- Site Plan (Ref: RUD02_SP_021);
- Percolation testing results (dated 12th December 2017);
- Foul Drainage Assessment Form (Environment Agency);
- Flood Risk Assessment (Ref: V1.2).

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), April 2018



Overview of the Proposal

The Applicant proposes the construction of 3 glamping units (each with shower, toilet, hot tub, access track and septic tank). The site covers an area of approx. 0.62ha and is currently used for agricultural purposes. The River Wye (SSSI) is located approx. 183m to the south of the proposed development site. The topography of the site slopes down from approx. 55m AOD in the north to approx. 42.2m AOD in the south.

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1 and is adjacent to Flood Zone 2 and 3 (to the south of the site).

A Flood Risk Assessment has been provided by the Applicant. This states that the Flood Zone 3 extent is approx. 41m AOD. The lowest ground level point for the proposed glamping area is 46.4m AOD. This is sufficient high above the fluvial flood level.

Surface Water Flood Risk

The Flood Risk Assessment has not considered the Risk of Flooding from Surface Water. Figure 2 demonstrates that a natural path of water appears to flow through the site. This should be taken into consideration. The finished floor levels of each unit should be raised by approx. 150mm minimum to prevent ingress.

Surface Water Drainage

The Flood Risk Assessment provides an assessment of the Greenfield runoff rates. The Applicant is proposing to use a soakaway to manage the surface water runoff from the units. The Applicant should provide infiltration testing undertaken in accordance with BRE365. We appreciate that testing undertaken in accordance with BS6297 has been provided. This test is suitable for establishing percolation rates for drainage fields serving package treatment plants as these are more shallow. BRE365 tests should be undertaken to establish an infiltration rate for surface water soakaway systems. As the site is steeply sloping, suitable locations for infiltration testing should be chosen.

The Applicant should provide evidence that the soakaway has been provided to cope with the 1 in 100 year + 40% climate change event.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

Foul Water Drainage

We have reviewed the Foul Drainage Assessment form.

Natural England should be consulted in regards to discharging treated effluent within close proximity to a Site of Special Scientific Interest (SSSI) – the River Wye.

We appreciate that the Applicant has established a Vp value of 76.66. This is a suitable value for disposing of treated effluent via disposal to drainage field. The Applicant has also correctly sized the drainage field, however as mentioned above, Natural England should be consulted. It may be necessary to undertake percolation testing at multiple locations dependent upon the slope of the site.

Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. This may cause difficulties being a steep site. The distribution pipes should have a minimum 2m separation.

Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

The Applicant has not yet demonstrated the drainage field on the site plan.

Overall Comment

We recommend that approval from Natural England in regards to foul water management is obtained prior to granting planning permission.

Once approval from Natural England has been obtained, should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

☐ A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of

flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;

- ☐ Results of infiltration testing undertaken in accordance with BRE365 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;

- ☐ A detailed foul water drainage strategy showing how foul water from the development will be disposed of including details of the depth of spreaders.

Please refer to “Herefordshire Council Planning Applications: Flood Risk and Drainage Checklist” (Ref: RCLHP001-AM0070-RP-003) for details of the documentation to be submitted for planning applications.

Land Drainage – additional details

Surface Water Drainage

The Applicant has now stated that the tents will be raised on platforms, thus water will be able to flow below the tents. The Applicant has suggested that due to this, there is no need for a surface water drainage system.

Foul Water Drainage

Natural England have been consulted in regards to discharging treated effluent. Further information is required to obtain approval from Natural England.

Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. This may cause difficulties being a steep site. The distribution pipes should have a minimum 2m separation. The layout of the drainage fields should be provided.

Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

The Applicant has not yet demonstrated the drainage field on the site plan.

Overall Comment

We recommend that approval from Natural England in regards to foul water management is obtained prior to granting planning permission.

Once approval from Natural England has been obtained, should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- ☐ A detailed foul water drainage strategy showing how foul water from the development will be disposed of including details of the depth of spreaders and the location of the spreaders on a site plan.

Please refer to “Herefordshire Council Planning Applications: Flood Risk and Drainage Checklist” (Ref: RCLHP001-AM0070-RP-003) for details of the documentation to be submitted for planning applications.

Land Drainage – additional details/clarification

I have reviewed the amended site plan (Ref: RUD02_SP_023) and can confirm that these proposals are now acceptable.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on River Wye SAC. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- ☐ Details of the type and design of proposed packaged treatment plant.
- ☐ Proposed management of waste water soakaway.
- ☐ Confirmation of no external lighting / need for lighting strategy.
- ☐ HRA Screening report.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Natural England's advice on other issues is set out on the next page

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as the River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment

stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Protected Landscapes

The proposed development is for a site within or close to a nationally designated landscape namely The Wye Valley AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website.

<http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that

this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Other advice

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Natural England - additional details (HRA)

NO OBJECTION – SUBJECT TO CONDITION

Based on the revised plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection, subject to the avoidance measures agreed (as below).

Natural England's advice on other natural environment issues is set out below.

European sites – River Wye Special Area of Conservation

Based on the submitted Appropriate Assessment, Natural England considers that the proposed development will avoid likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record the following as justification for that decision:

- ☐ Design of sewage treatment is in conformity with relevant local and national policies, including agreed Nutrient Management Plan.

- ☐ To be subject to appropriate planning condition.

River Wye Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION – SUBJECT TO CONDITION

Based on the revised plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection, subject to the avoidance measures agreed (as below).

Natural England's advice on other natural environment issues is set out below.

Protected Landscapes – Wye Valley AONB

The proposed development is for a site within or close to a nationally designated landscape namely the Wye Valley AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Ecology

Thank you for consulting me on this application. I have read the ecological report and concur with its findings. I note that there are comments regarding drainage and effective construction/management of the soak away system which will require further details. This further information will be needed in order to ensure there is no risk to the R. Wye SAC. Natural England should be consulted on this application for their views as recommended in the drainage comments to enable the LPA to properly screen for these potential impacts and, if necessary, mitigate for any breach of the Habitats Regulations.

With regard to other ecological issues I would advise that the following non-standard condition is applied:

The recommendations for species and habitat enhancements set out in the recommendations of the ecologist's survey/report from Arbor Vitae dated 2017 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved.

Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to implement the reasonable avoidance measures recommended and ensure there is no impact upon protected species.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

Ecology - additional details (HRA)

Regarding the details of drainage concerned with this application; the recent clarification regarding the arrangement for drainage at the soak away is adequate and, as such I would screen it out from further HRA requirement as agreed with Natural England.

Welsh Water

As the applicant intends utilising a septic tank facility we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application

Landscape

Pre-application advice was sought in 2017 for a similar scheme upon the site, following on from a site visit the landscape comments below were provided:

Further to our meeting on site yesterday I have the following comments in respect of the proposal for the glamping site:

The site in landscape terms is highly sensitive lying as it does within the Wye Valley AONB a national landscape designation and in close proximity to the River Wye itself.

As I said on site I consider that both of the sites proposed are situated within the wider field pattern and are more closely associated with the wider open countryside rather than the settlement of Ballingham.

In the first instance I would recommend to the applicant to consider relocating the proposal to a site that has more context with the built form. Clearly this will result in compromise however given the national designation impact upon the landscape is a primary consideration.

In the second instance if the applicant wishes to pursue an application upon this site the proposal would need to be down scaled to minimise the impact. I would recommend a reduction to 3 tents on the lower contours, with a usage for a 6 month period during the summer months, the canvas to be removed during the winter, no additional access track and parking to be retained within the farm complex.

Mitigating planting in the form of a hedgerow with hedgerow trees to run along the western site boundary the full length of the field.

Planting proposals would need to be submitted as part of the application as they are fundamental to the acceptability of the proposal.

A full application has now been made for a glamping site comprising 3 tents. I have seen the proposals and read both the supporting statement and landscape report and have a number of concerns in relation to the plans in front of me:

- Given the high sensitivity of the landscape the proposal should be of a temporary nature. I am not satisfied that this has been fully considered as part of the application. The proposals include a number of permanent features including the septic tank and soakaway, sections of hedging dividing the camping areas and safari tents permanently in situ.
- The landscape report sets out some detail in respect of the proposed planting, however I would seek to agree exact siting of the planting upon drawings with specification and cultivation details provided. The agreed height of the proposed hedgerow should be stated and a robust tree belt proposed to the south of the development.

In its current form therefore I am not satisfied that the scheme is compliant with policy LD1 of the Core Strategy.

Transportation

Proposal acceptable, subject to the following conditions and / or informatives:-

CAH, CAL, CB2.
I11, I09, I05, I47, I35

Parish Council

Supports

4 letters of support have been received. In summary the main points raised are:

- Creates potential in a small area
- Huge benefit to the village and local businesses
- Provides people with the opportunity to see this beautiful part of the River Wye which is hidden from public view
- Request received from fishermen who travel for local accommodation (Henry Rudge)
- Enhances the locality
- Meets Development Plan criteria
- Bring an income into the area
- Allows a young person to work in the area they were brought up in.

It should be noted that 3 of the supports are from 'Rudge' family members, which is the applicant's maiden name, two of which are the site's owners and the 4th gives no address and the postcode cannot be found.

Ward Member

Cllr Summers was updated on the policy and representations. He advised, by email of 28.6.2018: *I also support this application for 18071 a glamping site in Ballingham and I have no issues with a delegated decision*

Pre-application discussion:

173571/CE – identified key issues: protected landscape, drainage – HRA etc. Encouraged other sites, nearer to the farm to be considered. Advised of landscape concerns due to siting and degree of permanence of structures. Applicant to provide details of economic benefits.

Constraints:

SSSI Impact zone, Wye Valley AONB, surface water, NE Priority Habitat

Adj: SAC, Ancient Woodland, BAP, SWS, protected species, flood zone 2, contaminated land, heritage assets (over 400m distant)

Appraisal:

In terms of the planning policy context, the Development Plan comprises the Herefordshire Local Plan – Core Strategy. The Ballingham, Bolstone and Hentland Group Neighbourhood Plan Area was designated on 8th April 2014, and was sent to the examiner on 11.6.2018 following the consultation the reg 16 plan. At this stage the draft NDP can be afforded weight dependant on the criteria set out in para 216 of the NPPF, which includes its stage of preparation, level of unresolved objections to relevant policies and degree of consistency with the NPPF.

The NPPF is an important material planning consideration.

The key issues are the impact on landscape, ecology/drainage, amenity, which need to be considered alongside the benefits.

Policy E4 of the CS promotes the County as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the unique environmental assets. It seeks to support the tourist industry through measures, including encouraging new accommodation to help diversify provision, extend the tourist season and increase overnight stays. CS policy RA6 supports employment generating proposals that help to diversify the rural economy. Such proposals include sustainable tourism of an appropriate scale, in accordance with E4, sustainable use of the natural environment and diversification of existing agricultural businesses. The dBBHNDP recognises the need to promote tourism and states that they will be supported '*where they do not have a significantly adverse impact on the rural character and residential amenity of the area*'. This policy accepts some degree of adverse impact, which is in partial conflict with the CS policy which requires conservation or enhancement. The NPPF promotes economic growth in rural areas.

The dBBHNDP policy BBH5 (promoting outdoor tourism, leisure and recreation) states:

Development for new outdoor tourist and recreation uses will be supported where they do not have a significantly adverse impact on the rural character and residential amenity of the area.

All such proposals should consider the need for:

- a. Suitable access and car parking;*
- b. Signage;*
- c. The opportunity to create new and enhanced links to other tourist, leisure and recreation facilities; and*
- d. The potential to create new or improved footpaths and bridleways*

dBBHNDP policy BBH6 - employment growth and jobs states that 'Proposals for the following new employment generating uses will be supported when they do not adversely affect the rural character of the area, or existing, and future, residential amenity:

- a) The conversion or re-use of an existing building for an employment creating use;*
- b) Homeworking proposals;*
- c) Live/work units;*
- d) Local food production and sales; and*
- e) Other forms of diversification of an existing rural enterprise or business.'*

The proposal is for high quality camping, which would positively contribute to the County's provision of accommodation and achieve longer visitor stays. It is also a form of diversification of the existing agricultural holding. Whilst, in locational terms it has poor access to facilities, services and public transport, the modest scale of the development (three units) is appropriate in scale to the location and use of non-mains electricity is a positive attribute. CS policy SS4 which deals with movement and transportation states: *'where practicable, development proposals should be accessible by and facilitate a genuine choice of modes of travel including walking cycling and public transport.'* The use of the phrase, 'where practicable' indicates a degree of flexibility in the practical application of the policy, dependent on the particular circumstances of a proposal, as noted by an Inspector in allowing a recent appeal for glamping units in the south of the County, outside of a settlement (171840). Furthermore, CS Policy SS4 advises that proposals which will generate *'high journey numbers'* should be located in sustainable locations, accessible by means other than private car. The proposal, being appropriate in scale to its rural location, would not generate high journey numbers. Although the lanes are narrow, unlit and devoid of footways those staying at the site may use them to access the nearest pub at Carey, by foot or cycle. Cars would be the most likely mode for visiting attractions, but these movements would be less than for a permanent household and only during the 'glamping' season. The applicant advises that extended family groups will be encouraged, which would reduce numbers. This could not be conditioned, so I have not given this aspiration any weight. Visitors would be likely to stay on site some of the time to enjoy the tranquil and scenic environment. There is direct access to the River.

CS policy LD1 and chapter 11 of the NPPF clearly set out the importance of protecting the nationally designated landscape of the WYAONB. Indeed it is afforded the highest protection, along with the Broads and National Parks and as per para 115 of the NPPF great weight should be given to conserving it. The dBHNDP similarly at policy BBH8 seeks to protect and enhance the landscape and sets out the criteria for doing so.

The Landscape Officer considers the site to be a highly sensitive one within the AONB, lying in close proximity to the River Wye itself. Due to the distance between it and the build form of the farm, it is considered to be more closely associated with the wider open countryside rather than the settlement of Ballingham. It is considered that the scale and nature of the development is not 'major' in its context. As such para 116 of the NPPF is not engaged.

The applicant considers that there are no other suitable sites within the holding, which provide the environment that 'glampers' would require (scenic and not close to noisy farm activities), whilst at the same time would not adversely impact on the amenity of neighbours. Alternative sites to the west of the farmhouse have been discounted for these reasons. In respect of the pre-application advice given the scheme has been reduced to three tents, on the lower contours and amended so as not to encroach further to the west than the existing wooded area to the north. A dropping off point on the existing track is now included. The period of use is Easter to October, but the canvas would remain in situ, as it is stated that to remove it would leave the frame beneath vulnerable to weathering, thus reducing longevity of the structure.

Mitigating planting in the form of a hedgerow with hedgerow trees along the western site boundary for the full length of the application site is now included.

The Landscape Officer's comments are appreciated, as indeed are NE's with regards consulting the AONB Partnership or Conservation Board. However the AONB officer receives a copy of the weekly plans list and comments when considered appropriate. No comments have been received. It is recognised that the site is some distance from any other built form, such that it would be read in isolation. That said, due to the topography and mature vegetation, views would be relatively limited. Although single storey the tents would be quite tall, but overall their mass and intrusion would be reduced by their materials and design, which demonstrate that the site's rural context has informed their design. It would be preferable for tents to be removed out of season, however the practical reasons for these type of tents is understood. Notwithstanding this, the tents and their bases are removal so if they ceased to be use they could be easily removed, unlike a building. The amended plans also delete the hedges between the tents, such that if the tents are removed in the future the hedgerows would not read as harmonising elements in relating to the existing field patterns. It is considered that structures such as the safari tents proposed are typically found in countryside locations, so intrinsically they would not jar per se. On this basis, and whilst giving great weight to the conservation of the protected landscape, I consider that the degree of harm would be limited in these specific circumstances.

Ecology – SSSI impact zone and protected species

The site is within 250m of the River Wye SAC and SSSI and must be considered under the Habitat Regulations to ensure there are no unmitigated 'Likely Significant Effects' on the SAC or any Protected Species. Further details of drainage for assessment was required by NE. This has confirmed the size and position of the septic tank soakaways, based on percolation test results and both NE and the Ecologist have no objections.

With regards protected species, the Ecologist has no objection on the basis of the submitted information and subject to conditions. Lighting should be controlled to protect the intrinsically dark landscape from the impact of light pollution.

Drainage

CS policy SD4 sets out a sequentially preferred foul drainage methods, with septic tanks, as proposed, falling behind mains and PTP methods. A mains is not possible in this rural location and it is suggested that given the nature of the use, which is intermittent with a winter break, that PTPs would actually be less preferable. This is accepted and the septic tank and soakaways have been agreed by the Land Drainage Consultant.

As per the NPPG a FRA is required in flood zone 1 on sites of less than 1 hectare where it involves a change of use in development type to a more vulnerable class. Camping for holidays, subject to a specific warning and evacuation plan, is classed as a 'more vulnerable' use, compared to agriculture which is 'less vulnerable'. A FRA has been submitted and due to the distance and levels the proposal is considered to be acceptable.

Transportation

The use of the existing access is considered to be safe and in accordance with CS policy MT1 and the NPPF. The poor connectivity has already been assessed earlier in this report.

It was suggested at pre-application stage that to facilitate more sustainable travel methods that secure and covered storage provision should be incorporated in the scheme for cycles.

The Transportation Manager also recommends such a condition in her comments. Given the landscape sensitivity of the site and for ecological reasons it was suggested that this should be within or immediately adjacent to the farmstead. No details have been provided. It is considered that given the location those visiting would have been likely to have secured cycles to vehicles on racks to which they could be re-attached, if necessary.

The other conditions requiring details of the vehicular access and driveway and consolidation, surfacing and drainage of the access and parking are considered unnecessary in the circumstances of an existing access and track and the low key use proposed. The Transportation Manager has not advised that there is a need to upgrade the track in highway safety terms.

Conclusion

The development would result in limited adverse effects relating to car use resulting in conflict with CS policies SS4 and SS7 and on the WYAONB against CS policy LD1. The para 115 requirement of the NPPF has been taken into account. These limited adverse effects need to be balanced against compliance with CS policies E4 and RA6, dBBHNDP policy BBH5 and paragraph 28 of the NPPF, which all offer positive support for a prosperous rural economy, including encouraging tourist development and diversification. Therefore, in this case, there is some tension between relevant policies in the CS.

In undertaking the planning balance, the NPPF advises that there are three dimensions to sustainable development: economic, social and environmental. These roles are not to be undertaken in isolation, because they are mutually dependant. Para 10 of the NPPF advises that decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas. It is now common practice to appraise development proposals under the three roles.

In economic terms, the applicant has drawn attention to the potential interaction with other local businesses, such as pubs and local food producers. There was a suggestion of proving access to local canoe companies, but no formal evidence of this being secured has been submitted. Rather disappointingly and despite advising the applicant to substantiate their case, no figures have been provided in respect of average local spends derived from tourist accommodation or information from the Tourist Board on the demand for such accommodation. Nevertheless, I note that there would some economic uplift from the purchase of the tents and to trades erecting them and installing the septic tanks and benefits from tourists supporting both the applicant's parents' working farm and local businesses. The glamping units would add to the mix and availability of tourist accommodation and potentially attract visitors to the area. Socially, tourists could also help to maintain the viability of community services and facilities within nearby villages (Carey, Holme Lacy and Hoarwithy) and also to the market towns and Hereford City itself.

Environmentally, there would be some harm from the likely reliance on the private motor car. However, the number of journeys and level of greenhouse gas emissions generated by such a small-scale development, occupied for part of the year, would be limited. Moreover, the CS and the NPPF recognise that in a rural context some flexibility in approach to that aspect may be required. The noted limited adverse impact on the landscape is conflict with the CS policy LD1, but not so for the dBBHNDP policy BBH5. The later cannot be afforded full weight at this time. The identified limited harm can be reduced through appropriate planting and the

applicant has indicated this on the proposed, amended site plan. The planting specification and future maintenance can be reasonably conditioned. To ensure that the limited harm does not continue if the use and the associated economic benefits ceases it is considered reasonable to require removal of all tents and above ground works within 3 months.

Overall, the limited scale of the harm found, due to the modest development for three tents and conflict with CS policies SS4, SS7 and LD1 is outweighed by the overall benefits and the support offered by CS policies E4 and RA6, the DBBHNDP and paragraph 28 of the NPPF. When assessed against the NPPF and the CS taken as whole, and giving some weight to the dBBHNDP, the proposal would be sustainable development and benefits from the presumption in favour of granting permission for the same.

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

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

1 C01

2 C08 – RUD02_SL_008, Amended Site Plan (received 28.6.2018), Elevation - front view of Safari Tent, Elevation - side view of Safari Tent, the Construction Environmental Management Plan, the Landscape Planting and Management Plan.

3 The external surfaces of the safari tents hereby approved shall be an olive green colour with wooden poles or an alternative colour that the details which shall have first been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4 The safari tents hereby permitted:

a) shall only be used for holiday purposes by tourists between 1 March and 31 October each year and shall not be occupied as a person's sole or main place of residence; and

b) the site owners or operators shall maintain an up-to-date register of the names of all occupiers of the glamping units and of their principal place of residence and shall make this information available at all reasonable times to the local planning authority on request.

Reason: C82

5 There shall be no more than three safari tents sited upon the land and they shall only be sited as indicated on the approved site details plan (Amended Site Plan (received 28.6.2018))

Reason: C85

6 With the exception of any site preparation no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

Soft landscaping

a) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment for the landscaping indicated on drawing:

Hard landscaping

a) Minor structures (e.g. refuse areas and lighting)

Reason: In order to ameliorate the visual impact of the development in accordance with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7 C97 – condition 6

8 The recommendations for species and habitat enhancements set out in the recommendations of the ecologist's survey/report from Arbor Vitae dated 2017 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved.

Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to implement the reasonable avoidance measures recommended and ensure there is no impact upon protected species.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

9 None of the safari tents shall be occupied until the drainage works have been completed in accordance with the approved amended plans.

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

10 Prior to the installation of any external lighting, other than the specified solar powered fairy lights (output of 6 lumens or less) full details of any other external lighting to be installed upon the site (including upon the external elevations of the tents) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the tents) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.

Reason: To safeguard the character and amenities of the area, which is a protected landscape and to comply with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.


11 When any of the safari tents hereby approved cease to be used for a period in excess of one calendar season it shall be dismantled and permanently removed from the site.

Reason: In undertaking the planning balance the impact on the protected landscape is only outweighed by the economic benefits of the use. Should these cease the development is considered to be unacceptable in this location having regard to policy LD1 and SS4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Informatives

Positive and Proactive Statement 2

I11

Signed:  Dated: 3.7.2018.

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

☐

Signed: 

Dated: 3 July 2018