

Agenda

Planning and Regulatory Committee

Date: **Wednesday 9 September 2026**

Time: **10.00 am**

Place: **Conference Room 1 - Herefordshire Council, Plough
Lane Offices, Hereford, HR4 0LE**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Matthew Evans, Democratic Services Officer on 01432 383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning and Regulatory Committee

Membership

Chairperson	Councillor Terry James
Vice-chairperson	Councillor Clare Davies

Councillor Polly Andrews
Councillor Bruce Baker
Councillor Jacqui Carwardine
Councillor Simeon Cole
Councillor Dave Davies
Councillor Matthew Engel
Councillor Catherine Gennard
Councillor Peter Hamblin
Councillor Stef Simmons
Councillor John Stone
Councillor Charlotte Taylor
Councillor Richard Thomas
Councillor Mark Woodall

Agenda

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2. NAMED SUBSTITUTES (IF ANY)	
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3. DECLARATIONS OF INTEREST	
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5. CHAIRPERSON'S ANNOUNCEMENTS	
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The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

Travelling to the meeting

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at: <http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>. If you are driving to the meeting please note that there is a pay and display car park on the far side of the council offices as you drive up Plough Lane. There is also a free car park at the top of plough lane alongside the Yazor Brook cycle track.

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor Terry James (Chairperson)	Liberal Democrat
Councillor Clare Davies (Vice Chairperson)	True Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Bruce Baker	Conservative
Councillor Jacqui Carwardine	Liberal Democrat
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Matthew Engel	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Charlotte Taylor	Independent for Herefordshire
Councillor Richard Thomas	Conservative
Councillor Mark Woodall	The Green Party

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the service director, regulatory, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the service director, regulatory, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the service director, regulatory, believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

The following attend the committee:

- Members of the committee, including the chairperson and vice chairperson.
- Officers of the council – to present reports and give technical advice to the committee
- Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.

(Other councillors - may attend as observers but are only entitled to speak at the discretion of the chairman.)

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

Public Speaking

The Council's Constitution provides that the public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairperson's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting (see note below)
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues

- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

(Note: Those registered to speak in accordance with the public speaking procedure are able to attend the meeting in person to speak or participate in the following ways:

- *by making a written submission (to be read aloud at the meeting)*
- *by submitting an audio recording (to be played at the meeting)*
- *by submitting a video recording (to be played at the meeting)*
- *by speaking as a virtual attendee.)*

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct in the Council's Constitution (Part 5 section 6).

In the case of the ward member being a member of the Committee they will be invited to address the Committee for that item and act as the ward member as set out above. They will not have a vote on that item.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

The Seven Principles of Public Life (Nolan Principles)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Minutes of the meeting of Planning and Regulatory Committee held at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 29 July 2026 at 10.00 am

Present: Councillor Terry James (chairperson)

Councillors: Bruce Baker, Simeon Cole, Dave Davies, Matthew Engel, Catherine Gennard, Peter Hamblin, Stef Simmons, Louis Stark, Richard Thomas and Mark Woodall

In attendance: Councillor Clare Davies as the Local Ward Member
Mr Page representing Bromyard and Winslow Town Council.

Officers: Senior Solicitor Planning and Highways and Development Manager Majors Team

6. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Polly Andrews, Councillor Jacqui Carwardine, Councillor John Stone and Councillor Charlie Taylor.

7. NAMED SUBSTITUTES (IF ANY)

Councillor Louis Stark acted as substitute for Councillor Polly Andrews

8. DECLARATIONS OF INTEREST

There were no declarations of interest.

9. MINUTES

RESOLVED: That the minutes of the meeting held on 3 June 2026 be approved.

10. 163932 - LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

The principal planning officer provided a presentation on the application.

In accordance with the criteria for public speaking Mr Page spoke on behalf of Bromyard and Winslow Town Council.

In accordance with the Council's constitution the local ward member spoke on the application. She addressed the committee on behalf of residents and Bromyard Town Council, stating that many were deeply disappointed that the development proposal had reached this stage, as it had been viewed as a significant opportunity to support investment, employment, increased footfall and wider economic regeneration in the market town. It was acknowledged that the planning authority had made repeated efforts to engage with the current developer but had been met with a lack of communication, causing frustration given the time and effort invested in the scheme.

Residents were encouraged by reports of potential interest from other developers and therefore supported the Town Council's request for a deferral rather than a final determination of the application. It was emphasised that the key concern was preserving the opportunity for future investment and regeneration through a committed developer willing to engage with both the planning authority and the local community.

The committee debated the application, and the following principal points were raised:

1. The potential loss of an important development opportunity for the town.
2. Concern and disappointment at the lack of engagement from the applicant with the authority was noted and that the authority had reached the point where the application needed to be determined.
3. The development was only considered acceptable due to the mitigation measures and obligations secured through the Section 106 agreement, including affordable housing, transport improvements, pedestrian connections, education and sports provision, and nutrient neutrality requirements and that the development could not proceed without the necessary agreement being secured.
4. It was queried why the applicant had not withdrawn the application and clarification sought on whether continuing to leave the application undetermined would affect the availability of phosphate mitigation credits.

The development manager provided the following clarification:

- I. Whilst it was encouraging that there may be interest from other parties in developing the site, the application could not be transferred to another applicant or agent and must be determined on its own merits. Any future involvement by alternative developers would need to occur through a separate process, including the submission of a new planning application.
- II. Extensive efforts had been made to engage with the applicant and their appointed planning agent, including requests for the application to be withdrawn, but no confirmation or meaningful response had been received.
- III. The application had been allocated a significant number of phosphate mitigation credits from the Tarrington Wetland scheme, but no mitigation had been secured through a completed agreement. Should the application be refused, the allocated credits would be released and returned to the council's allocation pool for use by other eligible developments in accordance with the council's allocation policy. It was emphasised that the future use of those credits was not a material planning consideration.

The local ward member was given the opportunity to close the debate.

Councillor Stef Simmons proposed and councillor Catherine Gennard seconded a motion that the application be refused with the case officer's recommendations. The motion was put to the vote and was carried by a simple majority.

RESOLVED:

That officers named in the Scheme of Delegation to Officers be authorised to refuse outline planning permission for the reasons set out below.

1. In the absence of a completed planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, the proposed development fails to secure affordable housing, education contributions, transport contributions, healthcare contributions, sports and recreational provision, public open space management arrangements, land transfer for school expansion and other planning obligations necessary to make the development acceptable. The proposal is

therefore contrary to Policies H1, OS1, OS2, BY2 and ID1 of the Herefordshire Local Plan – Core Strategy, the Council's Planning Obligations Supplementary Planning Document and the National Planning Policy Framework.

2. In the absence of a completed planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, securing the phosphate mitigation identified as necessary through the Council's Habitats Regulations Assessment, the proposal fails to demonstrate it would be 'nutrient neutral', and the Local Planning Authority cannot conclude that the development would not adversely affect the integrity of the River Wye Special Area of Conservation. The proposal is therefore contrary to Policy SD4 of the Herefordshire Local Plan – Core Strategy, the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.

INFORMATIVES:

1. In accordance with the requirements of the National Planning Policy Framework, Herefordshire Council has worked proactively and positively with the applicant throughout the consideration of this application. The Planning and Regulatory Committee previously resolved to grant planning permission subject to the completion of a Section 106 Agreement and subsequently agreed to extend the period for completion of that agreement. Despite continued engagement and negotiation between the Local Planning Authority and the applicant over a prolonged period, the Section 106 Agreement has not been completed and the planning obligations and phosphate mitigation necessary to make the development acceptable in planning terms have therefore not been secured. Subsequently, in these circumstances the Local Planning Authority has been unable to issue planning permission.

The meeting ended at 10.28 am

Chairperson

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	9 SEPTEMBER 2026
TITLE OF REPORT:	251908 – CONVERSION OF THE STABLES INTO A DWELLINGHOUSE INCLUDING A ONE-AND-A-HALF STOREY SIDE EXTENSION, SINGLE-STOREY REAR EXTENSION, ALTERATIONS AND ASSOCIATED WORKS; AND CHANGE OF USE OF RESIDENTIAL CURTILAGE FOR THE SITING OF A GROUND-MOUNTED ARRAY OF 6 NO. PV SOLAR PANELS 251909 – CONVERSION OF THE STABLES INTO A DWELLINGHOUSE INCLUDING A ONE-AND-A-HALF STOREY SIDE EXTENSION, SINGLE-STOREY REAR EXTENSION, ALTERATIONS AND ASSOCIATED WORKS AT LAND AT TOWN WELL, STATION ROAD, CREDENHILL, HEREFORDSHIRE, HR4 7DW For: Justine Peberdy per Ms Hannah Welsh, Merchants House, Wapping Road, Redcliff, Bristol, BS1 4RW
WEBSITE LINK:	Planning Permission (P251908/F): Planning Application Details - Herefordshire Council Listed Building Consent (P251909/L): Planning Application Details - Herefordshire Council
Reason Applications submitted to Committee – Councillor Applications	

Date Received: 1 July 2025 **Ward: Credenhill** **Grid Ref: 345095, 243508**
Expiry Date: 11 September 2026 (Extension of time agreement)
Local Member: Cllr Charlotte Taylor

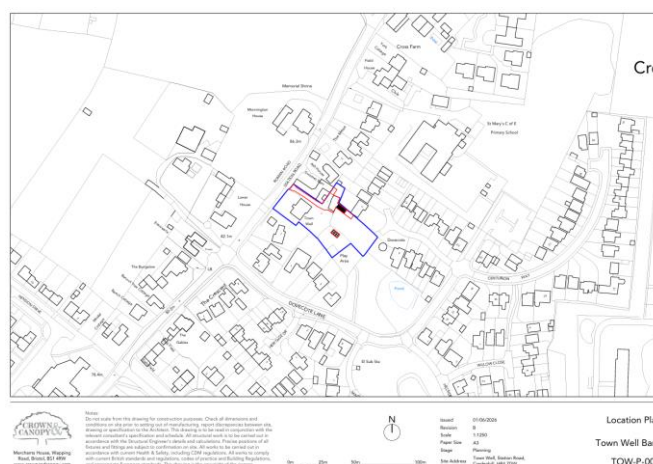
1. Site Description and Proposal

- 1.1 The site is located towards the northern end of Station Road (C1099) within the village of Credenhill, approximately 4.75 miles north-west of Hereford City Centre. It relates to a Grade II listed former stable block with loft, which dates to around the late 18th century and is within the same planning unit as a prominent three-storey Grade II listed Georgian farmhouse known as Town Well. The site also includes curtilage associated with both the stable block and Town Well. Topography is generally flat with the wider area generally falling away gradually from north-east/north to south-west/south.
- 1.2 The stable block comprises an L-shaped, timber-framed structure finished in brick with stone tiled roof over providing internal floor space over one-and-a-half storeys. There is notably a missing bay off the north-east elevation, although there is visual evidence of its footprint. There is an existing ground floor cart entry at the north-west (principal) elevation with notable semi-circular recessed 'blind' windows (also called a blank or false window), an architectural feature on the outside of a building that looks like a real window but is generally filled in with solid material like brick, stone, or wood, or left as a shallow recess. These are evident on a number of other elevations though there are a number of existing glazed openings. There are otherwise external

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

steps at the gable end (south-west elevation) which lead to the first floor namely a timber-framed attic space. The building is presently used for purposes ancillary to the residential use of Town Well namely storage and/or garaging.

- 1.3 To the east of Town Well and the stable block is a dovecote which was once historically associated with Town Well but now falls outside of the planning unit and is also in separate ownership. The dovecote is also individually listed at Grade II. Adjacent to the application site and to the north-west are a number of former domestic outbuildings which were once associated with Town Well that have since been converted into dwellings.
- 1.4 The site is entirely within Flood Zone 1 and not identified to be affected by a 1 in 1000 year pluvial (surface water) flood event accounting for climate change allowances up to the year 2125 according to Gov.uk Flood Map for Planning. The site is also in the Wye hydrological catchment of the River Wye Special Area of Conservation (SAC).
- 1.5 Land uses hereabouts are predominantly residential with dwellinghouses and their associated curtilages adjoins the planning unit to a number of sides including Station Road, Dovecote Lane and Centurion Way. A small play area is beyond the wider south-east boundary of the planning unit, with the village primary school approximately 100 metres north-east of site. A convenience store is approximately 450 metres south-west of site, which are accessible via footways.
- 1.6 This report relates to two applications that seek full planning permission (P251908/F) and listed building consent (P251909/L) to convert the stables into a single dwellinghouse together with alterations, extensions and associated works. The application for planning permission also seeks change of use of part of the residential curtilage for the siting of 6 PV panels.
- 1.7 The proposed works relate to repairs, internal works, alterations and new openings to the stable block and are to be considered together with a proposed one-and-a-half storey extension at the north-east elevation over the missing bay, and a single-storey 'glasshouse' extension at the south-east elevation which would run along a boundary wall with properties in Centurion Way. The latter extension would replace a timber lean-to shed and plastic sheet greenhouse.
- 1.8 Vehicular access would continue to be taken from Station Road, heading south-east along a two-tyre private track that runs between Town Well and Midsummer Barn through an existing agricultural timber gate before dog-legging north-west to a new proposed parking area that would be accessed via a proposed new agricultural gate in an existing non-original brick wall to the north-west of the stable block. Permeable paving and an associated modest curtilage would be formed as defined by the submitted red line, as proposed within the applications.
- 1.9 Copies of the location plan, proposed site plan and existing and proposed elevations, as amended, are inserted below for convenience:

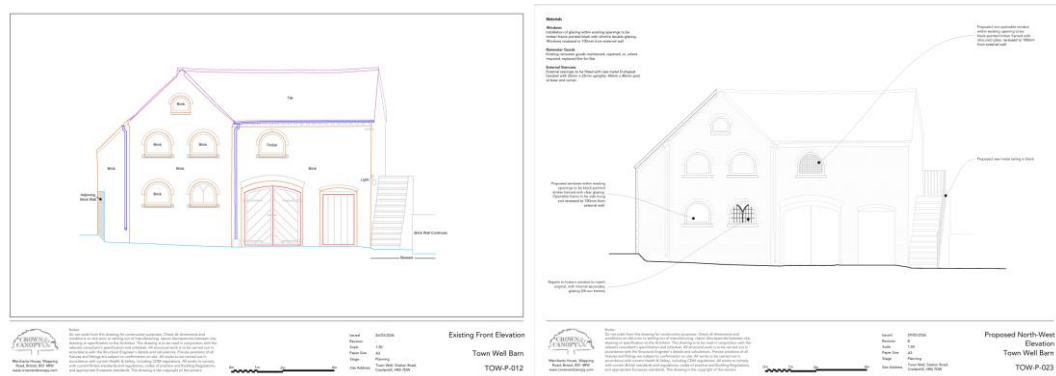


Location Plan

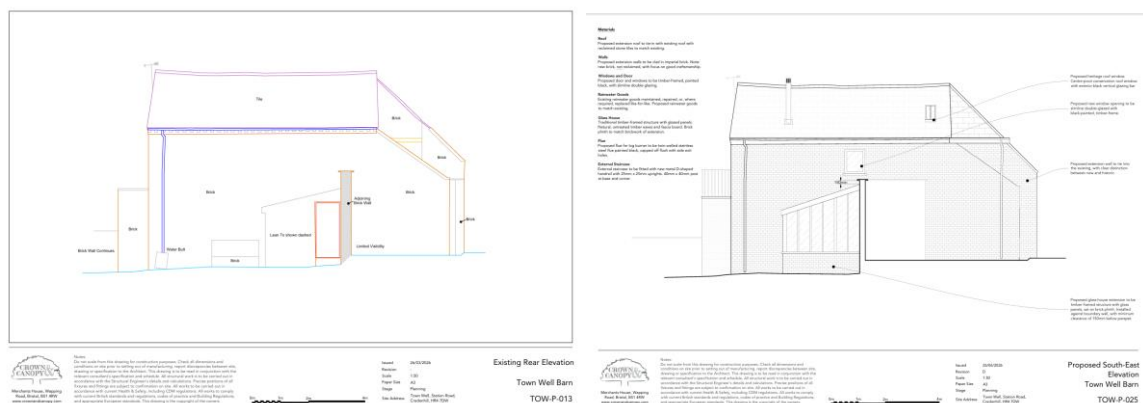
Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903



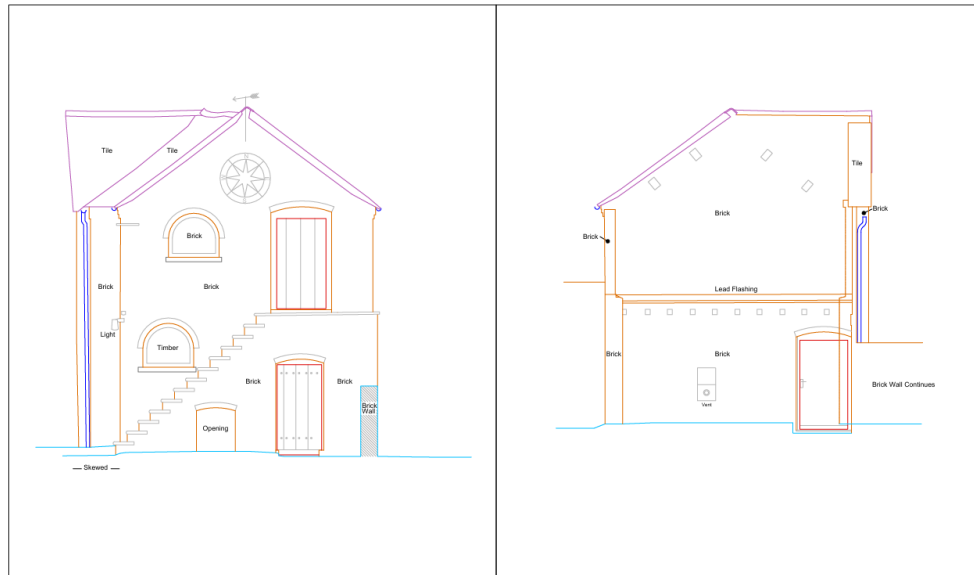
Extract of Proposed Site Plan



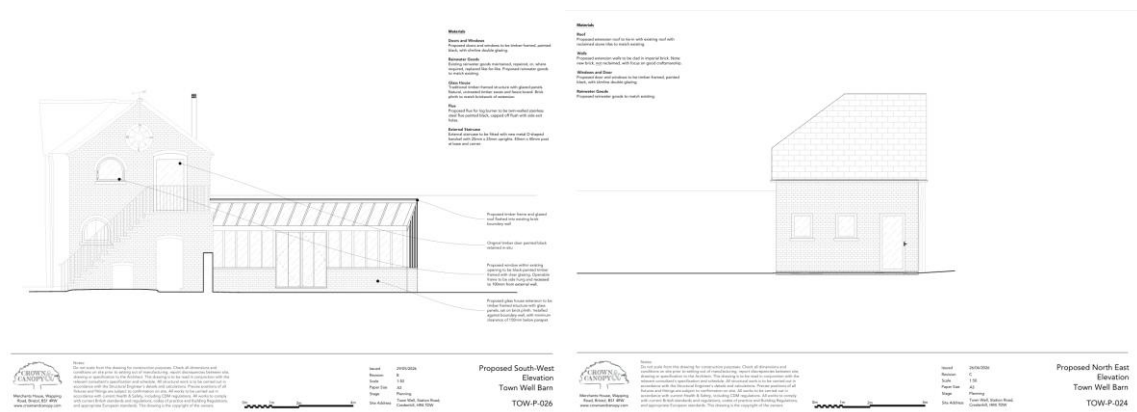
Extract of existing and proposed north-west (principal) elevation



Extract of existing and proposed south-east (rear) elevation



Existing south-west (left) and north-east (right) elevations, respectively



Proposed south-west (left) and north-east (right) elevations, respectively

1.10 In addition to the submitted plans and amended application form, both applications should be considered in line with the supporting documents that have been submitted which are accessible on the relevant application webpages:

- Design and Access Statement;
- Heritage Statement;
- Bat Survey (including inspection + detailed dusk emergence surveys);
- Drainage layout and inspection cover photographs;
- Updated covering letter explaining several of the amendments;
- Details of the proposed PV panels including relevant datasheet; and
- Correspondence between the Local Planning Authority and applicants agent regarding amendments and additional supporting documents.

1.11 The amended application form and description of development implicitly propose the use of the stable block as a dwellinghouse though officers understand the proposed use of the dwellinghouse may be intended for use as a holiday let. However, it should be recognised that serviced accommodation can still be classed within Use Class C3 in that most standard holiday homes operate under traditional dwellinghouse rules when let flexibly or as a single household. Whether a material change of use occurs is a matter of fact and degree. For avoidance of any doubt, officers have considered the application on the basis of the proposed C3 use class.

2. Policies

2.1 National Planning Policy Framework, as amended on 17 August 2026 (NPPF):

Chapter 3: Decision-making policies

- DM1: Preparing development proposals
- DM3: Determining development proposals
- DM6: Use of planning conditions and obligations

Chapter 4: Achieving sustainable development

- S3: Presumption in favour of sustainable development
- S4: Principle of development within settlements

Chapter 5: Meeting the challenge of climate change

- CC2: Mitigation of climate change
- CC3: Adaptation to climate change

Chapter 6: Delivering a sufficient supply of homes

- HO7: Meeting the need for homes

Chapter 10: Securing clean energy and water

- W3: Renewable and low carbon energy development and electric network infrastructure
- W4: Water Infrastructure

Chapter 12: Making effective use of land

- L2: Making effective use of land
- L3: Achieving appropriate densities

Chapter 14: Achieving well-designed places

- DP3: Key principles for well-designed places
- DP4: The design process

Chapter 15: Promoting sustainable transport

- TR3: Locating development in sustainable locations
- TR4: Street design, access and parking
- TR6: Assessing transport impacts

Chapter 17: Pollution, public protection and security

- P2: Ground conditions
- P3: Living conditions and pollution

Chapter 18: Managing flood risk and coastal change

- F4: Assessing flood risk for decision-making
- F5: The sequential test
- F7: Ensuring development is safe from flooding
- F8: Sustainable drainage systems and watercourses

Chapter 19: Conserving and enhancing the natural environment

- N2: Improving the natural environment
- N3: Trees in new development
- N6: Areas of particular importance for biodiversity and geodiversity

Chapter 20: Conserving and enhancing the historic environment

- HE4: Securing the conservation of heritage assets
- HE5: Assessing effects on heritage assets
- HE6: Proposals affecting designated heritage assets

The NPPF sets out the government's planning policies for both plan-making and decision-making on development proposals in England. It is a material consideration of critical importance in both contexts. This version now replaces the previous NPPF that was published most recently in December 2024 (including revisions on 7 February 2025). The NPPF can be accessed using the following link: [National Planning Policy Framework - GOV.UK](#)

One of the most notable changes in the recently revised NPPF is the establishment of national plan-making and decision-making policies. The national decision-making policies identified above are considered by officers to be relevant to the determination of this particular application.

Planning law still requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. The national decision-making policies in the NPPF are material considerations in making these decisions and should be read alongside the policies in the development plan, albeit ones that the UK Government expects to be given 'critical' importance. Planning decisions must also reflect relevant international obligations and statutory requirements, as must the preparation of development plans.

The NPPF also confirms that planning decisions should contribute towards the achievement of sustainable development through economic, social and environmental objectives which are mutually supportive and should be pursued together.

Some of the national decision-making policies indicate how much weight the government would expect a particular consideration to be given, including cases where it is appropriate to give substantial weight to certain benefits, and the limited circumstances in which it is expected that permission would be refused. The NPPF at Annex A covers implementation of the NPPF for the purposes of decision-making, particularly in relation to existing local plan policies. Paragraph 2 is implicit that:

"Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework."

This applies to all development plan policies, which includes both local plan policies (i.e. Herefordshire Local Plan - Core Strategy); and made Neighbourhood Development Plan (NDP) policies. The same paragraph then goes on to say that,

"Other development plan policies (including policies in made neighbourhood plans) should not be given reduced weight simply because they were adopted prior to the publication of this Framework."

In practice, this means that the Local Plan does not cease to apply simply because it predates the current publication of the NPPF but that each policy must be considered individually. Where policies in the Local Plan and a NDP remain broadly consistent with the national decision-making policies, they can continue to carry weight. Precisely how much weight that amounts to remains something for decision-makers to assess. However, where policies are materially inconsistent with the national decision-making policies, they should carry very limited weight.

Footnote 63 of the NPPF states that the policies set out in Chapter 20 (Conserving and enhancing the historic environment) also relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, which includes applications for listed building consent.

2.2 National Planning Practice Guidance (PPG):

The PPG adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed using the following link: [Planning practice guidance - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61735/Planning_practice_guidance_-_GOV.UK.pdf)

2.3 Herefordshire Local Plan Core Strategy 2011 – 2031 adopted October 2015 (CS): SS1 – Presumption in favour of sustainable development

- SS2 – Delivering new homes
- SS4 – Movement and transportation
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- RA1 – Rural housing distribution
- RA2 – Housing in settlements outside Hereford and the market towns
- RA5 – Re-use of rural buildings
- H3 – Ensuring an appropriate range and mix of housing
- MT1 – Traffic management, highway safety and promoting active travel
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD3 – Green infrastructure
- LD4 – Historic environment and heritage assets
- SD1 – Sustainable design and energy efficiency
- SD2 – Renewable and low carbon energy
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment with river water quality

The CS, together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:-

[Adopted Core Strategy 2011-2031 - Herefordshire Council](#)

2.4 Herefordshire Minerals and Waste Local Plan adopted March 2024 (MWLP):

SP1 – Resource management

The MWLP, together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:-

[Adopted Minerals and Waste Local Plan - Herefordshire Council](#)

2.5 At the time of completing this report, the emerging Credenhill Neighbourhood Development Plan is at the drafting stage. It does not form part of the adopted development plan. Further information regarding progress on the emerging Credenhill Neighbourhood Development Plan can be accessed via the following link:

<https://www.herefordshire.gov.uk/directories/neighbourhood-areas-and-plans-directory/credenhill-neighbourhood-development-plan/>

3. Planning History - None in relation to the subject building but in relation to the wider planning unit of Town Well:

- 3.1 P261671/L – Creation of a WC within the utility room on the ground floor, the installation of a toilet and sink and associated works – Undetermined
- 3.2 P211972/L – Removal of existing redbrick fire surround, making good and eventual addition of mantle – Approved with conditions
- 3.3 P210021/XA2 – Application for approval of details reserved by condition 6 attached to listed building consent 203170 – Approved
- 3.4 P204235/XA2 – Application for approval of details reserved by condition 4 attached to Listed Building Consent 203170 – Approved
- 3.5 P203170/L – Addition of a second bathroom within a top-floor room – Approved with conditions
- 3.6 P181948/L – Proposed removal of plywood partition that has been erected through the middle of the utility room to allow the room to be restored to its former size and allow light into the partitioned area. – Approved with conditions

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 3.7 P180349/L – Proposed repair of existing windows window. The remainder of the Georgian windows to be repaired where possible or replaced. – Approved with conditions
- 3.8 P173842/L – Proposed installation of wood burning, multi fuel stove with a modern flu within existing chimney. – Approved with conditions.
- 3.9 DCC082891/F – New oak framed one bay open carport with adjoining small shed – Approved with conditions
- 3.10 DCC073791/F – New build three bedroom house, alteration to design of previously approved planning application DCCW2003/2635/F – Approved with conditions
- 3.11 DCC073159/L – Conversion of domestic outbuildings and erection of glazed link to form single dwelling. – Approved with conditions
- 3.12 CW073163/F – Conversion of domestic outbuildings and erection of glazed link to form single dwelling. (Amending application of approved DCCW2005/3395/F). – Approved with conditions
- 3.13 CW053558/F and DCC053559/L – Change of use and alterations from outbuildings to domestic dwelling – Approved with conditions
- 3.14 DCC032141/F – Proposed dwelling and formation of access – Refused; appeal dismissed
- 3.15 DCC032140/L – Demolition of part of boundary wall and rebuilding to form vehicular access – Refused; Appeal Allowed

4. Statutory Consultation Summary

- 4.1 During consideration of the applications, amended plans and additional and/or updated supporting documents have been submitted for consideration. For avoidance of any doubt, all consultation responses are provided below and have been annotated under each consultation response where they are responding to superseded or amended plans.

4.2 Historic England – No objections

4.2.1 1st consultation 18 July 2025 (Superseded Plans)

“Thank you for your letter of 17 July 2025 regarding the above application for planning permission. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/> It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.”

4.2.2 2nd consultation 31 March 2026 (Superseded Plans)

“Thank you for your letter of 30 March 2026 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.”

4.2.3 3rd consultation 4 June 2026 (Amended Plans)

"Thank you for your letter of 03/06/2026 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request."

4.3 Ministry of Defence – No objections; informative recommended

4.3.1 1st consultation 23 July 2025 (Superseded Plans)

"Thank you for consulting the Ministry of Defence (MOD) on Proposed conversion of stable outbuilding into a residential dwelling. Works include a two storey extension, single storey extension, balcony and balustrade. Internal works including insulation. Proposed carport to include removal of wall. application ref 251908 The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of Defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System. I can confirm that, following review of the application documents and necessary assessment, the proposed development would be considered to have no detrimental impact on the operation or capability of a Defence site or asset. The MOD, therefore, has no objection to the development proposed."

The MOD must emphasise that this email is provided specifically in response to the application documents and supporting information provided via email on 17/07/2025 by Herefordshire Council. Amendments to any element of the proposed development (including the location, dimensions, form, and/or finishing materials of any structure) may significantly alter how the development relates to MOD safeguarding requirements and may result in detrimental impact(s) on the operation or capability of Defence sites or assets. In the event that any:

- revised plans;*
- amended plans;*
- additional information; or*
- further application(s) are submitted for approval,*

the MOD, as a statutory consultee, should be consulted and provided with adequate time to carry out assessments and provide a formal response whether the proposed amendments are considered material or not by the determining authority"

4.3.2 2nd consultation 17 December 2025 (Superseded Plans)

"Thank you for notifying the Ministry of Defence (MOD) of the re-consultation for amended and additional information on the proposed full application seeking planning permission for the conversion of a stable outbuilding into a residential dwelling. The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the UK Military Low Flying System. The application site occupies the technical statutory safeguarding zone surrounding MOD Credenhill. After reviewing the application documents and performing the necessary assessment, I can confirm the MOD has no safeguarding objections to this proposal."

Noise Informative

The MOD advises that the development will be exposed to potential noise from operations at MOD Credenhill, which some people may find disturbing. Our colleagues in the DIO Town Planning Team may comment on this application independently regarding noise, which should be read in conjunction with and not replace this response

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed on the Herefordshire Council planning website for this application as of

the date of this letter. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.”

4.3.3 3rd consultation 22 July 2026 (Amended Plans)

“With respect to the above application, the Ministry of Defence would like to make the following comments:

The MOD has no objection in principle to this proposal. However, should the Council be minded to grant permission, it is strongly recommended that an informative is added to the decision notice that states:

“The application site is located close to a military establishment. Future occupants should be made aware that military activity may create noise disturbance in the area. External amenity areas may also be adversely affected by military noise and mitigation may not be possible. The MOD would not accept responsibility for any future complaints regarding noise or light which may arise from activity within its estate, on the basis that the applicant (and successors in title) is the ‘agent of change’ and would be deemed to have full knowledge of the immediate location and the general nature of activities taking place.”

This would be in line with paragraph 102 of the NPPF, which states:

‘Planning policies and decisions should promote public safety and take into account wider security and defence requirements by: ...b) ...ensuring that operational sites are not affected adversely by the impact of other development proposed in the area’.”

4.4 Dwr Cymru Welsh Water – No objections; conditions recommended

4.4.1 1st consultation 7 August 2025 (Superseded Plans)

“We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Condition and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition.

Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com. Please quote our reference number in all communications and correspondence”

4.4.2 2nd consultation 18 December 2025 (Superseded Plans)

“We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Dwr Cymru Welsh Water have no further comment to make and refer to our previous response reference PLA0088988 dated 07/08/2025.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com. Please quote our reference number in all communications and correspondence”

4.4.3 3rd consultation 20 April 2026 (Amended Plans)

“We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Dwr Cymru Welsh Water have no further comment to make and refer to our previous response reference PLA0088988 dated 07/08/2025.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com. Please quote our reference number in all communications and correspondence.

4.5 Severn Trent – No response received

Please refer to comments from Dwr Cymru Welsh Water (4.4 of report) whom are the statutory undertaker for the area.

4.6 Natural England – No response received

Please refer to comments from the Council’s Ecologist (5.3 of report)

4.7 Herefordshire Wildlife Trust – No response received

Please refer to comments from the Council’s Ecologist (5.3 of report)

5. **Internal Council Consultee Consultation Summary**

5.1 During consideration of the applications, amended plans and additional and/or updated supporting documents have been submitted for consideration. For avoidance of any doubt, all consultation responses are provided below and have been annotated under each consultation response where they are responding to superseded or amended plans.

5.2 Area Engineer Team Leader – No objections; conditions recommended

5.2.1 1st consultation 28 August 2025 (Superseded Plans)

“The Local Highway Authority has reviewed the planning application for the proposed conversion of a stable outbuilding into a residential dwelling, including associated extensions and a proposed carport, with access from Station Road, Credenhill.

Access

The proposed development would utilise the existing access onto Station Road, which is subject to a 20mph speed restriction. No alterations to the access are proposed. Given the low traffic speeds in this location, the visibility at the access is considered acceptable.

Parking and Turning

For a two-bedroom dwelling, the Herefordshire Design Guide requires a minimum of one parking space. The submitted layout demonstrates sufficient space within the site to accommodate at least one space, with adequate turning provision to enable vehicles to enter and exit the site in a forward gear.

Traffic Impact

The site’s historic use as a stable would have generated some vehicle movements, and the proposed conversion to a two-bedroom residential dwelling is not considered to represent a material intensification of use of the access.

Conclusion

On the basis of the information provided, the Local Highway Authority raises no objection to the proposed development subject to the following conditions being met.

CB2 – secure covered cycle parking provision

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council’s website:

*www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>”*

5.2.2 2nd consultation 28 April 2026 (Amended Plans)

“The local highway authority’s (LHA) previous comments dated 28/08/25 still stand. The LHA has no objections subject to the below condition. Condition: CB2”

5.3 Ecologist – No objections; conditions recommended

5.3.1 1st consultation 21 August 2025 (Superseded Plans)

The site is within River Wye SAC catchment and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA ‘appropriate assessment’ completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to “unfavourable declining” by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer). The applicant must demonstrate with scientific and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery.

The demonstration of the use all best available ‘natural’ technology to minimise the discharge of phosphates in to the River Wye SAC catchment must be demonstrated.

River Wye SAC - Habitat Regulations Assessment

The proposal is for ONE new residential dwelling with associated new foul water flows created.

- The new dwelling is in an area served by a mains sewer system managed by DCWW*
- At this location the foul sewer is managed by the DCWW Eign (Hereford) Waste Water Treatment Works that discharges into the River Wye.*
- The proposal is to connect to the existing mains sewer system serving the main property.*
- Mains sewer is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways.*
- The additional foul water flows can be considered as accommodated within the nutrient allowance secured through the current Core Strategy ‘Hereford’ housing allowances that were subject to a positive HRA process at the time the CS was adopted.*

The connection to the existing DCWW mains sewer network can be secured via condition on any planning permission granted

All surface water flows are stated as being managed by a suitable Sustainable Drainage System.

With the relevant foul water connection and surface water management secured by condition as an embedded part of the proposed development the required HRA process can be considered as being ‘screened out’ at stage 1 of the required HRA appropriate assessment process. No nutrient pathways and no adverse effect on the River Wye SAC are identified.

River Wye SAC - Foul Water Management

Unless otherwise approved in writing by the planning authority all foul water flows from the development permitted under this permission shall discharge to the local mains sewer system managed by Welsh Water through their Eign (Hereford) Waste Water Treatment Works. The foul water system shall hereafter be managed and maintained as approved.

Reason: In order to ensure there are no effects on the River Wye SAC (SSSI) and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

River Wye SAC - Surface Water Management

Unless otherwise approved in writing by the planning authority all surface water flows from the development permitted under this permission shall discharge to a Sustainable Drainage System on land under the applicant’s legal control. No surface water shall be discharged to the local

mains sewer system. The surface water system shall hereafter be managed and maintained as approved.

Reason: In order to ensure there are no effects on the River Wye SAC (SSSI) and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

Other Ecology Comments

It is noted that no ecology report has been submitted and the existing building offers significant potential bat roosting features within the building structure to be impacted and lost by the proposed development. Bat roosting, foraging and commuting in the locality has previously been recorded.

As currently submitted the LPA has no certainty that there will not be an adverse effect on protected species populations. A relevant ecological assessment with all required optimal surveys being completed and full details of all mitigation and compensation and any protected species licences required (general disturbance or roost impacts) being fully detailed is requested.

The Bat Survey Guidelines (BCT August 2023) with additional recent guidance of use of thermal and IR systems, should be utilised and all information and conclusions clearly evidenced. The survey efforts should fully consider that due to changing climate some species recorded may move roost following the initial maternity period. Overwintering and hibernation must always be fully considered/surveys completed.

If there are identified bat potential roosting features the relevant Optimal Period surveys will now need to be undertaken in 2026 to ensure the complete optimal period, including core maternity period (mid June-July) is fully covered and considered as many maternity roosts are breaking up by early August, likely due to climate change conditions.

The report should also clearly detail proposed wider species enhancements including but not limited to provision for bat roosting (if not required by a Licence), and nesting features for a range of relevant local bird species. If not supplied for approval these features will be secured by a specific condition on any planning permission that may finally be granted.

The LPA must have scientific and legal certainty that there will be no effects on local protected species populations; and that Natural England will grant any required Protected Species Licence PRIOR to determination and grant of any planning permission. This certainty has not yet been demonstrated. The council is unable to use conditions to secure optimal surveys.

Once all relevant/required ecological surveys, including any 'optimal period surveys' (at least one as there is clear roosting potential) have been completed and relevant detailed report supplied, with any required mitigation/compensation features clearly shown on revised plans (as necessary) the LPA can review and fully consider effects on protected species and relevant plans approved and conditions recommended. Until such time as this process can be completed an Ecology objection is raised due to uncertain effects on local populations of protected species.

It is noted that the development does not include creation of any garden area and thus the development plans as submitted do not impact more than 25m2 of natural habitats (permanently or temporarily) and so as currently proposed the development can be considered as exempt from statutory BNG requirements,

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species (Bats) commuting/foraging in wider

locality and adjacent habitats. A condition to ensure all local nature conservation interests are not impacted and external lighting is requested:

Protected Species and Dark Skies (external illumination)

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; Environment Act and LURA duty to biodiversity and the Council's declared Climate & Ecological Emergency.

As identified in the NPPF, NERC Act, Core Strategy LD2 and action within the council's declared Climate Change & Ecological Emergency all developments should demonstrate how they are going to practically enhance ("Net Gain") the Species (Biodiversity) potential of the area. Based on scale, location and nature of proposed development a relevant Condition is suggested to secure these enhancements. The bat roosting features may be omitted if mitigation is required under a Natural England derogation licence.

To obtain Species (Biodiversity) Net Gain

Prior to occupation of any dwelling permitted under this planning permission, evidence such as photographs or ecologists report of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum of FOUR bird nesting features and FOUR bat roosting features should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3. Environment Act and LURA duty to biodiversity and the Council's declared Climate & Ecological Emergency."

5.3.2 2nd consultation 22 August 2025 (Superseded Plans)

"Comments only relate to the Bat Survey Report by James Johnston Ecology dated 13th July 2025 that has now been supplied.

Bat roosting was identified and a protected species licence will be required from Natural England subsequent to Planning Permission but PRIOR to works commencing onsite. The LPA is satisfied that with appropriate mitigation, that can be achieved on site, there will be no impacts on local bat populations.

The applicant should be aware that Natural England may require additional surveys and further over-wintering assessment as part of the licence application process. If these require any change to submitted and approved plans the applicant may need to make a relevant 'variation' application for these changes.

Suggested condition

Ecological Protection (including Protected Species)

The ecological protection, mitigation and working methods scheme, species enhancements, including obtaining any relevant protected species licence from Natural England, as detailed in the Bat Survey Report by James Johnston Ecology dated July 2025 shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Within three months of receiving the protected species licence(s) from Natural England, a copy of the issued licence and results of any additional supporting survey works completed, shall be submitted to, and acknowledged in writing by the planning authority. If post implementation monitoring surveys are required by Natural England Licence a copy of all survey results should be submitted to the planning authority within 3 months of any such surveys being completed.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency."

5.3.3 3rd consultation 1 July 2026 (Amended Plans)

Case Officer Note: An updated HRA Screening has been undertaken, a copy of which can be found on the application webpage.

5.4 Principal Building Conservation Officer – No objections; conditions recommended

5.4.1 1st consultation 5 August 2026 (Amended Plans)

"The proposal

The proposal relates to the proposed conversion of stable outbuildings into a residential use with extensions and internal works. For clarity these comments relate to both the listed building consent application 251909 and the planning application 251908.

The site

The building in question is a listed building UID 1099289 stables 15m NW of Town Well. Town Well is also listed UID 1099288, and the site contains a walled garden and the neighbouring listed building UID 1296606 Dovecot 50m E of Town Well is understood to have formerly been associated with Town Well, indicating the high status of the listed house and the grouping.

<https://historicengland.org.uk/listing/the-list/map-search>

1886 OS Map <https://maps.nls.uk/view/101569773>

1929 OS Map <https://maps.nls.uk/view/120896524>

Legislation Policy and Guidance

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This statutory duty obligation does not prevent change from occurring but merely requires that change is properly informed so not to not affect any special architectural or historic interest.

Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* places a statutory duty on decision makers to pay special regard to preserving listed buildings and their setting. This obligation does not prevent change from occurring but merely requires that change is properly informed to not affect any special architectural or historic interest.

Primary legislation is repeated in *National Planning Policy Framework* and *Core Strategy Policies*.

- Paragraph 135 of NPPF advises that planning policies and decisions should ensure developments should;

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit

- Paragraph 207 of NPPF advises that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”

- Paragraph 208 of NPPF advises that a “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

- Paragraph 212 of NPPF advises “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

- Paragraph 213 of NPPF advises “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- Paragraph 215 of NPPF advises “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

- Paragraph 219 of NPPF advises “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

•Policy SS6 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

- conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular landscape, and heritage assets and especially those with specific environmental designations Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant.

•LD1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, includingconservation areas; through the protection of the area's character and by enabling appropriate uses, design and management.

•Policy LD4 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires development proposals affecting heritage assets and the wider historic environment should:

- Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible.

Assessment of Proposal

Following previous built heritage concerns raised, the amended plans received on 02/07/2026, are acknowledged, and for clarity it is these plans that a response is being provided on received on 01/06/2026 and 02/07/2026.

- DWG NO TOW-P-015 - existing cross section
- DWG NO TOW-P-021 Rev D - amended proposed first floor
- DWG NO TOW-P-024 Rev C - amended proposed NE elevation
- DWG NO TOW-P-025 Rev D - amended proposed NE elevation
- DWG NO TOW-P-027 Rev C – proposed first floor cross section
- DWG NO TOW-P-0 30- proposed door detail
- DWG NO TOW-P-0 20 Rev B proposed ground floor
- DWG NO TOW-P-0 22 Rev C – proposed roof plan
- DWG NO TOW-P-0 23 Rev B – proposed NW elevation
- DWG NO TOW-P-0 23 Rev B – proposed SW elevation

The amended plans have largely addressed many of the concerns previously raised and as such no objections to the principle in built heritage terms are raised to the proposal. However, the detail contained within the application is considerably less than would usually be required for support for a listed building consent application despite requests for this information. Noting paragraph 207 of NPPF and Core Strategy Policies SS6 and LD4, the amended plans provide the most limited of information to enable the proposal to be supported in principle, with all the detailing therefore being required to be considered via condition. Ideally this information or at least part of it should have accompanied the application in order for an informed decision to be made. However noting the length of time that this application has been with the Authority and the efforts made to secure the required information, should you be minded to approve the applications without the required information, I would recommend that the following conditions be imposed on the listed building consent application and where relevant the accompanying planning application.

Suggested conditions to listed building consent 251909

CE7 LBC TIME PERIOD

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The development shall be carried out strictly in accordance with the approved plans; except where otherwise stipulated by conditions attached to this permission.

- DWG NO TOW-P-015 - existing cross section
- DWG NO TOW-P-021 Rev D - amended proposed first floor
- DWG NO TOW-P-024 Rev C - amended proposed NE elevation
- DWG NO TOW-P-025 Rev D - amended proposed NE elevation
- DWG NO TOW-P-027 Rev C – proposed first floor cross section
- DWG NO TOW-P-0 30- proposed door detail
- DWG NO TOW-P-0 20 Rev B proposed ground floor
- DWG NO TOW-P-0 22 Rev C – proposed roof plan
- DWG NO TOW-P-0 23 Rev B – proposed NW elevation
- DWG NO TOW-P-0 23 Rev B – proposed SW elevation

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy [and the National Planning Policy Framework].

CH1 MASONRY DETAILS

Before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Details of an appropriate scale i.e 1:20 indicating how the new brickwork will tie into the existing brickwork
- a sample of the type of the brick proposed;
- the face bond of brickwork;
- description of the joints proposed;
- mortar mix, profile and finish.

The works shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

Prior to any roof works being undertaken details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- The degree of any stripping or works to the existing roof,
- Samples of new roof materials including ridge tiles,
- Method of coursing.
- Elevation drawings of an appropriate scale indicating how the new roof will tie into the existing roof on the SE elevation and how the courses will be matched.

The works shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

CH6 HEADS & CILLS

Before work begins to provide new window or door openings, precise details of the materials and form of the heads and cills of the new window and door openings at a scale of 1:5, should be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policies within the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CH8 JOINERY WORKS

No joinery works shall commence until precise details of all external windows and doors to both existing windows and newly created windows and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- *Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings.*
- *Method & type of glazing.*
- *Colour Scheme/Surface Finish*

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CH9 ROOF WINDOWS

The roof windows shall be of the traditional low profile metal pattern and details at 1:2 or 1:5 shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notwithstanding the details on DWG NO TOW-P-0 30- proposed door detail, prior to a second door being introduced to the door frame the following shall be submitted to and approved in writing by the Local Planning Authority:

- *A cross section through the existing door frame*
- *A cross section through the proposed door frame indicating any new materials or modifications to the existing door frame.*
- *A cross section through the doorway indicating the relationship of the new door with the door frame when the re-sited doorframe is in a new position.*

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Prior to any works in relation to the ground floor historic arched window on the NW elevation as indicated on drawing number TOW-P-023 rev B being undertaken, full details of the repairs to the window and the secondary glazing shall be submitted to and approved in writing the Local Planning Authority and shall be executed in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Prior to the opening of the blind windows to be glazed as indicated on drawing number TOW-P-023 rev B (NW elevation) and drawing number TOW-P-026 rev B (SW elevation), further details of the work to be submitted. These shall include;

- Methodology for the removal of bricks*
- Full details of all repairs/making good to the jambs and window head including any new materials to be introduced.*
- Cross sections through the new window opening to ascertain the location of the window frames within the newly created opening.*

The works shall be executed in accordance with the approved plans.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CI9 MINOR ADDITIONS AND NEW SERVICES

Before the relevant section of work begins, the position, type and method of installation of all new and relocated services and related (for the avoidance of doubt this includes communications and information technology servicing), shall be specified and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where fixtures ducts or other methods of concealment are proposed. The works shall be implemented only in accordance with such approval.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework”.

5.5 Land Drainage Engineer – No objections

5.5.1 1st consultation 26 August 2025 (Superseded Plans)

“We have been consulted on the above application and note that the provision of drainage details is limited. Within the ‘Design and Access Statement’, it is stated that ‘there is no change to present foul or surface water disposal associated with the application site’. However, the existing arrangements have not been specified. As the development proposals comprise the conversion of a stable outbuilding which appears to not have any existing foul water facilities, we assume there is no existing formal foul water drainage system serving this building. We note that Welsh Water have provided comments to confirm that capacity exists within the public sewerage network to receive the foul flows associated with the proposed development. However, the sewer mapping software does not appear to present a Welsh Water sewer to be laid within 30m of the development site.

Please could the Applicant confirm the foul water drainage proposals; a drainage layout drawing demonstrating any proposed connection point to the sewerage network should be included within the submissions. Please can the Applicant confirm the existing surface water drainage arrangements and clarify if these are to be retained. Any additional measures/infrastructure should be detailed. We await further information prior to providing a formal consultation response”

5.5.2 2nd consultation 5 January 2026 (Amended Plans)

"Land Drainage has no objection to the proposed conversion and extension development. We understand that the site is not at risk of fluvial or surface water flooding."

Surface water drainage – The Applicant has stated that it is thought the existing property (Town Well) is served by soakaways. Taking into account that the barn proposed for conversion has guttering, we would assume that surface water runoff from the barn also discharges to ground via soakaways. It is assumed that the soakaways serving the property and barn are effective and that this surface water drainage arrangement will be retained as part of the conversion development. It is unclear if the existing soakaways have capacity for additional surface water runoff generated from the extensions. We would have no objections should the Applicant wish to install a new soakaway to discharge surface water runoff from the extension areas. This is based on the existing soakaways being effective and not causing waterlogged ground or overland flow onto third party land. Any new soakaway(s) would need to be within the blue line ownership boundary and at least 5m from building foundations or boundary perimeters.

Foul water drainage – We understand that Welsh Water have no objection to accommodating additional foul water flows into the public sewer, generated from the barn conversion."

5.6 Tree Officer – No objections; conditions recommended

5.6.1 1st consultation 30 September 2025 (Superseded Plans)

"I have reviewed the submitted documents in relation to the development proposals and the existing arboricultural resource within the site."

There are several trees located reasonably close to the stable block. The proposed extensions and conversion works could adversely impact these trees unless adequate protection is put in place before any works commence. A Tree Protection Plan (TPP) based on a BS5837:2012 tree survey will provide adequate information on canopy spreads and rooting areas to allow a TPP to be compiled. The TPP will indicate the extent of tree protection measures required and its specification. The TPP will also include any other information which is relevant in the protection of existing and retained trees. The TPP can be requested via a planning condition if consent is obtained.

Condition

Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

Reason:

To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework"

5.6.2 2nd consultation 8 April 2026 (Amended Plans)

"2026 aerial imagery shows a mature broadleaved tree abutting the red line boundary of this proposal. Despite this, no tree constraints information has been provided. This tree has also not been included in any of the plans. This tree is not subject to legal restriction, either Conservation Area or Tree Preservation Order, however, does warrant due consideration in this planning process. The applicant has selected the option for "NO" on both tree related questions in their application. This appears to be an inaccurate declaration and should require amending before this application can be finalized. Although I do not foresee a direct negative impact on this tree as a result of this proposal, the development itself is likely to have indirect negative impacts. Plant

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

traffic, material storage etc. can all cause harm to trees not adequately cared for. For this reason, I will have no objection to this proposal, provided a Tree Protection Plan is conditioned so that suitable damage mitigating strategies can be put in place to protect this tree.

Condition 01– Protection during Construction

Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.”

5.7 Archaeological Advisor – No objections; conditions recommended

5.7.1 1st consultation 4 September 2025 (Superseded Plans)

“There is a degree of archaeological sensitivity to the location of the proposed development, in that it is close to a recorded Roman road, and there is some potential for further roman period finds. However, the scale of any groundworks here would be limited, and on balance I consider the risks to be low in relation to this particular proposal. I would suggest a minor archaeological condition (C49 Access) to enable proportionate recording of any finds if needed.”

5.7.2 2nd consultation 23 April 2026 (Amended Plans)

“No objections, no further comments”

5.8 Environmental Health Technical Officer (Noise/Nuisance) – No objections; conditions recommended

5.8.1 1st consultation 24 July 2025 (Superseded Plans)

“Comments are made from a noise and nuisance perspective.

Due to the proximity of residential receptors, I would suggest the following working hours condition is added to any permission granted:

No noise generating activities to take place outside the following hours:

- 07:00 - 18:00 hours (Monday to Friday);*
- 08:00 - 13:00 hours (Saturday)*
- No working permitted on Sundays or Bank Holidays*

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31.”

5.8.2 2nd consultation 1 May 2026 (Amended Plans)

“No additional comments”

5.9 Environmental Health Technical Officer (Contaminated Land) – No objections

5.9.1 1st consultation 24 July 2025 (Superseded Plans)

“We refer to the above application and would make the following comments in relation to contaminated land and human health issues only. On the basis of the information submitted, we’ve no comments to make.”

5.9.2 2nd consultation 22 April 2026 (Amended Plans)

“We refer to the above application and would make the following comments in relation to contaminated land and human health issues only. We’ve nothing to add to previous comments.”

6. Representations

6.1 Credenhill Parish Council - Objection

6.1.1 1st consultation 13 August 2025 (Superseded Plans)

“Credenhill Parish Council wishes to make comment upon reflection of its collective community concerns for the applications referenced above. Whilst the Parish Council fully supports and understands the need for development and improvement within our community, It has concerns regarding the impact it would have on neighbouring properties, particularly in relation to privacy, natural light, and overall residential amenity.

Heritage and Conservation Concerns

The building in question is a designated Grade II listed structure, and as such, any development must comply with the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special regard be given to the desirability of preserving the building and its setting (Sections 16 and 66). The proposed conversion introduces significant alterations such as large glazed windows and extensions that risk compromising the barn’s historic character and architectural integrity.

Under Section 16 of the National Planning Policy Framework (NPPF), any harm to the significance of a heritage asset must be clearly justified and demonstrably outweighed by public benefits. In this case, the proposal appears to prioritise residential convenience over the conservation of heritage value, with no compelling public benefit to justify the harm.

Herefordshire Council’s own guidance on Listed and Historic Buildings confirms that even minor alterations require Listed Building Consent and must be sympathetic to the building’s original character. The proposed works do not appear to meet this standard and may set a concerning precedent for future developments affecting heritage assets in the parish. Credenhill Parish Council is particularly concerned that the scale, massing, and external alterations are out of keeping with the rural character of Credenhill and may erode the distinctiveness of the area. The Herefordshire Council’s Conservation Area Policy reinforces the need for development to respect architectural and historic interest, which this proposal fails to do. The conversion introduces new residential windows and outdoor spaces that directly overlook neighbouring properties, resulting in a significant loss of privacy. The elevated position and orientation of these openings compromise the amenity of adjacent homes, particularly where no screening or mitigation is proposed.

Privacy Concerns

The proposed development includes upper-storey windows, balconies, and elevated structures that directly overlook neighbouring gardens and living spaces. This would result in a significant loss of privacy for adjacent residents, undermining the quiet enjoyment of their homes.

The new sightlines into neighbouring properties will result in a material loss of privacy, contrary to the principles of good design outlined in the National Planning Policy Framework (NPPF), Paragraph 130.

Loss of Natural Light

The scale and positioning of the proposed extension to the north end of the existing structure will obstruct natural light to neighbouring properties, especially within their private sleeping quarters, communal living spaces and garden open spaces etc. This is particularly concerning during the winter months when daylight is already limited. The overshadowing effect will negatively impact the quality of life and could potentially affect the energy efficiency of nearby homes. This impact is both measurable and harmful as the development would cast prolonged shadows over

neighbouring gardens and windows, especially during winter months, reducing access to natural light and affecting wellbeing.

Negative Impact on Neighbours

Beyond privacy and light, the development risks altering the character of the immediate surrounding area. The proposed height, massing, and proximity to boundaries are out of keeping with the surrounding properties and may set a precedent for future overdevelopment. Noise, disruption during construction, and long-term visual intrusion are also concerns that have not been adequately addressed.

Harm to Residential Amenity

The development would be considered overbearing and out of scale with surrounding properties, resulting in a negative impact on the character and enjoyment of neighbouring homes. The massing and footprint of the building are excessive relative to the plot size and surrounding context. The proximity of new living spaces to existing boundaries may increase noise levels and reduce the quiet enjoyment of adjacent homes.

Conclusion

The proposed development fails to respect the privacy, light, and amenity of neighbouring properties and does not align with the principles of sustainable and considerate design. We respectfully urge the planning authority to consider the cumulative impact of this development on neighbouring residents. We believe that a revised design, one that better respects the original character of the building, the privacy, light, and amenity of surrounding homes would be more appropriate and in keeping with the spirit of responsible development.

Therefore, the parish council is not able to support this application."

6.1.2 2nd consultation 24 December 2025 (Superseded Plans)

"Credenhill Parish Council has reviewed the revised application for the Grade II listed building. The Parish Council acknowledges that the applicant has undertaken a comprehensive review of the plans and appears to be adopting a more sympathetic approach to the restoration of the listed building. The revised plans meet most of the expectations previously outlined, however, before the Parish Council is able to fully support the application it would request that Herefordshire Council ensures full compliance with the Herefordshire Core Strategy. The Parish Council wishes Herefordshire Council to consider the following points before approving the application:

Point 1 – First Floor Window (South-East Elevation) and (North-West Elevation)

- Concern: The proposed addition of a first-floor window on the south-east elevation raises privacy issues, as it would overlook the adjacent property.*
- Policy Reference: SD1 requires development to safeguard residential amenity.*
- Suggested Action: Reposition the window or use obscured glazing to mitigate overlooking.*
- Concern: The proposed addition of a first-floor window on the north-west elevation also raises privacy issues, as it would overlook the adjacent property.*
- Council Position: Given the close proximity to neighbouring amenities and the privacy concerns raised previously, the Parish Council considers Option 3 offered by the applicant would be the most favourable solution. However, option 3 statement of the revised plan document suggests that the windows are blocked off on the northwest elevation however, option 3 plan image does not match the statement so therefore potentially leaves the position open to interpretation by the applicant.*
- Suggested Action: To satisfy compliance with policy reference SD1 and the concerns shared by the Parish Council and the applicants surrounding neighbour amenities, the plans need to be reviewed by the applicant and its agent to clarify the position. The position being roof lights only.*

Point 2 – Chimney Omission/Relocation

- *Concern: The original proposal included a chimney on the north-west elevation, which has now been omitted.*
- *Question: Is this omission intentional?, or is the chimney to be relocated to the southeast elevation as would be suggested by the revised internal development plans?*
- *Risk: Relocation could create potential air quality and pollution issues for the neighbouring properties due to close proximity.*
- *Policy Reference: SS6 requires development to avoid adverse impacts on neighbouring amenity.*

Point 3 – Car Port Siting and Safety

- *Concern: The proposed location of the car port remains problematic due to its close proximity to the neighbouring property private accommodation (specifically a bedroom wall) and the removal of an existing wall to create access to the car port.*
- *Risks: Safety concerns relating to life and property, as well as construction methods and materials.*
- *Council Position: The Parish Council notes that the applicant has ample open area within the property boundaries to provide parking or a free-standing carport without impacting neighbours.*
- *Request: Confirmation on these matters, with a preference for relocating or omitting the car port.*
- *Policy Reference: SS3 and SD1 require that development does not compromise safety or amenity.*

Point 4 – Conservatory (South-West Elevation)

- *Concern: The revised conservatory has increased significantly in size in comparison to the previous application, bringing it much closer to towards neighbouring amenities. The size of the revised conservatory plan leans towards main living accommodation and therefore has the potential to generate higher noise levels impacting on neighbouring amenities*
- *Risk: Potential noise impact and disturbance to neighbouring amenities.*
- *Request: Clarification of building specification and materials used which supports adequate insulation that will protect neighbouring amenity.*
- *Policy Reference: SD1 requires development to safeguard residential amenity.*

Point 5 – Construction Disruption, Noise and Environmental Impact

- *The Parish Council has significant concerns regarding the level of disruption that will arise during the construction phase, particularly given the extremely close proximity of neighbouring dwellings—some as close as approximately 2 metres from the proposed works.*

Noise and dust generated during the build will inevitably affect private garden spaces and outdoor areas. This level of disruption is not acceptable for neighbouring families, who may be forced to restrict their children from using their own gardens for extended periods. Windows and doors may need to remain closed throughout much of the construction period to limit dust and noise intrusion, which will negatively affect ventilation, comfort, and general living conditions.

Given the complexities associated with restoring a listed building, the construction timeline is likely to be lengthy. The anticipated requirement for scaffolding, high-level works, and potentially crane operations during the removal of structural elements of the outbuilding raises further concerns. These activities may restrict movement within neighbouring gardens and could create safety and privacy issues for surrounding residents.

There is also a direct impact on residents who work from home. The level of noise and disruption expected will make home-working impractical, potentially forcing individuals to rent alternative office space at personal financial cost. This represents a significant and unreasonable burden on neighbouring households. Furthermore, the continuous noise, dust, and general disruption associated with prolonged construction activity will have a detrimental effect on the mental wellbeing of young children and adults living adjacent to the site. The Parish Council is concerned

that the intensity and duration of the works will cause prolonged stress and disturbance for surrounding residents.

- *Policy Reference: SD1 requires development to safeguard residential amenity, including during the construction phase.*
- *Requested Action: The Parish Council requests that Herefordshire Council imposes robust planning conditions to minimise noise, dust, disruption, and privacy impacts, and to ensure that construction activities are managed responsibly and sensitively given the extremely close proximity of neighbouring dwellings.*

Point 6 – Proposed Ground Floor Piano Room with Opening Double Doors

- *Concern: Plans for the proposed ground floor Piano Room suggest an entrance and exit via external double opening doors. Is the proposed Piano Room intended for potential future business opportunities for the applicant to provide music lessons?*
- *Risk: Potential noise impact, privacy invasion and disturbance to neighbouring amenities. There is also potential for direct line of sight into personal quarters of some neighbouring amenities.*
- *Request: Clarification and confirmation of intended use of the room. Clarification and confirmation of materials to be used in construction of the room, and any precautions taken to mitigate noise disturbance through double opening doors and actions taken to mitigate privacy invasion from visitors to the music room as it will be in close proximity to neighbouring amenities.*

Point 7 – Future Use as Short-Term Rental

- *Concern: Concerns have been raised, If the property is developed as intended use as a short-term rental (e.g. AirBnB), could raise potential safeguarding issues for families associated with the nearby military barracks (22 SAS reg), as well as potential noise and antisocial behaviour affecting surrounding properties within such close proximity.*
- *Request: Clarification of intended use and consideration of conditions to prevent adverse impacts on neighbouring amenity.*
- *Policy Reference: SS6 requires development to avoid adverse impacts on local distinctiveness and amenity.*

Conclusion

It is worth noting that the lack of an updated design and access statement regarding the windows and how it will affect neighbouring amenity has made it difficult to make comments on what can only be based on assumptions at this stage of the application.

This properties location is surrounded by dwellings which have been occupied for more than 10 years and which are within very close proximity to each other leaving the applicant with limited options to comply with policy references highlighted throughout the comments.

The Parish Council recognises and supports applications when they can be seen to provide benefit to the local community and contribute towards much needed housing stock. With this application the Parish Council is keen to work with and support the applicant providing the points raised can be resolved satisfactorily.

Credenhill Parish Council would kindly request that Herefordshire Council consider all of points detailed above before making any decisions.”

6.1.3 3rd consultation 21 April 2026 (Superseded Plans)

“Credenhill Parish Council has reviewed the latest revised planning application and accompanying cover letter. While the Council acknowledges that several amendments have been made in response to earlier objections, both the Parish Council and its parishioners share concerns that not all issues previously raised have been fully addressed. For these reasons, the Parish Council objects to the revised application and submits the following comments for consideration by Herefordshire Council:

1. *Ground Floor Windows – North West Elevation (Overlooking and Privacy)*
The revised application now proposes to re open previously bricked up ground floor window openings on the north west elevation and install clear glazed, openable windows. This introduces a new and significant amenity impact: • Directly overlooking into Midsummer Barn’s private outdoor space, located immediately opposite. • Clear views into private living quarters, given the extremely close proximity between the buildings. • A substantial loss of privacy for neighbouring residents at ground level. • Re opening these windows fundamentally alters the relationship between the two properties. Request: That these windows be reconsidered and amended to protect neighbouring amenity. Policy Reference: SD1.
2. *Proposed Wood Burner Chimney – Smoke and Air Pollution Concerns*
The revised plans introduce a new wood burner chimney on the south east elevation, raising concerns about smoke drift, air quality impacts, and particulate pollution affecting neighbouring properties. Request: That the suitability of a wood burner in this constrained location be carefully assessed, and strict conditions applied if approved. Policy Reference: SD1, SS6.
3. *Parking Layout, Combustible Hazards, and Emergency Access*
Although the carport has been removed, the proposed parking bay remains immediately beside a neighbouring bedroom wall and within a confined space. Concerns include: • Fire risk from petrol/diesel vehicles and EVs. • Restricted emergency access due to the tight layout. • Noise and disturbance from vehicle movements. Request: That the parking layout be reconsidered to reduce amenity and safety impacts. Policy Reference: SD1, SS3, SS6.
4. *Construction Impacts – Duration, Noise, Privacy, and Pollution*
A potentially lengthy construction period raises concerns about noise, dust, privacy loss during roof removal, and disruption for residents working from home. Request: A Construction Management Plan (CMP) should be required. Policy Reference: SD1.
5. *Working Hours and Site Management*
Conditions should be imposed to limit working hours and require dust and noise mitigation. Policy Reference: SD1.
6. *Potential Use as Short Term Rental (AirBnB)*
Concerns remain that short term letting could lead to safeguarding issues, noise, antisocial behaviour, and increased parking pressures. Request: Clarification of intended use, and if necessary, a condition preventing short term holiday letting. Policy Reference: SS6.
7. *Solar Panels – Heritage Concerns and Question of Necessity*
The revised plans include six solar panels on the south east elevation. Concerns remain regarding: • The impact on the historic character and appearance of the Grade II listed building. • Whether solar panels are necessary or appropriate on an ancillary listed structure. • Whether alternative, less intrusive renewable energy options have been considered. • Compliance with listed building regulations requiring preservation of architectural and historic interest. Important Note: The Parish Council asks Herefordshire Council to refer to the Heritage Officer’s report, specifically paragraph 2, which addresses the introduction of flues, vents, extracts, solar panels and similar interventions in ancillary buildings to a principal listed dwelling. Policy Reference: LD4, SS6.
8. *Proposed Rooflight – South East Elevation (Heritage Impact)*
The revised plans include a new conservation style rooflight on a prominent elevation. Concerns include: • Visual intrusion on the historic roofscape. • Potential harm to the building’s architectural simplicity. • Whether the rooflight is necessary or whether internal alternatives

exist. *Important Note: The Parish Council again requests that Herefordshire Council refer to the Heritage Officer's report (paragraph 2), which highlights the sensitivity of introducing modern interventions—such as rooflights, vents, flues, and solar panels—into ancillary structures associated with a principal listed building. Policy Reference: LD4, SS6.*

9. *Size and Impact of the Proposed Conservatory (South West Elevation)*

The revised conservatory remains substantial in size, and its scale has not been adequately addressed in relation to previous objections. Concerns include: • The conservatory's overall massing, which appears disproportionate to the historic barn. • The lack of any proposed noise mitigation measures, such as acoustic insulation, despite its proximity to neighbouring properties. • Potential for increased noise transmission through a largely glazed structure. • Whether the design and scale are in keeping with the character of a Grade II listed agricultural outbuilding. Request: That the size, design, and acoustic impact of the conservatory be reconsidered, with appropriate mitigation measures included. Policy Reference: SD1, LD4.

10. *New Opening Window – South East Elevation (Privacy Concerns)*

The revised plans include a new opening window on the south east elevation, fitted with clear glazing. The Parish Council is concerned that: • This window will allow direct overlooking into neighbouring properties or private garden areas. • The use of clear glass provides no mitigation for privacy intrusion. • The introduction of a new opening window on this elevation may alter the building's relationship with surrounding dwellings. Request: To protect neighbouring amenity, the Parish Council recommends that this window be amended to: • Obscured glazing, and • Restricted opening, if appropriate. This would mitigate privacy impacts while still allowing light into the room. Policy Reference: SD1 – safeguarding residential amenity. Conclusion While the Parish Council recognises the applicant's efforts to refine the proposal, significant concerns remain regarding: • Overlooking and loss of privacy from re opened and newly proposed windows. • Smoke and air quality impacts from the proposed wood burner chimney. • Fire risk and emergency access concerns relating to the parking layout. • Construction impacts and working practices. • Potential future use as a short term rental. • Heritage impacts from the proposed solar panels and rooflight. • The size, design, and noise impact of the proposed conservatory.

For these reasons, Credenhill Parish Council objects to the revised application and requests that Herefordshire Council ensure full compliance with the Herefordshire Core Strategy (Policies SD1, SS3, SS6, LD4)."

6.1.4 *4th consultation 18 June 2026 (Amended Plans)*

"Credenhill Parish Council has reviewed the revised plans submitted on 1st June 2026. The Parish Council acknowledges the changes since the previous application and wishes to highlight it's remaining concerns:

South East Elevation

- The heritage roof window remains unchanged from previous submissions however, the Parish Council understands the need for some natural light to be included within any living accommodation.*
- The solar panels have been removed from the roof and are now proposed to be located at ground level in the outdoor space of Town Well.*
- The proposed addition of a 1st floor window on the south-east elevation remains unchanged. Nothing has been done to mitigate overlooking of the neighbouring property and therefore privacy issues (SD1) have not been addressed.*
- There is a suggestion for Herefordshire Council to refer to the Heritage Officer's report (paragraph 2), which highlights the sensitivity of adding modern interventions to historic structures. South West Elevation*
- The glass house details have been expanded, providing more clarity on materials and construction. (Policy ref SD1&LD4) • However, the overall size and footprint remain unchanged, and the structure continues to appear large in scale relative to the listed barn.*

- No acoustic insulation or noise mitigation measures have been added, despite the structure being predominantly glazed and positioned close to neighbouring properties. The Parish Council remains concerned that the glass house:
- May cause noise disturbance to neighbours.
- Is not be in keeping with the character of the Grade II listed barn and
- Has not been reconsidered in response to earlier objections.

North West Elevation

- One window has been changed to obscured glass and fitted with internal secondary glazing with lift out frames. This is a positive amendment.
- However, one window remains clear and openable, and the ground floor re opened windows continue to present significant privacy concerns for neighbouring properties. As mentioned in previous comments, the Parish Council maintains that:
- Clear glazed, openable windows at ground level on this elevation introduce direct overlooking into private garden and living areas. (Policy ref SD1)
- These remaining window with clear glazing should be reconsidered, or amended to obscured glazing and/or restricted opening to protect residential amenity.

Parking Layout

Although the carport has been removed, the proposed parking bay remains immediately beside a neighbouring bedroom wall and within a confined space. Concerns include: • Fire risk from petrol/diesel vehicles and EVs. • Restricted emergency access due to the tight layout. • Noise and disturbance from vehicle movements.

Request: That the parking layout be reconsidered to reduce amenity and safety impacts. Policy Reference: SD1, SS3, SS6.

While some amendments have been made — including the relocation of solar panels and the introduction of obscured glazing to one window — the Parish Council considers that some key concerns remain unresolved, particularly regarding:

- Privacy impacts from clear glazed, openable windows.
- The scale and noise impact of the glass house.
- The heritage impact on a Grade II listed ancillary building.
- Parking Layout, Combustible Hazards, and Emergency Access.

The Parish Council respectfully requests that Herefordshire Council consider these issues in full when determining the application and wishes to remind them of section 16 of the National Planning Policy framework (NPPF) “any harm or significance of a heritage asset must be clearly justified and demonstrably outweighed by public benefits”.

In this case, the revised application still appears to prioritise residential convenience over the conservation of heritage value, with no compelling public benefit to justify the harm.”

6.1.5 5th consultation 30 July 2026 (Amended Plans)

“Credenhill Parish Council has reviewed the amended plans uploaded to the planning portal on 2nd July 2026. The Council acknowledges that several drawings have been updated, including amendments to the cross section, insulation details, and the introduction of a new door detail. However, despite these updates, none of the previously raised concerns or recommendations raised by the local residents of Credenhill and the parish council have been addressed. The revisions do not resolve the significant issues relating to privacy, heritage impact, amenity, noise, and design compatibility that were outlined in earlier Parish Council submissions. For these reasons, Credenhill Parish Council maintains its objection to the application”.

6.2 At the time of completing this report, 14 letters of representation have been received from 8 interested third parties from 5 different properties. They either object to the applications or raise qualified comments. These are summarised below:

- Overlooking/loss of privacy;
- Harm to residential amenity;
- Impact on natural light;
- Increased noise and disturbance;
- Increased density/overdevelopment;
- Proposed use as holiday accommodation;
- Poor design;
- Lack of bat/ecological survey;
- Impact on significance and setting of designated heritage assets;
- Lack of drainage/soakaway testing;
- No archaeological assessment and risk to archaeological interests;
- Air pollution/air quality;
- No construction traffic management plan/highway access details;
- Impacts during construction;
- Increased fire risk/damage to property; and
- Loss of property value.

6.3 All representations and consultation responses can be viewed on the Council's website by using the following weblinks:-

P251908/F (Planning Permission) - [Planning Application Details - Herefordshire Council](#)

P251909/L (Listed Building Consent) - [Planning Application Details - Herefordshire Council](#)

7. Officer's Appraisal

Policy and legislative context

- 7.1 As set out under Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 Further to recent revisions to the NPPF, national decision-making policies (NDMP) in the NPPF are a material consideration of critical importance in decision-making.
- 7.3 The development plan currently comprises the Herefordshire Local Plan – Core Strategy (CS), and the Herefordshire Minerals and Waste Local Plan (MWLP), albeit these both pre-date the publication of the revised NPPF, which is a significant material consideration. There is currently no adopted or emerging spatial development strategy.
- 7.4 The revised NPPF NDMP S3 of the NPPF supersedes what was Paragraph 11 in the previously published NPPF. Policy S3 states:

"1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

- a. Policy S4 in the NPPF should be applied when considering development proposals within settlements;*
- b. Outside settlements, policy S5 should be applied; and*
- c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.*

2. Where a development proposal falls partly within and partly outside a settlement, policies S4 and S5 should be applied to the relevant parts which are inside or outside of the settlement boundary (as appropriate), before coming to an overall view on the proposal."

7.5 NDMP S4 of the revised NPPF is therefore considered to apply. This is inserted below:

1. *Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.*
2. *“In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:*
 - a. *Have a substantial adverse impact in relation to:*
 - i. *The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or*
 - ii. *The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).*
 - b. *Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or*
 - c. *Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.*

7.6 The previous NPPF publication in terms of the concept “out-of-date” has now been replaced. In particular, whether the presumption policies at Policies S4 and S5 are triggered is not about time, date or datedness. It is about place and need. In terms of the tilted balance, Policy S4 effectively means that an application within any settlement should be approved unless its benefits are substantially outweighed by adverse effects. And given the substantial weight, this sets a considerably higher bar in terms of applying the ‘tilted balance’.

7.7 The concept of “strong reasons” to refuse permission is also removed. Instead, for decision-making, the tilted balance is likely to be failed if “the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances”. The issue of 5 year housing land supply is also not as important as it was. This is because under new NDMP S5, it’s only one way - just one - that unmet need can be demonstrated. There can be others e.g. it may be that an area which can show a 5 year supply does not in fact have adequate stocks of (for instance) affordable housing, or housing for older people etc. There are many more ways of activating this tilted balance than there were before.

7.8 Having regard to the above, whilst the CS was adopted in 2015, paragraph 2 of Annex A of the NPPF confirms that development plan policies should not be given reduced weight solely because they pre-date the current NPPF. The weight afforded to individual policies depends on their consistency with the current NDMPs. Precisely how much weight that amounts to remains something for decision-makers to assess, whereas any materially inconsistent policies should be afforded very limited weight.

7.9 In the context of this proposal, the CS policies relevant to determination of the application have been considered against the NPPF and are viewed by officers to be weighted as follows:

7.10 Policy SS1 is considered to have limited weight given to it as it has now been superseded by the NPPF presumption in favour of sustainable development and principle of development NDMP S3-S5.

- 7.11 Policy SS2 is considered to have moderate weighting as housing distribution remain part of the development plan but the housing requirement evidence is somewhat dated and the same for Policy RA1 given distribution figures are somewhat dated though the continued settlement led approach reflects NDMP S4 and S5. Policy SS7 is also considered to have moderate weight as whilst it strongly aligns with Policies CC2 and CC3, its wording is now less ambitious than the NPPF. Policy RA5 is also viewed to be afforded moderate weight as whilst it is considered to be consistent with NDMP S5 and E4, the element of redundancy has been lost appreciating that NDMP allows for the reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the existing building.
- 7.12 Policies SS4 and MT1 are considered to be afforded significant weighting as it is consistent with NDMP TR3, TR4 and TR6 with local transport priorities still relevant. Policies SS6, LD1, LD2, LD3, LD4, SD3 and SD4 are also all considered to still be afforded significant weight as there is a strong alignment the revised NPPF in terms of chapters pertaining to the natural and historic environments as it is broadly an evolution of these themes rather than a replacement, as well as dealing with flood risk and areas of particular importance for biodiversity and geodiversity. Policy RA2 is considered to be afforded significant weight given it broadly aligns with the continued settlement-led approach as set out under NDMP S4 and S5. Policy H3 is still consistent with Policy HO5 and should be afforded significant weight and Policies SD1 and SD2 are considered to have significant weight in terms of consistency with Policies CC2, CC3, DP3, DP4 and W3 of the NDMP though some technical standards have now been superseded by national policy.
- 7.13 The appraisal is still assessed against the policies of the adopted development plan though any decision will need to be considered in accordance with Policies S3 and S4 of the NPPF unless material considerations indicate otherwise. This also includes the need to assess the application against the NDMPs of the NPPF.
- 7.14 Listed building consent is governed by a separate statutory code under the Planning (Listed Buildings and Conservation Areas) Act 1990, and the decision is not a development plan-led decision in the same way as a planning application. For Listed Building Consent applications, the key statutory duty is set out under Section 16(2) of the above Act, which requires the decision-maker, when considering whether to grant listed building consent, to have special regard to the desirability of preserving the building, its setting, and any features of special

Principle of development

- 7.15 CS Policy SS2 relates to delivering residential development, establishing the overarching requirement for the delivery of homes across Herefordshire over the plan period of the CS up to 2031 with Hereford the main focus for new housing development to support its role as the main centre in the county and thereafter the five market towns. Beyond Hereford and the market towns, in the rural areas of Herefordshire new housing development will be acceptable where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community. This is set out under Policy RA1 and those named settlements under Policy RA2 of the CS.
- 7.16 Policy RA1 explains that the minimum of 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs), recognising that different parts of Herefordshire have differing housing needs and requirements. The policy explains that the indicative target is also to be used as a basis for production of NDPs. The growth target figure is set for the HMA as a whole rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will also determine the appropriate scale of development. The CS therefore leaves flexibility for NDPs to identify suitable housing sites through their policies and allocations.

- 7.17 Policy RA2 of the CS states that to maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. Supporting justification to Policy RA2 recognises that NDPs will be the principal mechanism by which new rural housing will be allocated. Where these are absent or not advanced in the process to be afforded weight in the planning balance, the main focus for development will be directed to within or adjacent to the main built-up parts of the settlement (refer to Paragraphs 4.8.16 and 4.8.23 of the CS).
- 7.18 In terms of establishing the principle of development, the definition of 'settlement' is defined in Annex B (glossary) of the NPPF as follows:
- "Settlement: Includes cities, towns, villages and other predominantly built-up areas, including land which is allocated or has permission for development which will form part of the built-up area once the development is complete. This includes areas defined as a settlement in the development plan (whether using defined settlement boundaries or equivalent terms, or criteria for identifying settlement extents where boundaries have yet to be defined). Settlements do not include hamlets and scattered groups of houses located outside predominantly built-up areas, unless specifically defined as a settlement in the development plan. For the purpose of this Framework they also exclude villages which lie within and are defined as part of the Green Belt in the development plan"*
- 7.19 Acknowledging this definition, Credenhill is clearly identified as a settlement which will be a main focus for proportionate housing development under Policy RA2 of the CS (refer to Table 4.14 of the CS under Hereford HMA) recognising its role as a local centre with proportionate housing growth identified for the Hereford HMA of 18%. As identified in Section 2 of this report, Credenhill does not have a made NDP. It remains in drafting at the time of the application being considered by the committee.
- 7.20 In the absence of a NDP, assessing compliance with the spatial policies of the development plan in respect of the sites' location is determined effectively by assessing the site and its relationship with the main built up area(s) of Credenhill as per Paragraph 4.8.23 of the CS. The site clearly sits within the core of the village, accessed off a private drive directly off the C1099 (Station Road) where main essential facilities including the primary school and shops are located along and accessible by pre-existing footways. There is further existing and recently constructed built form on both sides to the north-east of the site off the A480, as well as the MOD site. Notably, the site would continue to form part of the built-up area once the development is complete.
- 7.21 On this basis, it is considered that this site clearly relates to a development proposal within a settlement and that Policy S4 applies such that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.
- 7.22 The CS at Policy SS2 also recognises that the use of previously developed land in sustainable locations will be encouraged, reflective of the NPPF's advocacy for key policies of making effective use of land as per NDMP L2 and L3. Whilst the CS identifies a target net density across the county between 30 and 50 dwellings per hectare, this may be less in sensitive areas. However, this must be weighed against the NPPF's presumption that substantial weight should be given to the benefits where a development proposal would making better use of vacant and underutilised land and buildings such as: by bringing back into residential use empty homes and other suitable buildings, as per b. of Policy L2 and creating additional homes within settlements through sensitive redevelopment or additional development within existing plots, as per d. of Policy L2. Such proposals should:

“i. Be consistent with the overall street scene, other than where: it is appropriate to have larger buildings (such as at street corners, or where building upwards would not cause substantial harm to the character of a building and its surroundings); the development would not be visible from the street frontage; or where specific changes are provided for through a design code which forms part of the development plan;

ii. Maintain safe access and egress for occupiers and users, and acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space; and

iii. Where the development would involve the use of residential curtilages, not occupy more than twice the footprint of all the existing buildings on the site, and, following development, would retain at least 50% of the non-developed area within the curtilage of the existing buildings; unless additional development can be accommodated without harm to the overall character of the area, and taking into account the availability of infrastructure and the importance of locating development in sustainable locations (in accordance with policy TR3).” (from Policy L2 of NPPF).

- 7.23 Turning to achieving appropriate densities, NDMP Policy L3 advocates that within settlements, development proposals for residential development should contribute to an increase in the density of the area in which they are situated. However, there is appreciation here that the proposals are essentially a conversion together with a change of use of the land. Officers appreciate that the overall density of the development is considered to be within the Policy SS2 target net density across the county of between 30 and 50 dwellings per hectare. This density is considered to be appropriate to the site context, which whilst not in a statutorily designated landscape, is balanced with the necessity to ensure healthy living conditions for existing and future occupiers as a proposed one-bedroomed dwelling, together with implications upon continued highway and pedestrian safety and heritage which forms a vast majority of concerns raised by interested third parties. It is considered to have addressed the matters to be taken into account for determining density as set out in the NPPF NDMP L2 and L3 and policies RA2, SS2 and SD1 of the CS.
- 7.24 An assessment of pre-existing active travel options and connectivity opportunities also needs to be considered, in having regard to NDMP TR3 of the NPPF in terms of locating development in sustainable locations. This site has several advantages with good access to a range of services and facilities for meeting employment, retail, recreation and educational needs which can be reached by means of walking and cycling without undue reliance on privatised transportation to meet day-to-day needs of future occupiers. There are bus stops along Station Road that are a short walk from site (approximately two minutes), offering connectivity not only into the heart of Hereford City Centre but also enabling access to the county's market towns by change over either at the City and/or County Bus Station and also at Hereford Train Station. Officers acknowledge this proposed development will deliver housing on such a site that is clearly well located to services and facilities and access to public transport/active travel modes.
- 7.25 The principle of development for residential use of the site is accepted in spatial terms however sustainability is more than simply a matter of location and appreciating that the applications are also for conversion of the stable block, Policy RA5 also needs to be considered, as set out in the next section.
- 7.26 The overall planning balance is then undertaken at the end of this report when identified harms and benefits will need to be weighed up although it is noted that some technical considerations will require their own respective assessment(s), as required to do so by the NPPF e.g. historic environment.

Principle of development (continued) – proposed re-use of rural building

- 7.27 The re-use of existing rural buildings has an important role to play in promoting economic prosperity and sustainable development in rural areas. Such proposals can result in the creation

of local accessible jobs, the provision of premises for business start-ups and/or expansions, improving business networks and supporting farming through diversification schemes. The re-use of buildings can also provide environmental benefits by making use of existing resources and at the same time conserving buildings of heritage value.

7.28 Policy RA5 of the CS is a consideration in establishing the principle of development. RA5 states that proposals will be supported where:

1. *design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting;*
2. *design proposals make adequate provision for protected and priority species and associated habitats;*
3. *the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;*
4. *the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and*
5. *the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.*

7.29 Policy RA5 is, however, viewed to be afforded moderate weight as a result of the revisions to the NPPF. Whilst it is consistent with NDMP S5 and E4, the element of redundancy has been lost appreciating that NDMP allows for the reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the existing building. Nevertheless, officers would make the following comments.

7.30 Town Well stables dates to the late 18th century and is an interesting brick structure with a timber framed attic space and external staircase to the south elevation. Offering some architectural and historic value, a number of elevations have several semi-circular recessed openings, with a cart entry on the ground floor. The building is considered to be no longer required for ancillary uses to Town Well and would sit in the context of other established residential uses.

7.31 The proposal is to convert the stable outbuilding into a functional dwelling involving internal and external renovation and upgrades. Without conversion to a residential dwelling, this designated heritage asset will likely fall into disrepair noting that significant and urgent repairs are also required to the roof structure. The proposal has been designed and since revised on several occasions since validation to bring the building into modern living standards whilst retaining the historic building as far as possible. The revised design proposal, noting the lack of objection by the Council's Principal Building Conservation Officer, is viewed to respect the character and significance of the building and that this proposal realistically, to all intents and purposes, represents the most viable option for its long-term conservation and enhancement, together with its setting more widely with Town Well. This is in preference to a continued ancillary use which is likely to eventually become neglected.

7.32 The structure and proportions of the stables make it suited to conversion to a residential use. A one-and-a-half storey side extension to the north-east elevation seeks to reinstate the lost bay of the building without leading to the loss of any historic fabric. A single-storey rear 'glasshouse' extension would replace part of an existing lean-to that is attached to the stable block and internal insulation works to the walls, roof and suspended floor joists and creation of new openings would improve usability and have been revised during consideration of the application to be limited to those absolutely necessary in order for the stable block to function as a dwellinghouse.

- 7.33 The design retains the simple, interesting elevations with unfussy detail and broad symmetry to the apertures whilst the type and composition of materials will respect the agrarian character and setting of the stables with amendments designed to now avoid the need for new ancillary buildings i.e. noting the removal of an originally proposed carport at validation stage.
- 7.34 The application is supported by a bat survey which confirms that bat roosting has been identified and a protected species licence will be required from Natural England subsequent to any grant of planning permission but prior to any works commencing on site. The Local Planning Authority is satisfied that with appropriate mitigation, that can be achieved and that there will be no impacts on local bat populations. The survey also considered existing habitats and species adjoining and close to the site and how the proposal impacts on the ecological value of the site. The external works are largely limited to small new areas of extensions and/or hardstanding and the continued use of garden areas are sited on essentially existing residential curtilage. Proposed installation of habitat enhancements and new planting will also enhance the biodiversity interest. Ecology mitigation and enhancement measures, as recommended to be secured by condition by the Council's ecologist, would achieve a net gain in the biodiversity value of the site.
- 7.35 The proposed dwelling in the view of officers would not be impacted by any continued agricultural or other local activities that could adversely affect amenity. This is notwithstanding the relationship of the site with Ministry of Defence (MoD) land to the east/south-east of Centurion Way though it is noted that no objections have been raised in consultation with the MoD and the attention of the applicant can be drawn by informative. This notwithstanding, further due regard needs to be given to the nearest neighbours in terms of any perceived impacts in ensuring amenity for both current and future occupiers will be safeguarded though this is considered separately under the residential amenity section of this report.
- 7.36 The building fabric is largely permanent and in reasonable structural order save for the missing bay. Whilst a structural report has not been submitted with the application, given the on-going continued ancillary use in connection with Town Well, the structure of the stables is considered reasonably sound and major/complete reconstruction is not required to accommodate the conversion to a proposed residential use. Officers are content that the building is generally in fair condition for its age and construction, suitable for conversion without significant amendments to its basic structural form. Whilst there would clearly be remedial works required to some areas that are in poorer condition, the structural form is suitable for conversion.
- 7.37 The scale and proportions of the stables are well suited to the proposed use. Policy RA5 also does not preclude extensions provided they do not adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting. In respect of the proposed north-east extension, the intention is to reimpose the former bay that previously fell away noting visual evidence 'on the ground' of its former footprint. The extension remains subordinate to the host building and retains the simple agricultural form and character of the former stable block bringing with it an understanding and appreciation of how the building once stood.
- 7.38 The proposed glazed structure has been more fully detailed within the submission with amendments secured to reduce its scale and improve its appearance. Whilst undoubtedly contemporary in its appearance, it has been designed as a lightweight addition that remains visually distinct from the historic fabric, thereby avoiding any false sense of historic development, giving it a glasshouse appearance that reflects a 'walled garden' typology. Given its transparency and subordinate relationship to the principal building, it is not considered to result in unacceptable harm to the significance of the listed building.
- 7.39 The design also works around the features and openings of the block where possible whilst the composition of materials will continue to respect the agrarian character of the barn. The accommodation has also been laid out and designed to reinforce the character of the block with open-plan living accommodation at first-floor level. The level of external alteration is informed by

the internal alterations and is not substantial appreciating that Policy RA5 of the CS does allow for such extensions.

- 7.40 No new large areas of hardstanding are required and ancillary buildings have been removed from the proposal during consideration of the applications by officers, with the revised appearance and layout inherently of an agricultural design. The external curtilage boundaries will be defined with a retention of the existing walls with planting reasonably proportionate to what is being applied for that retains the agrarian setting and history of the site. It is noted that new fencing will be necessary in order to address perceived amenity concerns as raised by nearest neighbours though this is discussed in the residential amenity section. Such planting will enhance the setting of the stable block and aid in integrating the development into the landscape character context, offering a modest improvement to the streetscene.
- 7.41 Taking the above into consideration, officers would consider that the principle of the development is supported by NPPF NDMP Policies L2, L3, DP3, DP4, TR3, TR4, TR6, P3, N2, N3, N6, CS policies SS2, SS3, SS6, RA1, RA2, RA5, MT1, LD1, LD2, LD3 and SD1 of the CS.

Principle of development (continued) – change of use of the land for siting of ground mounted PV solar panels

- 7.42 NPPF NDMP CC2 and CC3 covers both mitigation of and adaption to climate change. NDMP CC2 states that substantial weight should be given to the benefits of improving the energy efficiency of existing buildings and/or drawing energy from district heat networks, renewable and low carbon sources (including through the installation of heat pumps and solar panels where these do not already benefit from permitted development rights) where this would be achieved through proposals for development.
- 7.43 Policy SD2 is also engaged which deals specifically with renewable energy which is consistent with Section 14 of the NPPF. The policy supports development proposals that seek to deliver renewable and low carbon energy where they meet the following criteria:
- The proposals do not adversely impact upon international or national designated natural and heritage assets;
 - The proposal does not adversely affect residential amenity;
 - The proposal does not result in any significant detrimental impact upon the character of the landscape and the built or historic environment; and
 - The proposal can be connected efficiently to existing national grid infrastructure unless it can be demonstrated that energy generation would be used on site to meet the needs of a specified end user.
- 7.44 The stable block is Grade II listed and noting the Grade II listed nature of Town Well, the Council's Principal Building Conservation Officer has reviewed the proposals. Noting the array is set back some distance from the stable block, as well as from Town Well and the Dovecote, they are not found to adversely affect the setting, significance, experience or special interest of the buildings. This is also noting the proposed details specifying an all black appearance of the PV panels including frames to be black anodized aluminium which would look to minimise any perceived glare or visual effects of the proposals as best as possible.
- 7.45 With the nature of the proposal in mind, the panels would maintain the amenity of adjoining neighbours. The panels are to be sited on existing grassland associated with the ancillary use of Town Well and in light of the proposed planting (which would be conditioned on any approval), the scheme is not considered to reduce the coherence and effectiveness of the ecological network of the site. The principle of development in relation to the proposed ground mounted PV solar array panels is therefore accepted and that the proposal complies with NDMP CC2 and CC3 and Policy SD2 of the CS.

Design and Appearance including impacts on landscape character and visual amenity and arboricultural impacts

- 7.46 The NPPF continues to promote a high level of design and emphasis on achieving well-designed places, dedicating a section entirely to this (Chapter 14). NDMP DP3 and DP4 are of relevance. The detail of design is also considered by Policy SD1 of the CS, notwithstanding its weighting as a result of the NPPF revision. The requirements of Policy SD1 are underpinned by Policy LD1 (landscape and townscape). In wider terms, Policy SS6 sets out that development proposals should conserve and enhance environmental assets that contribute towards the county's distinctiveness. Green infrastructure is also covered by Policy LD3. The aforementioned policy context is consistent with NDMP N2 and N3.
- 7.47 The accommodation is largely to be created within the parameters of the existing building and the core fabric is also to be retained save for the proposed extensions. The structure and proportions of the stables make the building appropriately suited to conversion to residential. The revised design as requested by officers looks to ensure that extensions generally cover the existing footprint of where previous structures once were (i.e. the side extension off the north-east elevation) or are of a scale which is conducive to not otherwise adversely affecting the character and appearance of the building (i.e. the rear 'glasshouse extension').
- 7.48 The revised design has also been proposed in response to built heritage considerations and seeks to propose an articulated response given the proposal involves the need to conserve and, where possible, enhance the significance of listed building(s) and their settings appreciating how any new elements ought to be influenced by historic architectural character, in terms of their material palette, as well as their proportions and classical principles such as the golden ratio and use of symmetry and particularly the hierarchy of windows working with existing where possible and limiting openings to absolutely necessary.
- 7.49 Having regard to the deposited amended plans, which are accompanied by updated supporting documents, the proposals are designed to maintain local distinctiveness through incorporating local architectural detailing and materials which respects scale, height, proportions and massing of surrounding development, making a positive contribution to the architectural diversity and character of the area hereabouts. It is considered that the proposal accords with NDMP DP3 and DP4, as well as Policy SD1 of the CS.
- 7.50 Nevertheless, a design of such a traditional character can very easily become weak in its execution through poor choice of materials including finer details and if the applications were approved, such details along with general material details of both the external walling and roof finish will need to be secured by condition, as requested by the Council's Principal Building Conservation Officer, particularly in relation to the proposed new extensions and areas of repair.
- 7.51 It is noted that there have been repeated representations raised with regards to the building design but at the request of officers, these have evolved over consideration of the applications. This has included revision to a number of elements to help perceive the application as a more rounded conversion. Taking these factors into account, the proposal is considered to represent a sympathetic and proportionate response to the site constraints. The design respects the scale, form and character of the listed building whilst providing the alterations necessary to facilitate its continued residential use.
- 7.52 Clearly, design is a subjective matter where many will hold their own opinion as to what amounts to good design but it is considered that the design of the conversion sits comfortably in this village setting and presents a design which is positively influenced by the locality and its history appreciating the lack of objection raised by the Council's Principal Building Conservation Officer and that officers consider the proposed design to meet NDMP DP3 and DP4 in the round. Ancillary buildings are also kept to a minimum noting the omission of a proposed car port since

validation and the differing form respects the ad-hoc way in which the nature of the site has grown and evolved over time but proposes designs which harks back to its historical origins.

- 7.53 Noting that the site lies within the Lowland Farmlands Landscape Character Type as identified within the Herefordshire Landscape Character Assessment, it is also noted that the existing building is characteristic of the landscape/streetscene given its age. The introduction of the limited residential features, curtilage and associated paraphernalia is not considered to erode landscape character and result in a more suburban appearance that would be contrary to the NDMP or CS Policies LD1, SD1 or RA5. Such arrangements would ensure that domestic activity remains appropriately contained within the site and would not result in unacceptable visual intrusion into the surrounding streetscene, appreciating the well-established residential use of the site when viewed notably from Station Road as the only public visual receptor. It is therefore viewed that the proposal would not give rise to significant adverse landscape character or visual amenity effects and complies with the relevant policies of the development plan.
- 7.54 In specific reference to arboricultural/tree considerations, the application has been reviewed by the Council's Tree Officer who raises no objections subject to conditions in line with the aims of the NPPF NDMP N3 with respect to trees, and policies LD1 and LD3 of the CS. However, it is noted that during consideration of this application, there was an elder bush just inside the north-west site boundary which was removed late June 2026 at the request of the neighbours at Midsummer Barn due to potential damage to the wall. It is also noted that a modest tree to the immediate south-east of the stables will also likely need to be removed though in neither instance are the trees considered to be worthy of placing a tree protection order on them. Appropriate conditions would enable replacement of native species.

Residential amenity

- 7.55 NDMP P3 discusses living conditions and pollution. This is inserted below:

"1. Development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).

2. Within this context development proposals should:

- a. Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions;*
- b. Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting);*
- c. Sustain and contribute to compliance with relevant limit values or national objectives and targets for air pollutants including PM2.5. Development proposals should take*

account of Air Quality Management Areas and be consistent with the objectives of relevant Air Quality Action Plans, Clean Air Plans and Local Air Quality Strategies;

- d. Mitigate and reduce to a minimum potential adverse impacts resulting from noise, not result in levels of noise exposure which would have a significant observed adverse effect, and maintain the character of tranquil areas (those areas that have remained relatively undisturbed by noise from human sources and are prized for their recreational and amenity value for this reason);*
- e. Limit any adverse impact from artificial light on local amenity, intrinsically dark landscapes (those areas entirely, or largely, uninterrupted by artificial light) and nature; and*
- f. Assess and mitigate impacts where the development could have an unacceptable adverse effect on water quality, especially in relation to sensitive water bodies such as chalk streams.*

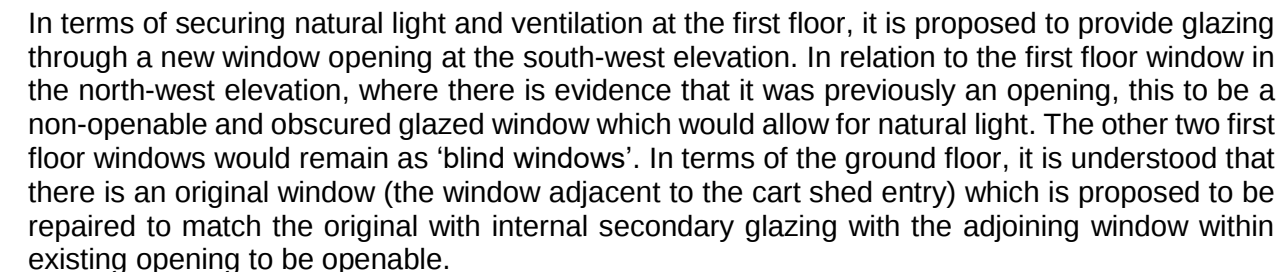
3. In applying this policy, it should be assumed, unless there is clear evidence to the contrary, that separate regulatory regimes for the control of pollution will operate effectively, as set out in policy DM7. This means that it will be appropriate to take into account emissions limits set through those other regimes.”

- 7.56 Policy SD1 of the CS also strives to safeguard residential amenity for existing and proposed residents, meaning there is a need to take a long-term consideration on such matters. In the absence of a Supplementary Planning Document for Herefordshire which defines acceptable separation distances, it is appreciated that a subjective view needs to be taken on such matters in applying NDMP P3.
- 7.57 Concerns have been expressed in the majority of third-party representations regarding the impact of the proposed development on their amenity. To aid understanding, the development is designed internally to have all of the principal living and sleeping space on the first floor with more ancillary uses on ground floor though there is appreciation that some living space is proposed to be introduced on the ground floor.
- 7.58 Acknowledging the concerns raised, the Council's Environmental Health Officer (Noise) has reviewed the proposal in terms of impacts on noise/nuisance. They raise no objection to the proposed development, subject to the inclusion of appropriately worded condition over the hours of working during the construction phase. Appreciating the relationship between the application site and adjoining residential properties, noting the comments of the Council's Environmental Health (Noise and Nuisance) Officer, it is sought to revise the condition restricting working hours from a standard 7am to 8am start Mondays to Fridays.
- 7.59 Concern has also been expressed with potential use of the dwellinghouse as holiday accommodation, read in the context of established residential uses. Notwithstanding that the proposed dwellinghouse is a one-bedroomed dwelling on plan that is realistically only likely to attract couples rather than larger families/groups, further controls can be secured by condition by way of a noise management plan should the property be used for such purposes prior to first use. Furthermore, the Council's Environmental Health department has legal powers and duties to investigate Statutory Nuisance complaints regarding noise nuisance under the Environmental Protection Act 1990.
- 7.60 When looking at amenity impacts, the dwellinghouse would benefit from its own modest garden and the revised amendments to the site layout are not considered to give rise to issues of being overbearing or lead to loss of light to current and/or future occupiers.
- 7.61 In relation to those existing properties in close proximity to site, given the separation distances involved, particular regard has been given to the proposed impacts of any perceived overlooking

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Much of the discussion over impacts on amenity has related to proposed openings in the north-west elevation given the relationship between the subject building and most notably Midsummer Barn and, to a lesser degree, Ash House. Whilst it is reasonable and necessary to have regard to the implications for a self contained use of the building, there also needs to be appreciation that there is an existing fully glazed and openable ground floor window in situ in this elevation.

At the first floor north-west elevation, only one window shows evidence of it being previously opened with it now bricked up internally. For ease of convenience, this is shown in the inserted photograph and its position annotated on the proposed north-west elevation below:



The proposal provides for a difficult conundrum in terms of the need to ensure future occupiers have adequate ventilation and natural light; the need to weigh up the impacts on adjoining residential occupiers and the significance of the asset involved, which without any sort of intervention is likely to fall into a state of disrepair and lead to it being at risk.

Further to on-going negotiations, the applicant is prepared to provide planting and install a fence between the application site and the most immediate neighbour at Midsummer Barn to mitigate any concerns raised in terms of overlooking/loss of privacy which officers feel can be addressed as a pre-commencement condition. This would ensure that the fence is in situ in a timely manner before further works commence on site and this would help to address some of the impacts during construction raised by the neighbouring property.

The Parish Council has also sought to reinforce concerns regarding overlooking arising from the proposed first-floor window at the south-east elevation in relation to 7 Centurion Way. The relationship between the proposed opening and neighbouring properties has been carefully assessed through submitted plans and site context. The first-floor window serves a habitable

room and contributes to acceptable living conditions for future occupants. Whilst the opening affords some level of outward view, the angle of the view towards neighbouring properties is limited by the orientation of the building, existing boundary treatments and separation distances. Appreciating the pre-existing built up nature of the area where some degree of overlooking is already experienced, it is not considered that the proposal would give rise to direct and harmful overlooking of principal private amenity areas to a degree that would justify refusal.

- 7.68 The Parish Council remains concerned that the glass house is excessive in scale, may generate noise disturbance and is not sympathetic to the character of the listed barn. The revised plans provide greater clarity regarding the construction, materials and appearance of the structure. No evidence has been submitted to demonstrate that its use would generate noise levels materially different from those associated with normal residential occupation and any planning decision must be based upon reasonable likelihood rather than speculation or applicant motives. It is therefore not considered that the proposal would give rise to unacceptable noise impacts or that the absence of specific acoustic insulation measures constitutes a reason for refusal.
- 7.69 The Parish Council and occupiers at Midsummer Barn also continue to raise concerns regarding the location of the proposed parking space adjacent to a neighbouring bedroom wall, citing potential fire risk, restricted emergency access and vehicle disturbance. The removal of the previously proposed carport has reduced the overall built form within this area of the site.
- 7.70 The application retains an off-street parking arrangement appropriate to the scale of the dwelling. Fire safety considerations relating to vehicle construction, fuels and electric vehicle batteries are primarily addressed through Building Regulations and other legislative controls rather than the planning system. Similarly, there is no evidence that emergency access arrangements would be compromised to an extent that would make the development unacceptable. Whilst vehicle movements may result in some localised activity, this would be characteristic of a residential property and would not be of such intensity or frequency as to result in material harm to neighbouring amenity appreciating that there is nothing stopping existing users parking directly adjacent to Midsummer Barn at the north-west boundary.
- 7.71 As such, whilst officers fully understand and acknowledge the concerns of those neighbours and the parish council who have sought to raise such issues, the proposal subject to these details is considered to be an appropriate and informed response to context which safeguards residential amenity and would result in a development of architectural quality which reflects the desire for achieving well-designed places and is in accordance with NDMP P3 of the NPPF accounting for cumulative impacts. The proposal also meets Policy SD1 of the CS. Subject to pre-commencement condition relating to the installation of the fence and working hours during construction and noise management plan if intending use as holiday accommodation, the proposal is viewed to safeguard residential amenity to an acceptable degree.

Heritage impacts (above and below ground) and the historic environment

- 7.72 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a general duty with respect to listed buildings in exercise of planning functions both for planning permission and listed building consents upon decision-makers.
- 7.73 The revised NPPF provides clarity in terms of assessing the impact of proposals on designated heritage assets (both above and below ground), dedicating a whole section to conserving and enhancing the historic environment (Chapter 20).
- 7.74 Policy HE4 (Securing the conservation of heritage assets) states:
"1. Heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:
a. Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to

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sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and

b. Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.

2. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.

3. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the asset should not be taken into account in any decision relating to the asset.

4. Proposals for enabling development, which would otherwise conflict with other policies in this Framework and/or those in the development plan, but which would secure the future conservation of a heritage asset, should be considered on the basis of whether the conservation benefits outweigh the disbenefits of departing from the policies concerned.”

7.75 Policy HE5 (Assessing effects on heritage assets) states:

“1. Development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets’ importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be referred to in making this assessment, and appropriate expertise employed where necessary.

2. Assessments of the potential effects of development proposals on the significance of heritage assets (including through effects on their setting) should identify whether proposals would be likely to:

a. Have a positive effect, which is where the significance of a heritage asset would be enhanced, or better revealed; or

b. Have no effect on the significance of a heritage asset; or

c. Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified: substantial harm would occur where the development proposal would seriously affect a key element of the asset’s significance; or

d. Cause the total loss of the significance of a heritage asset.

3. In making this assessment it is the effect on a heritage asset’s significance rather than the scale of the development which should be considered.

4. Decision-makers should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals.

5. Where a development proposal involves, or has the potential to involve, a heritage asset with archaeological interest, an appropriate desk-based assessment should be undertaken and, where necessary, a field evaluation. These should be used to help understand the asset’s significance and the potential effect of the proposal on this, which should inform the design, mitigation and implementation of the development.”

7.76 Policy HE6 (Proposals affecting designated heritage assets) states:

“1. When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.

2. Development proposals which would have a positive effect on a designated heritage asset should be supported.

3. Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.

4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting

from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.

5. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:

- a. The nature of the heritage asset would otherwise prevent all reasonable uses of the site;
- b. No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c. Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and
- d. The harm or loss is outweighed by the benefit of bringing the asset back into use.

6. Within this context, development which would cause substantial harm to, or the total loss of, the significance of grade II listed buildings, or grade II registered parks or gardens, should be exceptional; while development which would cause substantial harm to, or the total loss of, assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”

- 7.77 CS Policy SS6 is a strategic policy relating to environmental quality and local distinctiveness. The policy outlines development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, and notes heritage assets and specifically those with environmental designations. CS Policy LD4 requires that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance. Additionally, proposals should contribute to the character and local distinctiveness of the townscape or wider environment.
- 7.78 It is acknowledged that a number of additional and amended supporting documents including in relation to heritage considerations have been submitted to accompany this application.
- 7.79 The stables is a Grade II listed building (UID 1099289 stables 15 metres north-west of Town Well). Town Well is also listed at Grade II (UID 1099288), and the neighbouring listed building (UID 1296606 Dovecote 50 metres east of Town Well) is understood to have formerly been associated with Town Well, indicating the high status of the listed house and the grouping.
- 7.80 Whilst policy requires heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the overall planning balance. In order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance appreciating that relevant tests are clearly set out as referred to above within NDMP
- 7.81 An assessment of heritage assets has been submitted to support the application. Whilst some may dispute the confidence, level and detail of this supporting information, the NPPF is clear that the level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The application clearly acknowledges that the subject building is a Grade II listed building and appropriately describes its significance in supporting documents, as well as Town Well as potentially being affected in terms of its setting. The submitted plans together with supporting documents are considered to be sufficient for a decision-maker to understand the potential impacts of the proposal in terms of the significance of these designated heritage assets. The proposal is viewed by officers to meet Policy HE5 of the NPPF.
- 7.82 It is noted in representations that subject to conditions, no concerns have been raised by technical consultees including Historic England, the Council’s Principal Building Conservation Officer and

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the Council's Archaeological Advisor in relation to the impact of the proposed development upon the setting, experience and significance of the identified above and below ground assets.

- 7.83 The Council's Principal Building Conservation Officer notes the amended plans and considers that no harm is caused to the setting, experience and significance of designated heritage assets, including their settings. This view is supported by your officer such that no effect is identified upon the significance of any designated heritage asset, including their setting. Subject to conditions, there are no objections in built heritage terms.
- 7.84 The proposed works are considered to be clearly compliant with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NDMP DP3, DP4, HE4, HE5 and HE6 of the NPPF and Herefordshire Local Plan - Core Strategy Policies SS1, SS6 and LD4. As no effect has been identified on the significance, experience or setting of Town Well which includes no harm, the relevant 'public benefits' test as set out in the NPPF under Policy HE6 (3. onwards) need not be undertaken. The statutory duties as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, are viewed to be accordingly discharged.
- 7.85 In reaching this view, officers acknowledge that the Parish Council has raised concerns regarding the proposed intervention, citing potential harm to the Grade II listed stables and referring to the sensitivity of introducing modern interventions within historic buildings. However, the application has been assessed having special regard to the statutory duties under Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, together with the adopted development plan and the relevant provisions of the National Planning Policy Framework.
- 7.86 The proposed amendments are reasonable in scale but have been carefully designed to facilitate the continued residential use of the building whilst respecting its historic character and architectural significance. The proposed rooflight is modest in scale and discreetly positioned. The additional first-floor window is similarly proportionate and is considered necessary to provide acceptable levels of daylight and outlook to the accommodation. The glazed structure has been revised to provide greater detail regarding its design, materials and construction. Whilst contemporary in appearance, it remains clearly subservient to the host building and is lightweight in form. Importantly, it does not seek to replicate the historic fabric, allowing the evolution of the building to remain legible in accordance with established conservation principles. Due to its transparency and ancillary nature, the structure would not compete with or detract from the simple agricultural form that defines the significance of the listed buildings.
- 7.87 The removal of the roof-mounted solar panels and their relocation to a ground-mounted position is welcomed and reduces visual intervention within the historic roofscape. Having regard to the scale, siting, materials and design of the proposed works, officers conclude that the proposal would preserve the special architectural and historic interest of the Grade II listed building.
- 7.88 In terms of archaeological considerations, there is a degree of archaeological sensitivity to the location of the proposed development, in that it is close to a recorded Roman road, and there is some potential for further Roman-period finds. However, the scale of any groundworks here would be limited, and on balance the Council's Archaeological Advisor considers the risks to be low in relation to this particular proposal suggesting a minor archaeological condition to enable proportionate recording of any finds if needed during the construction phase of the proposals.
- 7.89 The proposed works as sought are considered to contribute to the continued preservation and conservation of this designated heritage asset, including its significance. The proposed works would not result in the unjustified loss of any historic fabric albeit limited to that absolutely necessary to achieve the required scope of works as applied for. There is also a need to appreciate that the proposal is of an appropriate scale, form, massing and design and uses appropriate materials and methods of construction which are compatible with the character and construction of this listed building. Subject to conditions in terms of treatments and methodology

in relation to relevant aspects of works which would largely be covered off under any grant of listed building consent, there are no objections in built heritage terms.

Highways and pedestrian safety and active travel

- 7.90 The NPPF sets out at Chapter 15 that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated, as detailed within NDMPs TR3 and TR4. Policy MT1 of the CS is reflective of this approach, as it seeks to promote active travel and development that without adversely affecting the safe and effective flow of traffic on the highway network.
- 7.91 Further at NDMP TR6, development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion. In assessing movement patterns and potential impacts, including whether they are considered to be severe, reasonable future scenarios should be considered, taking into account impacts at relevant times of the day, potential cumulative impacts, multimodal trip generation and the promotion of sustainable modes of travel, and realising the transport vision for the development itself. Development proposals should be considered having regard to these potential impacts and the other policies in the NPPF which are relevant (including NDMPs TR3, TR4 and DP3(2)(d)). CS Policy SS4 similarly requires developments to minimise impacts on the transport network and the NPPF emphasises the need for developments to offer genuine choice in movement.
- 7.92 The proposal would continue to utilise the existing access to the site off the C1099 which in terms of its proposed intensification is viewed to be acceptable to the Local Highway Authority, a view which officers share. There is a need to acknowledge that there will be an intensification due to the changes proposed but this would not be deemed severe. The area engineer has touched on the point that there would be sufficient capacity on the local highways network to accommodate this proposed increase hereabouts. The internal layout of the site is acceptable and there are turning heads available to allow vehicles to continue to enter and exit the site in a forward gear. Parking would comply with the Herefordshire Council highways design guide 2006. A EV charging point is provided for the property which is supported by the LHA and recognised that this is now effectively mandatory under the Building Regulations. Cycle parking details can also be secured by condition.
- 7.93 Given the presence of the existing footway of Station Road and close proximity of bus stops to the site within easy walking distance from the site, officers consider that the proposal would not engage NPPF NDMP TR6(4) and is compliant with NDMPs TR3, TR4 and TR6, as well as Policies SS4 and MT1 of the CS.

Ecology and Biodiversity including mandatory Biodiversity Net Gain

- 7.94 The NPPF under NDMP N2 considers improving the natural environment including consideration of biodiversity and ecological impacts. This includes minimising any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. It is clear that development proposals may incorporate biodiversity enhancements which exceed the statutory objective for biodiversity net gain, but this should only be a requirement where it is set out in up-to-date development plan policies for specific site allocations. Decision makers should not give weight to other development plan policies which require biodiversity gains which go beyond the statutory framework, including where a policy requires gains for development proposals which are exempt.

- 7.95 CS policies SS6 and LD2 state development proposals should conserve, restore and enhance those environmental assets that contribute towards the county's distinctiveness, including biodiversity. With regards protected species, LD2 states that development that is liable to harm nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations.
- 7.96 The application has been supported by a bat survey which has been submitted shortly after the application was validated and has been reviewed by the Council's Ecologist. There are no ecology related concerns raised with opportunity to provide biodiversity enhancements which can be secured by condition. The proposal is viewed to be compliant with NDMP N2 and CS Policies SS6 and LD2. The Local Planning Authority has no reasonable cause to require an updated ecological assessment given the most recent comments of the Council's Ecologist although this does not mitigate any statutory duty of care to wildlife protection that falls to the applicant and their contractors.
- 7.97 In terms of mandatory Biodiversity Net Gain, the proposal is considered to benefit under the 'de minimis' exemption as set out under Paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. This is noting that most of the proposed extensions are over existing sealed surfaces and whilst accounting for the proposed change of use of the land for the siting of the 6 no. panels, the 25 square metres threshold is not reached.

Drainage and Flood Risk

- 7.98 Chapter 18 of the NPPF relates to meeting the challenges of climate change, flooding and coastal change. The objective of the policies in this chapter is to minimise risks to development arising from all sources of flooding and coastal change, taking into account the impacts of climate change, by steering development away from areas of risk, ensuring that development will be safe for its lifetime without increasing flood risk elsewhere, and incorporating sustainable drainage systems where appropriate. Noting that the site is located in Flood Zone 1, neither the sequential nor exception tests need apply in this particular instance and the proposal complies with NDMP F4, F5 and F7
- 7.99 NDMP F8 discusses SUDs and watercourse in such that development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal. The systems employed should provide multifunctional benefits where possible, facilitating improvements in water quality, biodiversity and amenity. SUDs should be designed in accordance with the National Standards for Sustainable Drainage Systems and have maintenance arrangements in place to ensure an acceptable standard of operation for the anticipated lifetime of the development. NDMP W4 discusses that in considering proposals for water supply, drainage and wastewater development, substantial weight should be given to the benefits of providing the capacity needed to serve proposed development and/or improving the security of supply and capacity for existing users (both residential and commercial, including agricultural users); and improving water quality and reducing water-borne pollution. Applicants should not be required to demonstrate the need for water infrastructure developments.
- 7.100 Policy SD3 of the CS states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not

practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

- 7.101 The Environment Agency flood mapping confirms the site also is not at risk of flooding from any source which has been confirmed in several representations by the Land Drainage Engineer and officer review.
- 7.102 In terms of proposed surface water drainage, the applicant has stated that it is understood that the existing property (Town Well) is served by soakaways. Taking into account that the barn proposed for conversion has guttering, it is understood that surface water runoff from the barn also discharges to ground via soakaways. It is assumed that the soakaways serving the property and barn are effective and that this surface water drainage arrangement will be retained as part of the conversion development with no objections raised to the installation of additional soakaways.
- 7.103 From a foul water drainage perspective a mains connection is proposed and Dŵr Cymru/Welsh Water (DCWW) have no objection to accommodating additional foul water flows into the public sewer generated from the conversion.
- 7.104 A deliverable drainage strategy clearly exists and meets the preferred sequential drainage requirements of CS policies RA5, SD3 and SD4 and no conflict is identified with NDMP F8 and W4. For avoidance of any doubt, officers have taken into careful consideration the concerns raised by third parties though it needs to be appreciated that the proposal largely involves the conversion of an existing building on a site which is understood not to have critical drainage problems. Based on the reviewed documents, provided there are no changes to surface water and foul water drainage arrangements at any other planning stages and will be constructed in line with the design and plans under this application, in principle, the land drainage engineer holds no objections to the proposed development but if any of the proposed surface water and foul water drainage plans change at Discharge of Condition, then Land Drainage will need to be reconsulted at that stage.

Habitat Regulations Assessment

- 7.105 The application site lies within the Wye hydrological catchment of the River Wye Special Area of Conservation (SAC), a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna. The competent authority, in this case the Local Planning Authority, is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment (HRA) process.
- 7.106 The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach. In this instance, it is recognised that the proposal is for the creation of one new residential dwelling with associated new foul water flows (nutrient pathways) created. A mains sewer connection is available at this location that is managed by DCCW and all surface water can be managed through a designed Sustainable Drainage System/soakaways and no effect pathways are identified on the River Wye SAC. Connection to the existing DCWW mains sewer network can be secured via condition on any planning permission granted.
- 7.107 An updated Stage 1 screening has been completed by the Council's Ecologist in their most comments and concludes beyond no reasonable doubt that there are no likely significant effects upon the SAC. Accordingly, officers are satisfied that NPPF NDMP N6 is not engaged and the proposal accords with CS policies SS6, RA5, LD2, SD3 and SD4.

Other considerations

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 7.108 Given the positively worded nature of Policy H3 of the CS and acknowledging NPPF NDMP HO7 (meeting the need for homes), the NPPF advises that, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence. The proposed 1 no. 1-bedroom two bedspaces dwellinghouse provides an appropriate housing mix that aligns with the Hereford Rural HMA recommended housing mix by tenure and size ([Housing market area needs assessment - Herefordshire Council](#)). Policy H3 of the CS does not specifically restrict the development of solely a singular size of dwellinghouses, as proposed here, and given the number of dwellinghouses proposed, affordable housing is not required to be triggered. The assessment shows there is still an identified need for dwellinghouses of varying scales and not identified a particular oversupply of certain housing requirements where such previous assessments have done in the past in other HMAs across the county.
- 7.109 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with Policy SD1 also seeking to support these measures. Notwithstanding the location of the development appreciating the relationship to the bus stop from the site, thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable modes, as defined by the NPPF through NDMP TR3. Electric vehicle charging point as well as the inclusion of PV panels have been considered and are viewed to be appropriate, deriving in-principle support from NPPF NDMPs CC2 and CC3 and Policy SD2 of the CS, as was set out in earlier sections of this appraisal.
- 7.110 In accordance with the adopted MWLP, any application for major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as may be amended) that includes built development will be required to be accompanied by a comprehensive Resource Audit addressing all the matters set out in policy SP1. A proportionate approach will be applied to all other development proposals that include built development, which should at least provide commentary on waste prevention and management measures to be implemented. The matter in this instance can be dealt with by way of a pre-commencement condition which is proportionate to the nature of the proposal namely waste prevention and management measures to be implemented. Given the MWLP is viewed to be consistent with the NPPF NDMP on minerals, the condition is considered appropriate.
- 7.111 During consideration of the application, amended plans and additional/updated supporting documents have been submitted. Re-consultation of amended plans and additional/updated supporting documents has taken place including the display of additional site notices surrounding the site in addition to initial consultation undertaken as well as publication of the application in the local press due to the heritage sensitivities of the site. The Local Planning Authority has clearly fulfilled publicity requirements for this application.
- 7.112 Impacts during construction, loss of property value, impacts on private rights of way/access, damage to property and applicant motives are not material planning considerations.
- 7.113 Appreciating the listed nature of the Stables where householder permitted development rights are generally restricted for extensions, alterations and outbuildings as well as means of enclosure, officers do not consider it applicable to remove permitted development rights in this particular instance.

8. Summary/Planning Balance and Conclusion

- 8.1 In relation to the application for planning permission, the NPPF has at its heart the presumption in favour of sustainable development, as per Policy S3. Policy S3 states that Policy S4 in the NPPF applies when considering proposals within settlements, which is the case here.
- 8.2 Policy S4 1) states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. On the basis of the aforementioned appraisal, any perceived harm, when taken together, is not considered to be substantially outweighed by the benefits when assessed against the policies in the NPPF taken as a whole appreciating that the proposal secures an optimal viable use for this Grade II Listed Building. Appropriate weight has been factored into all technical considerations, particularly appreciating that there are a number of considerations where a subjective assessment does need to be applied e.g. residential amenity, and site-specific constraints have been addressed to be compliant with NDMPs as set out in the NPPF in the view of officers. However, the planning balance of NDMP S4 must be applied appropriately, appreciating the bar of 'substantial' which officers do not consider is reached. Turning to 2), there are no circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects as listed within NDMP S4 and notably, the proposal would not fail to comply with one of the NDMPs as set out in the NPPF which state that development proposals should be refused in specific circumstances.
- 8.3 There are no material considerations which otherwise substantially outweigh the presumption in favour of sustainable development. Accordingly, the application is viewed to benefit from the presumption and is recommended for approval.
- 8.4 In terms of the Listed Building Consent application, the works are clearly and convincingly justified. The proposal is viewed to accord with the relevant NDMPs of the NPPF as well the relevant policies of the development plan. There are no material considerations which may otherwise trigger a departure or outweigh this position reached. Accordingly, listed building consent should be granted subject to conditions as per the recommendation below.

RECOMMENDATION

P251908/F (Planning Permission)

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

Standard Conditions

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **The development shall be carried out strictly in accordance with the following list of approved plans, except where otherwise stipulated by conditions attached to this permission:**

List of Approved Plans

- **TOW-P-001 REV B – Location Plan;**
- **TOW-P-002 REV B – Site Plan;**
- **TOW-P-005 – Drainage Plan;**
- **TOW-P-015 – Existing First Floor Cross Section;**
- **TOW-P-020 REV B – Proposed Ground Floor Plan;**
- **TOW-P-021 REV D – Proposed First Floor Plan;**

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- TOW-P-022 REV C – Proposed Roof Plan;
- TOW-P-023 REV B – Proposed North-West Elevation;
- TOW-P-024 REV C – Proposed North-East Elevation;
- TOW-P-025 REV D – Proposed South-East Elevation;
- TOW-P-026 REV B – Proposed South-West Elevation;
- TOW-P-027 REV C – Proposed First Floor Cross Section; and
- TOW-P-030 – Proposed Door Detail.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and Policies DP3 and DP4 of the National Planning Policy Framework.

Pre-Commencement Conditions

3. Prior to the commencement of development, details of fencing between the approved development and Midsummer Barn shall be submitted to and approved in writing by the Local Planning Authority. Details shall include an annotated site plan, proposed elevations and cross-section to an appropriate scale.

The approved fencing shall be erected within 90 calendar days of works commencing on site to implement the permission hereby granted. The fencing shall thereafter be retained and maintained in accordance with the approved details.

If during the lifetime of the development, the fencing needs to be repaired or replaced, it shall be on a like-for-like basis in accordance with the details approved, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safeguarding residential amenity between current and future occupiers in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and Policies P3, DP3 and DP4 of the National Planning Policy Framework.

4. Prior to any works commencing on site, a soft landscape scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:
 - a) All trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012;
 - b) Trees and hedgerow to be removed;
 - c) All proposed new planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details; and
 - d) All proposed hardstanding.

The landscaping shall be carried out in accordance with the following timescales:

- All soft landscaping boundary planting shall be carried out in the first planting season following the approval of such details.
- All other planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.
- All hardstanding shall be completed prior to first occupation of the dwellinghouse.

Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plans.

Reason: To safeguard and enhance the character and amenity of the area, protect residential amenity and to ensure implementation of the landscape scheme approved by

local planning authority in order to conform with policies SS6, SD1, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and Policies DP3 and DP4 of the National Planning Policy Framework.

5. Prior to any works commencing on site, details and the location of the following matters shall be submitted to and approved in writing by the local planning authority:

- A method for ensuring mud is not deposited onto the Public Highway;
- Construction traffic access location;
- Parking for site operatives;
- Construction Traffic Management Plan;
- Site waste prevention and management plan.

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and recognising that the treatment/handling of any site waste is a necessary initial requirement before any works are undertaken in the interests of pollution prevention and efficient waste minimisation and management, to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy SP1 of the Herefordshire Minerals and Waste Local Plan and Policies M4, M6 TR4 and TR6 of the National Planning Policy Framework.

6. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow them to observe the excavations and record items of interest and finds.

A minimum of 5 days' written notice of the commencement date of any works shall be given in writing to the County Archaeology Service.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and Policies HE4 and HE6 of the National Planning Policy Framework.

Pre-Occupancy Conditions

7. The ecological protection, mitigation, compensation and enhancement measures set out within the Bat Survey Report prepared by James Johnston Ecology dated July 2025 shall be implemented in full and maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

No works affecting any protected species or their resting places shall take place unless and until any licence required under the Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) has been obtained.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981,, Policies N2 and N6 of the National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and Herefordshire Council's declared Climate Change & Ecological Emergency.

8. Prior to the commencement of any brickwork repairs, alterations or extensions, a sample of the type of brick proposed shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area and to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with Policies SD1 and LD4 of the Herefordshire Local Plan - Core Strategy and Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework.

9. Prior to any roof works being undertaken, a sample of new roof materials including ridge tiles shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area and to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with Policies SD1 and LD4 of the Herefordshire Local Plan - Core Strategy and Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework.

10. No joinery works shall commence until precise details of all external windows and doors to both existing windows and newly created windows and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings;
- Method & type of glazing; and
- Colour Scheme and Surface Finish

The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, to safeguard residential amenity and to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with Policies SD1 and LD4 of the Herefordshire Local Plan - Core Strategy and Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby permitted, details of a scheme for the provision of cycle parking facilities within the approved dwelling shall be submitted to the Local Planning Authority for their written approval. The cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and Policies DP3, DP4, TR3 and TR4 of the National Planning Policy Framework.

12. Prior to first occupation of the dwellinghouse hereby approved, evidence demonstrating the installation of a minimum of three bird nesting features and three bat roosting features on the approved building, or on land within the applicant's control, shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall thereafter be retained.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, Policies DP3, DP4 and N2 of the National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy Policies LD1, LD2 and LD3, Environment Act and LURA duty to biodiversity and Herefordshire Council's declared Climate & Ecological Emergency.

13. Prior to the first occupation, or use, of the dwellinghouse hereby permitted, and at all times thereafter, the windows annotated on the approved plans pursuant to Condition 2 shall be glazed with obscure glass only and non-opening as indicated. The obscured glazing shall be retained in perpetuity.

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and Policies P3, DP3 and DP4 of the National Planning Policy Framework.

14. In the event that the dwellinghouse is occupied for the purposes of short-term holiday accommodation, a Noise Management Plan shall first be submitted to and approved in writing by the Local Planning Authority prior to first use as short-term holiday accommodation.

The approved plan shall thereafter be implemented for the duration of that use.

Reason: To ensure adequate measures are in place to control noise and mitigate for the potential effects on neighbouring residential amenity, in accordance with Policy SD1 of the Herefordshire Local Plan - Core Strategy and Policy P3 of the National Planning Policy Framework.

15. The foul and surface water works shall be completed in accordance with the approved plans pursuant to Condition 2 prior to first occupation of the approved dwellinghouse.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and Policies F8 and N6 of the National Planning Policy Framework.

Post-Occupancy Monitoring and Management Conditions

16. Within six months of any of the photovoltaic panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference.

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy and Policies CC2, CC3, DP3 and DP4 the National Planning Policy Framework.

17. Unless otherwise approved in writing by the planning authority all foul water flows from the approved development shall discharge to the local mains sewer system managed by Welsh Water through their Eign (Hereford) Waste Water Treatment Works. The foul water system shall hereafter be managed and maintained as approved.

Reason: In order to ensure there are no effects on the River Wye SAC (SSSI) and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Policies F8, W3, W4, DP3, DP4 and N6 of the National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

18. All surface water flows from the development permitted under this permission shall discharge to a Sustainable Drainage System on land under the applicant's legal control. No surface water shall be discharged to the local mains sewer system. The surface water system shall hereafter be managed and maintained as approved and no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and in order to ensure there are no effects on the River Wye SAC (SSSI) and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Policies F8, W3, W4, DP3, DP4 and N6 of the National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy Policies SS1, SS6, LD2, SD3 and SD4.

19. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the hours of Mondays to Fridays 8.00 am - 6.00 pm, Saturdays 8.00 am - 1.00 pm.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and Policy P3 of the National Planning Policy Framework.

20. No external lighting shall be installed unless and until details of the lighting have been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include their location; mounting height; light source and specification; light intensity (lumens); colour temperature; beam angle and orientation; measures to control light spill; and hours of operation including overrun time.

All external lighting shall thereafter be installed and operated in accordance with the approved details and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); Policies P3, DP3, DP4 and N2 of the National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1,

Informatives

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. The application site is located close to a military establishment. Future occupants should be made aware that military activity may create noise disturbance in the area. External amenity areas may also be adversely affected by military noise and mitigation may not be possible. The Ministry of Defence would not accept responsibility for any future complaints regarding noise or light which may arise from activity within its estate, on the basis that the applicant (and successors in title) is the 'agent of change' and would be deemed to have full knowledge of the immediate location and the general nature of activities taking place.**
- 3. The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.**

The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.

- 4. The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**

The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. The applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with the National Planning Policy Framework, the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption.

5. All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website.
6. If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact HARC, Fir Tree Lane, Rotherwas, Hereford HR2 6LA (Tel: 01432 260470).
7. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
8. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
9. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
10. Attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:
 - Work on an existing wall or structure shared with another property;
 - Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property; or
 - Excavating near a neighbouring building

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject to this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local planning authority in such matters. Further information can be obtained from the ODPM publication, The Party Wall Act 1996 - explanatory booklet.

P251909/L (Listed Building Consent)

That Listed Building Consent be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works shall be carried out strictly in accordance with the following list of approved plans, except where otherwise stipulated by conditions attached to this consent:

List of Approved Plans

- TOW-P-001 REV B – Location Plan;

- TOW-P-002 REV B – Site Plan;
- TOW-P-005 – Drainage Plan;
- TOW-P-015 – Existing First Floor Cross Section;
- TOW-P-020 REV B – Proposed Ground Floor Plan;
- TOW-P-021 REV D – Proposed First Floor Plan;
- TOW-P-022 REV C – Proposed Roof Plan;
- TOW-P-023 REV B – Proposed North-West Elevation;
- TOW-P-024 REV C – Proposed North-East Elevation;
- TOW-P-025 REV D – Proposed South-East Elevation;
- TOW-P-026 REV B – Proposed South-West Elevation;
- TOW-P-027 REV C – Proposed First Floor Cross Section; and
- TOW-P-030 – Proposed Door Detail.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework.

3. Prior to the commencement of any brickwork repairs, alterations or extensions, details of the following matters shall be submitted to and approved in writing by the Local Planning Authority:

- Details of an appropriate scale indicating how the new brickwork will tie into the existing brickwork;
- A sample of the type of the brick proposed;
- The face bond of brickwork;
- Description of the joints proposed; and
- Mortar mix, profile and finish.

The works shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework.

4. Prior to any roof works being undertaken details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Details of the extent of any stripping or intervention to the existing roof structure and covering;
- Samples of new roof materials including ridge tiles;
- Method of coursing; and
- Elevation drawings of an appropriate scale indicating how the new roof will tie into the existing roof on the south-east elevation and how the courses will be matched.

The works shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy and Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework.

5. Before work begins in relation to the creation of any new window or door openings, details of the materials and form of the heads and cills of all new window and door openings at a scale of 1:5, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policies within the Herefordshire Local Plan - Core Strategy, Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. No joinery works shall commence until precise details of all external windows and doors to both existing windows and newly created windows and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:
- Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings;
 - The method & type of glazing; and
 - Colour Scheme and Surface Finish

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. No rooflight installation shall commence until details of the proposed rooflights, including sections at a scale of 1:2 or 1:5 demonstrating their profile within the roof slope, have been submitted to and approved in writing by the Local Planning Authority.

The approved rooflights shall be traditional low-profile metal conservation rooflights and shall be installed in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Notwithstanding the details on Drawing No. TOW-P-030 - Proposed Door Detail, prior to the second door being introduced to the door frame, the following details shall be submitted to and approved in writing by the Local Planning Authority:
- A cross section through the existing door frame;
 - A cross section through the proposed door frame indicating any new materials or modifications to the existing door frame; and
 - A cross section through the doorway indicating the relationship of the new door with the door frame when the re-sited doorframe is in a new position.

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy,

Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Prior to any works to the historic ground-floor arched window on the north-west elevation, as shown on Drawing No. TOW-P-023 Rev B – Proposed North-West Elevation, full details of the proposed repair methodology and secondary glazing shall be submitted to and approved in writing by the Local Planning Authority.

The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Prior to the opening of the blind windows identified on Drawing No. TOW-P-023 Rev B – Proposed North-West Elevation and Drawing No. TOW-P-026 Rev B – Proposed South-West Elevation, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Methodology for the removal of bricks;
- Full details of repairs and making good to the jambs and window heads, including any new materials to be introduced; and
- Cross-sections through the proposed openings showing the location of the window frames.

The works shall be executed in accordance with the approved details.

Reason: In the interests of the character and appearance of the area and to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with Policies SD1 and LD4 of the Herefordshire Local Plan - Core Strategy, Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Prior to the installation of any new or relocated external services, including utility connections, meter boxes, telecommunications equipment, data cabling, external conduits, flues, vents or associated fixtures, details of their position, design and method of installation shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include any proposed routes, means of concealment and fixing methods.

The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area and to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with Policies SD1 and LD4 of the Herefordshire Local Plan - Core Strategy, Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as

originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant listed building consent.

2. Listed Building Consent is required for the demolition of a listed building or the carrying out of any works for the alteration or extension of a listed building in any manner that would affect its character as a building of special architectural or historic interest. Failure to obtain consent when it is needed is a criminal offence. Planning (Listed Building & Conservation Areas) Act 1990.
3. This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution.

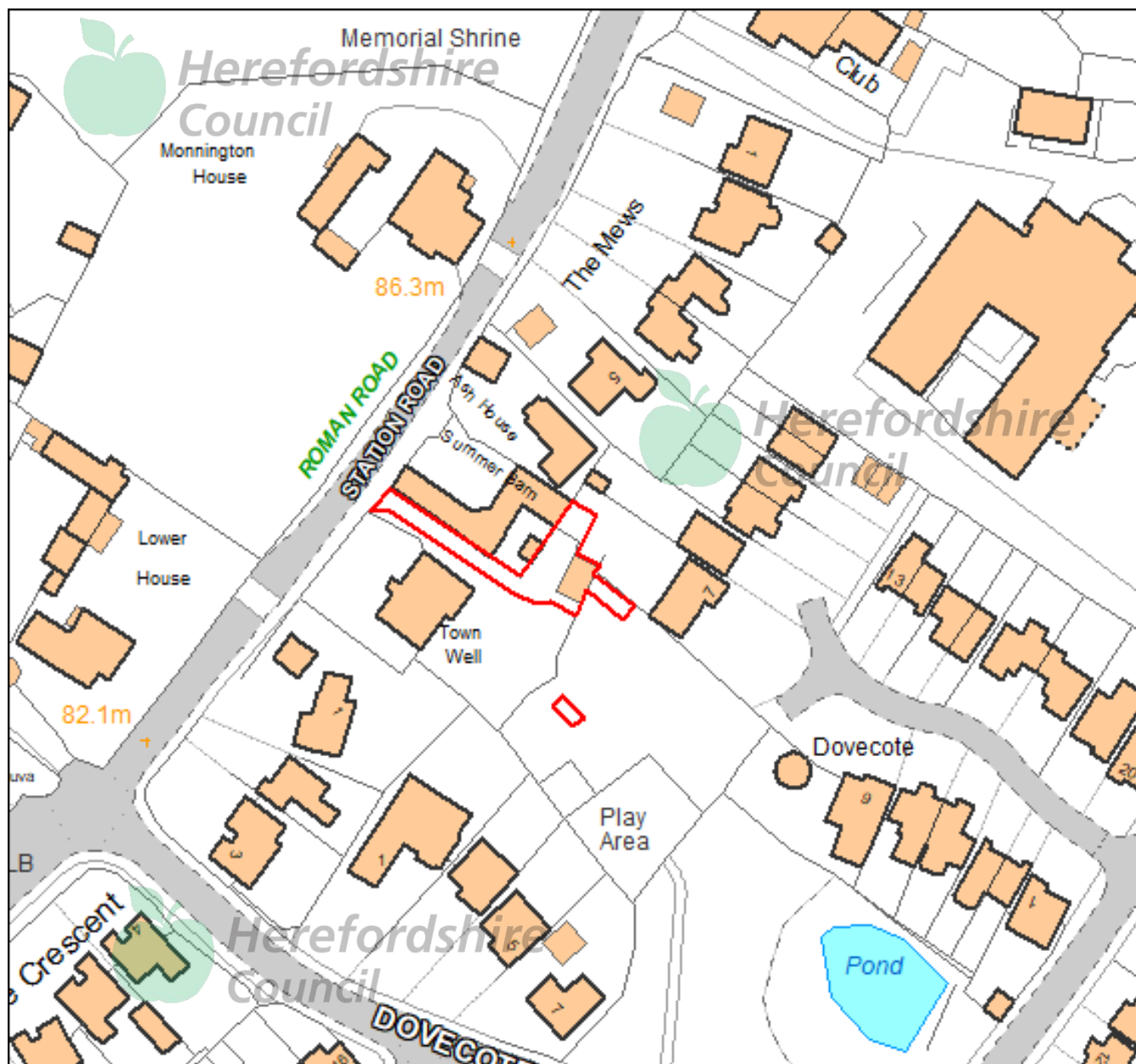
Decision:

Notes:

.....

Background Papers

None identified.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 251908 AND 251909

SITE ADDRESS : LAND AT TOWN WELL, STATION ROAD, CREDENHILL, HEREFORDSHIRE, HR4 7DW

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	9 SEPTEMBER 2026
TITLE OF REPORT:	261671 - CREATION OF A WC WITHIN THE UTILITY ROOM ON THE GROUND FLOOR, THE INSTALLATION OF A TOILET AND SINK AND ASSOCIATED WORKS AT TOWN WELL, STATION ROAD, CREDENHILL, HEREFORD, HR4 7DW For: Mrs Justine Peberdy, Town Well, Station Road, Credenhill, Hereford, Herefordshire HR4 7DW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=261671
Reason Application submitted to Committee – Councillor application	

Date Received: 8 June 2026**Ward: Credenhill****Grid Ref: 345101,243491****Expiry Date: 11 September 2026 (Extension of time agreement)****Local Member: Cllr Charlotte Taylor**

1. Site Description and Proposal

- 1.1 The application site comprises a Grade II listed (UID: 1099288) Georgian farmhouse that is located to the south-east of Station Road (C1099) within the village of Credenhill, approximately 4.75 miles north-west of Hereford City Centre. It comprises a prominent red brick dwellinghouse that has living accommodation set over three floors together with a basement/cellar and attic, all under a hipped slate roof. The dwellinghouse is set back from Station Road with a formal front garden and metal railings that mirror the symmetry of the front façade, with a prominent mature tree just inside the north-western site boundary.
- 1.2 The site is located towards the northern end of Station Road with late 20th century housing developments to the south and converted former domestic outbuildings to the north. These were once in ownership of Town Well but are now in residential use and separate ownership. The planning unit also comprises a Grade II listed stable outbuilding (UID: 1099289) which dates to the late 18th century and the associated curtilage. Vehicular access is established with a 'two tyre' drive directly off Station Road that runs along the north-east boundary and leads to an agricultural style wooden field gate with informal parking area beyond to the rear of the dwellinghouse.
- 1.3 This application seeks Listed Building Consent to create a WC within the existing utility room on the ground floor of the dwellinghouse. This intends to be achieved by proposing to insert a partition wall (non-loadbearing timber frame lined with plasterboard) that would sit on existing flagstones and the installation of a toilet and sink together with associated pipework. The area where consent is sought is close to an existing boiler which would be boxed in from floor to the top of the boiler with space beside the existing outlet for a new vent if required. The application also necessitates the relocation of a salting slab, which is proposed to be relocated to the cellar.
- 1.4 This application is to be considered in accordance with the following plans and supporting documents:
 - Application Form;

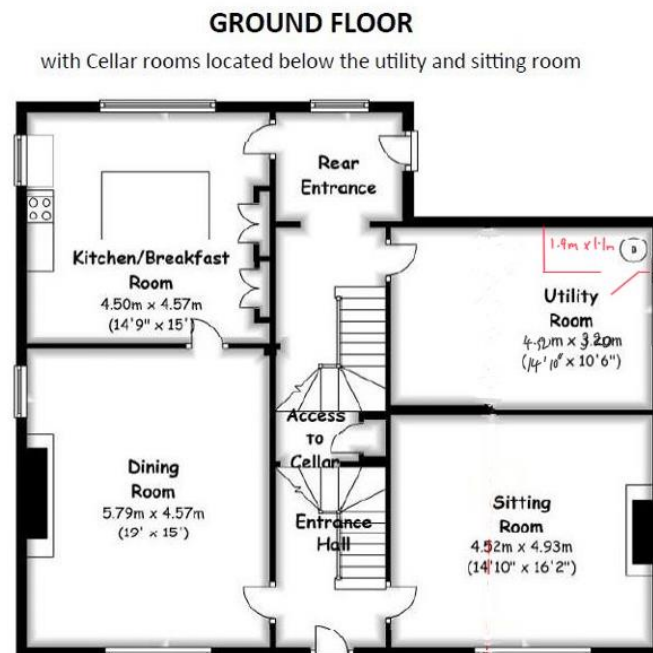
Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- Design & Access Statement;
- Heritage Statement;
- Location Plan, Floor Plan and Proposal Sketch; and
- Method Statement (received 31 July 2026) including proposed cross-section.

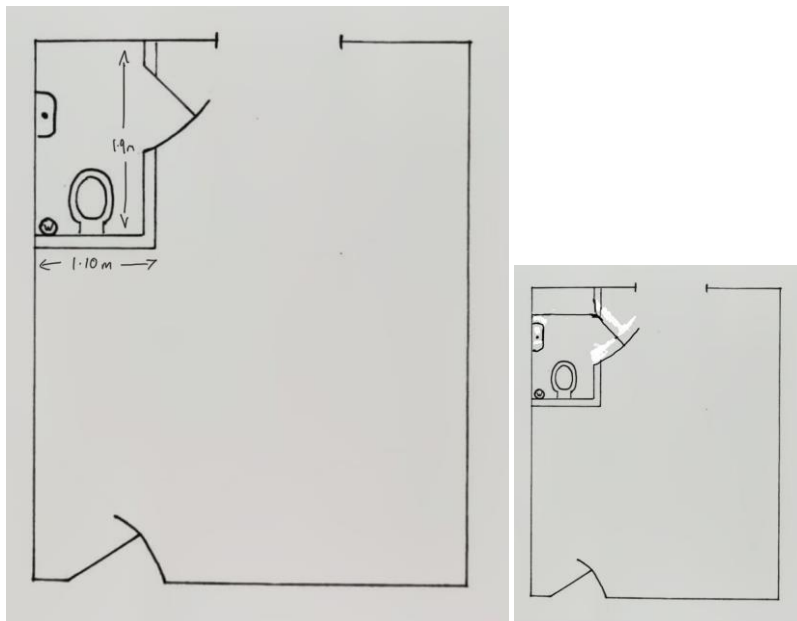
1.5 For ease of reference, copies of the plans are inserted below together with photographs of the existing salting slab and the approximate internal position of the new vent:



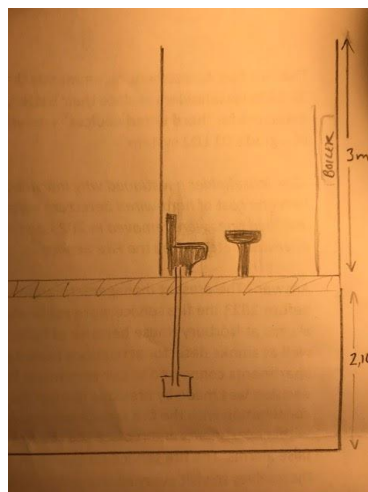
Location Plan



Extract of Ground Floor Plan indicating proposed location of partition wall



Sketches of Proposed Utility Room including sub-division with boiler



Cross-Section (Source: Method Statement)



Photographs of salting slab and proposed approximate position internally of new vent (Source: Method Statement)

2. Policies

2.1 National Planning Policy Framework, as amended on 17 August 2026 (NPPF):

Chapter 3: Decision-making policies

- DM1: Preparing Development Proposals
- DM3: Determining Development Proposals
- DM6: Use of Planning Conditions and Obligations

Chapter 4: Achieving sustainable development

- S3: Presumption in Favour of Sustainable Development
- S4: Principle of Development Within Settlements

Chapter 14: Achieving well-designed places

- DP3: Key Principles for Well-Designed Places
- DP4: The Design Process

Chapter 20: Conserving and enhancing the historic environment

- HE4: Securing the Conservation of Heritage Assets
- HE5: Assessing Effects on Heritage Assets
- HE6: Proposals Affecting Designated Heritage Assets

The NPPF sets out the government's planning policies for both plan-making and decision-making on development proposals in England. It is a material consideration of critical importance in both contexts. This version now replaces the previous NPPF that was published most recently in December 2024 (including revisions on 7 February 2025). The NPPF can be accessed using the following link: [National Planning Policy Framework - GOV.UK](#)

One of the most notable changes in the recently revised NPPF is the establishment of national plan-making and decision-making policies. The national decision-making policies identified above are considered by officers to be relevant to the determination of this particular application.

Footnote 63 of the NPPF states that the policies set out in Chapter 20 (Conserving and enhancing the historic environment) also relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, which includes applications for listed building consent.

The national decision-making policies in the NPPF are material considerations in making these decisions and should be read alongside the policies in the development plan, albeit ones that the UK Government expects to be given 'critical' importance. Decisions must also reflect relevant international obligations and statutory requirements, as must the preparation of development plans.

Some of the national decision-making policies indicate how much weight the government would expect a particular consideration to be given, including cases where it is appropriate to give substantial weight to certain benefits, and the limited circumstances in which it is expected that permission would be refused. The NPPF at Annex A covers implementation of the NPPF for the purposes of decision-making, particularly in relation to existing local plan policies. Paragraph 2 is implicit that:

"Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework."

This applies to all development plan policies, which includes both local plan policies (i.e. Herefordshire Local Plan - Core Strategy); and made Neighbourhood Development Plan (NDP) policies. The same paragraph then goes on to say that,

"Other development plan policies (including policies in made neighbourhood plans) should not be given reduced weight simply because they were adopted prior to the publication of this Framework."

In practice, this means that the Local Plan does not cease to apply simply because it predates the current publication of the NPPF but that each policy must be considered individually. Where policies in the Local Plan and a made NDP remain broadly consistent with the national decision-making policies, they can continue to carry weight. Precisely how much weight that amounts to remains something for decision-makers to assess. However, where policies are materially inconsistent with the national decision-making policies, they should carry very limited weight.

2.2 National Planning Practice Guidance (PPG):

The PPG adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed using the following link: [Planning practice guidance - GOV.UK](https://www.gov.uk/government/publications/planning-practice-guidance)

2.3 Herefordshire Local Plan Core Strategy 2011 – 2031 adopted October 2015 (CS):

- | | | |
|-----|---|--|
| SS1 | – | Presumption in favour of sustainable development |
| SS6 | – | Environmental quality and local distinctiveness |
| LD4 | – | Historic environment and heritage assets |

The CS, together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:

[Adopted Core Strategy 2011-2031 - Herefordshire Council](https://www.herefordshire.gov.uk/planning-and-building-control/core-strategy)

2.4 Herefordshire Minerals and Waste Local Plan adopted March 2024 (MWLP):

No policies of relevance

The MWLP, together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website by using the following link

[Adopted Minerals and Waste Local Plan - Herefordshire Council](https://www.herefordshire.gov.uk/planning-and-building-control/minerals-and-waste-local-plan)

2.5 At the time of completing this report, the emerging Credenhill Neighbourhood Development Plan is currently at drafting stage. Progress on the emerging Neighbourhood Development Plan can be accessed through the following link:

<https://www.herefordshire.gov.uk/directories/neighbourhood-areas-and-plans-directory/credenhill-neighbourhood-development-plan/>

3. Planning History

3.1 P251908/F and P251909/L – Conversion of The Stables into a dwellinghouse together with a one-and-a-half storey side extension, a single-storey rear extension, alterations and associated works; and change of use of garden curtilage for the siting of a ground-mounted array of 6 no. PV Solar Panels – Undetermined

3.2 P211972/L – Removal of existing redbrick fire surround, making good and eventual addition of mantle – Approved with conditions

3.3 P210021/XA2 – Application for approval of details reserved by condition 6 attached to listed building consent 203170 – Approved

3.4 P204235/XA2 – Application for approval of details reserved by condition 4 attached to Listed Building Consent 203170 – Approved

3.5 P203170/L – Addition of a second bathroom within a top-floor room – Approved with conditions

- 3.6 P181948/L – Proposed removal of plywood partition that has been erected through the middle of the utility room to allow the room to be restored to its former size and allow light into the partitioned area. – Approved with conditions
- 3.7 P180349/L – Proposed repair of existing windows window. The remainder of the Georgian windows to be repaired where possible or replaced. – Approved with conditions
- 3.8 P173842/L – Proposed installation of wood burning, multi fuel stove with a modern flu within existing chimney. – Approved with conditions.
- 3.9 DCC082891/F – New oak framed one bay open carport with adjoining small shed – Approved with conditions
- 3.10 DCC073791/F – New build three bedroom house, alteration to design of previously approved planning application DCCW2003/2635/F – Approved with conditions
- 3.11 DCC073159/L – Conversion of domestic outbuildings and erection of glazed link to form single dwelling. – Approved with conditions
- 3.12 CW073163/F – Conversion of domestic outbuildings and erection of glazed link to form single dwelling. (Amending application of approved DCCW2005/3395/F). – Approved with conditions
- 3.13 CW053558/F and DCC053559/L – Change of use and alterations from outbuildings to domestic dwelling – Approved with conditions
- 3.14 DCC032141/F – Proposed dwelling and formation of access – Refused; appeal dismissed
- 3.15 DCC032140/L – Demolition of part of boundary wall and rebuilding to form vehicular access – Refused; appeal allowed

4. Consultation Summary

4.1 Statutory Consultations

None

4.2 Internal Council Consultations

4.2.1 Principal Building Conservation Officer – No objections; conditions recommended Consultation Response: 7 August 2026

“The proposal

The proposal is for the creation of a WC within the utility room on the ground floor of Town Well through the insertion of a partition wall and installation of a toilet and sink.

The site

The building is a listed building UID 1099288 Town Well included on the statutory list on 19 January 1987.

The building is also linked to;

- *UID 1099289 Stables Approximately 15 Metres North-east of Town Well in same ownership,*
- *UID 1296606 Dovecote Approximately 50 Metres East of Town Well included on the statutory list on 06 March 1975 – no longer in same ownership as Town Well.*

Planning History

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 173822 – LBC – Proposed installation of wood burning, multi-fuel stove with modern flue within existing chimney- approved with conditions
- 180349 – LBC – Proposed repair of existing windows - approved with conditions
- 181948 – LBC – Proposed removal of partition wall - approved with conditions
- 203170 – LBC – Addition of a second bathroom within a top-floor room - approved with conditions
- 211972 – Removal of existing redbrick fire surround, making good and eventual addition of mantle - approved with conditions
- 232802 – preapplication advice

Legislation Policy and Guidance

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This statutory duty obligation does not prevent change from occurring but merely requires that change is properly informed so not to not affect any special architectural or historic interest.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to preserving listed buildings and their setting. This obligation does not prevent change from occurring but merely requires that change is properly informed to not affect any special architectural or historic interest.

Primary legislation is repeated in National Planning Policy Framework and Core Strategy Policies.

Paragraph 207 of NPPF advises that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”

Paragraph 208 of NPPF advises that a “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

Paragraph 212 of NPPF advises “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 213 of NPPF advises “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 219 of NPPF advises “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

Policy SS6 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

- conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular landscape, and heritage assets and especially those with specific environmental designations*

Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant.

Policy LD1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;*
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, includingconservation areas; through the protection of the area's character and by enabling appropriate uses, design and management.*

Policy LD4 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires development proposals affecting heritage assets and the wider historic environment should:

- Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible.*

Assessment of Proposal

Town Well is located within the village of Credenhill, north west of the city of Hereford. The site is located at the north end of Station Road in the historic centre of the village, with late twentieth century housing developments stretching to the south. The village sits beneath Credenhill Woods immediately to the north.

Town Well is a grade II listed building (UID: 1099288). It is a prominent red brick farmhouse constructed in 1791, set over three floors with a basement and attics and a hipped slate roofs. The building is set back from the road with a formal front garden and metal railings, mirroring the symmetry of the front façade. This principle elevation is of three bays: the left and right bays have ground and first floor 10/10 and second floor 5/5 timber sash windows, whilst the central bay has semi-circular timber sashes above a central doorway with a pedimented surround.

Many internal historic features survive, including cast iron fireplaces in the upper floor rooms, a dog-leg service staircase to the rear of the building, and flagstone floors on the ground floor and in the basement. Two rear second floor window were noted in a previous LBC application (180349) as possibly being surviving original or early windows, with metal casements and leaded panes.

The scullery was previously subdivided by a partition wall that was removed under LBC 181948, as evidenced in the heritage statement that accompanied that application. There is evidence of the former partition (which has similarities in size and location to a service staircase that has been removed and is illustrated within the methodology statement submitted on 31 July. The proposed WC will be in the same location.

The previous partition does not appear to have been attached to or compromised the stone flag floor as whilst there is evidence of wear and tear there is no evidence of a wall inserted, which supports the staircase theory.

The proposal would involve making 2 holes in the flagstones and the methodology statement references how the flags in this small location will be re-sited to avoid the formation of holes in the better flag stones. This approach is welcomed.

Due to the levels of the house and the height above external ground level of the ground floor, coupled with the location of the proposed wc enables the waste and soil pipes to be connected to the existing system via pipework in the cellar resulting in no external soil pipes from this WC, resulting in very little external changes. The only external change would be any extracts, and the site visit provided 2 potential locations for these both are acceptable in built heritage terms and would be subject to building control consideration. As such these details could be conditioned.

The stone slab bench (believed to be a slating slab as ceiling hooks are evident) will have to be relocated to the cellar. The retention of this feature which appears to have been modified and potentially not in the original location is welcomed, and the details can be conditioned as it is to be retained on site.

Conclusion

The proposed works have been undertaken in accordance with advice previously offered, and with the details contained methodology statement submitted on 31 July, would comply with sections 16 of Planning (Listed Buildings and Conservation Areas) Act 1990 and Core Strategy Policy LD4. As such no objections are raised in built heritage terms and the following conditions are suggested.

1. CE7 LBC TIME PERIOD

The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development shall be carried out strictly in accordance with the approved plans except where otherwise stipulated by conditions attached to this permission:

*-Methodology statement received on 31 July 2026
-Floor Plan,
-Proposal Sketch,
-Heritage Impact Assessment,
-Design and Access Statement.*

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy [and the National Planning Policy Framework].

3. Prior to the relocation of the salting slab, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

*-A floor plan indicating the new location,
-Methodology for dismantlement
-Methodology for its re-erection.*

The works shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

4. *Prior to the installation of any vents or extracts that may be required to the WC, details of the size, colour and appearance of the vent or extract and its location shall be submitted to and approved in writing by the Local Planning Authority.*

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.”

5. Representations

5.1 Credenhill Parish Council – Support

“Credenhill Parish Council has reviewed the submitted Design and Access Statement and Ground Floor Plan for the proposed installation of a ground floor WC within the utility room of Town Well, a Grade II listed building.

The Council considers the proposal to be modest, sensitively designed, and appropriate for the historic context of the property. Town Well contains significant historic features, none of these features are affected by the proposed works. The utility room is an appropriate location for a small service installation that does not compromise the building’s architectural or historic character.

The addition of a ground floor WC will provide a meaningful accessibility benefit for visitors with mobility issues and therefore qualifies as a public benefit within Herefordshire Council Core Strategy (LD4.SD1). The Council considers this a positive enhancement that supports the continued practical use of the building.

Therefore, Credenhill Parish Council supports this application because the works are low impact, reversible, and respectful of the building’s heritage significance, while providing a clear functional improvement. The Council is satisfied that the proposal meets the expectations for sensitive alterations to a Grade II listed building.”

- 5.2 The application has attracted 1 letter of third-party representation in objection to the proposal. Officers would note that the representation appears to refer to applications P251908/F and P251909/L given its contents though for the purposes of completeness, it is summarised below:

- Object to the proposed dwelling;
- Noise concerns;
- Loss of privacy and;
- Use of property among established and balanced community area.

- 5.3 All consultation responses can be viewed on the Council’s website using the following link:-
[Planning Application Details - Herefordshire Council](#)

Internet access is available at the Council’s Customer Service Centres:-
<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer’s Appraisal

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

Policy and legislative context

- 6.1 Listed building consent is governed by a separate statutory code under the Planning (Listed Buildings and Conservation Areas) Act 1990, and the decision is not a development plan-led decision in the same way as a planning application.
- 6.2 For Listed Building Consent applications, the key statutory duty is set out under Section 16(2) of the above Act, which requires the decision-maker, when considering whether to grant listed building consent, to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses. Accordingly, listed building consent is determined principally under the heritage duties in the Listed Buildings Act, together with relevant national policy and guidance.
- 6.3 In this regard, the national decision-making policies in the recently revised NPPF are therefore a material consideration in decision-making. Decisions must also reflect relevant international obligations and statutory requirements, as must the preparation of development plans.
- 6.4 The development plan currently comprises the Herefordshire Local Plan – Core Strategy (CS) and the Herefordshire Minerals and Waste Local Plan (MWLP), albeit all of these pre-date the publication of the revised NPPF, which is a significant material consideration. There is currently no adopted or emerging spatial development strategy.
- 6.5 Footnote 63 of the revised NPPF states that the policies set out in Chapter 20 (Conserving and enhancing the historic environment) also relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, which includes applications for listed building consent.
- 6.6 Whilst the CS was adopted in 2015, paragraph 2 of Annex A of the NPPF confirms that development plan policies should not be given reduced weight solely because they pre-date the current NPPF. The weight afforded to individual policies depends on their consistency with the current NDMPs. Precisely how much weight that amounts to remains something for decision-makers to assess, whereas any materially inconsistent policies should be afforded very limited weight.
- 6.7 In the context of this proposal, the key policies which relate to the determination of this particular application include those relating to protecting, conserving and enhancing the historic environment. Policies SS6 and LD4 of the CS have a strong alignment with the NPPF as it is broadly an evolution of these themes rather than a replacement, so should continue to be attributed significant weighting whereas Policy SS1 is considered to attract very limited weight given to it as it has now been superseded by the NPPF Policies S3-S5.
- 6.8 The revised NPPF provides clarity in terms of assessing the impact of proposals on designated heritage assets (both above and below ground), dedicating a whole section to conserving and enhancing the historic environment (Chapter 20).
- 6.9 Policy HE4 (Securing the conservation of heritage assets) states:
- “1. Heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:*

- a. Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and
 - b. Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.
2. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.
3. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the asset should not be taken into account in any decision relating to the asset.
4. Proposals for enabling development, which would otherwise conflict with other policies in this Framework and/or those in the development plan, but which would secure the future conservation of a heritage asset, should be considered on the basis of whether the conservation benefits outweigh the disbenefits of departing from the policies concerned.”

6.10 Policy HE5 (Assessing effects on heritage assets) states:

- “1. Development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets’ importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be referred to in making this assessment, and appropriate expertise employed where necessary.*
- 2. Assessments of the potential effects of development proposals on the significance of heritage assets (including through effects on their setting) should identify whether proposals would be likely to:*
- a. Have a positive effect, which is where the significance of a heritage asset would be enhanced, or better revealed; or*
 - b. Have no effect on the significance of a heritage asset; or*
 - c. Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified: substantial harm would occur where the development proposal would seriously affect a key element of the asset’s significance; or*
 - d. Cause the total loss of the significance of a heritage asset.*
- 3. In making this assessment it is the effect on a heritage asset’s significance rather than the scale of the development which should be considered.*
- 4. Decision-makers should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals.*
- 5. Where a development proposal involves, or has the potential to involve, a heritage asset with archaeological interest, an appropriate desk-based assessment should be undertaken and, where necessary, a field evaluation. These should be used to help understand the asset’s significance and the potential effect of the proposal on this, which should inform the design, mitigation and implementation of the development.”*

6.11 Policy HE6 (Proposals affecting designated heritage assets) states:

- “1. When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether*

any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.

2. Development proposals which would have a positive effect on a designated heritage asset should be supported.

3. Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.

4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.

5. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:

a. The nature of the heritage asset would otherwise prevent all reasonable uses of the site;

b. No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;

c. Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and

d. The harm or loss is outweighed by the benefit of bringing the asset back into use.

6. Within this context, development which would cause substantial harm to, or the total loss of, the significance of grade II listed buildings, or grade II registered parks or gardens, should be exceptional; while development which would cause substantial harm to, or the total loss of, assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.*

Assessment

- 6.12 The application clearly acknowledges that Town Well is a Grade II listed building and appropriately describes its significance in supporting documents. In evidencing this, your officers refer to the submitted Heritage Statement which clearly outlines the listing, sets out an appropriate history of the building, as well as detailing the proposed works in the additional method statement (received 31 July 2026). The submitted plans together with supporting documents are considered to be sufficient for a decision-maker to understand the potential impacts of the proposal in terms of the significance of this designated heritage asset. The proposal is viewed by officers to meet Policy HE5 of the NPPF.
- 6.13 It is understood that the scullery was previously subdivided by a partition wall that was removed under a previous listed building consent reference P181948/L, as evidenced in the heritage statement that accompanied that particular application. There is also evidence in the property of the former partition which has similarities in both size and location to a service staircase that has been removed though it is illustrated within the method statement. The proposed WC would be in the same location.
- 6.14 The previous partition does not appear to have been visually attached to or compromised the stone flag floor. Whilst there is evidence of general wear and tear, there is no evidence of a wall inserted, which supports the staircase theory.
- 6.15 The partition wall would be fully reversible using bridging techniques and scribing the wall profile around the existing skirting board to avoid cutting or removing historic trim. The partition wall would marry up with existing boxing on the ceiling and whilst it will be attached to the ceiling and walls, the wall will not be attached to the flagstones.

- 6.16 The proposal would nevertheless involve making two holes in the flagstones for the waste pipe. The methodology statement references how the flagstones in this location would be re-sited to avoid the formation of holes in the better flagstones.
- 6.17 To preserve important historic fabric, the stone slabs will be carefully moved so that the waste pipe is cut through a slab of lesser significance. This slab (measuring 136 cm x 67 cm) will be carefully swapped with 3 smaller slabs (measuring 37 cm x 67 cm, 47 cm x 67 cm, 47 cm x 67 cm), so that the smaller slabs sit where the waste pipe would exit down into the cellar, as illustrated on the cross-section. This approach is supported, as recognised in the representation of the Councils' Principal Building Conservation Officer.
- 6.18 The waste pipe from the toilet/sink would subsequently exit through a new hole in the small slab down into the cellar whereupon the waste pipe would exit through the cellar wall in the footing of the exterior south-west elevation into a trench in the concrete, across the garden and into the main sewer.
- 6.19 The existing boiler would also be boxed in from floor to the top of the boiler with space beside the existing outlet for a new vent if required. Thus, the only other notable external change proposed would be any extracts, and it is understood that there are two potential locations for these at the exterior south-west elevation. Both options are viewed to be acceptable in built heritage terms and would be subject to separate building control consideration. As such, precise details of any vents or extracts that may be required, including their size, colour and appearance, can be conditioned as part of any consent, if granted.
- 6.20 The other main matter for consideration relates to the presence of an existing stone slab bench (believed to be a salting slab, noting that ceiling hooks are evident) which is proposed to be relocated to the cellar. The retention of this feature which appears to have been modified and potentially not in the original location is acknowledged. Again, such details can be conditioned as it is to be retained on site.
- 6.21 The proposed alterations as sought are considered to contribute to the continued preservation and conservation of this designated heritage asset, including its significance. The proposed works would not result in the unjustified loss of any historic fabric albeit limited to that absolutely necessary to achieve the required scope of works as applied for. There is also a need to appreciate that the proposal is of an appropriate scale, form, massing and design and uses appropriate materials and methods of construction which are compatible with the character and construction of this listed building.
- 6.22 As recognised in the comments of the Council's Principal Building Conservation Officer, no effect is identified upon the significance of this designated heritage asset. Subject to conditions, there are no objections in built heritage terms.
- 6.23 The proposed works are considered to be clearly compliant with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NDMP DP3, DP4, HE4, HE5 and HE6 of the NPPF and Herefordshire Local Plan - Core Strategy Policies SS1, SS6 and LD4.
- 6.24 As no effect has been identified on the significance, experience or setting of Town Well which includes no harm, the relevant 'public benefits' test as set out in the NPPF under Policy HE6 (3. onwards) need not be undertaken.

Other considerations

- 6.25 It is not within the remit of the decision-maker to consider other matters beyond the relevant considerations when assessing an application for Listed Building Consent.

- 6.26 As identified within the representation summary, officers appreciate the nature of the interested third-party representation though the comments would appear to relate to other applications being considered on the planning unit namely P251908/F and P251909/L.

7. Summary and Conclusion

- 7.1 The works are clearly and convincingly justified. The application is viewed to accord with the relevant NDMPs of the NPPF as well the relevant policies of the adopted development plan, as set out in the appraisal above. There are no material considerations which may otherwise trigger a departure or outweigh this position.
- 7.2 Listed building consent should be granted subject to conditions as per the recommendation.

RECOMMENDATION

That Listed Building Consent be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2. The development shall be carried out strictly in accordance with the following approved plans and supporting documents except where otherwise stipulated by conditions attached to this consent:**

- **Methodology statement received on 31 July 2026;**
- **Floor Plan;**
- **Proposal Sketch;**
- **Heritage Impact Assessment; and**
- **Design and Access Statement.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and Policies DP3, DP4, HE4, HE5 and HE6 of the National Planning Policy Framework.

- 3. Prior to the relocation of the salting slab, details of the following matters shall be submitted to and approved in writing by the Local Planning Authority:**

- **A floor plan of the cellar indicating the relocation of the salting slab;**
- **A methodology for its dismantlement; and**
- **A methodology for its re-erection.**

The works shall be carried out in accordance with the approved details.

Any variation to the approved details shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy and Policies DP3, DP4, HE4, HE5 and HE6 of the National Planning Policy Framework.

4. Prior to the installation of any vents or extracts that may be required in relation to the WC, details of the size, colour and appearance of the vent or extract and its location shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved details.

Any variation to the approved details shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy and Policies DP3, DP4, HE4, HE5 and HE6 of the National Planning Policy Framework.

INFORMATIVES:

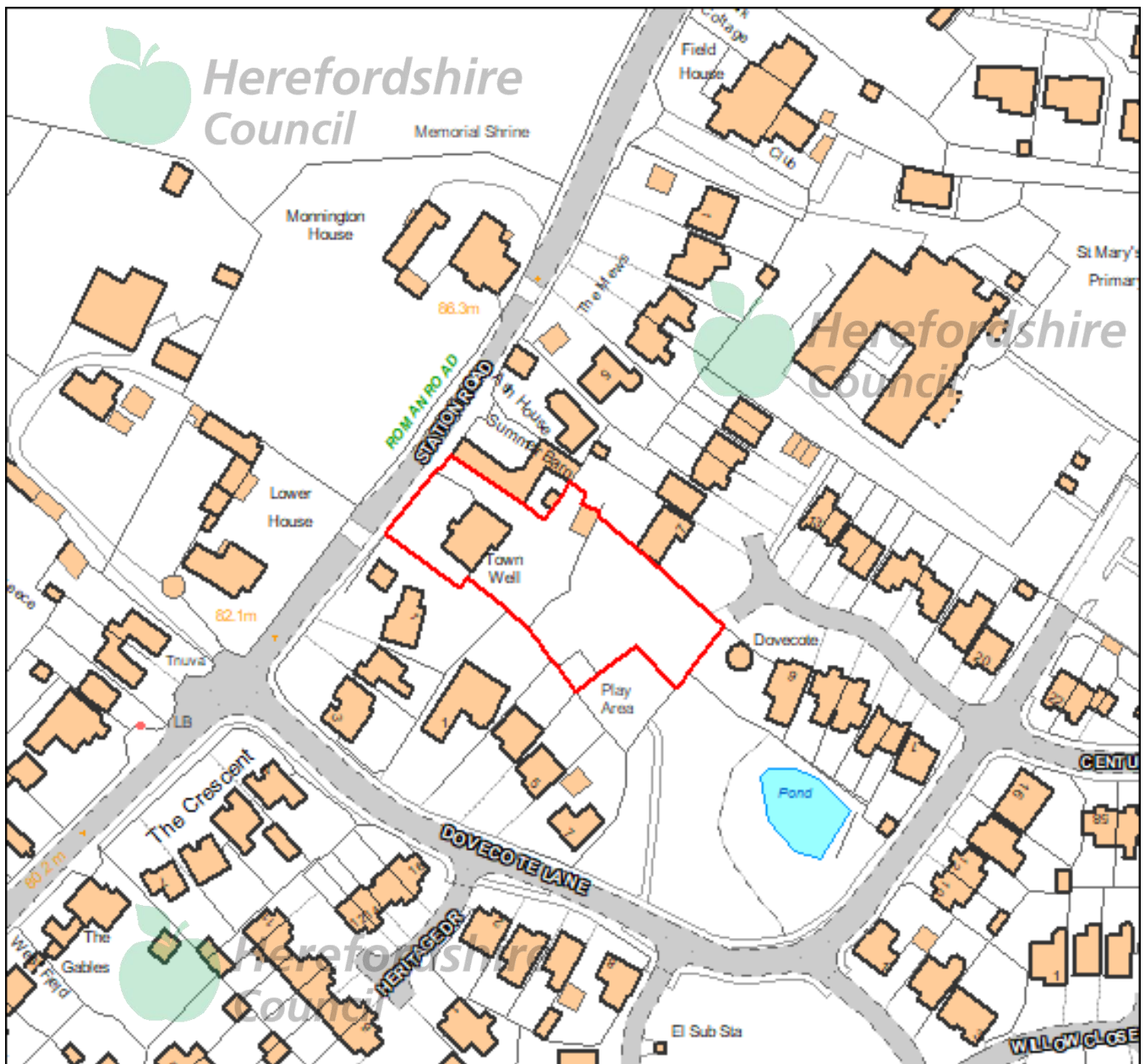
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant listed building consent.
2. This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress [or required separately under the Building Regulations, by the County Fire Service or by Environmental Health legislation] may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution.
3. Listed Building Consent is required for the demolition of a listed building or the carrying out of any works for the alteration or extension of a listed building in any manner that would affect its character as a building of special architectural or historic interest. Failure to obtain consent when it is needed is a criminal offence. Planning (Listed Buildings & Conservation Areas) Act 1990.

Decision:

Notes:

Background Papers

None identified.



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APPLICATION NO: 261671

SITE ADDRESS : TOWN WELL, STATION ROAD, CREDENHILL, HEREFORD, HEREFORDSHIRE, HR4 7DW

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	9 SEPTEMBER 2026
TITLE OF REPORT:	260149 – REMOVAL OF CONDITION 4 OF PLANNING PERMISSION 240468 (PROPOSED RESIDENTIAL DEVELOPMENT OF 8 NO. DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING) AT LAND SOUTH EAST OF GREYHOUND CLOSE, LONGTOWN, HEREFORD, HEREFORDSHIRE. For: Ms Price per Mr Geraint John, Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff, CF24 5EA
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=260149
Reason Application submitted to Committee: Redirection	

Date Received: 19 January 2026 Ward: Golden Valley Grid Ref: 332449, 228640 South

Expiry Date: 11 September 2026 (Extension of time agreement)

Local Member: Cllr Matthew Engel

1. Site Description and Proposal

- 1.1 The application site comprises an irregularly shaped land parcel of Grade 3 (Good to Moderate) agricultural grassland which measures approximately 0.57 hectares. It is located immediately south-east of an existing residential development known as Greyhound Close with topography sloping gently from north to south and east to west. Boundary treatments comprise hedgerows and wire fencing with the occasional gap. There is also a small number of younger trees in the north-east corner of the site.
- 1.2 Vehicular and pedestrian access is taken from an existing field gate off Greyhound Close (U74437), with Greyhound Close itself accessed directly off the C1203, the main thoroughfare through the village of Longtown. With regards to adjoining land uses, the site backs onto residential dwellinghouses and their curtilages to the north-west, north, north-east and south-east. In all other directions, the site borders onto grassland and farmland with the wider area surrounding the site to the south and west of varying topography. The Olchon Brook runs parallel to the application site approximately 220 metres to the south-west although the site is wholly within Flood Zone 1 (Low Risk) and not constrained by surface water according to Gov.uk Flood Map for Planning.
- 1.3 There are no public rights of way (PRoW) which run through the site, although there are several short, medium and long-distance PRoWs surrounding, many of which have varying degrees of intervisibility with the site. The rounded peak of Hatterrall Hill lies approximately 1.3 miles west (as the crow flies), forming an eastern boundary with Bannau Brycheiniog National Park, as well as a county border with Monmouthshire. Offa's Dyke Path passes along this peak with its outlook offering excellent views down into Longtown and the wider area. The site is not within a National Landscape, Conservation Area or designated historic landscape. The site does not contain any heritage assets but is located in close proximity to a scheduled monument, this being Longtown Castle and Town;

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

and two Grade II listed buildings namely 'The Old Greyhound' and 'Milestone on West Side of approximately 15 metres West of the Old Greyhound'.

- 1.4 Further to planning permission being granted in 2025 for the residential development of 8 no. dwellings with associated access, parking and landscaping (Reference: P240468/F), this current application is submitted under Section 73 of the Town and Country Planning Act 1990 (TCPA 1990). It proposes the removal of condition 4 of P240468/F. Condition 4 is provided verbatim as follows:

"4. Before any works approved under this planning permission commences, works to improve and upgrade the existing public water supply system shall be completed and written confirmation of this shall be submitted to the Local Planning Authority for written approval.

Reason: To prevent further hydraulic overloading of the public potable water supply network to protect the health and safety of residents, in accordance with Policies SS6, LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

- 1.5 For avoidance of doubt, no other conditions are proposed to be varied or removed under this planning application. The application is supported by and has been considered in accordance with the following plans and/or supporting documents:

- Application Form;
- Location Plan;
- Covering Letter from applicants' agent together with appendices;
- Email exchanges between Dŵr Cymru Welsh Water and the applicants' agent during the consideration of this current application; and
- Email exchanges between officers and the applicants' agent during the consideration of this current application.

2. Policies

2.1 National Planning Policy Framework, as amended on 17 August 2026 (NPPF):

Chapter 3: Decision-making policies

- DM1: Preparing Development Proposals
- DM3: Determining Development Proposals
- DM6: Use of Planning Conditions and Obligations
- DM7: Relationship with Other Regulatory Regimes

Chapter 4: Achieving Sustainable Development

- S3: Presumption in Favour of Sustainable Development
- S4: Principle of Development Within Settlements
- S6: Neighbourhood Plans and the Presumption

Chapter 10: Securing Clean Energy and Water

- W4: Water Infrastructure

Chapter 14: Achieving Well-Designed Places

- DP3: Key Principles for Well-Designed Places
- DP4: The Design Process

Chapter 17: Pollution, Public Protection and Security

- P3: Living Conditions and Pollution

Chapter 19: Conserving and Enhancing the Natural Environment

- N2: Improving the Natural Environment
- N6: Areas of Particular Importance for Biodiversity and Geodiversity

The NPPF sets out the government's planning policies for both plan-making and decision-making on development proposals in England. It is a material consideration of critical importance in both contexts. This version now replaces the previous NPPF that was published most recently in December 2024 (including revisions on 7 February 2025). The NPPF can be accessed using the following link: [National Planning Policy Framework - GOV.UK](#)

One of the most notable changes in the recently revised NPPF is the establishment of national plan-making and decision-making policies. The national decision-making policies (NDMP) identified above are considered by officers to be relevant to the determination of this particular application.

Planning law still requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. The national decision-making policies in the NPPF are material considerations in making these decisions and should be read alongside the policies in the development plan, albeit ones that the UK Government expects to be given 'critical' importance. Planning decisions must also reflect relevant international obligations and statutory requirements, as must the preparation of development plans.

The NPPF also confirms that planning decisions should contribute towards the achievement of sustainable development through economic, social and environmental objectives which are mutually supportive and should be pursued together.

Some of the national decision-making policies indicate how much weight the government would expect a particular consideration to be given, including cases where it is appropriate to give substantial weight to certain benefits, and the limited circumstances in which it is expected that permission would be refused. The NPPF at Annex A covers implementation of the NPPF for the purposes of decision-making, particularly in relation to existing local plan policies. Paragraph 2 is implicit that:

"Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework."

This applies to all development plan policies, which includes both local plan policies (i.e. Herefordshire Local Plan - Core Strategy); and made Neighbourhood Development Plan (NDP) policies. The same paragraph then goes on to say that,

"Other development plan policies (including policies in made neighbourhood plans) should not be given reduced weight simply because they were adopted prior to the publication of this Framework."

In practice, this means that the Local Plan does not cease to apply simply because it predates the current publication of the NPPF but that each policy must be considered individually. Where policies in the Local Plan and a NDP remain broadly consistent with the national decision-making policies, they can continue to carry weight. Precisely how much weight that amounts to remains something for decision-makers to assess. However, where policies are materially inconsistent with the national decision-making policies, they should carry very limited weight.

2.2 National Planning Practice Guidance (PPG):

The PPG adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed using the following link: [Planning practice guidance - GOV.UK](#)

2.3 Herefordshire Local Plan Core Strategy 2011 – 2031 adopted October 2015 (CS):

SS1	–	Presumption in favour of sustainable development
SS6	–	Environmental quality and local distinctiveness
LD2	–	Biodiversity and geodiversity
SD3	–	Sustainable water management and water resources
SD4	–	Waste water treatment and river water quality

The CS policies together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:-
[Adopted Core Strategy 2011-2031 - Herefordshire Council](#)

2.4 Herefordshire Minerals and Waste Local Plan adopted March 2024 (MWLP):
SP1 – Resource management

The MWLP together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:-

[Adopted Minerals and Waste Local Plan - Herefordshire Council](#)

2.5 Longtown Group Neighbourhood Development Plan made on 6 March 2020 (NDP):
LGPC10 – Protecting and enhancing the landscape and its features
LGPC14 – Foul and storm water drainage

The NDP policies together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:- [Longtown Group Neighbourhood Development Plan - Herefordshire Council](#)

3. Planning History

3.1 P240468/F - Proposed residential development of 8 no. dwellings with associated access, parking and landscaping – approved with conditions. The previous application and committee minutes can be accessed through the following weblinks, respectively:

[Planning Application Details - Herefordshire Council](#)

[Agenda for Planning and Regulatory Committee on Friday 4 July 2025, 10.00 am - Herefordshire Council](#)

3.2 P211678/F - Proposed residential development of 6 no. dwellings with associated access, parking and landscaping – refused; appeal dismissed. The application which includes the subsequently dismissed appeal decision and committee minutes can be accessed through the following weblinks, respectively:

[Planning Application Details - Herefordshire Council](#)

<https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=264&MId=8547&Ver=4>

3.3 SW2002/3732/F - Removal of condition 4 of planning permission SW2000/2640/F (no development shall take place until a programme of archaeological work has been secured) – approved:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=023873

3.4 SW2002/2744/F - Proposed alterations to approved dwellings on plots 5 and 7 – refused
[Planning Application Details - Herefordshire Council](#)

3.5 SW2000/2640/F - Demolition of former agricultural buildings and construction of seven dwellings and associated infrastructure. (AMENDED PLANS) – Approved with conditions

[Planning Application Details - Herefordshire Council](#)

4. Consultation Summary

Statutory Consultations

4.1 Dŵr Cymru Welsh Water – No objection

4.1.1 **1st consultation 24 February 2026:**

"We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

POTABLE WATER SUPPLY

The demand on our potable water network is constantly changing and as such, we assess each application on its own merit on how the proposal would impact our network, existing customers and the environment. The application site is in an area where there is insufficient capacity to service the proposed development and this has been consistently represented in recent developments proposed within this catchment. The increased demand may adversely affect our service to existing customers and future occupiers of the proposed development. We therefore, require the control at planning via condition 4 to ensure that the network has been upgraded to ensure the development can be accommodated without causing detriment to existing / future supply. We therefore are unable to support this proposed development and OBJECT to this application for the removal of condition 4 of planning permission 240468.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@Dwrcymru.com Please quote our reference number in all communications and correspondence."

4.1.2 2nd consultation 3 July 2026:

"We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We appreciate the concerns that have been raised by local residents regarding the potential impact of the proposed development on the existing water supply network and understand the Authority's need to be satisfied that these matters can be appropriately managed.

Having reviewed the proposal, we recognise that there is a degree of duplication between Condition 4 and the statutory controls available to us under the Water Industry Act. Whilst our preference would be for the condition to remain, we acknowledge that the legislative framework provides us with the necessary powers to assess the impact of any future connection to the public water network and, where necessary, require reinforcement or mitigation works before a connection is permitted.

In this regard, we are satisfied that the removal of Condition 4 would not prejudice our ability to assess capacity within the network or ensure that any future connection can be accommodated without adversely affecting the level of service provided to existing customers.

It is important to note that, regardless of whether Condition 4 is retained or removed, this does not confer an automatic right for the applicant to connect to the public water network. Any request for a connection would remain subject to the relevant application and assessment processes under the Water Industry Act.

Through these processes, we retain the ability to determine whether the network is capable of serving the proposed development with an adequate water supply, whilst safeguarding supplies to existing customers.

On this basis, whilst we understand the concerns that have been raised locally, we offer no objection to the Authority determining the application and are satisfied that sufficient controls exist under separate legislation to appropriately manage any future impact on the water supply network.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on

0800 917 2652 or via email at developer.services@Dwrcymru.com Please quote our reference number in all communications and correspondence.”

Internal Council Consultations

4.2 Area Engineer – No objection

“The local highways authority has no comments to make on this application as the condition relates to water issues and there are no highways implications. All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council’s website: www.herefordshire.gov.uk/directory_record/1992/street_works_licence <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>”

5. **Representations**

5.1 Longtown Group Parish Council – Objection

5.1.1 1st consultation 28 February 2026

“Longtown Group Parish Council (LGPC) sat on 24th February and discussed the application: Council RESOLVED to object with the following comment: ‘We note that no representations have appeared on the planning portal in respect of application 260149. Infrastructure capacity is uncertain in respect of the pressure of water supply in Longtown. We refer to Policy SD3– Sustainable water management and water resources. ‘9 -Development should not cause an unacceptable risk to the availability or quality of water resources’. Therefore, LGPC believes that Condition 4 should remain in place.”

5.1.2 2nd consultation 19 and 20 June 2026

“Longtown Group Parish Council sat on 17th June 2026 and RESOLVED to object with the following comments: LGPC strongly objects to Condition 4 being lifted. Longtown already suffers from low water pressure at peak times. This is acknowledged in a letter to HC from Welsh Water on 24/2/26 in which WW says “ The site is in an area where there is insufficient capacity to service the proposed development... the increased demand may adversely affect our existing customers and future occupants of the development. We therefore require the control at planning to ensure that the network has been upgraded to ensure the development and be commodities without causing detriment to existing or future water supply.” On the 3/6/26 the agent is discussing rewording Condition 4 Section 41 of the Water Supply Act only refers to the right to have a water main connected whereas condition 4 relates to the need for there to be adequate capacity for the development to be added to the system. LGPC strongly believes that the “upgrading of the public water supply” should be complete before building to avoid detriment to existing parishioners Any other decision is unacceptable.

Please see the below response from a Councillor. This has been circulated and has Councils support: The agent on behalf of the developer suggests that there is no requirement for Condition 4 as Section 41 is an equivalent restriction. However, Condition 4 is a legal restriction or requirement imposed on a development by the local authority and requires the issue to be addressed before development begins. Whereas, Section 41 is statutory agreement with a water company to construct or extend a new public water main and it addresses water connections after development has started.

We believe that it is absolutely necessary that condition 4 is retained as it provides critical planning control to prevent harm to public health, residential amenity and the environment, in accordance with

relevant local and national planning policies (that is not provided under Section 41). In this situation, it is relevant because the additional demand created by this development could worsen existing supply constraints and adversely affect existing residents and future occupiers unless the necessary upgrades are completed first.

It ensures a degree of safety for our residents as it is enforceable. The condition requires the upgrade works to be completed and confirmed in writing to the Local Planning Authority before development begins, giving the planning authority a clear point of control that alternatives will not provide. Condition 4 provides the planning department with control over the development that is critical to ensure that the network has been upgraded to ensure that there are not adverse impacts on residents, future occupiers and the environment. This is recognised as important to “protect the health and safety of residents, in accordance with Policies SS6, LD2, SD3 and SD4 of the Herefordshire Local Plan Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.” It is for these reasons that we believe that the application to remove condition 4 should be rejected.”

5.2 At the time of completing this committee report, 33 letters of objection have been received from 25 interested parties. Comments made are summarised as follows:

- DCWW’s position mischaracterised
- DCWW does not guarantee capacity
- Applicant must make formal application to connect and await outcome before being properly discharged.
- Condition is necessary and reasonable and meets six tests of NPPF.
- Removal of planning safeguards
- ‘Error’ argument immaterial
- Impact on water pressure/supply problems
- Position of DCWW is key
- Impact on River Wye SAC
- Request for hydraulic modelling assessment and delivery of reinforcement works.
- Impacts on public health and safety and human health.
- Planning safeguards are necessary, regardless of duplication with Water Industry Act.
- Contrary to Council’s commitments on the River Wye and its recovery
- Lack of technical assessment or change in supply position.
- Increased water pollution
- Conduct of consultation/application process including publicity and timescales for determination.
- Sets a precedent locally
- Object to removal of condition
- Publicity of application
- Applicant motives

5.3 Representations can be viewed on the Council’s website by using the following link:-
[Planning Application Details - Herefordshire Council](#)

6. Officer Appraisal

Policy and Legislative Context

6.1 As set out under Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Further to recent revisions to the NPPF, national decision-making policies (NDMP) in the NPPF are a material consideration in decision-making.

- 6.3 The development plan currently comprises the Herefordshire Local Plan – Core Strategy (CS), the Herefordshire Minerals and Waste Local Plan (MWLP) and the ‘made’ Longtown Neighbourhood Development Plan (NDP), albeit all of these pre-date the publication of the revised NPPF, which is a significant material consideration. There is currently no adopted or emerging spatial development strategy.
- 6.4 The revised NPPF NDMP S3 of the NPPF supersedes what was Paragraph 11 in the previously published NPPF. Policy S3 states:
- “1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:*
- a. Policy S4 in the NPPF should be applied when considering development proposals within settlements;*
 - b. Outside settlements, policy S5 should be applied; and*
 - c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.*
- 2. Where a development proposal falls partly within and partly outside a settlement, policies S4 and S5 should be applied to the relevant parts which are inside or outside of the settlement boundary (as appropriate), before coming to an overall view on the proposal.”*
- 6.5 The application site is viewed by officers to meet the definition of ‘settlement’ as per Annex B (glossary) of the NPPF. In reaching this view, the definition of ‘settlement’ includes cities, towns, villages and land which is allocated or has permission for development which will form part of the built-up area once the development is complete. This includes areas defined as a settlement in the development plan (whether using defined settlement boundaries or equivalent terms, or criteria for identifying settlement extents where boundaries have yet to be defined). Settlements do not include hamlets and scattered groups of houses located outside predominantly built-up areas, unless specifically defined as a settlement in the development plan. For avoidance of doubt, Longtown is clearly identified as a settlement which is a main focus of proportionate housing growth under Policy RA2 of the CS and this site forms part of an allocated site within the settlement boundary for Longtown under the Longtown Group NDP (refer to Policies LGPC1 and LGPC2).
- 6.6 NDMP S4 of the revised NPPF is therefore considered to apply. This is inserted below:
- 1. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.*
 - 2. “In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:*
 - a. Have a substantial adverse impact in relation to:*
 - i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or*
 - ii. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).*
 - b. Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or*

c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

- 6.7 The previous NPPF publication in terms of the concept “out-of-date” has now been replaced. In particular, whether the presumption policies at Policies S4 and S5 are triggered is not about time, date or datedness. It is about place and need. In terms of new tilted balance, Policy S4 effectively means that an application within any settlement should be approved unless its benefits are substantially outweighed by adverse effects. And given the substantial weight, this sets a considerably higher bar in terms of applying the ‘tilted balance’.
- 6.8 The concept of “strong reasons” to refuse permission is also removed. Instead, for decision-making, the tilted balance is likely to be failed if “the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances”. The issue of 5 year housing land supply is also not as important as it was. This is because under new NDMP S5, it’s only one way - just one - that unmet need can be demonstrated. There can be others e.g. it may be that an area which can show a 5 year supply does not in fact have adequate stocks of (for instance) affordable housing, or housing for older people etc. There are many more ways of activating this tilted balance than there were before.
- 6.9 Having regard to the above, whilst the CS was adopted in 2015, paragraph 2 of Annex A of the NPPF confirms that development plan policies should not be given reduced weight solely because they pre-date the current NPPF. The weight afforded to individual policies depends on their consistency with the current NDMPs. Precisely how much weight that amounts to remains something for decision-makers to assess, whereas any materially inconsistent policies should be afforded very limited weight.
- 6.10 In the context of this proposal, the key policies which relate to the determination of this particular application include those relating to protecting, conserving and enhancing assets of environmental value. Policies SS6, LD2, SD3 and SD4 of the CS as well as Policies LGPC10 and LGPC14 of the NDP have a strong alignment with the NPPF as it is broadly an evolution of these themes rather than a replacement, so should continue to be attributed significant weighting whereas Policy SS1 is considered to have very limited weight given to it as it has now been superseded by the NPPF Policies S3-S5.
- 6.11 Having regard to NDMP S6 of the NPPF, the site falls within the Longtown Group Neighbourhood Area, which has a made NDP (made on 6 March 2020). S6 identifies:
- “For development proposals involving the provision of housing, the benefits of approving development are likely to be substantially outweighed by the adverse effects where a proposal would conflict with a neighbourhood plan, provided the following apply:*
- a. The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b. The neighbourhood plan contains allocations to meet its identified housing requirement (see policy HO2).”*
- 6.12 The NDP is now over five years old. The NDP would conflict with a. of S6 of the NPPF. Accordingly, it is Policies S3 and S4 which remain relevant to determination of the application.
- 6.13 The appraisal is still assessed against the policies of the adopted development plan though any decision will need to be considered in accordance with Policies S3 and S4 of the NPPF unless material considerations indicate otherwise. This also includes the need to assess the application against the NDMPs of the NPPF.

Principle of Development

- 6.14 The principle of development has already been established through planning permission reference P240468/F for the erection of 8 dwellings, of which a material start has yet to have been made appreciating that there are a number of pre-commencement conditions which have yet to have been discharged. The current application, made under section 73 of the TCPA 1990, seeks to remove condition 4. Accordingly, the assessment is focused on the acceptability of the proposed amendment rather than the establishment of the principle of development. Nevertheless, as section 73 results in the grant of a new planning permission, the proposal has been assessed against the current development plan and NDMPs including Policies S3 and S4 of the NPPF. The site remains within a settlement and the proposed amendments do not alter the previously accepted principle of development.
- 6.15 Legislation within the TCPA 1990 sets out that an applicant can make an application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. There is no statutory limit on the degree of change permissible to conditions under Section 73, but the change must only relate to conditions and not to the operative part of the permission. Under a Section 73 application, a Local Planning Authority can only consider those conditions for which changes have been sought and if the proposed amendments are not acceptable or revised conditions to secure a more appropriate form of development cannot be achieved, then the application shall be refused.
- 6.16 Provisions relating to statutory consultation and publicity do not apply. However, a local planning authority has the discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties. In this instance, it is considered reasonable to allow for engagement locally and comments to be taken into account. Accordingly, site notices have been erected and consultation undertaken with the local group parish council to enable any interested party wishing to make representation to do so, as well as the statutory undertaker Dŵr Cymru Welsh Water given the nature of the application.
- 6.17 In assessing such applications under Section 73, Policy DP4 (the design process) of the NPPF is highly pertinent which states that local planning authorities should not allow the quality of approved development to be materially diminished between permission and completion, as a result of changes proposed following its initial approval (for example through changes to approved details such as the materials used). As such, one can only comment on the changes before the Local Planning Authority to which this variation of condition application relates to, namely condition 4. In this instance, the proposal provides sufficient information under NDMP DM1 to make an assessment of this application.

Assessment

- 6.18 It is appropriate to review the site history in terms of how the current situation has been arrived at. Notably, this requires reference back to a previous planning application submitted and determined in 2022 under reference P211678/F. This sought the erection of 6 dwellings on the site. Whilst that particular application was refused and subsequently dismissed on appeal, the reason for refusal was solely pertaining to the proposed housing mix. Dŵr Cymru Welsh Water's consultation response and position on that particular application relating to potable water supply is inserted below for assistance:

POTABLE WATER SUPPLY

The proposed development is in an area where there are water supply problems for which no improvements are planned within our current Capital Investment Programme. Any increased demand will exacerbate the situation and adversely affect our service to existing customers and potential users of this proposed development. We consider the proposal to be PREMATURE and therefore OBJECT to the development. It may be possible for the developer to fund the accelerated provision of essential improvements by way of water requisition under Sections 40 - 41 of the Water Industry Act 1991 or through planning obligations of the Town and Country Planning Act 1990.

(Source: Dŵr Cymru Welsh Water consultation response for P211678/F dated 31/12/2021)

- 6.19 Dŵr Cymru Welsh Water identified infrastructure capacity concerns regarding that proposed development and advised that there were at that time no improvements planned in regard to upgrading water supply. This said, the applicant/developer can fund the provision of essential improvements by way of a water requisition under Sections 40 - 41 of the Water Industry Act 1991.
- 6.20 Officers nevertheless acknowledge that the consultation response identified the pressures on the local water mains and set out that any further connection could pose a risk of hydraulic overloading which could lead to health and safety concerns. As such, a prior commencement condition was requested at that time. Whilst planning permission was refused [and dismissed on appeal], the position of Dŵr Cymru Welsh Water was clearly set out and noted.
- 6.21 Turning to planning application reference P240468/F and the application for eight dwellings, Dŵr Cymru Welsh Water did not specifically highlight issues pertaining to potable water supply at the time. They stated the following:

POTABLE WATER SUPPLY

Capacity is currently available in the water supply system to accommodate the development. We reserve the right however to reassess our position as part of the formal application for the provision of new water mains under Section 41 and Section 51 of the Water Industry Act (1991) to ensure there is sufficient capacity available to serve the development without causing detriment to existing customers' supply as demands upon our water systems change continually.

(Source: Dŵr Cymru Welsh Water consultation response for P240468/F dated 20/03/2024; reinforced by consultation response dated 30/04/2025)

- 6.22 It is important to note that demand on the potable water network is constantly changing. At that time, Dŵr Cymru Welsh Water did not raise an objection and did not necessitate the need for a condition which in itself illustrates how pressure on the potable water network can vary over time.
- 6.23 Despite this, as a result of seeking to correlate and promote a consistency of approach between the officer committee reports prepared for P211678/F and P240468/F, the committee report stated,

"6.94 Welsh Water have identified infrastructure capacity in regards to this proposed development and have advised that there are currently no improvements planned in regards to upgrading water supply. The applicant can fund the provision of essential improvements by way of water requisition under Sections 40 - 41 of the Water Industry Act 1991. As such, a suitably worded condition can ensure that the water supply can cope with an increased load. This will be secured through a planning condition to secure funding for the provision of Welsh Water services via Sections 40-41 of the Welsh Water Act. The condition is 'pre-commencement' to ensure that a resolution to this issue before works are commenced."

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

(Source: Extract from officer committee report P240468/F presented to Planning Committee 4 July 2025)

- 6.24 It is appreciated that interested parties did make representation raising the issue and that officers were responding to that matter at the time but effectively condition 4 was attached to the Decision Notice granted under P240468/F as an 'overhang' by the Local Planning Authority.
- 6.25 With hindsight this was an error on the part of the Local Planning Authority, appreciating that Dŵr Cymru Welsh Water did not actually necessitate or require a condition to be added. However, no challenge to the imposition of the condition was received at the time by the applicants/their agent and no appeal was made to the Inspectorate in relation to the imposition of the condition.
- 6.26 This current application which is to be determined by the committee proposes removal of the condition on the basis that Dŵr Cymru Welsh Water, as the statutory water undertaker, confirmed under P240468/F that it raised no objection to the development proceeding without the condition.
- 6.27 When considering whether a planning condition should be retained, national policy requires that it meets the tests set out within the NPPF. NDMP DM6 of the NPPF explicitly states that:

"Planning conditions should only be attached to planning permissions and other associated consents for development where they are:

- a. Necessary to make the development acceptable in planning terms;*
- b. Relevant to the development and to planning considerations generally;*
- c. Sufficiently precise to make them capable of being complied with and enforced; and*
- d. Reasonable in all other respects."*

- 6.28 With regards to whether a condition is considered necessary, PPG outlines that in some cases a condition is clearly unnecessary, such as where it would repeat provisions in another condition imposed on the same permission. In other cases, the lack of need may be less obvious, and it may help to ask whether it would be considered expedient to enforce against a breach. If not, then the condition may well be unnecessary.
- 6.29 Given Dŵr Cymru Welsh Water's response to P240468/F confirming that capacity was available in the water supply system to accommodate the development, it is appreciated that the planning permission could not reasonably have been refused in the absence of this condition. As such, whilst the consistency of approach was given weight, it is now evident that the condition is not deemed necessary to the development from the planning regime. It is noted that Dŵr Cymru Welsh Water have confirmed this position as part of consideration of this current application.
- 6.30 Furthermore, NDMP DM7 (relationship with other regulatory regimes) of the NPPF states that the focus of proposals should be assessed on the basis of whether the proposed development is an acceptable use of land, rather than a means of controlling processes or emissions where these are subject to separate pollution control regimes. NDMP DM7 is inserted below for ease:
- 1. "Development proposals should be assessed on the basis of whether they would be an acceptable use of land. Matters which are controlled by separate regulatory regimes may, in the context of a particular development proposal, be a material consideration where they have land-use implications. Decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively.*
 - 2. Planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes other than where there is a development plan policy in place applying optional technical standards for the development proposed (see policy PM13).*

3. *The parallel processing of planning and other regulatory consents is encouraged where this can help to align and expedite the consenting of development.*
4. *Where compliance under a separate regulatory regime requires subsequent changes to an approved development proposal, such changes should be approved unless they would mean the development is no longer acceptable when assessed against development plan and national decision-making policies.”*

- 6.31 The above NDMP is clear that planning decision-making should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by other pollution control authorities.
- 6.32 In this particular instance, there is legislation in place under the Water Industry Act which enables the statutory undertaker (i.e. Dŵr Cymru Welsh Water) to review connections for potable water supply and enables them to reconsider their position at the appropriate time. They have the powers to require reinforcement or mitigation works before a connection is permitted. It is clear that this was the case in 2022 when Dŵr Cymru Welsh Water had requested the condition but not so when the Local Planning Authority considered the 2024 application when permission was subsequently granted by the Local Planning Authority.
- 6.33 The Local Planning Authority has sought to engage Dŵr Cymru Welsh Water under this current application, also in accordance with NDMP DM3 of the revised NPPF. With reference to their revised response, they have confirmed that Condition 4 has a degree of duplication. In this regard, the statutory undertaker responsible for the provision and maintenance of the public water supply network has confirmed no objection to the removal of the condition. In the absence of any objection from Dŵr Cymru Welsh Water regarding the capacity of the network to serve the development, there is insufficient evidence to demonstrate that the development would be unacceptable without the condition. Accordingly, the Local Planning Authority considers that the necessity of the condition has not been substantiated.
- 6.34 The condition requires completion of works to the public water supply network prior to commencement of development. Such works would ordinarily fall within the responsibility and control of the statutory undertaker operating under the provisions of the Water Industry Act 1991. Section 41 of the Act establishes a statutory mechanism through which new water infrastructure may be requisitioned and provided by the water undertaker where necessary.
- 6.35 The condition effectively places implementation of the planning permission at the discretion of a third party and requires works which may be outside the applicants' direct control. Given Dŵr Cymru Welsh Water's confirmation that it has no objection to the removal of the condition, the Local Planning Authority considers that retention of the condition would not be reasonable.
- 6.36 Whilst clearly needing to acknowledge the extent of local concern regarding local water pressure/potable water supply, the evidence does not demonstrate that the development would result in unacceptable impacts that cannot be appropriately addressed through the existing statutory water industry regime. In these circumstances, retention of the condition would duplicate controls that would be more appropriately exercised by the statutory undertaker. The recent revisions to the NPPF also provides further clarity with NDMP DM7 clear that planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes other than where there is a development plan policy in place applying optional technical standards for the development proposed, which is not what is being considered here in terms of the proposed removal of condition.
- 6.37 Having regard to the updated consultation response from Dŵr Cymru Welsh Water, the provisions of the Water Industry Act 1991 and the tests for planning conditions contained within the NPPF, it is considered that Condition 4 is not justified. The condition fails to adequately satisfy the tests

of necessity and reasonableness. The continued imposition of the condition is therefore not necessary to make the development acceptable in planning terms. Accordingly, on the evidence above and appreciating that the planning regime is satisfied that it should assume that other regimes and legislation will operate effectively, Condition 4 can be considered acceptable to remove.

6.38 In also reaching this position, officers note NDMP W4 of the NPPF insofar as,

“1. In considering proposals for water supply, drainage and wastewater development, substantial weight should be given to the benefits of:

a. Providing the capacity needed to serve proposed development and/or improving the security of supply and capacity for existing users (both residential and commercial, including agricultural users); and

b. Improving water quality and reducing water-borne pollution.

2. Applicants should not be required to demonstrate the need for water infrastructure developments.”

6.39 Given the current position of Dŵr Cymru Welsh Water, which does not formally object, officers do not consider there to be conflict with Policy W4 of the NPPF.

Other matters

6.40 In the context of the proposed amendment, it is not considered that the previously undertaken Habitat Regulations Assessment which was done under P240468/F needs to be revisited given there are no changes proposed to the drainage characteristics/arrangements. Having regard also to cumulative effects, officers do not identify conflict with NDMP P3, N2 or N6 of the NPPF. Indeed, Policy P3 of the NPPF states that,

“In applying this policy, it should be assumed, unless there is clear evidence to the contrary, that separate regulatory regimes for the control of pollution will operate effectively, as set out in policy DM7. This means that it will be appropriate to take into account emissions limits set through those other regimes.”

6.41 The relevant policies of the adopted development plan have also been considered namely SS1, SS6, LD2, SD3 and SD4 from the CS, and Policies LGPC10 and LGPC14 of the NDP. Officers do not consider the proposed removal of the condition would manifestly conflict with any of these policies appreciating also the weight that should be afforded to them as set out in the appraisal above.

6.42 This is a Section 73 application to a previously approved application for full planning permission which benefitted from the small-sites exemption in force at the time as it was submitted prior to the small sites exemption being lifted in April 2024. The application therefore remains exempt from requiring statutory Biodiversity Net Gain (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

6.43 In accordance with the adopted MWLP which policies are considered to be consistent with the NPPF and should continue to be afforded significant weight, any application for major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as may be amended) that includes built development will be required to be accompanied by a comprehensive Resource Audit addressing all the matters set out in policy SP1. A proportionate approach will be applied to all other development proposals that include built development, which should at least provide commentary on waste prevention and management measures to be implemented. Being mindful that the original grant of planning permission already imposed the condition, it would be reasonable for it to continue to be imposed.

- 6.44 There are no other matters considered material to the determination of this particular application. Whilst it is noted that several interested third parties have sought to challenge the publicity and handling of the application, the Local Planning Authority has displayed site notices outside the application site and C1203 on two separate occasions to enable any interested party to make representation in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has also notified the local group parish council on both occasions to enable them to make representation.

7. Summary, Planning Balance and Conclusion

- 7.1 Based on the aforementioned appraisal, officers consider the proposal accords with the statutory development plan policies and would not diminish the quality of development, as per Policy DP4 of the NPPF.
- 7.2 In relation to the application for planning permission, the NPPF has at its heart the presumption in favour of sustainable development, as per Policy S3. Policy S3 is clear that Policy S4 in the NPPF applies when considering development proposals within settlements, which is the case here.
- 7.3 Policy S4 1) states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. On the basis of the aforementioned appraisal, any perceived harm, when taken together, is not considered to be substantially outweighed by the benefits when assessed against the policies in the NPPF taken as a whole. Appropriate weight has been factored into all technical considerations though the proposal is compliant with NDMPs, as set out in the NPPF in the view of officers. The planning balance of NDMP S4 must be applied appropriately given the bar of 'substantial'. Turning to 2), there are no circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects as listed within NDMP S4 and notably, the proposal would not fail to comply with one of the NDMP which state that development proposals should be refused in specific circumstances.
- 7.4 There are no material considerations which otherwise substantially outweigh the presumption in favour of sustainable development. Accordingly, the application is viewed to benefit from the presumption and is recommended for approval.
- 7.5 Section 73 applications are commonly said to be seeking to vary or remove conditions to which an existing permission is subject. However, that is not strictly the case. If such applications (or appeals against their refusal or non-determination) succeed, a completely new permission is created that stands alongside the original and an applicant or appellant is able to choose which is implemented. This has become evident through case law on the matter. Lord Carnworth held in the Supreme Court (in *Lambeth LBC v SSHCLG [2019] UKSC 33*) that it is strongly desirable for all of the conditions of previous consent(s) to be restated to ensure clarity in the reading of the decision without the need to refer back to previous decisions in the future in a common-sense manner.
- 7.6 The PPG also makes clear that the decision notice should set out all of the conditions imposed on the new permission, and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect. Relevant conditions are updated to reflect the changes sought and where any approval of details reserved by conditions applications has been submitted and details approved through subsequent letters, these are referred to accordingly. These conditions are set out in the schedule of conditions below.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. The development hereby permitted shall be begun before the expiration of 8 July 2028.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and in having regard to Paragraph: 014 Reference ID: 17a-014-20140306 of National Planning Practice Guidance, planning permission cannot be granted under Section 73 to extend the time limit within which a development must be started.

2. The development hereby approved shall be carried out strictly in accordance with the following list of approved plans, except where otherwise stipulated by conditions attached to this permission:

- 1001 REV B (Location Plan);
- 1102 REV L (Proposed Site Plan);
- 1103 REV L (Site Plan);
- 1201 REV B (House Type A – Plans);
- 1202 REV A (House Type B – Plans);
- 1203 (House Type C – Plans);
- 1204 REV A (House Type D – Plans);
- 1301 REV D (House Type A – Elevations);
- 1302 REV C (House Type B – Elevations);
- 1303 REV D (House Type C – Elevations);
- 1304 REV C (House Type D – Elevations);
- 18484_500 REV.03 (Drainage Strategy); and
- 18484_501 REV. 02 (Foul Drainage Connection Plan)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area, in accordance with the requirements of Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies LGPC1 and LGPC2 of the Longtown Group Neighbourhood Development Plan and Policies DP3 and DP4 of the National Planning Policy Framework.

3. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: Monday - Friday 7.00am - 6.00pm, Saturday 8.00am -1.00pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and Policies P3 and P4 of the National Planning Policy Framework.

4. No works, including any site clearance, materials being brought onto site or groundworks, shall take place until details and the location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway;
- Construction traffic access location;
- Parking for site operatives;
- Construction Traffic Management Plan;

- Siting of site office/compound/storage area;
- Tree/hedgerow protection; and
- Soil management plan

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies M4, M6 TR4 and TR6 of the National Planning Policy Framework.

5. No works, including any site clearance, materials being brought onto site or groundworks, shall take place until details of a site waste prevention plan and management measures has been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details.

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy SP1 of the Herefordshire Minerals and Waste Local Plan and Policies M4 and M6 of the National Planning Policy Framework.

6. With the exception of any site clearance, no further works shall take place until visibility splays, and any associated set back splays at 45 degree angles are provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 23 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policies LGPC1, LGPC2 and LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4 and TR6 of the National Planning Policy Framework.

7. With the exception of site clearance, formation of visibility splays and groundworks, no further development beyond damp course proof levels shall take place until manufacturers details or samples pertaining to the following matters have been submitted to and approved in writing by the Local Planning Authority:

- Roof materials to be used externally;
- Wall materials to be used externally;
- Materials to be used externally on all windows and doors;
- Details (i.e. location, design and appearance – including stain colour of any timber fencing) of all means of enclosure (i.e. gates, walls, fencing and other means of enclosure); and
- Details of all rainwater goods (i.e. design, profile, material & colour).

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to ensure a quality development, in accordance with policies SS6, LD1 and SD1 of the

Herefordshire Local Plan Core Strategy 2011-2031, Policies LGPC1, LGPC2, LGPC10 and LGPC13 of the Longtown Group Neighbourhood Development Plan and Policies DP3 and DP4 of the National Planning Policy Framework.

- 8. All parts of the approved development which are to be of stonework shall be of a local stone, properly coursed, laid on its natural bed in a mortar. Details of the stone, coursing details and mortar shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works in relation to the stonework.**

The works shall be carried out in accordance with the approved details and completed prior to first occupation of the dwellinghouse.

Reason: In the interests of conserving the character of the building so as to ensure that the development complies with the requirements of Policies SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, Policies LGPC1, LGPC2, LGPC10 and LGPC13 of the Longtown Group Neighbourhood Development Plan and Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework.

- 9. Notwithstanding the details which have been provided to date, with the exception of any site clearance, formation of visibility splays and groundworks, no further development beyond damp course proof levels shall take place until an enhanced landscaping scheme is submitted to and approved in writing by the local planning authority. The landscaping scheme shall include a scaled plan identifying:**

- a) All proposed new planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details; and**
- b) All proposed hardstanding, paving and boundary treatments.**

The approved details shall subsequently be implemented as follows in accordance with the following timescales:

- All new soft landscaping boundary treatment planting and new ‘orchard’ planting shall be carried out in the first planting season following the approval of the landscaping details.**
- All hard landscaping shall be completed prior to first occupation of each dwellinghouse.**
- All other planting, seeding or turf laying in the approved landscaping scheme, unless otherwise specified above, shall be carried out in the first planting season following the occupation of the first dwellinghouse or the completion of the development, whichever is the sooner.**

Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plans.

Reason: Having regard to the submitted details to date, an enhanced landscaping scheme is necessary to safeguard and enhance the landscape character and visual amenity of the area including streetscene. Additionally, the condition is to ensure implementation of the subsequently approved landscape scheme in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policies LGPC1, LGPC2, LGPC10 and LGPC13 of the Longtown Group Neighbourhood Development Plan and Policies DP3 and DP4 of the National Planning Policy Framework.

10. Prior to relevant works commencing in relation to foul and surface water drainage arrangements, details pertaining to the following matters shall be submitted to and approved in writing by the Local Planning Authority:

- Detailed design/construction drawings of the proposed surface water and foul water drainage systems and proposed features;
- Full network calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to and including the 1 in 2 annual probability storm event; and
- Confirmation that the adoption and maintenance of the foul drainage system has been agreed with Welsh Water.

The development shall subsequently be carried out in accordance with the approved details together with the details agreed in the Drainage Strategy Report (DSR) REF: 18484-DSR Revision 3 dated 31 March 2025, and drawing numbers 18484_500 REV.03 (Drainage Strategy) and 18484_501 REV. 02 (Foul Drainage Connection Plan) prior to first occupation of the dwellinghouses hereby approved and thereafter maintained as such for the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure satisfactory drainage arrangements in accordance with policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and Policies CC2, DP3, DP4, P3, P4 and F7 of the National Planning Policy Framework.

11. Prior to first occupation of each dwellinghouse, the related areas for car parking shall be laid out within the curtilage of each dwellinghouse, in accordance with the approved plans pursuant to Condition 2. The car parking areas shall be properly consolidated, surfaced and drained, in accordance with further details to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each dwellinghouse and subsequently completed prior to first occupation of each dwellinghouse.

Once first occupied, the car parking areas shall not, thereafter, be used for any other purpose other than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4, DP3 and DP4 of the National Planning Policy Framework.

12. Prior to first occupation of any dwellinghouse approved under this permission, a scheme demonstrating measures for the efficient use of water for each dwellinghouse approved under this permission, as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan - Core Strategy (or successor policy), shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and completed prior to first occupation of each dwellinghouse.

Reason: To ensure compliance with Policies SS7, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood

Development Plan and Policies CC1 and DM7 the National Planning Policy Framework.

13. Works in relation to the provision of road and drainage infrastructure shall not commence until the following details have been submitted to and approved in writing by the local planning authority:

- Surface finishes;
- Drainage details; and
- Future maintenance arrangements

The works shall subsequently be carried out in accordance with the approved details and completed prior to the first occupation of each dwellinghouse hereby permitted, unless an alternative delivery/completion schedule is submitted to and approved in writing by the Local Planning Authority.

Thereafter, these shall be maintained in accordance with the approved details.

Reason: To ensure an adequate and acceptable means of access is available before any dwellinghouse is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4, DP3 and DP4 of the National Planning Policy Framework.

14. The construction of the vehicular access shall be carried out in accordance with a detailed specification to be submitted to and approved in writing by the local planning authority, prior to relevant works commencing, at a gradient not steeper than 1 in 12.

The approved works shall thereafter be implemented and completed prior to first occupation of each dwellinghouse hereby permitted.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4, DP3 and DP4 of the National Planning Policy Framework.

15. Prior to first occupation of each dwellinghouse, the driveways and/or vehicular turning areas shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway.

Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to relevant commencement of any works in relation to the driveway and/or vehicle turning area.

The works shall subsequently be carried out in accordance with the approved details and completed prior to the first occupation of each dwellinghouse hereby permitted unless an alternative delivery / completion schedule is submitted to and approved in writing by the Local Planning Authority. Thereafter, these shall be maintained in accordance with the approved details.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4, DP3 and DP4 of the National Planning Policy Framework.

16. Construction of highway works proposed for adoption shall not begin until details of such works have been submitted to and approved in writing by the Local Planning Authority, following the completion of the technical approval process by the Local Highway Authority.

No dwellinghouse shall be occupied until the approved works have been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4, DP3 and DP4 of the National Planning Policy Framework.

17. Prior to first occupation of the first dwellinghouse under this permission, details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwellinghouse shall be submitted to the Local Planning Authority for written approval.

The covered and secure cycle parking facilities shall be provided in accordance with the approved details and made available for use upon the first occupation of each dwellinghouse and thereafter maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SS4, SS7, SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policies LGPC1 and LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies CC2, TR4, DP3 and DP4 of the National Planning Policy Framework.

18. No works in relation to any of the specified highways works shall begin until further details of the drop crossing point on the C1203, as indicated on Drawing Number: 1102 REV L (Proposed Site Plan), have been submitted to and approved in writing by the Local Planning Authority, following the completion of the technical approval process by the Local Highway Authority.

No dwellinghouse shall be occupied until the scheme has been constructed in accordance with the approved works.

Reason: To enhance pedestrian connectivity, improve highway and pedestrian safety, improve active travel modes and to conform to the requirements of Policies SS4 and MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4, DP3 and DP4 of the National Planning Policy Framework.

19. Details of the installation of water butts, to collect rainwater and improve surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwellinghouse approved under this permission.

The works shall subsequently be carried out in accordance with the approved details and completed prior to first occupation of each dwellinghouse. Thereafter, these facilities shall be maintained.

Reason: In the interests of improving surface water drainage on-site, measures to address climate change through improved water storage and to accord with Policies SS7 and SD3 of the Herefordshire Local Plan – Core Strategy; Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and Policies CC2, DP3 and DP4 of the National Planning Policy Framework.

20. Prior to first occupation of the last dwellinghouse approved under this permission, evidence of the suitably placed installation on the approved dwellings, or on other land under the applicant's control, of a minimum of EIGHT bird nesting, EIGHT bat roosting features of mixed types, and ONE hedgehog home per dwelling with hedgehog highways through all impermeable boundary features to be submitted to and approved in writing by the local planning authority; and shall be maintained hereafter as approved, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, Policies CC2 and N2 of the National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and Policies LGPC1, LGPC2 and LGPC10 of the Longtown Group Neighbourhood Development Plan.

21. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies SS6, LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and Policies CC2, W4, DP3, DP4 P3, P4 and N6 of the National Planning Policy Framework.

22. At no time shall any external lighting, except low power (corrected colour temperature not exceeding 2700K and brightness of 500 lumens or less), 'warm-white' LED lighting on directional down-lighters only with 0 degree tilt angle and 0% upward light ratio and controlled by means of a PIR sensor with a maximum overrun time of 1 minute, that is directly required in relation to the immediate safe use of the dwelling and garage, shall be installed or operated throughout the application site, unless otherwise agreed in writing with the Local Planning Authority.

No permanently illuminated external lighting shall be operated at any time within the application site, without the written approval of the local planning authority.

All lighting shall be maintained thereafter in accordance with these details with all lighting installed demonstrating compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

Reason: To ensure that all species and local intrinsically dark landscapes are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); Policies DP3, P3 and N2 of the National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan – Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and Policy LGPC10 of the Longtown Group Neighbourhood Development Plan.

23. All foul water shall discharge through a connection to the local Mains Sewer network (Longtown Wastewater Treatment Works) and all surface water shall be managed through a Sustainable Drainage System (SuDS) within land under the applicant's control; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Policies CC2, W4, DP3, DP4 P3, P4 and N6 of the National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4 and Policies LGPC1 and LGPC14 of the Longtown Group Neighbourhood Development Plan.

24. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, AA and E of Part 1 and Class A of Part 2 both of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality, enable re-assessment of impacts upon landscape character, visual amenity and heritage assets, to maintain the amenities of adjoining property and to comply with Policies SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, Policies LGPC1, LGPC3, LGPC10 and LGPC13 of the Longtown Group Neighbourhood Development Plan and Policy DM6 of the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant may need to apply to Dŵr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.Dŵrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dŵr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dŵr Cymru Welsh Water has rights of access to its apparatus at all times. In accordance with the National Planning Policy Framework, the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption.

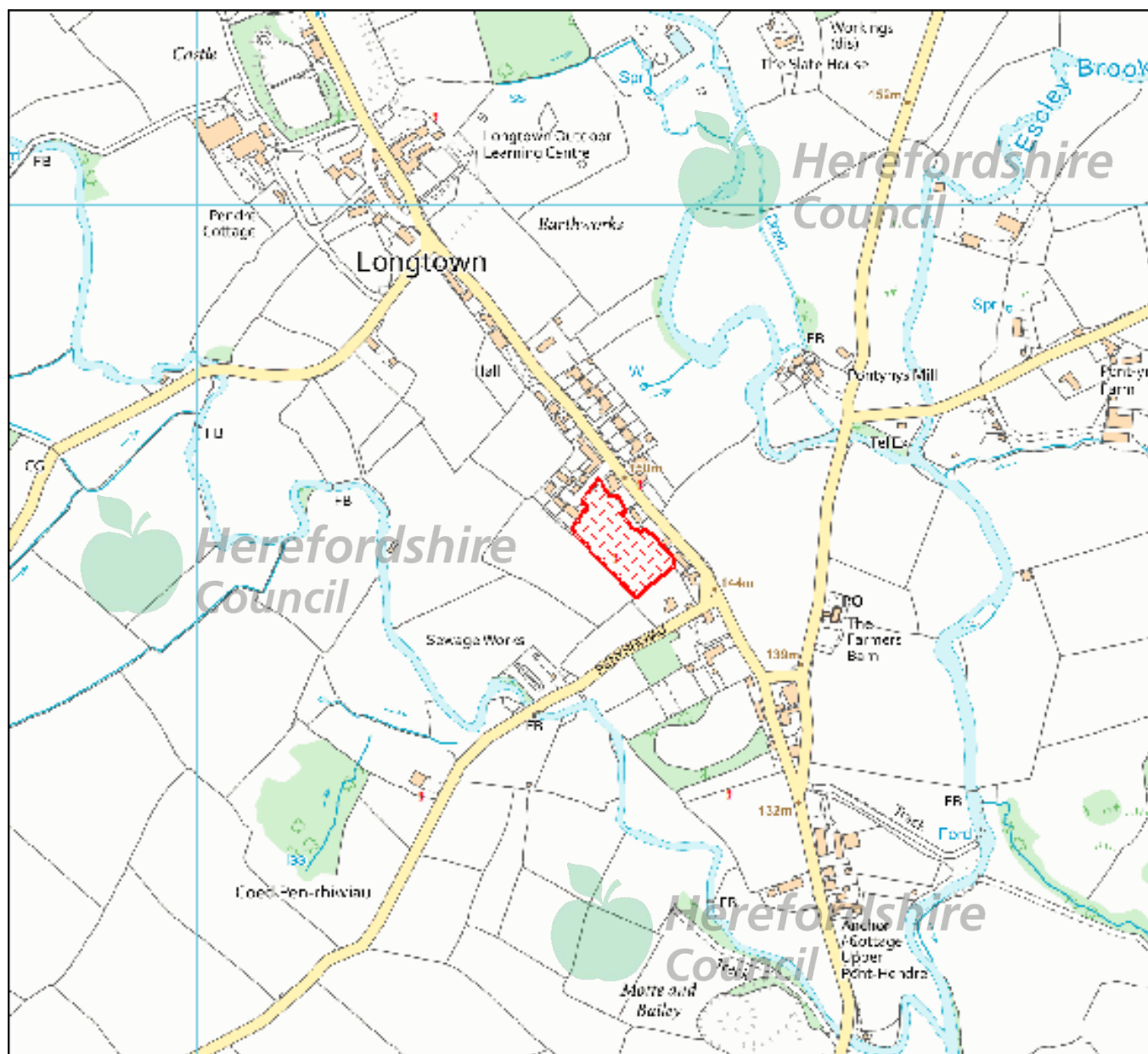
We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

- 3. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
- 4. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved). Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.**
- 5. The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.**
- 6. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.**
- 7. It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.**
- 8. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.**
- 9. All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website.**

Decision:
Notes:
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Background Papers

None identified.



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APPLICATION NO: 260149

SITE ADDRESS : LAND SOUTH EAST OF GREYHOUND CLOSE, LONGTOWN, HEREFORD, HEREFORDSHIRE

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