

MEETING:	PLANNING COMMITTEE
DATE:	17 May 2017
TITLE OF REPORT:	163658 - PROPOSED NEW BUILD PART-EARTH SHELTERED DWELLING ON LAND ADJACENT TO CUCKHORN FARM. TO INCLUDE SUBMERGED INTEGRAL GARAGE AT LAND ADJACENT TO CUCKHORN FARM, STOKE LACY, HEREFORD. For: Mr & Mrs White per Mr Garry Thomas, Ring House, Fownhope, Hereford, HR1 4PJ
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163658&search=163658
Reason Application submitted to Committee – Re-direction	

Date Received: 15 November 2016 Ward: Three Crosses Grid Ref: 362573,250520
Expiry Date: 10 January 2017
 Local Member: Councillor JG Lester

1. Site Description and Proposal

- 1.1 The application site comprises agricultural land east of the C1116 road on land falling in a northerly direction from the A465 (Hereford-Bromyard) road to the general south. There is an earth bund (motte) in the field covered with trees. To the east lies Cuckhorn Farm (220 metres) while The Oast House lies to the north-west (140 metres) on the opposite side of the lane along with Hall Place Farm. This site lies approximately 4.5 km south-west of Bromyard town.
- 1.2 The settlement of Stoke Lacy settlement lies approximately 90 metres to the south-west.
- 1.3 The proposal is for a single dwelling (4 bedrooms) with six parking spaces. This is L shaped in floor plan and has a north-west aspect (described by the applicants as part earth sheltered dwelling with submerged integral garage in a National Planning Policy Framework (NPPF) Paragraph 55 design). The residential curtilage extends uphill to the A465 and is substantially larger in area than the curtilage delineated for an application refused by Planning Committee in June 2016 (152759/F) for the same designed and sited dwelling. It is stated that this will facilitate a footpath link up to the A465 for a crossing point to join development on the opposite side of the class I road granted outline planning approval in January 2017 at Newlands (reference 151937/O)
- 1.4 A new access is proposed off the C1116 road at the point of an existing field entrance.

- 1.5 A sedum/ wildflower roof is detailed, with handmade bricks bricks/ steel panels to elevations, and black brick to garage undercroft. Resin bonded gravel is specified for the access and hardstanding areas.
- 1.6 SUDS drainage and a package sewage treatment system is being proposed.
- 1.7 A Grade II listed building (named Hall Place Farm) lies to the north west, on lower ground, on the opposite side of the C1116 road.

2. Policies

2.1 Herefordshire Local Plan: Core Strategy

- SS1 - Presumption in Favour of Sustainable Development;
- SS2 - Delivering New Homes;
- SS6 - Environmental Quality and Local Distinctiveness;
- RA2 - Housing Outside Settlements Hereford and the Market Towns (Stoke Cross/ Stoke Lacy);
- RA3 - Herefordshire's Countryside;
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel;
- LD1 - Landscape and Townscape;
- LD2 - Biodiversity and Geodiversity;
- LD4 - Historic Environment and Heritage Assets;
- SD1 - Sustainable Design and Energy Efficiency;
- SD4 - Waste Water Treatment and River Water Quality;

2.2 National Planning Policy Guidance:

Chapter 6: Delivering a Wide Choice of High Quality Homes;
Chapter 7: Requiring Good Design;
Paragraph 14: Presumption in Favour of Sustainable Development;
Paragraph 49: 5 Year Housing Land Supply;
Paragraph 55: New Housing in the Countryside.

2.3 National Planning Practice Guidance:

Use of Planning Conditions (ID21a);
Planning Obligations (ID23b);
Design (ID26): Form, Scale, Details, Materials.

2.4 Neighbourhood Plan

No Neighbourhood Development Plan for Stoke Lacy is in preparation.

2.5 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

- 3.1 152759 –Proposed new build part-earth sheltered dwelling on land adjacent to Cuckhorn Farm- Refused 15 June 2016 by Planning Committee.

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Consultations

4.2 Transportation Manager has not responded

4.3 Conservation Manager (Ecologist) conditional support:

I am assuming that the ecological report from the previously refused application (152759) on this site for a substantially similar build is being 'submitted' against this current application. If this is the case then I would happily refer to my colleague's original comments and suggested condition:

"Thank you for consulting me on the above application. I have read the ecological report submitted in support of the application and generally agree with its findings. I believe there will be a minimal risk to any protected species provided any clearance of vegetation and excavations are carried out judiciously and at the correct time of year. I would note that the proposal encroaches upon a feature of archaeological interest which does not appear to be notified on the Sites and Monuments Record (SMR). I have notified the LPA's archaeological adviser.

I would advise attaching the following non-standard compliance condition to any approval

4.4 Archaeologist no objections;

This appears to be fundamentally the same proposal as the previously refused scheme [152759], although the applicants have here attempted to address in more detail the issues relating to new development in the countryside (planning statement).

As regards archaeology specifically, I refer you to my previous final comments in relation to that application and the final version of it. In essence, following evaluation, I had no objections to the development in its' revised siting.

Given that the revised siting has in essence been carried over into *this* application, I continue to have no objections.

5. Representations

5.1 Stoke Lacy Parish Council support:

Stoke Lacy Parish Council supports this application and believes it is fully compliant with Herefordshire Council's Core Strategy 2011-2031. This is kind of development is very suitable for our Parish.

5.2 18 letters of support received. The points raised are summarised as follows :

- Environmentally friendly, sustainable. Not mass produced
- Motte can be restored
- No highways issues
- Family can remain in village

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163658&search=163658

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

General Principles

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 Here, the Herefordshire Local Plan ('HLP') is the development plan. The Core Strategy (CS) is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.

6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon, although still retain weight.

6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development with proportionate growth of sustainable rural settlements, which are exhaustively listed at figures 4.14 and 4.15, also supported. Stoke Lacy is one of those settlements.

6.5 In terms of rural settlements, CS Policy RA2 firstly requires that proposals accord with the relevant Neighbourhood Development Plan ('NDP') or where there is no NDP with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a 'settlement boundary'. The application site is within the Parish of Stoke Lacy who are not producing a neighbourhood plan, and consequently there is no settlement boundary as such.

6.6 The site of the dwelling is not immediately adjacent to the settlement of Stoke Lacy, therefore cannot be considered to be within or adjacent to an identified settlement and is consequently contrary to Policy RA2. Policy RA2 requires that housing proposals be *located within or adjacent to the main built up area*. Accordingly the site is considered to be in open countryside where RA3 is the appropriate policy.

- 6.7 At the time of writing of writing this report this Council does not have a 5 year housing land supply, as per paragraph 49 of the NPPF, and consequently less weight is given to Policies SS2, SS3 and RA3 of the Local Plan in respect of new housing supply.
- 6.8 This is following appeal decisions at Leintwardine and Ledbury. A recent Court of Appeal judgment amongst other points came to the view that 'out of date' policies because of the housing land supply being under 5 years do not become irrelevant, it is simply that the weight is for the decision maker. The decision overall is one of planning judgment and balance, which includes the weight properly attributable to the NPPF and the shortfall and all other relevant policies and facts.
- 6.9 New housing development is directed to Hereford City, Market Towns and rural settlements identified for proportionate growth. The proposal is located outside of such areas in Herefordshire's countryside where Policy RA3 is relevant in respect of new housing. While the proposal is not locally distinctive it is a subjective consideration as to whether the proposed design is 'exceptional or innovative'. The proposal does not fully satisfy any of the criteria (1-7) in that Policy that would allow for such development at this rural location namely:
- Meets an agricultural or forestry need or farm diversification enterprise;
 - Is for a rural enterprise;
 - Is a replacement dwelling;
 - Sustainable reuse of redundant or disused building in association with Policy RA5 [This proposal does not involve the re-use of an existing building];
 - Is rural exception housing (Policy H2);
 - Exceptional or innovative design;
 - Site for Needs of gypsies or travellers.
- 6.10 Nor does this proposal satisfy Policy H2 (rural exceptions sites) which allows for affordable housing schemes where:
- This assists in meeting a proven local need;
 - Affordable housing is made available and retained in perpetuity for local people in need of affordable housing; and
 - The site respects the characteristics of its surroundings, demonstrates good design; and offers reasonable access to a range of services and facilities normally identified in a Policy RA2 settlement.
- 6.11 The National Planning Policy Framework- with its three dimensions to sustainable development (namely economic, social and environmental role) in paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development, as defined in paragraphs 18 to 219 of the NPPF.
- 6.12 This is in an open countryside location and on balance not considered to be a sustainable location for new private market housing which does not satisfy any exception in Policy RA3 which would allow for such development, or that defined in Paragraph 55 of the NPPF.

Accessibility

- 6.13 The C1116 is a single width lane at this point with no pedestrian path, and at the point of access into the field there appears to be a relatively straight section of road. An existing field access will be upgraded for this proposal. This is considered acceptable in terms of highway safety.

Ecology

- 6.14 There are no adverse ecological implications from the siting and construction of the dwelling and access road.

Historic Environment/ Heritage Assets

- 6.15 The separation distance from Hall Place Farm is such that the immediate setting of that building would be preserved. The impact on the adjacent motte (earth mound) raises no objection with this Council's Conservation Manager.

Waste Water

- 6.16 A package sewage treatment unit would be provided which would provide capacity to deal with waste water from the proposed dwelling. There is sufficient room within the site for the installation of underground soakaway pipes.

Conclusion

- 6.17 As the Council has been found unable to demonstrate an NPPF compliant housing land supply at appeal, paragraph 49 thereof requires that applications are considered for their ability to represent sustainable development rather than for their inherent conformity with the Local Plan. However, and for the reasons explained within this report, the CS is considered to accord with the aims and objectives on the NPPF in this instance and the housing supply policies of the CS, Policy SS2 and the housing supply dimensions of Policies RA1, RA2 and RA3 in particular here, are considered to retain significant weight.
- 6.18 The site is located in a rural location - sufficiently separate from Stoke Lacy settlement so as not to be Policy RA2 compliant.
- 6.19 Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal is not locally distinctive, and it is a subjective judgment as to whether the proposal is in fact innovative or of exceptional design, which would otherwise allow for such a proposal at this location as per the exceptions in Policy RA3.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal would be contrary to Policies SS1, SS6, RA2 and RA3 of the Herefordshire Local Plan: Core Strategy (adopted October 2016) which seeks to achieve sustainable development, as outlined in paragraphs 18 to 219 of the National Planning Policy Framework 2012.**

Informative:

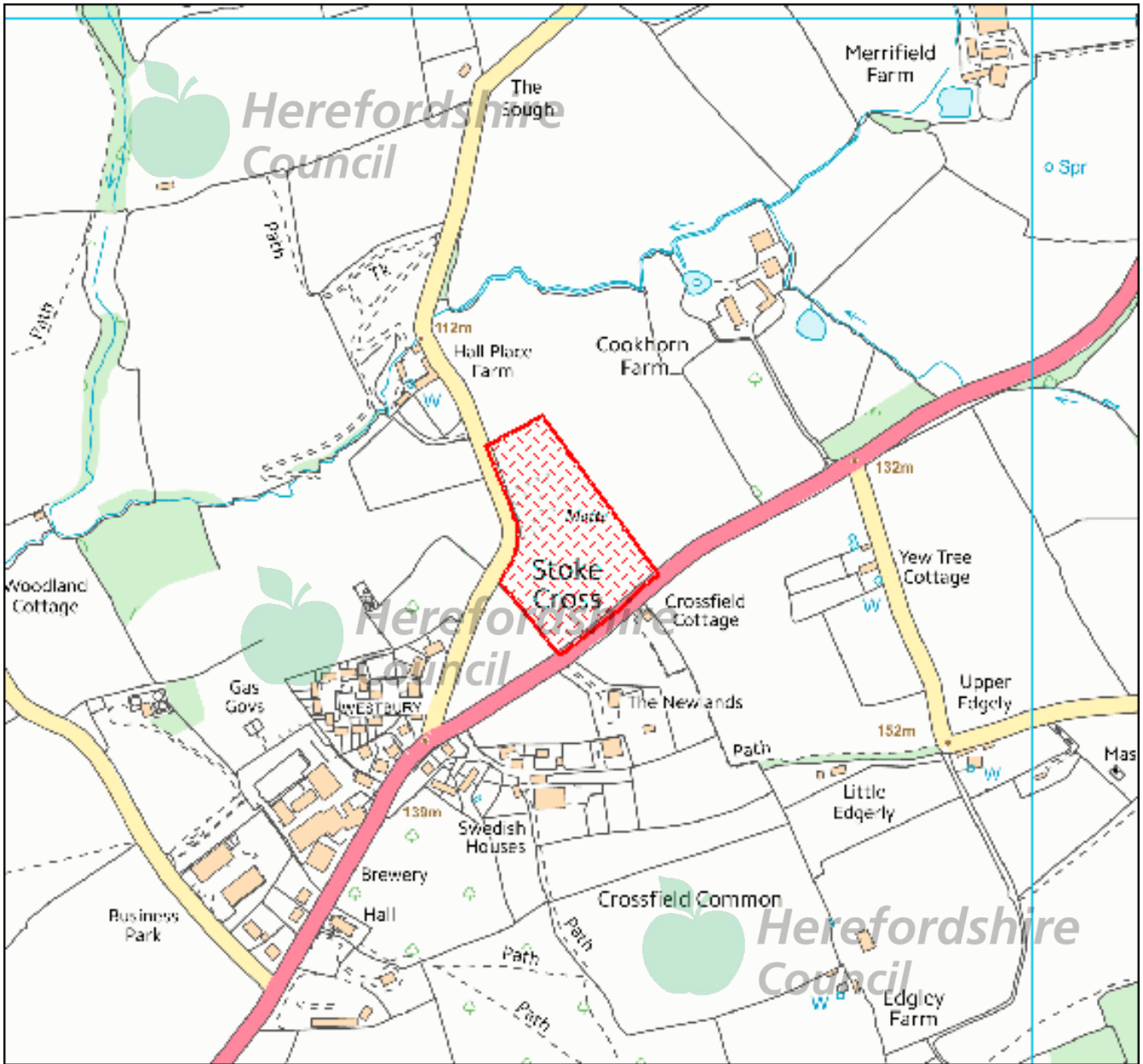
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163658

SITE ADDRESS : LAND ADJACENT TO CUCKHORN FARM, STOKE LACY, HEREFORD

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Further information on the subject of this report is available from Mr Andrew Prior on 01432 261932