

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	4 October 2017
TITLE OF REPORT:	171535 - PROPOSED 3 NO DWELLINGS & GARAGES AT LAND ADJACENT TO WOODHOUSE FARM, EDWYN RALPH, HEREFORDSHIRE. For: Johnson Brothers & Co Ltd per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171535&search=171535
Reason Application submitted to Committee – Re-direction	

Date Received: 25 April 2017

Ward: Hampton

Grid Ref: 364238,258203

Expiry Date: 5 October 2017

Local Member: Councillor BC Baker,

1. Site Description and Proposal

- 1.1 The proposal site is on the southern side of the B4214 road the main thoroughfare in Edwyn Ralph, a settlement identified in policy RA2 of the Herefordshire Local Plan – Core Strategy. The land declines southwards from the highway, Woodhouse Farm is to the north-east and is on the southern side of the 0.29 hectares site. The roadside boundary comprises trees and hedgerow. The only break in the roadside frontage is a public footpath ER27 that crosses the application site.
- 1.2 The proposal is for three detached dwellings. The southernmost plot is on the line of public footpath ER27 and therefore in the event that this proposal proceeds a footpath diversion will be required. The block plan submitted details a route between plot 3 and Meadowcroft
- 1.3 This is a detailed application for a mix of three 4 bed detached dwellings finished in a pallet of materials i.e brick, timber framing under slate tiled roofs. The plans submitted do not specify materials proposed. Also details for additional planting across the site are not specified, in addition to the one existing tree detailed towards the centre of the site.
- 1.4 Drainage will be provided via a package treatment plant. Plot 3 will have it's own access and plots 1 and 2 will share an access point.

2. Policies

2.1 The Herefordshire Local Plan - Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages

H1	-	Affordable Housing – Thresholds and Targets
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
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.2 NPPF

The following chapters are of particular relevance to this proposal:
Introduction - Achieving sustainable development

Section 4 - Promoting sustainable communities

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 8 - Promoting healthy communities

Section 10 - Conserving and enhancing the historic environment

Section 11 - Conserving and enhancing the natural environment

2.3 Neighbourhood Planning

There is no Neighbourhood Development Plan for Edwyn Ralph.

2.4 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/info/200185/local_plan/137/adopted_core_strategy/2

3. Planning History

3.1 152122 – Erection of six detached dwellings, reduced to five dwellings on Appeal for non - determination – Dismissed on Appeal 24/3/2017

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water had no objections noting the use of a private plant i.e package treatment plant.

Internal Council Consultations

4.2 Transportation Manager has no objections subject to conditions relating to visibility. Parking and turning facilities be provided

4.3 Conservation Manager (Historic Buildings) states

Overall, the impact of the proposed new houses on the existing heritage assets is very minor and should not be sufficient to prevent their approval.

The only designated heritage asset in the vicinity of the proposal site is the Grade II listed building, 'The Manor'. The boundary of the curtilage of the listed building lies some 50 metres south-west of the limit of the proposed new development. The Manor is down slope and well screened from the proposed new development. The Manor's setting is largely one of open countryside. As the new development is constrained to continuation of the existing street front of the village and does not encroach further south into the open fields surrounding the Manor it will have at most a very minor impact on the way the listed building is experienced from any approach.

Woodhouse Farm to the immediate north-east of the proposed development site appears on early mapping indicating a pre-Victorian origin, though the present building is much altered. However, even if not considered in planning terms a heritage asset, Woodhouse Farm can still be appreciated as an old building which contributes positively to the locality. Woodhouse Farm's setting is that of a farmstead within a village setting, though facing open countryside to its south-east. Housing along the street front to the south-west of Woodhouse Farm will cause only very minor harm to this setting.

The design and materials of the proposed new houses are suitable for their small rural village setting and cause no objection.

4.4 Public Rights of Way Manager states:

Correct line of public footpath ER27 not shown and therefore it will be obstructed by the development

5. Representations

5.1 Thornbury Group Parish Council object :

The Parish Council object to the application as follows. The application has a number of flaws and therefore these issues should be addressed before any further discussion:-

- Q14. Does the proposal involve any of the following? If yes an appropriate contamination assessment will be needed with the application. Both questions asking if there is known or suspected contamination has been stated by the applicant as 'no'. In the appeal decision made by the Secretary of State it quotes "this matter would need to be revised to require that a contamination survey was undertaken prior to the commencement of the development." This has not been included with the application and the residents and local farming community require 100% guarantee that this is completed before any further action.
- Q15. Trees and Hedges. The applicant has stated 'no' to any trees or hedges on the proposed site. Concerns of a new driveway for plot 1&2 and another driveway for Plot 3 to come out onto the B4214 would therefore remove part of a well established hedgerow and trees to accommodate the new entrances. Policy SS6 states that development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness. This is also highlighted in reasons 9, 13 and 14 in the Secretary of States report and therefore contrary to policies RA2, SDI and SS6 within the Core Strategy.
- The Groundwork and Drainage Report. This report is dated July 2015 which related to the houses positioned on the original planning application. These are not relevant to the present application and should be resubmitted with the correct information.
- Footpath ER27. The existing footpath has been moved on the application for the benefit of the proposed development. The proposed footpath will be directly over the septic tank for Meadowcroft and therefore not a viable proposition. Finally, it should be reminded that this is an Area of Outstanding Natural Beauty with the Manor being a listed building. Also the current owners of Woodhouse Farm, which dates back to the 16th Century, have recently applied to Historic England to be considered formally as a heritage asset. The Parish Council wish to confirm that the objections made on application 152122 in August 2015 and July 2016 (copies attached) still apply to the present application and therefore should be rejected again. Due to considerable local interest and owing to the unique sensitivity we strongly request this application to be referred to the Planning Committee.

5.2 10 letters of objection received in which the following main points are raised:

- Needs to be determined by Planning Committee
- Outside settlement boundary
- According to NDP , previous settlement boundary should be referred too
- Contrary to Policies SD1 and SS6 ; not in keeping , claytiles should be used and one plot dropped
- Should be bungalows
- 5 dwellings being built in Collington , not a need here particularly fo 4 bedroom dwellings
- Trojan horse application
- No Heritage Statement
- Understood anthrax still on site from cattle , spores remain dormant for hundreds of years

5.3 Petition received from Woodhouse Farm Action Group with 31 signatures.

5.4 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=171535&search=171535

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

6.1 Section 38 (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 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant to development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. There is no Neighbourhood Development Plan or indeed scheduled to be.

6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed needs is a central Core Strategy theme. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas 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."*

6.4 The local authority is currently failing to provide a 5 year Housing Land Supply, plus a 20% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF states that *'relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply deliverable housing sites'*.

- 6.5 Irrespective of the weight to be ascribed to the Core Strategy housing supply policies, it is useful to review the application in context. Edwyn Ralph is identified as one of the rural settlements within the Bromyard Housing Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at Core Strategy Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Bromyard rural HMA the indicative minimum housing growth is 15%. The minimum indicative growth target for Edwyn Ralph Group Parish, which is in Thornbury Group Parish, between 2011 and 2031 is 13 dwellings, with 2 commitments and 1 completion, this leaves a minimum residual number of 10 dwellings.
- 6.6 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states:
- “Within these [figure 4.14] settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted.”* The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed. Thornbury Group Parish Council has decided at this time not to progress a NDP.
- 6.7 However, and particularly until NDPs are adopted, RA2 is positively expressed insofar as housing proposals will be permitted where the four criteria of the policy are met. Moreover, the Inspector’s Main Modification 038 confirms that in the period leading up to the definition of appropriate settlement boundaries i.e. until such time as NDPs define a settlement boundary, the Council will *“assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship to the main built up form of the settlement.”* Thus with the NDP not yet attracting weight, policy RA2 is key to assessment of planning applications that deliver housing in the rural settlements.
- 6.8 Policy RA2 states that housing proposals will be permitted where the following criteria are met:
- *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or result in development that contributes to or is essential to the social well-being of the settlement concerned.*
 - *Their locations make the best and full use of suitable brownfield sites wherever possible.*
 - *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting.*
 - *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in the particular settlement, reflecting local demand.*
- 6.9 This proposal needs to be assessed against it can be seen that Policy RA2 as regards the context of the site, whether or not it is a sustainable location and makes a positive contribution to the settlement.
- 6.10 This application also needs to be determined in accordance with policies relating to the setting of a listed building, the biodiversity of the site, the means of access from the B4214 road, the issue relating to anthrax cattle that may or may not be buried on the site and the impact on the amenity of residents living in the vicinity of the site.

- 6.11 The site is centrally located in the settlement of Edwyn Ralph and is, having regard to the NPPF and CS, a sustainable location as confirmed by its listing within RA2.
- 6.12 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. In providing a greater supply of housing and breadth of choice officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

Heritage Assets

- 6.13 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”
- 6.14 NPPF section 12 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 126 – 141.
- 6.15 The proposal site is not contiguous with the boundary to a grade II listed building to the south-west i.e The Manor, a heritage asset and therefore the proposal needs to be determined in accordance with Policies SS6 (environmental quality and local distinctiveness), LD1 (landscape and townscape), LD2 (biodiversity and geodiversity), LD3 (green infrastructure) and LD4 (historic environment and heritage assets) are broadly consistent with Chapters 11 and 12 of the NPPF.
- 6.16 This is not an historic site in the sense that that it falls within the curtilage of a listed building and the proposal will have a neutral impact on the setting of the grade II listed building to the south-west given the site layout which results in the line of development filling in a gap between Meadowcroft to the south-west and Woodhouse Farm to the north-east. The proposal provides three well designed dwellings utilising complementary materials that will respect the context of the site. Given the less than substantial harm to the significance of a designated heritage asset the proposal is weighed against the public benefits as required by para 134 of the NPPF. In this case it is considered that the provision of sustainable housing together with jobs in the construction industry are material consideration in the economic dimension of the scheme.

Designation of site

- 6:17 The proposal site is not within a designated area such as an Area of Outstanding Natural Beauty or an area of great landscape value as stated in representations received. Also there is no settlement boundary. An earlier settlement boundary could be used as a template or starting point for the Neighbourhood Development Plan process, but it has no force in determination of applications for residential development in Edwyn Ralph. Policy RA2 of Core Strategy is the relevant policy as regards whether the siting is deemed satisfactory. The issue that arises is whether or not it is considered that the proposal site reasonably falls within the built form of Edwyn Ralph which is designated to take more residential development (see paragraph 6.5 above) regardless of whether or not it has few facilities as also stated in representations received previously.

The form of development

- 6.18 It is contended that the design of the three dwellings is appropriate for this particular site which is not the subject of either a national or local landscape designation. The use of slate reflects the local vernacular and will assist in settling the buildings into the landscape when viewed from distance. The development does not constitute cramming and the fact that each dwelling is two-storey and provides 4 bedrooms are not grounds for resisting development that accords with policies SD1, RA2 and SS6 of Core Strategy

Transport

- 6.19 There were representations received previously in relation to the application for five dwellings dismissed on appeal. However, the appointed Inspector resolved when dismissing the appeal stated that notwithstanding the concerns raised in relation to traffic on this stretch of road, subject a 30 mph speed, were not such that a safe highways access could not be provided. There have been no representations received relating to highways issues and given the conditional support of the Council's Transportation Manager, it is considered that this revised proposal for fewer dwellings provides a safe access, as required by the provisions of Policy MT1 of Core Strategy.

Ecology

- 6.20 There is no bio-diversity interest relating to the site that requires mitigation or indeed grounds for resisting development. This was confirmed previously for the earlier proposal and is confirmed again in the protected species survey submitted. Therefore, the proposal accords with Policy LD2 of Core Strategy.

Contamination of site

- 6:23 A contamination issue has been raised in representations, this relates to the possibility that there may be anthrax infected cattle buried on the site. All contaminated sites including infilled delves /quarries have been mapped and therefore the Council's Environmental Health Service has only been latterly involved following the receipt of representations. Colleagues have previously contacted the Animal and Plant Health Agency and were advised that they have no records and that in the event that contamination is found all work should cease and an assessment made by the developer and reported to the local authority before any further work is undertaken. It is on this basis that any condition (s) would be drawn up, as it is not considered in the absence of substantive evidence that the site is contaminated there is still a mechanism ensuring that the locality is protected from any spores.
- 6.24 This issue was determined on appeal earlier this year on a larger site; the appointed Inspector resolved that subject to conditions as recommended by the planning authority there were no substantive grounds for resisting residential development.

Public footpath diversion

- 6.25 Public footpath ER27 crosses the application site and will need to be the subject of a diversion order, which is separate to any planning approval. There is evidently scope for such a diversion, the issue raised in representations is the proposed line of the footpath in relation to an adjoining property. The line of footpath will be the subject of a footpath diversion order, which may not necessarily entail passing close to Meadowcroft as delineated in the block plan submitted with the application.

Impact on Residential Amenity

- 6.26 There is not perceived to be an adverse impact from the development of the site on the amenity of residents living in the locality and or in the wider landscape. The reference made to an overlooking window, a bathroom one in plot 3 can be made a frosted window. The footpath diversion will bring a diverted footpath adjacent to Meadowcroft. The boundary with this property can be protected by fencing /hedging and therefore there are not considered to be substantive grounds on loss of amenity. Therefore, it is considered that the scheme will accord with the provisions of Policy SD1 of Core Strategy

Foul and Surface Water Drainage

- 6.27 There is considered to be sufficient ground available for the functioning of a sewage treatment plant and this allied with a condition controlling water usage and harvesting should allay concerns relating to the possibility of breakout of foul drainage and surface water. Therefore, subject to conditions controlling water usage and rainwater harvesting, this element of the scheme is addressed.

Summary and Conclusions

- 6.28 The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles. This is carried on in the provisions of the Core Strategy objectives which translate into policies encouraging social progress, economic prosperity and controlling environmental quality.
- 6.29 When considering the three indivisible dimensions of sustainable development as set out in the paragraph 14 of the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site is within the settlement of Edwyn Ralph. Also, there is not a 5 year housing land supply at the present time. It is concluded that, as Edwyn Ralph has been identified as a settlement for growth in Policy RA2 of Core Strategy, this proposal is not only environmentally acceptable in relation to this part of the settlement but it will also provide a modest contribution to the dwellings required given the stated shortfall in housing land supply. It is considered to be a sustainable location having good access to bus stops and the village hall, in this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel) and choice of modes of transport.
- 6.30 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role of sustainability.
- 6.31 Whilst, the site is in the vicinity of a listed building, the scale and form of the proposed development will not result in the proposal having an adverse impact on the listed building given that no boundary of the site is contiguous with the heritage asset. Therefore, the proposal will lead to a less than substantial harm to the significance of a designated heritage asset and therefore accords with s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This was an issue for the appointed Inspector when dismissing an appeal against five dwellings which were laid out in two lines and were contiguous with the boundary of the listed building. This has been addressed significantly with this revised proposal.
- 6.32 Additional traffic will join the B4214 however this road is capable of taking the increased traffic volumes without having an adverse impact on highway safety. A development for five dwellings and subject of the recent dismissed appeal was deemed satisfactory by the appointed Inspector.

- 6.33 Acceptable foul and surface water drainage can be provided. There is sufficient land available for the treatment of foul drainage and surface water drainage. The latter will require careful consideration and will be the subject of the prior approval of the planning authority.
- 6.34 There are no substantive ecological issues relating to the development of this the development site.
- 6.35 The residential amenity of residents living in the vicinity of the site will not be adversely impacted upon, given the orientation and siting of the dwellings to existing properties and will not result otherwise result in a development that is overbearing and detrimental to residents adjoining the site. Whether or not a septic tank drainage of a third party will be impacted upon is a matter between the developer and third party.
- 6.36 Officers conclude that there are no overriding landscape, highways, drainage, contamination, amenity and ecological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits in accordance with the provisions of the NPPF.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. A01 - Time limit for commencement (full permission)
2. **B01 - Development in accordance with the approved plans**
- 3 **C01 - Samples of external materials**
- 4 **G02 - Retention of trees and hedgerows**
- 5 **G10 - Landscaping scheme**
- 6 **G11 - Landscaping scheme - implementation**
- 7 **H03 - Visibility splays**
- 8 **H04 - Visibility over frontage**
- 9 **H05 - Access gates**
- 10 **H06 - Vehicular access construction**
- 11 **H09 - Driveway gradient**
- 12 **H11 - H11 Parking - estate development (more than one house)**
- 13 **H13 - Access, turning area and parking**
- 14 **H21 - Wheel washing**
- 15 **H27 - Parking for site operatives**
- 16 **H28 - Public rights of way**

17 H29 - Secure covered cycle parking provision

18 F17 - Obscure glazing to window

19 Prior to the first occupation of any of the residential development hereby permitted written evidence/certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development;

Reason: To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-2031

20 I16 - Restriction of hours during construction

21 I32 - Details of floodlighting/external lighting

22 In the event that any contamination of the site is uncovered all work shall cease until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority.

Reason: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure that the site is satisfactorily assessed and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

23 The above scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the environment when the site is developed.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

24 Development shall not commence until the measures approved in the scheme have been implemented.

Reason: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure that contamination of the site is removed or contained and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and 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. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
2. **HN01 - Mud on highway**
3. **HN02 - Public rights of way affected**
4. **HN04 - Private apparatus within highway**
5. **HN05 - Works within the highway**
6. **HN10 - No drainage to discharge to highway**
7. **HN13 - Protection of visibility splays on private land**
8. **HN28 - Highways Design Guide and Specification**

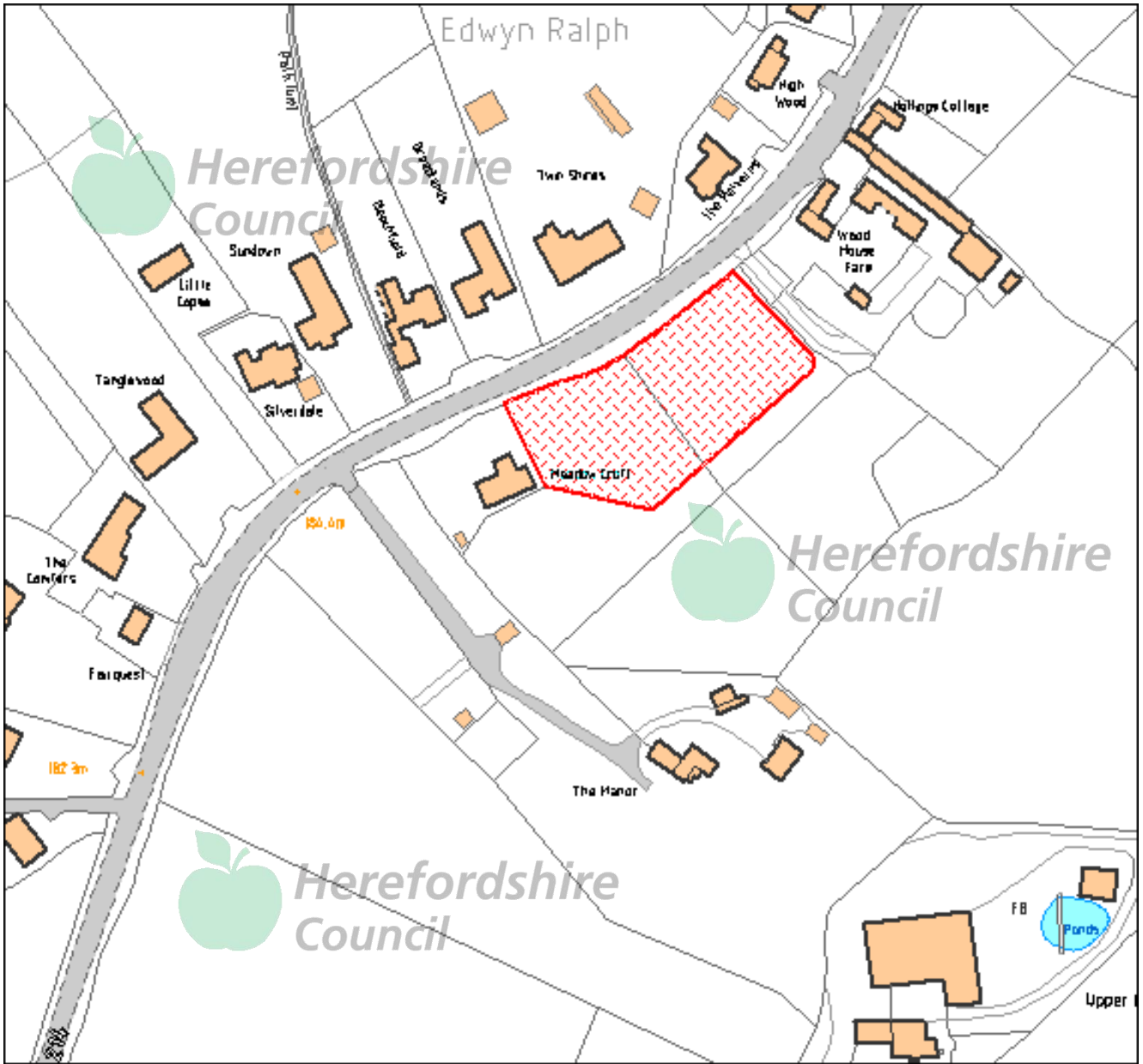
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 171535

SITE ADDRESS : LAND ADJACENT TO WOODHOUSE FARM, EDWYN RALPH, HEREFORDSHIRE

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