

Application Number: 201390/F

Appellant: Mrs Sally Godsall

Local Authority: Herefordshire County Council

GROUND'S FOR APPEAL AND STATEMENT OF FACT

- 1.0 This Planning Appeal is made by Mrs Sally Godsall of The Mill, Little Cowarne, Bromyard, Herefordshire, HR7 4RG further to the refusal of planning permission by Herefordshire County Council for "*Provision of a single log cabin for holiday accommodation and associated parking for 2 cars*". A copy of this refusal notice has been uploaded on the appeal form. Agri Advisor Legal LLP are preparing and submitting this appeal on behalf of the Appellants.
- 2.0 The site address is The Mill, Little Cowarne, Bromyard, Herefordshire, HR7 4RG.

Latitude: 52.154771
Longitude: -2.5641623

Grid Reference: SO61500 50871
- 3.0 The Appellant is appealing following the Local Planning Authority (LPA) refusal of planning permission. The application was submitted to Herefordshire Council on the 6th May 2020 and was made valid on the same day. The planning permission was refused on the 15th December 2021.
- 4.0 Miss Eleanor Watkins MRICS, FAAV of Agri Advisor LLP (EW) prepared and submitted the original planning application and the main documents where possible have been uploaded directly onto the planning appeal website, and a separate list of exhibits is annexed to this statement of case.
- 5.0 For the purpose of providing immediate context, on the submission of the application, the application was allocated to Planning Officer Matthew Neilson (MN) throughout the process, MN engaged positively with the application, attended a site visit alongside the landscape officer to address some issues raised in the consultations (which will be fully discussed later). The application was subject to an extremely long application window largely due to delays associated with ecology matters and then providing subsequent required information. In September 2021, MN confirmed the application would be going to Planning Committee following a request from the Ward Member further to the "public interest" in the scheme, this will also be discussed later in this statement. No further correspondence was heard from MN, chasers were sent and left unanswered, and it is our understanding that MN was/is undertaking an extended period of leave from the Herefordshire Council Planning Department. The application was "re-assigned" to Planning Officer Ollie Jones (OJ) and he proceeded to ultimately refuse the application, following requests to engage with us about the application, and with minimal consideration to the positive statutory comments which were received, copies of all relevant correspondence will be disclosed as part of this appeal, [REDACTED]

Basis & Justification for the Application

- 6.0 The Appellant has been farming at The Mill, Little Cowarne for ■ years, the holding extends to 35 acres, and operates with the following enterprises a breeding ewe flock, and the production of store cattle. It is acknowledged the holding is small in size, however, it is very much a commercial farm, and the Appellant derives her living from the work undertaken on the holding.
- 7.0 The farm is located in the Parish of Little Cowarne and sits in the bottom of a valley geographically, whilst its main access is via the Little Cowarne road, the highest and flattest site on the farm where the cabin was proposed to be sited was accessed via Woodend Lane, situated in the Stoke Lacy Parish. The River Lodon passes through the middle of the farm, at the lowest point adjacent to the farmyard, the remaining land slopes up in all directions, leaving the farmyard situated essentially in the bottom of a bowl. Access to the farm via the main entrance is via a "council maintained" unclassified road, it is subject to a large number of 90-degree bends, it is steep with high banksides and vehicles can only pass by using existing driveways, this road serves six properties, The Mill Farm is the last destination on the road.
- 8.0 The Appellant appreciates the limited scale of the farm and wanting to ensure its viability for the future for her children decided to try diversifying the income derived from the holding. Therefore, the Appellant sought to investigate the route of holiday lets, knowing that whatever was pursued would need to be accessed via Woodend Lane and the existing lane accessing the farm, it is simply not suitable for the general public.
- 9.0 The applicant first attempted to apply for two cabins, and associated parking, the site was broadly the same as the application in question but used a larger area. This application was under reference 184176 and was submitted circa February 2019. This application was prepared by Tom Bayliss of Brightwells, and ultimately it was refused by Planning Officer Josh Bailey on the 15th May 2019. We do not purport to submit all the associated documents with this application to avoid confusion, but we enclose the delegated decision report for this application as Exhibit 1, copies of site plans and designs have been included within this report, and it fully summarises that application. It is acknowledged that this was a poorly prepared application, and consequently has been detrimental to applications going forward.
- 10.0 Ellie Watkins of Agri Advisor Legal LLP was instructed in January 2020 to re-apply for a holiday accommodation on this site, in light of the refusal of the first application. The first matter was to review the original application, including the decision notice to address the issues raised and re-submit a more rounded, and considered application. Ultimately, following the review of the original statutory consultee comments, the decision was made to scale back the application to a single cabin, with access suitable for both able and disabled individuals. The site remained constant, but increased landscaping was included, and the application included a rigorous review of policy highlighting where the application accorded with Herefordshire Council policies.
- 11.0 All documents from the original application have been submitted as exhibits 2- 4, the original designs were later amended for the cabin. The proposal involved a three-bedroom cabin, and the ethos behind the size was to encourage guests to stay for longer in the county which was mentioned throughout the Herefordshire Core Strategy. The Appellant identified that there were an abundance of pods, yurts, and small cabins

targeted at couples but that type of accommodation has extremely limited target market, and the stay length is typically 3 nights maximum due to the size of the accommodation. Herefordshire is not a coastal destination, whilst a beautiful county, it is targeted at walkers as well as having multiple family friendly attractions. Therefore, the idea of the scheme was to offer accommodation suited to both the older generation and those who typically enjoy walking holidays, offering adequate space for 5-7 day breaks as well as families with children to encourage them to stay in the county for a week as opposed to 2-3 nights. The Appellant was keen to ensure the proposal was suited to the market and offered a facility that would be in demand.

- 12.0 The application was submitted on the 6th May 2020 and was made valid the same day. The first consultations received back were highways on the 20th May 2020, they had no objections to the proposal and recommended a condition be implemented to include provision of bicycle storage. The consultation mentioned the following: *"It is noted that the adopted highway extent stops short of the access to 'The Parks' according to the published List of Streets. As a result, the access is to be taken in a private road. As a result the highways impacts are reduced and the owner of the infrastructure may need to give permission for any alterations to deliver the access."* Highways had previously raised issues in relation to the first application but following this consultation it was believed that those issues had been resolved. A copy of this consultation is included as Exhibit 5.
- 13.0 The second consultation returned was from the Public Footpath Officer which to had no objection or further comments, a copy of this statutory consultation has been included as Exhibit 6.
- 14.0 Thereafter, a wealth of public objections were received, these were almost entirely from residents of Woodend Lane, including multiple objections per property, and objections from family members not living in the county as far afield as the South West, Coventry and beyond. We do not propose to include copies of all of these objections as the main points are detailed in the Officer's Decision Report. [REDACTED]
- [REDACTED] Their main point relevant to planning was in relation to highway safety, however, this was addressed by the Highways Department who themselves did not object. There is no dispute it is a narrow land with passing places only, however, that is typical in nature of a lot of roads in Herefordshire, and interestingly in that situation it is a "dead-end" road meaning it is only used by residents, their guests and an increasing number of delivery van drivers all of whom are able to use the lane without duress. There is no reason or benefit to the general public to use this road, and as such it is at an advantage over similar narrow lanes in the county.
- 15.0 Stoke Lacy Parish Council was the next statutory consultation returned, they resolved to support the application following highways raising no issue with the application. A copy of this consultation is included as Exhibit 7.
- 16.0 Thereafter, aside from the continuing stream of public objections no further statutory comments were received until ecology comments were submitted on the 26th August 2020. The target determination date was originally circa 1st July 2020, however, there was and continues to be a significant delay receiving comments back from ecology, no

deadline was requested, but there was an “understanding” that the application was awaiting ecology comments before it could be progressed. It seems that because ecology comments are taking several months to be returned planning officers are not requesting specific time extensions, but rather just relying on applicants to wait until ecology have returned their comments. The ecology comments are attached as Exhibit 8, they highlight the issues associated with the site lying within the Impact Risk Zone for phosphate pollution relevant to the River Lugg. The application would be subject to a Habitat Regulation Assessment (HRA) but sufficient information had not been submitted for the ecology department to conduct a HRA, this change in regulation had developed since early 2020, but due to the delay in ecology responses, the requirements were still unclear at the time of submitting planning, it was understood at the time, guidance from Natural England was awaited.

- 17.0 In response to this request for further information, the Appellant contacted companies assisting with providing surface water and foul drainage reports, and Hydrologic were commissioned to produce the necessary report and design a scheme suitable for use within the impact risk zone for the River Lugg. This report was completed by November 2020. A copy of their report is submitted as Exhibit 9. Follow up ecology comments were made on the 3rd December 2020 (Exhibit 10), and as a result of the report they raised no objection to the application.
- 18.0 Landscape, conservation and Historic Buildings comments dated 24th September 2020 were disclosed to the Appellant’s agent on 4th December 2020, after the ecology comments had been satisfied, the email received from MN has been included as Exhibit 11, and the consultations included as Exhibits 12 to 14. It was evident further action would now be required to satisfy the responses received. The conservation and landscape comments broadly addressed the same matters, whilst the historic buildings comments concerned the Grade 2 listed Folly situated to the north east of the proposed development site. Critically, all three sets of comments raised issue with the proposed design of the cabin, but not specifically with the proposed siting (subject to the impact on the listed building). Copies of the correspondence between MN and Ellie Watkins are included as Exhibit 15, and it was decided the most straightforward way to resolve the comments was to arrange a site visit between the Appellant, her agent, MN and Nigel Koch the Landscape Officer.
- 19.0 The site visit took place on the 22nd February 2021, and it was a positive meeting between the parties. Both the Landscape Officer and MN confirmed there was no issue in principle of a unit of accommodation in the proposed location, the primary issue now associated with the proposal was the appearance/design of the cabin itself. The original designs of the cabin were based on a “park home” type design and it was appreciated that those style of designs would not be in accordance with policy. The suggestions included a tin/metal roof, retaining a more agricultural appearance and a more basic design generally. The Landscape Officer recommended altering the elevation to maximise the available view and based on the proposed height he did not anticipate a negative impact on the listed building. Various other landscape measures were discussed, and whilst the Appellant had suggested a wildflower meadow fenced off from the rest of the field, with dispersed fruit trees, as the site bordered a historic cherry orchard, the Landscape Officer felt a few broadleaf trees would be more appropriate. MN confirmed verbally to EW subject to agreeing a design which he

expected would be proceedable, he would be happy to recommend this application for approval.

- 20.0 Following the site meeting, the Appellant suggested a different style of design and ultimately asked a builder friend to design something in line with the two officer's recommendations. Exhibits 16 and 17 identify the new design and Exhibit 18 is the example material. This cabin was designed to be smaller in scale, and have an overall more basic appearance, the roof was to be corrugated iron sheeting as recommended, and the cabin was to be clad in cedar cladding. The design took full consideration of The Malvern Hills colour guide which identifies colour palettes subject to the surrounding landscape. These new designs alongside a proposed specification were submitted by email to MN on the 5th March 2021. Chaser emails were sent on the 23rd March and 13th April to confirm whether they had been received. Correspondence from MN was received on the 13th April, confirming the landscape officer was unconvinced by the wildflower meadow and had recommendations for alternatives, furthermore, he requested that the submitted plans were provided with more detail in relation to landscape. This chain of correspondence including sketches provided by the landscape officer is included as Exhibit 19.
- 21.0 The site plan was amended in accordance with the Landscape Officer's recommendations, and this was uploaded directly to the appeal's portal. This was accepted as agreeable on the 11th May 2021, and the email confirming this is included as Exhibit 20. The email requests more detailed plans for the cabin itself.
- 22.0 On the 19th May and 1st June 2021, EW sent emails to MN enquiring exactly what he was expecting of additional plans, it was somewhat unclear whether the amended designs were acceptable, the Appellant was in the stage of appointing an architect, but with unclear instructions, quotes and requirements from architects were becoming muddled. A response was received on 1st June 2021 and this is included as Exhibit 21. Thereafter, it became increasingly unclear as to whether the designs originally sent in March had been reviewed at all by either the Landscape Officer or MN. It was resolved MN would send the designs on to the Landscape Officer for comments. All of this correspondence can be seen as Exhibit 21.
- 23.0 A chaser was sent on the 19th July 2021, and a response from MN was received on the 29th July, this is included as Exhibit 22. The comments from the Landscape Officer were relatively agreeable, and EW attempted to see if the application could be moved on negating the need to engage an architect to have formal plans drawn up. On the 11th August the Landscape Officer made amended comments these amended comments are included as Exhibit 23, these comments suggested finalised designs could be dealt with as a condition by the discretion of the planning officer but at the time the designs were too vague. The Appellant decided it would be wise to have architect's drawings prepared in advance of any decision, architect Nick Le'Barre was appointed and was shown the correspondence received from MN and the landscape officer. He prepared revised elevations and drawings which he stated would be sufficient for planning. The Appellant and EW were disappointed with the drawings he produced, and both believed he had missed the mark in interpreting the correspondence, however, at no stage had it been clearly stated that the design in general was unacceptable, as such he was asked to pursue the existing designs but

add more context and details in relation to landscape. The final designs have been uploaded on to the planning appeal portal and these were disclosed to the council on the 20th August 2021 (Exhibit 24). By this stage the application had been lodged with the council for 13-14 months and the emphasis was to draw matters to a close. The email from MN received on the 11th August relaying the Landscape Officer's revised comments also confirmed he would contact the Local Ward Member to discuss the proposed outcome of the matter.

- 24.0 On the 6th September EW emailed MN, confirming that following the disclosure of the revised plans on the public viewing portal, [REDACTED]

[REDACTED] On the 7th September a response was received confirming the application was to be discussed at the redirection committee the following Friday, and a new site notice was to be erected. On the 13th September, MN confirmed the application would be redirected to committee, this correspondence is all included as Exhibit 25.

- 25.0 Nothing further from MN was heard thereafter, chasers were sent on 14th October, 25th October, 15th November, 22nd November and the 6th December, no responses were received.

- 26.0 On the 8th December, EW checked the online public portal and noted the planning officer had been updated to Ollie Jones, and she sought to contact him directly for an update in relation to this application. [REDACTED]

[REDACTED] OJ had reviewed the application differently to the approach MN had taken and sought to now recommend the application for refusal, whilst offering the opportunity to withdraw beforehand. We conduct a full review of planning policy and case law later in this statement, but we raise the following points about the issues OJ raised in his correspondence below:

- 26.1 *Unsustainable in location terms, reliance on private car* – this application is situated in rural Herefordshire, the county is littered with narrow country lanes with passing places only, whilst there is a wealth of planning policy promoting public transport, the infrastructure and facilities are not sufficient and buses for rural routes have been declining in number and reducing routes for years, consequently planning policy does not align with what is happening in practise. There is a general acceptance that in the rural areas of Herefordshire there is and will remain to be a reliance on private transportation, moreover Highways raised no objection in relation to this application. OJ later conceded the issue in relation to public transport.

- 26.2 *Development is isolated and unconnected to rural business* – at the start of this statement we explained that the farm is essentially situated in a bowl, with the River Lodon a tributary of the River Lugg running adjacent to the farmyard. The land is steep in all directions surrounding the farmyard in the centre, it levels out at the top adjacent to Woodend Lane where the development was proposed. There are no traditional buildings on the holding suitable for conversion, and access via the Little Cowarne road is not suitable or viable for members of the public. The Appellant was hoping to explain all of these factors and considerations to OJ if he would attend an accompanied

site visit, but he refused this invitation. Policies RA6 encourages diversification proposals in the county and makes no mention that the proposals have to be materially connected to the farmyard. Yurts and camping type diversification for example many of which have been granted throughout the county benefit from being situated as remotely as possible.

26.3 *Update in relation to the position statement (spring 2021) which adds criteria including the need to ensure that the discharge to ground is not within 200 metres of any other private ground discharges. I note that there are at least two dwellings within 200 metres.* This information was not relayed to the applicants until this email, the Appellant should have been given the opportunity to reconsult their drainage consultants and offer a re-designed scheme. OJ has no knowledge of what type of foul drainage system is utilised for the two properties within 200 metres as to where those facilities are located, they could be situated farther than the properties are situated from the site. Moreover, the continued changes in the position statements and amended regulations will need to be subjected to greater scrutiny as the current position is stopping sustainable development due to exceptionally small drainage schemes which will not have a notable effect on the River Lugg. This position statement is a constantly moving issue, and will likely be altered again in coming months. Moreover, had this application been decided within statutory time frame, this matter would not be relevant. If the planning appeal was successful and permission granted this element of the application could be dealt with by way of a condition. It is noted that a lot of applications in the same area (impact risk zone for the River Lugg) are now denoted to be "ON HOLD DUE TO PHOSPHATES" suggesting that alternative mechanisms of drainage or assessing will be determined to allow these applications to proceed, because they are otherwise fully within policies.

27.0 Thereafter, it is necessary to assess the miscommunication/incorrect correspondence issued to the Appellant and EW by the Council. In September 2021, it was confirmed that the application was to go to planning committee, it seems apparent no formal action in relation to this was taken by MN, so it was never listed for committee.

Regardless of why MN is/was on a period of extended leave, this is unprofessional and unacceptable from Herefordshire Council, it is highly inappropriate for one planning officer to tell the Appellant the matter would go to committee, proceed to do nothing about it, and then for a new planning officer to refuse a site visit, refuse to engage for the application and suggest a straight refusal for the application after circa 19 months. The Appellant contacted Andrew Banks (AB) by telephone and email to discuss this matter, and the general disarray in relation to the handling of the application, this correspondence is included as Exhibit 27.

Andrew Banks' response is that included as Exhibit 27.

28.0 The application was subsequently refused on the 15th December, [REDACTED]

Review of Delegated Decision Report & Planning Policy Appraisal

We will continue the statement of case by reviewing the discussion in the delegated decision report, including discussion of the relevant planning policies, responses from the statutory consultees, evidence from businesses in the local area there is demand for "larger" holiday accommodation and finally evidence for the need for farm diversification.

Planning Policy

29.0 The delegated report considers Paragraph 84 of the National Planning Policy Framework (NPPF) which directs that planning policies should support sustainable rural tourism and leisure developments which respect the character of the countryside. Within the Herefordshire Core Strategy, adopted in 2015, policy RA6 confirms the following: *"that employment generating development proposals which help diversify the rural economy such as business diversification projects will be supported in cases where they;*

- *Support and strengthen local food and drink production*
- *Support and/or protect the vitality and viability of commercial facilities of an appropriate type and scale*
- *Involve the small scale extension of existing businesses*
- *Promote sustainable tourism proposals where in accordance with CS Policy E4*
- *Support the retention and/or diversification of existing agricultural businesses"*

The policy is in line with the above policy, it is a small-scale extension to the existing agricultural business, forming a sustainable tourism proposal. Moreover, it is a diversification to an existing farming business as was discussed earlier in this statement and the general increasing need for farm diversification will be discussed shortly. The original application was for two cabins, and this was rejected primarily due to highways and landscape issues, however, the application in question had reflected on the previous application, it had sought to reduce the scale, and the intensity of the venture to reduce any wider impacts and increase the overall sustainability. The Appellant also acknowledged; what scale of diversification would be complimentary to her existing business, and what she would be able to operate alongside her farming enterprises. It is appreciated that multiple units of accommodation would not be suitable in this location, it would not be suited to the size of the farm either, as the balance would tip away from agricultural and in favour of diversified activities. It is also evident that multiple units of accommodation would not be supported on this site, yet the existing proposal is not deemed to offer enough wider benefits to be supported, but that is contrary to the information provided by other business owners in the area.

30. The report goes on to discuss when diversification schemes can be supported:

- *Ensure that development is of a scale which is commensurate with its location and setting;*
- *Do not cause unacceptable adverse impacts to the amenity of neighbouring residents (i.e – noise, dust, lighting smell etc)*
- *Does not generate traffic movements which the local highway network cannot accommodate*
- *Does not undermine the achievement of water quality targets as set out in CS Policy SD3/SS4*

This proposal is at a reduced scale to the previous proposal having reflected on the issues raised during that application, it is for a single unit of accommodation, at single storey height to reduce any wider visual impacts, especially on the listed building to the north of the application site. Highways returned a consultation confirming that they did not believe the proposal gave rise to any objections from a highways aspect thus confirming there was not deemed to be any adverse impacts on the highway. Neighbouring residents would not be affected by any noise, dust or smell issues in relation to this proposal as there are no properties overlooking the proposal, due to the topography of the land, it is the properties in isolated locations on the other side of the river valley that may have line sight of the proposal. Exterior lighting was to be low level and movement sensor based only to reduce any negative dark skies and wildlife impacts, and black out curtains were to be provided inside. Dust and smell are not relevant to this proposal. Noise is not anticipated to be an issue in relation to this proposal due to its small scale, however this would typically be dealt with by way of condition stipulating no outside music.

31. Thereafter, the report considers Policy E4 which relates to proposals for tourism in Herefordshire, stating that the county will be promoted as a destination for sustainable tourism, and development proposals should be supported where:

- *It is ensured that there is no detrimental impact on the county's varied natural and heritage assets and the overall character and quality of the environment*
- *There would be new accommodation and attractions throughout Herefordshire which would diversify the tourist provision and extend the tourist season and increase the number of visitors staying overnight.*
- *Regards are had to the visual amenity of public/cycling routes such as Public Rights of Way (PRoW).*

This proposal has given consideration to the nearby listed building, it is single storey to almost entirely be concealed by the existing hedge. Additionally, it was to be situated on the farther corner of the field, whilst still utilising the more level topography from the listed Folly. It was later determined in the delegated report that the proposal would result in less than substantial harm to the listed Folly.

This proposal was based predominantly with this policy in mind and the aim to increase number of visitors staying overnight and extending the tourist season. The proposal aimed to offer slightly larger accommodation than the ever fashionable “pods” and yurts, therefore allowing guests a little more space than staying in essentially a bedroom and ensuite for a number of days. By providing this additional space, the applicant was seeking to extend the length of stays to 5-7 day average opposed to 2-3 day. It would also provide accommodation for those with children, or two/three couples to stay in a single cabin which would be more sustainable and cost efficient than 3 couples staying in 3 pods. Regard was given to the surrounding public rights of

way, and guests would have been encouraged to use the routes, no public right of way objection was raised by the relevant officer.

The applicant has sought to consult neighbours in the Stoke Lacy and Little Cowarne area since the application was refused who offer either tourism accommodation, venues or facilities relying on tourism. We have provided 11 items of correspondence confirming that there is a demand for units of larger holiday accommodation, existing holiday accommodation is not enough to meet demand and businesses are relying on accommodation for guests to be available. We have summarised the items below including their exhibit number:

31. Email from Messrs Legge: owners of Shortwood Farm which was until recently a tourist attraction open farm, confirming there is a lack of holiday accommodation in Herefordshire, and the essential need for farmers to diversify.
32. Letter from Jane Piggott: owner of Grendon Manor B&B, Bredenbury confirming there is a shortfall of tourist accommodation in the surrounding area, and there is a surplus of activities to attract tourists in the vicinity and a large number of wedding venues requiring accommodation.
33. Letter from Sarah Mulroy: owns several holiday cottages in nearby village of Pencombe, confirming there is not sufficient accommodation to meet demand.
34. Letter from Mrs G P Williams: owner of B&B in Tedstone Wafre, Bromyard confirming that there is insufficient affordable accommodation in the surrounding area, especially as there is now an increased number of wedding venues, and that there are businesses in the area relying on the support from tourists.
35. Letter from Derek Weaver: resident of Stoke Lacy, confirming [REDACTED] owned the Appellant's property in the 1940's, and at the time built a cabin with a bedroom and bathroom on the same proposed site which was used for guests when they visited to fish the Lodon. This does demonstrate that there was already historic use of the site to accommodate visitors to the county.
36. Email from Mr & Mrs Crichton: operate an Airbnb in Little Cowarne confirming there is a large number of activities for guests to enjoy in the area and that they were fully booked throughout 2021.
37. Email from Crumplebury Events Venue: confirming they regularly host events in Whitbourne of 100 plus guests and there is insufficient existing accommodation to meet the needs of their guests.
38. Letter from the Plough at Stoke Lacy: confirming that the pub is busy but relies on the income received from tourists, and furthermore, they also own a holiday let which is regularly booked up which they attribute to the number of facilities it offers.
- 38.a. Letter from Mrs J Iviston [REDACTED] previous owned the subject property and confirming there was a "chalet style" building situated at the top of field (as the proposed site) and this was always accessed by Woodend Lane, and the building was used for individuals to stay for periods to fish on the Lodon for trout.

- 38.b Letter from Mrs Janet Abell who owns the Three Horseshoes Pub in Little Cowarne, Mrs Abell confirms that there is a good demand for holiday accommodation in the area, and the provision of holiday accommodation is relied upon by other businesses. Moreover, Mrs Abell as a dairy farmer identified the need for rural diversification.
- 38.c Letter from auctioneer Richard Hyde of Sunderlands, and Hereford Market, Mr Hyde has listed the Appellant's livestock sales for the previous three full years and has categorically proven that the Appellant's livestock turnover is that of a full time farmer and dismisses the motion due to size of the holding she could be considered a "hobby farmer" as the Council seem to purport too. Mr Hyde a chartered surveyor of a great deal of experience identifies multiple issues associated with modern day farming and highlights the need for diversification.

The Appellant has sought to secure the correspondence from businesses and other holiday accommodation owners in the area to demonstrate that there is insufficient accommodation available in the surrounding vicinity, and consequently the existing position is unsustainable, as demand exceeds supply. This proposal would add a further unit of accommodation in the area which would seek to add to the supply, and due to the proposal size it would suit multiple couples, families or multi-generational guests which would be an added advantage to a unit of accommodation only suited for two.

- 32.0 The delegated report then discusses the purported sustainability of the proposed site, and ultimately seeks to suggest it is not sustainable because it is located off a no-through road, and outside of the settlements of either Little Cowarne or Stoke Lacy. Rural diversification by nature involves proposals outside of settlement boundaries, farms are more often than not remote and isolated locations, hence there existing policies supporting farm diversification and making exemptions for proposals to support tourism. Highways raised no objection in relation to the application.

The following applications for multiple units of accommodation have been approved in Herefordshire in recent years, all of which are accessed via single carriageway roads using passing places only, furthermore, they are located in remote spots away from the principle farmyards, to maximise the panoramic available views.

1.) 192323/F – erection of three self-contained glamping pods – these are 3 remotely located octagonal glamping pods, sat on the skyline with no development within the surrounding area. Due to their skyline position, they are visible from far afield, and not in keeping within with the existing landscape, using both colour, form and materials contrary to existing development within the landscape. The access is via the farm track, which is off a B road which is at best passing places only. All documents relating to this application can be submitted if required.

2.) 190476/F – proposed erection of three holiday units with outside decking area, car parking provision and upgraded access track. This proposal is located outside of the remote settlement of Orcop and is accessed of a C road which as above is passing places only at best. The three units of accommodation were 1-bedroom cabins with separate living area, and they were positioned again on the skyline overlooking extensive views. Furthermore, this application required a significant track to be constructed to facilitate access to each unit of accommodation which is contrary to the proposed application. All documents relating to this application can be submitted if required.

- 33.0 Throughout the delegated report the planning officer notes that the proposal would result in the reliance on private car to travel during the visiting period. The proposal alike those mentioned above, and countless others supported in by the same planning department, are located in rural Herefordshire, where there is an abundance of small, minor routeways, roads which are passing places only, and require a need to reverse with moderate competence. There is insufficient public transport available within the county, with bus routes being reduced, bus stops ceasing to be used, although it is noted that there are additional cycleways in place (a method of transport that was thoroughly supported by this application). There is an acceptance that the lack of availability of public transport and reliance on private car is not a reason to refuse a planning application, frankly there is insufficient public transport available in rural Herefordshire, despite its positive representation within the Core Strategy. This point was raised in the email correspondence between EW and OJ, and OJ then conceded the same point. The lack of availability of public transport in a rural location, and the reliance on the use of a private car should not count against the applicant. Sustainable travel is supported throughout the application, and there is an operating bus stop located at the Plough Inn adjoining the A465, but in general the services are simply not available off on major roadways. It seems unrepresentative and somewhat inappropriate to use the reliance on private car as a reason to deem the site unsuitable and thus as a reason to refuse planning.
- 34.0 The officer then considers whether the *"although it is accepted that the proposal would look to introduce an additional revenue stream to the enterprise, officer(s) are not convinced with respect to the maturity and scale of existing enterprise to reasonably conclude that the proposal would represent commensurate diversification of a rural enterprise"*. The planning officer has demonstrated a complete lack of understanding of agricultural businesses generally with this comment, and further information could have been provided including accounts if requested. Whilst the Appellant only owns 34 acres she farms various other land parcels, by virtue of verbal agreements and grazing licences, her sons operate an agricultural contracting business from the site and there is a large number of livestock on the holding based on only the land owned. This is demonstrated clearly by the letter of support from Richard Hyde who lists the sales in Hereford Market for the last three years for cattle, cull ewes and prime lambs. The planning officer has seemingly assumed that because the holding is small it does not warrant a proposal of holiday accommodation as proposed diversification, perhaps suggesting that a smaller scale diversification would be more appropriate. The Appellant is not a hobby farmer despite the size of her holding, she has not simply moved to the area to "live off the land". The Appellant has lived at The Mill for many years, she is a farmer and has always been a farmer, she derives her living from farming the holding and the land around taken on short term agreements. She is not employed elsewhere to supplement her income. Her sons have identified the need to grow the business beyond the means of the available land, so they have started a successful agricultural contracting business from the holding. The land is only suited to sheep and beef production due to its topography and soil structure, and the need to add a diversified income to support the farming business has become apparent.
- 35.0 The Planning Officer considers that the siting of the proposal is unusual *"insofar it does not relate to existing agricultural operations and is logically and visually disconnected from the main farm"*. There is no part of the aforementioned policies that state any diversification needs to be adjoining the existing farmyard. Firstly, coincidentally, the two provided examples are both situated remotely and distinctly away from the main farmyards, with both sets of applicants incidentally living off site on completely different holdings. Thereafter, there are a number of safety issues on farmyards, with the agricultural industry incurring the highest death rate in the workplace per annum by a significant margin, it is best policy to ensure any tourism related enterprises are

actually situated away from the working farmyard, thereafter signs should be put up to warn the public and a strict health and safety regime should be in place. Lastly on this point, as previously described the farm is located in a bowl, with the River Lodon a tributary of the Lugg situated in the base, the proposal ensured the cabin was situated away from the river, a significant ecological feature and was positioned on a site where minimal invasive works would be required to situate the cabin.

Statutory Consultees

- 36.0 Stoke Lacy Parish Council – resolved to support the application.
- 37.0 Highways – no objection to the application for a single log cabin providing a condition was issued to provide for bicycle storage.
- 38.0 Building Conservation Officer – Was unable to support the initial proposed log cabin which was indicative of a “park home” type cabin, he was not reconsulted with the amended design thereafter, but even at the time, he did concede that a small scale development in this location would not result in harm.
- 39.0 Ecology – Initially objected, resolved by provision of the surface and foul water survey. Thereafter, the Appellant was not informed about the amended regulation which may have resulted in a change in requirements to satisfy the HRA, and neither was the ecologist reconsulted about the matter. This was the duty of the planning officer to ensure that the Appellant was aware of this change and was able to engage the drainage experts to look to seek a solution to resolve this issue. The Appellant was not at fault in relation to this issue. This matter could potentially be dealt with by virtue of condition, it is noted that there are multiple applications within the catchment for the River Lugg, now deemed to be “on hold due to phosphates” indicating that in principle these are proceedable developments with only the HRA inhibiting granting the planning, it is anticipated solutions are being put in place to resolve these issues, because this is not a sustainable solution. Ironically, had this application been determined in a timely matter, the amended proposals would not have affected the proposal at all.
- 40.0 Landscape: the Landscape officer resolved to have no issue with the proposed appearance of the cabin after it was amended, and was content with the site layout. He retained concerns about the scale of the cabin in the surrounding area, however that was simply in relation to the plans provided. If necessary, a condition could be imposed as was suggested and digital plans could be prepared and submitted to ensure the scale was commensurate to the surroundings. The planning officer has proffered different opinions to those of the landscape officer when making his comments.
- 41.0 Public Rights of Way – No objection.
- 42.0 Welsh Water – No further comments, as no mains sewer connection available.
- 43.0 Public commentary – 27 parties in total objected to the application, they were almost entirely residents of Woodend Lane and their friends and families living farther afield. Their commentary was typical of standard neighbour objections, and we have dealt with the statutory issues throughout the statement of case. Had the original intention

of MN taken place, this application would have been determined by Planning Committee due to the public interest.

Need for Farm Diversification

- 44.0 In 2019 the NFU released an article on “how agriculture is changing: the importance of diversification”, the article stated that more than 90% of farm businesses are family based small and medium sized enterprises, and nationally 66% of farms already had some kind of diversified activity, which provided a complementary income stream to help families continue to farm. A copy of this article is included as Exhibit 39.
- 45.0 Savills produced a research paper in November 2019 focusing on Farm Diversification confirming that that total income from diversified activities in 2017/18 was £680 million, and on all farms income from diversified income accounted for 22% of the total farm income. A copy of this paper is included as Exhibit 40.
- 46.0 Natwest Bank published an article in November 2020 asking whether diversification was the future of farming, stating at the time 62% of farms had some kind of diversification based on the 2015/16 Farm Business Survey. Their agricultural accountant commented that it is a way of stabilising income and maximising profits. This article has been included as exhibit 41.
- 47.0 DEFRA's Total Income from Farming in England, second estimate for 2020 published 3rd February 2022, confirmed that output from diversification was more resilient to COVID-19 restrictions than forecasters had originally suspected.
- 48.0 The need to diversify farms is apparent without adding additional research papers, news articles and other reports, a reduction in farm subsidies has commenced, there is great uncertainty about the replacement of the Basic Payment Scheme but it clearly indicates that it will be more environmentally focused, with a requirement to do more to get less by way of financial recompense. Farmers are being told by all sectors of government to diversify their income, it is not a new principle, it is some thing that has been undertaken on farms for generations. The application despite the small size of her holding, is a farmer, she derives her income from farming the holding, and she is aware she will need to supplement her income to ensure the future of her farming business. There have always been planning policies in place to support farm diversification, those specific to the Herefordshire Core Strategy have already been outlined earlier in this statement. The proposal was in accordance with those policies and forms an essential requirement on this holding to form a vital diversification, it is not dissimilar to other applications that have been passed in the county, even when they relate to multiple units.
- 49.0 To conclude, the application was for a single unit of holiday accommodation in the form of a single log cabin with 3 bedrooms in total. The reasons for refusal cited in the delegated report were that it was outside of any identified settlement and was considered inherently unsustainable, and occupants would rely on private car. This was discussed in points 29-35 including statements from 11 separate parties identifying that the area had insufficient holiday accommodation for the area. Secondly the proposed development was inappropriate in design and siting, however after discussions, a site visit and a re-designed proposal the Landscape Officer at

Herefordshire Council resolved to have no issue with the application, and the Public Right of Way Officer did not object in the first instance. Thirdly, it was suggested the proposal would not enhance the setting of the designated heritage asset and would not be in accordance with policy LD4 of the Herefordshire Local Plan, however, the building conservation officer originally conceded that even the original proposal would result in less than substantial harm to the listed building, moreover we have provided local commentary confirming that additional accommodation is needed which would offer public benefits. Lastly, the application was refused as it triggered a requirement for a HRA and the current provided foul and surface water assessment was not sufficient to prove the development would not have any adverse effect on the integrity on the River Lugg, this was originally satisfied and the Appellant was never informed this would need to be revisited following a change in regulation, it is believed this could be dealt with by way of condition. An experienced drainage expert conducting a large number of surveys within the county was already engaged on this site to assist.