

**Minutes of the meeting of Planning and regulatory committee
held at The Council Chamber - The Shire Hall, St. Peter's Square,
Hereford, HR1 2HX on Tuesday 15 May 2018 at 10.00 am**

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice-Chairman)

Councillors: BA Baker, PJ Edwards, KS Guthrie, EL Holton, FM Norman,
AJW Powers, A Seldon and NE Shaw

In attendance: Councillors E Chowns, CA Gandy and DG Harlow

171. APOLOGIES FOR ABSENCE

(Subsequent to the publication of the agenda papers Councillor MD Lloyd-Hayes had replaced Councillor JLV Kenyon as a member of the Committee.)

Apologies were received from Councillors CR Butler, DW Greenow, MD Lloyd-Hayes and SD Williams.

172. NAMED SUBSTITUTES

Councillor NE Shaw substituted for Councillor CR Butler.

173. DECLARATIONS OF INTEREST

Agenda item 8: 172345 and 173946 – Malvern View Country Estate, Woodend Lane, Stanford Bishop.

Councillor A Seldon declared a non-pecuniary interest as he had been a member of Bromyard and Winslow Town Council and Bromyard District Chamber of Commerce and Industry at the time when the application had been initiated.

174. MINUTES

The minutes of the meeting held on 11 April 2018 were not available for consideration.

175. CHAIRMAN'S ANNOUNCEMENTS

None.

**176. 174528 - ST JAMES'S CHURCH CASTLE STREET WIGMORE LEOMINSTER
HEREFORDSHIRE HR6 9UD**

(Proposed single storey extensions to north chapel and to north side of tower to replace existing plant room, disabled drop-off parking bay and lift enclosure on north-west side of church and glazing of south porch to create draught lobby. Interior alterations to create multi-use venue. Change of use from d1 class only to D1, A3 and D2 uses.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking, Mr V Harnett, of Wigmore Group Parish Council spoke in opposition to the scheme. Fran Rhodes, Director, Wigmore Centre Community Interest Company) spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor CA Gandy, spoke on the application.

She made the following principal comments:

- She outlined the Church's distinguished history. However, the building was now reduced to hosting 4 services a year, weddings and funerals. It had no basic facilities. If it was not to close and become a ruin, innovative plans such as those being proposed were its only hope of salvation.
- The proposal would benefit the community and safeguard the building. It would also attract tourists to Wigmore and neighbouring parishes. Similar projects elsewhere in the country had proved successful.
- The church's central location, however, presented a challenge. It did not have any parking and there were significant parking and traffic issues as outlined in the report to the Committee. The proposal relied on the school and businesses to provide parking spaces and volunteers would be needed to marshal events to ensure safe crossing of the A4110, pedestrian safety generally, and prevent people trying to park at the church. The Committee needed to consider if the parking issues had been sufficiently addressed.
- Refusal would result in further deterioration of the church and lead to it eventually becoming a ruin.

In the Committee's discussion of the application considerable interest in, and support for, the aspiration of the proposal was expressed, noting also that it had attracted grant funding. However, there was serious concern about the lack of parking, safety of pedestrians and the potentially adverse impact on the community. No satisfactory solution had been found to address this concern.

The Transportation Manager commented that improvements could be made. However, this would require a package of measures. The parking issue would need to be solved and finance identified for such measures. There were no current proposals.

It was also observed that there were objections from a range of national heritage bodies and the Parish Council to which weight had to be given.

The local ward member was given the opportunity to close the debate. She commented that she was keen to safeguard the church but parking issues needed to be addressed and there were differing views on the proposal within the local community.

Councillor Edwards proposed and Councillor Baker seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried with 9 votes in favour, 1 against and no abstentions.

RESOLVED: That planning permission be refused for the following reason:

The application promotes the change of use and extension of an existing Grade I listed place of worship to create a multi-use venue allowing for continuation of the existing lawful use, along with A3 and D2 uses. The potential impacts of the

development upon the safe operation of the public highway network have been identified, but the suggested mitigation measures have not been subject to a road safety audit and the local planning authority is unable to form an objective assessment as to their acceptability or effectiveness in mitigating these impacts.

Moreover a number of these measures rely on the incorporation of third party land not forming part of the application site to the effect that officers are not satisfied that long-term and effective traffic management procedures can be maintained. Given the above stated concerns officers have no option but to conclude that the residual cumulative impacts of the development are severe and that the application should be refused accordingly in that it conflicts with the guidance contained within paragraph 32 and with Policies SS4 and MT1 of the Herefordshire Local Plan – Core Strategy 2011-2031.

(The meeting adjourned between 10:55 am and 11:03 am)

177. 173385 - LAND AT NEWCASTLE FARM ORCOP HEREFORDSHIRE HR2 8SF

(Proposed residential development of 3 dwellings.)

The Principal Planning Officer (PPO) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Jane Rigler of Orcop Parish Council spoke in opposition to the scheme. Ms S Murphy, a local resident, spoke in objection. Mrs C Rawlings, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor DG Harlow, spoke on the application.

He made the following principal comments:

- There was a current odour problem at Orcop Hill as a result of sewage and the Environmental Health Team was investigating. There had been numerous complaints over recent years about sewage running into a well and then into the wider water course.
- The Council's Sustainable Drainage Systems (SUDS) handbook published in April 2018 stated at paragraph 7.4 that cess pits were not permitted for new developments. Advice had been provided by the Planning Department on 8 May that the guidance in the handbook was not consistent with the adopted policy position that enabled cess pits to be considered in exceptional circumstances. Officers had acknowledged that there was a mismatch that did not reflect well on the Council. This undermined confidence in the assessment of the application for a new development with three new cess pits on a greenfield site close to the village and had generated considerable local concern.
- There had also been two opposing drainage reports from Balfour Beatty. One on 12 March had objected to the use of cess pits. The other on 2 May approved their use.
- There was a high water table and cess pits could fail. Paragraph 6.40 of the report suggested that the risk of a cess pit overflowing was the same as a septic tank and package treatment plants. However, the failure of the proposed cess pits would result in raw sewage flowing downhill contaminating land near existing houses.

- The report referred to the concerns about unwanted smells and odours. One of the three cess pits would have to be emptied at least every other week presenting a risk of such smells and odours.
- The site was directly above the property called Homelea, sloping towards that cottage and the village. Insufficient consideration had been given to surface water drainage and the risk of foul water run off to lower lying properties. It was considered that policy SD4 had not been followed in that at no stage had alternative sustainable foul water treatment options been suggested, in particular there was no indication that the use of reed beds had been considered.
- The assessment of traffic movements was contentious. The indications were that a 13,500 litre tanker would be the largest that could be used in the site's location. Calculations in the application had been based on the use of 45,000 litre tankers. Clearly this implied significantly more vehicle movements would take place than the 24 per year originally stated and the applicant had indicated in the update to the committee that this could be up to 68 visits per year for the site. Objectors considered these figures remained an underestimate and there would in fact be 144 visits. The Transportation Manager had based his assessment on 24 trips and this suggested the need for a reassessment.
- The proposal was contrary to policy LD4. The development was not sustainable entailing up to 240 tanker trips accessing the properties annually.
- The Ministry of Housing Communities and Local Government guidance on water supply, waste water and water quality stated that for proposals for package sewage treatment plants that there was a need to consider the effects on amenity because of the need for sludge removal by tankers.
It should be noted that such plants were required to be emptied only once per year.
- Account did not seem to have been taken of the cost that residents of the new dwellings would incur in emptying the cess pits.
- The proposal, taking account of land locking, would entail the loss of 1 hectare of agricultural land to provide 3 executive homes. This seemed an unsatisfactory exchange.
- The proposal was contrary to policy SD1 which referred to safeguarding residential amenity and ensuring that new development did not contribute to or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution. The application should be rejected because it relied on the use of cess pits, the problems it would cause to the highway network and the additional impact on surface water drainage.

In the Committee's discussion of the application the following principal points were made:

- Considerable concern was expressed about the proposed use of cess pits, noting that the site was on a hill and there would be severe consequences for dwellings in the vicinity if the cess pits failed. It was unclear how it could be guaranteed that the cess pits would be maintained and managed appropriately. Enforcement action could be problematic. It was questioned whether the circumstances were exceptional and suggested that the proposal was therefore contrary to policy LD4.
- The proposal might not be acceptable as it stood, but the site seemed reasonable and the Parish did need to identify housing sites.
- There still seemed to be uncertainty over the number of tanker movements. Such tankers emitted smells and fumes. Both this and the smell generated by the frequent emptying of the cess pits would have an adverse effect on air quality and the amenity of residents. The proposal was therefore contrary to policy SD1.

- The Principal Planning Officer commented that the Neighbourhood Development Plan was not at Regulation 14 stage and sites for housing had not yet been identified. A minimum of 20 houses was required. Six units had been committed but none had yet been built.
- The suggestion in paragraph 122 of the NPPF that it should be assumed that pollution control regimes would operate effectively had not been found locally to instil confidence.
- The Development Manager commented in relation to the discrepancy between the SUDS handbook and the Core Strategy that weight had to be given to policy SD4. This did permit the use of cess pits in exceptional circumstances. The Committee could form a view on whether the circumstances in this case were indeed exceptional.

With reference to the appeal decision referenced at paragraph 3.3 of the report, on a site to the east of the proposal before the Committee, he stated that it was difficult to make comparisons between the two sites. No precedent had been set by the appeal decision.

- The PPO commented that the agent had suggested that the management of the proposed orchard and all hard surfacing and access roads would be in the joint ownership of the residents of the site. Maintenance and management would be conditioned and subject to enforcement.

The applicant had not proposed reed beds or a wetland solution. The PPO considered that those options, which had their own inherent disadvantages as well as advantages, were not appropriate solutions in that environment given the close proximity to other residential dwellings.

The local ward member was given the opportunity to close the debate. He commented that work was proceeding on the NDP. He agreed that enforcement action could be problematic. There were not exceptional circumstances that provided grounds for the use of cess pits. He also expressed reservations about the submission of late information to the Committee and the pressure this generated on local residents amongst others.

Councillor Baker proposed and Councillor Holton seconded a motion that the application be refused on the grounds that it was contrary to policies SD1, SD4, SS4 and SS6. The motion was carried with 9 votes in favour, none against and 1 abstention.

RESOLVED: That planning permission be refused on the grounds that the application was contrary to policies SD1, SD4, SS4 and SS6 and officers named in the Scheme of Delegation to Officers be authorised to detail these reasons.

(The meeting adjourned between 12:17 – 12:25 pm)

178. 172345 AND 173946 - MALVERN VIEW COUNTRY ESTATE WOODEND LANE STANFORD BISHOP WORCESTER

(172345 - change of use of land for the siting of up to 95 no. Caravans, and a change of use, and comprehensive redevelopment of the existing farmyard buildings and associated agricultural barns to provide additional facilities including indoor pool, gymnasium, spa, owners lounge, office area, play barn, children's entertainment area; and,

173946 - re-development of the existing farmyard buildings and associated agricultural barns to provide additional facilities including indoor pool, gymnasium, spa, owners lounge, office area, play barn, children's entertainment area and petting farm.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He confirmed that there were two applications before the Committee, one for planning permission and one for listed building consent.

He added that a response had been received from Natural England too late for inclusion in the Committee update. Accordingly it was now being recommended that officers be given delegated authority to grant planning permission for application 172345 subject to being able to resolve any material issues raised in Natural England's response satisfactorily.

In accordance with the criteria for public speaking, Mr A Elliott, of Acton Beauchamp Group Parish Council spoke in opposition to the scheme. Mr M Venables, a local resident, spoke in objection. Mr W Sockett, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor EE Chowns, spoke on the application.

She made the following principal comments:

- There had been 47 letters of objection; the Parish's population was 113. This demonstrated the strength of local feeling.
- She had thought that the dismissal of an appeal for a holiday park immediately adjacent to the site (Tom's Patch, application no 162809, as referred to at paragraph 3.12 of the report) would have led to a recommendation for refusal.
- In applying the planning balance she questioned at what point it would be considered that the site was large enough and further growth should be prohibited. The site was already the largest in the County with 323 caravans, having a history of expansion, and the proposal was to add another 95. The population of Stanford Bishop Parish was 113 and the Acton Beauchamp Group Parish Area was 342. She considered the point had been reached when further expansion should be refused.
- There was uncertainty as to the extent of the benefits it was suggested the scheme would deliver. It was stated that the application would generate 8 full time jobs. The effect on the local economy was, however, hard to quantify. The proposal seemed designed to ensure its residents did not need to interact with the local economy at all given the nature of the facilities to be provided on site and it could be argued it might therefore even have a negative impact, reducing the interaction currently undertaken by existing caravan owners as well as new owners. The site was not a locally owned business. The proposal was extractive rather than sustainable. A number of caravans were almost year round second homes placing a demand on local services but not contributing to the local economy as tourism would. It was therefore not sustainable development in accordance with policy E4.
- She asked whether site B was really different from Tom's Patch in landscape impact terms. The Committee had refused the Tom's Patch application and an appeal had been dismissed. She highlighted paragraphs 12, 15, 17, 19 and 20 of the appeal decision, a copy of which had been circulated with the committee update, and the Inspector's conclusion that the adverse visual impact of the proposal outweighed the benefits.
- She considered that site B was more visible than the Tom's Patch area from most of the road.

- She did not accept the view in the report that the proposal was essentially filling in a gap, in the words of the report, compared with Tom's Patch. She considered the gap had merit and should be retained.
- The proposed mitigation would take many years to become established and would only be effective in summer.
- There was concern about visual glare from higher viewpoints.
- The points raised by Natural England on foul drainage in its late submission also needed to be addressed.
- In summary, the caravan park was already too large; the economic benefits were mixed and could not be counted as diversifying the rural economy and creating sustainable tourism; and the landscape points upheld in the decision on the appeal on the Tom's Patch site were directly applicable to the proposal before the Committee and it would be inconsistent to approve the application.

In the Committee's discussion of the application the following principal points were made:

- Whilst the inspector had judged in relation to the appeal on Tom's Patch that that application, for 40 caravans, would not harm highway safety, the application before the Committee was for 95 caravans. This must give stronger ground for highway safety concerns.
- The effect on the grade 2 listed buildings was of concern.
- It was unclear why site B would have a less adverse visual impact than the adjacent Tom's Patch site, in fact it appeared more visible. It was therefore questioned why the application was before the Committee and recommended for approval in light of the Inspector's conclusion. Reference was made to Paragraph 34 of the appeal decision letter.
- The scale of mitigation proposed was indicative of the scale of harm that a site in that location would have. The Inspector's criticisms at the Tom's Patch appeal did not seem to be addressed in the officer assessment of the Malvern View application. The application was contrary to policy LD1 which required the conservation and enhancement of the natural scenic beauty of important landscapes.
- The scale of development was contrary to policy RA 6 in that it was not commensurate with the location and setting.
- The current site was well managed and screened. Site A would not have a visual impact. Site B would be visible from the road but the colour of the facing on the caravans would be designed to make them blend in to the setting.
- In terms of economic benefit it was asserted that the three caravan sites in the locality provided considerable economic benefit to the town of Bromyard. The proposal was an extension of an existing caravan park and the harm to the landscape would not outweigh the economic benefit.
- Bromyard District Chamber of Commerce's support for the application set out at paragraph 5.6 of the report was highlighted.
- A contrary view was expressed that there was not sufficient evidence of economic benefit to balance against the clear evidence of environmental harm.
- It was also suggested that, given the location, expenditure by residents of the site may well be in Worcestershire rather than Herefordshire
- The Campaign to Protect Rural England was opposed to the development as set out in its response at paragraph 5.4 of the report describing it as urbanisation.

- A number of Bromyard residents had settled in the area having first visited the as tourists staying at the caravan parks. These residents contributed to the community and represented a social benefit.
- It was requested that the proposed road junction improvements should be implemented prior to any development of the site.
- The Principal Planning Officer clarified that Natural England had not objected to the application but had asked for further clarification on the drainage arrangements to ensure there was no adverse effect on the Leigh Brook Valley SSSI. This was not considered to be a fundamental point leading officers to oppose the application. It could be addressed through the submission of further information.

The local ward member was given the opportunity to close the debate. She reiterated her grounds for opposition to the proposal.

Councillor Holton proposed and Councillor Shaw seconded a motion that application 172345 be refused on the grounds that it was contrary to policies LD1, RA4, RA6, E4, SS1 and SS6 with the economic benefit of the proposal being outweighed by the environmental impact. The motion was lost on the Chairman's casting vote there having been 5 votes in favour, 5 against and no abstentions.

Councillor Cutter proposed and Councillor Baker seconded a motion on application 172345 that officers be authorised to grant planning permission in accordance with the printed recommendation, following further consultation with Natural England, and being satisfied as to the outcome of that consultation, following consultation with the Chairman and local ward member. The motion was carried on the Chairman's casting vote there having been 5 votes in favour, 5 against and no abstentions.

Councillor Holton proposed and Councillor Shaw seconded a motion that application 173946 for listed building consent be refused on the grounds that it was contrary to policies LD4 and RA 6. The motion was lost on the Chairman's casting vote there having been 5 votes in favour, 5 against and no abstentions.

Councillor Cutter proposed and Councillor Baker seconded a motion that application 173946 for listed building consent be approved in accordance with the printed recommendation. The motion was carried on the Chairman's casting vote there having been 5 votes in favour, 5 against and no abstentions

Application 172345

RESOLVED: That officers be authorised to grant planning permission following further consultation with Natural England, and being satisfied as to the outcome of that consultation, following consultation with the Chairman and local ward member, subject to the following conditions and any other further conditions considered necessary by officers named in the Scheme of Delegation to officers:

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **The number of caravans to be sited on the application site shall be limited to a maximum of 95.**

Reason: To conform to Policy LD1 of the Herefordshire Local Plan and the National Planning Policy Framework, to clarify the terms of the permission and minimise visual intrusion.

4. **No external surface of any static caravan hereby approved shall be of a colour other than one which has previously been approved in writing by the local planning authority for that purpose.**

Reason: To conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, to clarify the terms of the permission and minimise visual intrusion.

5. **Prior to the first use of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the building) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.**

Reason: To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. **The finished floor level of the holiday caravans and associated decking shall not be greater than 850mm above the existing ground levels denoted on the Topographical Survey drawing (NRG Survey dated 21/03/2016) received on 6th September 2016.**

Reason: In the interests of visual amenity and the character and appearance of the area and to comply with Policy LD1 of the Herefordshire Local Plan – Core Strategy.

7. **The development hereby approved is for the use of the land as a caravan holiday park. The following shall apply:**
- (i) the caravans shall only be occupied for holiday purposes only;**
 - (ii) the caravans shall not be occupied as a person's sole, or main place of residence;**
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.**

Reason: In order to conform to Policy RA5 of the Herefordshire Local Plan – Core Strategy so as to prevent the establishment of a residential use in the countryside where it would not normally be permitted.

8. **None of the (existing trees) (and/or) hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. A detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

10. A landscape phasing scheme (implementation scheme) for the landscaping scheme as approved (condition 9) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping scheme shall thereafter be fully implemented in accordance with the phasing scheme (implementation scheme) so approved.

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

11. The approved landscaping scheme as implemented by the landscape phasing scheme (condition 10) shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season.

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy and the national Planning Policy Framework.

12. The recommendations set out in the ecologist's reports of phase 1 surveys and bat nocturnal surveys from deldasimmons dated August 2016 and January 2017 respectively should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, species mitigation method statement together with a habitat enhancement plan integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment). To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 –

2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

13. With the exception of any site clearance and groundwork, no further development shall take place until the following details have been submitted:

- **A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;**
- **Further detail for the north-east parcel to demonstrate how the combined runoff from this area will not increase flood risk during smaller rainfall events;**
- **Results of infiltration testing undertaken in accordance with BRE365 guidance;**
- **Drawings showing cross sections through the proposed attenuation basins and swales, demonstrating appropriate freeboard and overflow provision in the event of exceedance or blockage;**
- **Confirmation of groundwater levels to demonstrate that the invert level of any unlined attenuation features can be located a minimum of 1m above groundwater levels;**
- **Details of the proposed outfalls to the watercourses.**

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

Reason: To mitigate any increased risk of flooding and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. H17 Junction improvement/off site works – to include:

- **White lining to junction of the B4420 junction and improved signage.**
- **Applicant to ensure One way departure from the site towards B4420 only.**
- **Passing bays and road widening to front of site to be constructed before works start on site, to be constructed to adoptable standards. All details to be agreed with highways including locations of passing bays.**

15. The leisure facilities hereby approved as shown on drawing no. 276-016 Revision B shall only be used by residents of Malvern View Holiday Park and shall not be otherwise made available for use by the general public

Reason: The application has been determined on the basis that the leisure facilities proposed are only available for site residents and will not give rise to separate vehicle movements. The local planning authority would wish to consider their wider use within the context of Policy MT1 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, including any representations that have been received. 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. **HN07 Section 278 Agreement**
3. **HN10 No drainage to discharge to highway**
4. **HN04 Private apparatus within highway**
5. **HN01 Mud on highway**
6. **HN28 Highways Design Guide and Specification**
7. **HN05 Works within the highway**
8. **HN22 Works adjoining highway**

Application 173946

RESOLVED: That listed building consent (173946) be granted subject to the following conditions:

1. **D01 Time limit for commencement (Listed Building Consent)**
2. **B02 Development in accordance with approved plans and materials**

179. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 1.40 pm

Chairman

PLANNING COMMITTEE

Date: 15.5.2018

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

174528 - PROPOSED SINGLE STOREY EXTENSIONS TO NORTH CHAPEL AND TO NORTH SIDE OF TOWER TO REPLACE EXISTING PLANT ROOM, DISABLED DROP-OFF PARKING BAY AND LIFT ENCLOSURE ON NORTH-WEST SIDE OF CHURCH AND GLAZING OF SOUTH PORCH TO CREATE DRAUGHT LOBBY. INTERIOR ALTERATIONS TO CREATE MULTI-USE VENUE. CHANGE OF USE FROM D1 CLASS ONLY TO D1, A3 AND D2 USES AT ST JAMESS CHURCH, CASTLE STREET, WIGMORE, LEOMINSTER, HR6 9UD

For: Mr Casbourne per Mr Matthew Hollingsworth, 4 Haycroft Road, Sherborne, Cheltenham, GL54 3DY

ADDITIONAL REPRESENTATIONS

Historic England have made the following comments in response to the planning committee report:

Many thanks for the link to the committee report. I think your interpretation of Historic England's comments is fair. Our first advice letter refers to para 134 relating to less than substantial harm rather than 133 relating to substantial harm reflecting the potential we felt existed for amendments to reduce the harm. However, the applicant has chosen not to explore this potential and, having discussed the case with colleagues this morning, I think it would be fair to say that we consider the impact to be at the extreme upper limit of less than substantial and certainly not justified given that alternative less harmful design solutions are almost certainly available. Historic England would hope that if your members refuse the application in line with officer recommendation, it will become possible to achieve a design that conserves the significance of the building.

Wigmore Parish Council:

Email 4/5/2018

Last year Wigmore GPC commissioned its own arboricultural consultant, Jerry Ross, to advise on the state of the trees in Wigmore Closed Churchyard. Mr Ross was made aware of another tree report commissioned by Wigmore CIC and was concerned about their consultant's recommendation to significantly reduce the crown of the lime tree that is nearby the steps, because of significant decay. With the agreement of the parish council Mr Ross has carried out a second inspection and detailed Picus investigation which confirms his initial findings that the tree has decay that would be expected in a 'veteran tree' of this age but that the decay does not warrant the drastic crown reduction recommended by the CIC's report. In the light of the planning application for St James Church, and the proposed upgrade to the adjacent footpath, Mr Ross is also concerned that any disturbance to the tree roots

would cause damage to tree - see 5.4 and 6.7 of his report - . Mr Ross felt that his findings should be forwarded to you for your information. I have attached Mr Ross' report for you.

Comments from Tree Officer in response to the above submission:

The recent Tree Condition Report produced by Jerry Ross Consultancy, requested by Wigmore parish presents a different perspective regarding the structural condition of the Lime trees, T2 in the original Arboricultural Impact Assessment (AIA).

The initial recommendation was to pollard/reduce the canopy by 8m on account of the hollowing of the stem and perceived risk of failure. An 8m reduction would have removed much of the weight out of the canopy but also threatened to long term health of the tree which is protected by a Tree Preservation Order and has been recorded as a veteran specimen by the ancient tree forum. Consequently it has high amenity, historical and ecological value.

Accompanying the AIA was a decay detection survey carried out using a PICUS Tomograph, which indicated that there was significant hollowing of the stem and hence the recommendation to reduce heavily. It was questioned how accurate the results of the PICUS were because the shape of the tree stem in the report did not appear to be a true representation.

The report produced by Jerry Ross, also using a PICUS Tomograph appeared to present a more accurate depiction and therefore, in my opinion the results can be better relied upon.

My original comments stated:

2 – the Common Lime located at the west of the site does have significant decay, demonstrated by the PICUS decay detection. However, this is a tree of high amenity value with a Tree Preservation Order and the recommendation to pollard does put a significant threat on the ongoing health of the tree.

I would prefer to see efforts made to retain this veteran specimen by carrying out alternative remedial works that would both reduce the risk of failure and retain its amenity value.

Recommended works in Jerry Ross Tree Condition Report.

The reduction proposed should amount to about 10% of the tree's height (i.e. approximately 2-3 metres), with a proportionate reduction of lateral branches.

This is more in tune with retaining the tree in its current form and sympathetic to a veteran tree.

A reduction of this amount is unlikely to have an impact on the tree physiologically and if carried out responsibly should not adversely alter the appearance. Importantly the reduction will go some way to mitigating the threat of failure either in the hollowed stem or branches.

Comments from Applicants in response to Tree report received from Parish Council (as above) and comments of the Tree Officer (as above) and query I respect of amended plans:

The Wigmore CIC team would have no objection to the recommendation stated on the reduction of the tree. The Churchyard and the trees are (for historic reasons) the responsibility of the Parish Council rather than the PCC/Wigmore Centre so it is expected the Parish will follow the recommendation in any case regardless of the proposal now that they have commissioned the report.

As you are aware (and have been advised) we have been simultaneously developing the scheme and negotiating with the Herefordshire DAC committee on a number of details of the scheme in preparation for a Faculty submission. At a special meeting on March 14th we sat down with the architect members of the committee following a request to submit answers to series of detailed questions and having supplied a great deal of detailed drawings for the scheme, which were circulated to the wider advisory team (including many of the advisors who are consultees for the Council) for an earlier meeting. At that meeting we were informed that the DAC advisors felt they had enough to agree to the North Plant Room extension as it stood and the Lift as new “interventions” with a contemporary purpose. They did however have objections to the North Chapel extension materiality which were debated heavily. The subsequent DAC meeting in April there was a statement issued that the North Chapel would not be accepted in its current form. Subsequently we have submitted an amended scheme with a tile roof to match the existing Chapel and Lime render walls with Corten screen doors which is what we were asked to “consider” by the DAC. Given the late stage and that we are about to go to committee I did not forward these amendments to you as we really need to understand the Committee view on the Transport issues which seem to be the main focus and the overriding viability question at present, which we need to know before the HLF meet in June to decide upon the grant in principal.

Archaeology Comments

To clarify:

- In general, I have nothing to add to the lengthy and complex ‘heritage’ correspondence that already exists in relation to this proposal (and which you have summarised ably in your report). Plainly, there are concerns.
- Were planning permission to be granted, it would be essential to impose rigorous planning conditions to ensure appropriate detailed design, and to properly record the archaeological interest of this exceptionally sensitive site. Appreciable ground disturbance and other impacts are indicated/implied by the application, and would require potentially extensive mitigation under NPPF Para 141 / Core Strategy LD4, inter alia.
- In the event of permission being granted, I would advise standard archaeological conditions E04 [acceptable foundation design], and E01 [programme of archaeological work].

Further update received from applicants' agent in respect of application to the Diocese Advisory Committee (including amended plans)

For information please see attached the latest DAC committee comments in regard the change to the North Chapel extension.

As you can see their current view is that some change to the finishes on the other extensions is required, which is not the same advice that we received on 14 March.

Email as follows:

The DAC met yesterday, 9th May, and reviewed the amended drawings 104A, 206A, 207A, 208A, 209A, 210A, and 211A.

The DAC welcomes the change in material to the proposed north chapel extension. The committee advises that the plant room / WC and NW lift shaft need to be equally recessive in respect of their form and materials.

The DAC regrets it remains unable to recommend the scheme in its current form.

NO CHANGE TO RECOMMENDATION

173385 - PROPOSED RESIDENTIAL DEVELOPMENT OF 3 DWELLINGS AT LAND AT NEWCASTLE FARM, ORCOP, HEREFORDSHIRE, HR2 8SF

For: The Owner and/or Occupier per Mrs Claire Rawlings, 10 The Maltings, Dormington, Herefordshire HR1 4FA

ADDITIONAL REPRESENTATIONS

Further email correspondence from the two adjoining neighbours, who had both previously registered their objections for the application have been received since the publication of the report. They have raised a series of questions and issues surrounding the issue of drainage which are summarised below:

- No evidence or risk assessment has been carried out on Holmelea's garden and neighbouring land in relation to flooding/seepage.
- Concerns remain that the surface water swale design proposal will inevitably cause seepage/flooding into Holmelea's garden and neighbouring land, containing pollutants from any Cesspit spillages.
- No protection offered to the residents of Holmelea with regards to risk of flooding from surface water and no evidence of any risk assessment having

been carried out on foul and surface water drainage in relation to the vulnerability of the adjoin properties.

- The surface water maintenance conditions are not established, or enforceable, some other solutions are needed.
- Having monitored the drainage area for the last 3 months since January tests, they believe that the runoff has been intermittent and the stagnant water has now been found to have seeped into Holmelea's garden as well as the farmer's field to the south.
- Cesspool/pits are not sustainable and questioned why there is no evidence to show that Reed Beds had been considered within the hierarchical approach when clearly referred to in Core Plan Policy as a potentially sustainable form of foul water treatment.
- Case officer given no consideration to loss of amenity, pollution, and nuisance caused in general
- Questioned if the applicants drainage consultants 'Tumu Engineer' had ever visited the site to appraise for himself of Holmelea's lower ground positioning and taken into consideration it's vulnerability from flooding/seepage risks;
- Questioned if the Council has established if Tumu are accepting professional responsibility and indemnity for the indicative Design Drawing. States that design accountability should be addressed now.
- The ditch which the swale feeds into has no where to go.
- No evidence of a written explanation from the Applicant on this drainage strategy proposal and how it works, or how it should be maintained in perpetuity;
- Design accountability should be addressed. No specified maintenance requirements or precise responsibility for the shared areas within the scheme, and without clarifying there could be a risk to neighbouring properties.
- Transport/Tankering manoeuvres under assessed and impacts not addressed, with no reference or consideration given to the appeal decision at the Trees.
- Cumulative affects not considered with other recently approved dwellings in the vicinity, especially those accessed off the same highway
- Two previous planning refusals for Newcastle Field listed but not commented in relation to current proposal
- Officer not taken in to consideration the Inspectors comments from the recent Appeal Decision at The Trees on character and harm of dwelling.
- No reference in case officer comments in relation to land locking of inter joining field of over half a hectare.
- Concerns over lack of comments in relation to landscaping and whether proposed landscaping can be achieved due to swale.

- The Officer reports on building commitments as being 6, however the current number is 9.
- No evidence of a written explanation from the Applicant on this drainage strategy proposal and how it works, or how it should be maintained in perpetuity.
- Proposal is contrary to the Councils SUDs Handbook which was approved in February 2018 and states that 'Cesspools will not be permitted on new sits'.
- Concerned that plans and information are being amended at a late stage without giving the public time to consider them.

ADDITIONAL SUPPORTING INFORMATION SUBMITTED BY THE APPLICANT

In response to concerns raised by neighbours relating to the movement of tankers on and off the site, the applicant's agent has submitted a further plan showing the tracking of a 3000 gallon tanker on to the site with the ability to turn and leave the site in forward gear. The agent's drainage consultant has advised that given the rural context of the site a 3000 gallon tanker (13,638-litre) seems most appropriate for emptying the cesspits. The frequency of emptying will be dependent on how many people are living in each dwelling. The previous stated 24 visits (45 day intervals) per year were based on 2 people living in each dwelling (8 visits per year). However, if Plots 1 & 2 had 6-people and Plot 3 had 5-people (i.e. maximum occupancy) then the tanker would be needed at intervals of 16-days. A total of 68 visits per year for the site. It is therefore expected that in actual fact the number of visits would be somewhere in the middle of these two extremes - about 50 visits per year.

In relation to the concerns raised with regards to the risk to the property to the south Holmlea, the Drainage Consultant for the applicant has confirmed that they do not consider there to be any risk and provides the following comment;

'Firstly we're restricting the discharge from each dwelling to 2l/s which is as low as we can feasibly go and this rate will only be achieved in extreme storms. Secondly we're providing a swale with check dams along its length so that discharge will be further attenuated. Although we're no longer reliant on soakaways/infiltration as in previous proposals it's likely that in the majority of storm events the water will be slowed so much by the check dams that it will be allowed to infiltrate into the ground. In extreme storms, water will cascade over the check dams and flow down the swale towards the south but the rate of flow will be so low that it poses no risk of flooding to adjacent properties. It will trickle out to the ditch and join the existing flows. Where the swale meets with the existing ditch the banks will be feathered in so that although it's near 90deg on the ground it will be a slow radius bend so as to smooth out the flow and avoid erosion.'

FURTHER COMMENTS FROM THE TRANSPORTATION MANAGER

In light of the submitted tracking plan and information, I wish to put forward the following comments,

1. There will be an increase in vehicle numbers for development; however this does not conflict with policy MT1 and would not be classed as severe reason to refuse it.
2. The issue of the use of a tanker and its movements will also provide additional movements on the lane however even at the highest capacity this will only equate to a 1 vehicle movement per week, once again this would not be classed a severe.
3. The access to the sites is to be built to HC road construction, therefore is built to be used as a passing place for the route.
4. The turning provision within the site allows for the vehicles to leave the highway and does not block the highway.

CHANGE TO RECOMMENDATION

Recommended amendments to conditions are set out below:

Amendment to condition 12

After 'drawing D01 C (outline drainage strategy)' add *unless* alternative details

Additional condition

A drainage management plan, including management responsibilities and maintenance schedules for both foul and surface water arrangements shall be submitted and approved in writing by the Local Planning Authority prior to the occupation of any of the dwelling hereby approved. The drainage management plan shall be carried out as approved.

Reason: To prevent pollution of the water environment and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

172345 - CHANGE OF USE OF LAND FOR THE SITING OF UP TO 95 NO. CARAVANS, AND A CHANGE OF USE, AND COMPREHENSIVE REDEVELOPMENT OF THE EXISTING FARMYARD BUILDINGS AND ASSOCIATED AGRICULTURAL BARNs TO PROVIDE ADDITIONAL FACILITIES INCLUDING INDOOR POOL, GYMNASIUM, SPA, OWNERS LOUNGE, OFFICE AREA, PLAY BARN, CHILDREN'S ENTERTAINMENT AREA; AND,

173946 - RE-DEVELOPMENT OF THE EXISTING FARMYARD BUILDINGS AND ASSOCIATED AGRICULTURAL BARNs TO PROVIDE ADDITIONAL FACILITIES INCLUDING INDOOR POOL, GYMNASIUM, SPA, OWNERS LOUNGE, OFFICE AREA, PLAY BARN, CHILDRENS ENTERTAINMENT AREA AND PETTING FARM AT MALVERN VIEW COUNTRY ESTATE, WOODEND LANE, STANFORD BISHOP, WORCESTER

**For: N/A per Miss Wendy Sockett, C/O Park Leisure 2000 Ltd,
1 Tudor Court, York Business Park, York, YO26 6RS**

ADDITIONAL REPRESENTATIONS

Further representations have been received from two local residents. In summary the points raised are as follows:

- Whilst the number of caravans proposed on Area B has been reduced from 68 to 41, thus reducing the overall number of additional caravans from 122 to 95 (as noted in paragraph 1.8) the total area of open pastureland that will be lost to the proposed development has NOT been commensurately reduced.

- With regard to the appeal decision at Tom's Patch the Planning Inspector considered and weighed a number of relevant factors and he was able to conclude that the negative visual impact on the Locally Designated North Herefordshire Timbered Plateau Landscape arising from the proposed development was sufficiently large, on its own, to outweigh the limited benefits arising from the development proposal, thus rendering it "not sustainable" in Framework terms.
- The Principal Planning Officer has identified all the main factors and both he and the Landscape Officer have tried to be extremely even handed in their approach, even possibly "over discounting" some of the clear arguments weighing against this development project. However I feel that the simple conclusion drawn in the Committee Report dated 4 May 2018 that there is therefore an automatic presumption in favour of Sustainable Development (NPPF paragraph 14) does not sufficiently consider the requirement for the preliminary "Framework sustainability balance".
- I would suggest that insufficient weight has been given to the cumulative impact of the proposed development (a large increase in the locally developed area). This is a negative impact on not only the nature and "grain" of the landscape when viewed from WITHIN the AONB but also on the direct cumulative impact on the views TOWARDS the AONB when viewed across the two proposed Malvern View development sites A & B, particularly from Woodend Lane and Linley Green Lane.
- In the Autumn and Winter all the indigenous mitigation screening disappears. The proposed recreation complex east/west ridge oriented zinc metal roof will be a new alien feature and will be clearly visible from higher elevations within the AONB. It will give rise to glint and glare particularly in the winter when the sun is low and during the summer from mid-afternoon onward.
- The Rock Farm Appeal Decision and general comments in the Tom's Patch Appeal Decision regarding the negative visual impact arising from so called "dense mitigation planting" (paragraphs 17 & 18) and regarding the lack of cover in Winter as a result of native deciduous mitigation planting (paragraph 12) made by Planning Inspector Tudor in the Tom's Patch Appeal Decision clearly apply in respect of this proposed development. The weight to be given to the proximity to the Bromyard Downs (Rock Farm Appeal) (3.1 kilometres) in that case is very similar to the proximity to the Suckley Hills AONB (2.1 kilometres) where the highest status of protection should apply to views both towards and from the AONB.
- The setting of the Boyce Farmhouse Grade II Listed Building has never been considered in any of the previous development proposals for the site. The standing seam grey zinc roof of the proposed new swimming pool will intrude significantly within the setting of the Listed Building when it is viewed locally from higher ground to the South on public footpaths near The Wootons, Acton Beauchamp, looking north, particularly during the Autumn and Winter months when indigenous mitigation planting will be ineffective.
- The more distant panorama including Clater Park & Gardens Grade II Listed Building on the slopes of the Bromyard Downs above the Malvern View Caravan Park will also be negatively affected when viewed from public footpaths on higher ground near The Wootons looking North across proposed development Area B (41 new caravans), which will appear prominently as a new negative feature in the foreground of the view.
- The lack of a Neighbourhood Plan should not automatically count "against" in respect of a major planning decision such as this.
- The caravan park is likely to provide for low cost second homes rather than tourist rental holiday opportunities and the visitor spend will be commensurately lower. I would concur with the Principal Planning Officer's observation and this does not sit well with the Herefordshire Core Strategy Policy E4 – Tourism as a clear justification for the proposed development. Caravan owners will bring most grocery provisions for short-term breaks from their own primary residences. There will of course be some marginal additional benefit to local pubs and restaurants from second home visitors particularly during the school holidays. However the incremental economic benefit from 95 additional occasional visitors (compared with the already existing 274

caravans) is not an adequate justification for a further permanent major encroachment into the rural environment particularly during the Winter when all the pain in the landscape is exposed through lack of tree and hedge cover and none of the benefit accrues to the local residents and businesses in Herefordshire because the caravan park is empty.

- Much emphasis in its recent plans has been placed by Malvern View Country Park on improving and upgrading the quality of the facilities on-site including a bar and licensed restaurant. In addition other activities are offered there, including a swimming pool and health and leisure spa (and they already have planning permission for a nine hole golf course) all designed to offer existing caravan owners plenty of opportunities to keep them within the caravan park for a significant proportion of the time and to ensure increased on-site spend.
- A significant proportion of any economic benefit in this case would probably not accrue to Herefordshire businesses as the Malvern Hills AONB is more likely to be a destination for visitors. The local residents of Stanford Bishop would necessarily carry ALL the “negatives” in terms of the impact in their local rural residential environment (including increased local traffic in the very narrow country lanes, night time local urbanised caravan park illumination particularly in the winter the local environmental impact of additional visiting dog walkers) with virtually none of the economic benefit.

OFFICER COMMENTS

The first bullet point infers a need to commensurately reduce the size of site B given that the number of caravans proposed has been reduced. The purpose of reducing the number of caravans proposed has been to introduce more substantial areas of landscape planting, particularly the extension of the woodland block that bounds the site to the south. It is right that this should be contained within the ‘red line’ of the application site and thus the site area has not been reduced commensurately with the number of caravans proposed.

Issues relating to landscape impact and the impact upon the AONB have been discussed at length within the main body of the report. The further comments made disagree with the conclusions of the case officer and Landscape Officer in terms of these impacts and do not present any new information to lead officers to a different conclusion. This includes the appeal decisions at Rock Farm and Tom’s Patch and the differences between the application site and, in particular, Tom’s Patch, are explained in the Landscape Officer’s comments at paragraph 4.4.

With regard to the impact of the proposed development on the significance of designated heritage assets, your officers are quite clear that the impacts are negligible. This is covered at length by paragraphs 6.24 to 6.35 of the main report.

During the site visit a question was asked about the implementation of highway improvement works around the junction of Woodend Lane and the B4220 and it was suggested that these works should be implemented before any caravans are occupied. The wording of condition 15 would address this as it requires that none of the approved development is occupied until the off-site highway works are complete.

A copy of the appeal decision at Tom’s Patch is referred to in the officer’s report. For clarification, a copy is appended to this update sheet.

CHANGE TO RECOMMENDATION

No change to the recommendation



Appeal Decision

Site visit made on 30 January 2018

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 12 March 2018

Appeal Ref: APP/W1850/W/17/3185946

Tom's Patch, Stanford Bishop, Bringsty, Worcester WR6 5UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs S Powell-Bateson against the decision of Herefordshire Council.
 - The application Ref 162809, dated 5 September 2016, was refused by notice dated 2 August 2017.
 - The development proposed is a holiday park for 40 holiday caravans, associated infrastructure and managerial lodge.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although the Council Officer's Committee Report recommended approval of the proposal subject to conditions, the Council's Planning and Regulatory Committee ultimately decided that planning permission should be refused. Where relevant the Council Officer's Committee Report is referred to in the course of my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, with particular regard to the rural landscape; and,
 - highway safety along Woodend Lane (C1136) and at its junction with the B4220.

Reasons

Character and appearance

4. The appeal site comprises a roughly square parcel of land with an access off Woodend Lane (C1136). The main field is enclosed by hedges with a further tranche of land within the site to the north and mature woodland beyond. The land rises gently from the east to the south-west. Agricultural fields lie to the south and west but the site immediately adjoins a large existing caravan park in separate ownership, Malvern View (MV), to the east. The nature of the surrounding landscape is agricultural with a mix of arable and pastoral fields, woodlands, scattered farms, hamlets and isolated dwellings. Whilst the site is

- relatively level, the topography of the surrounding area is more varied with an undulating landscape and hills, including the Suckley Hills and Malvern Hills some distance to the east.
5. It is proposed to create a holiday park for 40 static caravans with a manager's lodge and reception, a maintenance shed and a new vehicular access. There would be a recreation area within the paddock land to the north. Existing hedgerows would be retained and supplemented by additional planting, including native trees and shrubs.
 6. The relevant landscape is not nationally designated and the Malvern Hills Area of Outstanding Natural Beauty (AONB) is some 2.6km to the east. However, the landscape is identified within the Council's Landscape Character Assessment Supplementary Planning Guidance 2004¹ (LCA) as within the Timbered Plateau Farmlands Landscape Character Type (LCT). The key characteristics of this LCT include: field boundary hedgerows thrown into visual prominence by the landform; wooded valleys and dingles; ancient wooded character; mixed farming land use; linear pattern of woodland; organic enclosure pattern and medium-open views. Given that the site ranges from around 139-145 Above Ordnance Datum (AOD), it does, with adjacent fields, form a small plateau with relatively open views from the south and south west.
 7. The appellant's Landscape & Visual Appraisal (LVA)² accepts that the site does reflect some of the characteristic of the Timbered Plateau Farmlands LCT but says that: *'it is also influenced by characteristics at a more intimate scale.'*³ The LVA points, in particular, to the holiday park at MV, which adjoins the eastern boundary of the appeal site. Although there is some dispute between the main parties about the extent of the visibility of the existing caravan site, mainly in relation to the contours of the land, the Council states that: *'Where development has been permitted on higher ground the visual effects are clearly evident'*.
 8. Similarly, the appellant's LVA considers that the static caravans at MV dominate some views. The subsequent Landscape and Visual Statement of Evidence (LVSE)⁴ provided by the appellant, albeit in disputing aspects of the Council's case, says that a photograph from Viewpoint 5 in the LVA *'clearly shows the extent of Malvern View above the hedge line.'*⁵ From what I saw on my site visit, substantive parts of the existing caravan site at MV are prominent in the landscape in views from public vantage points along the local road network to the south and south west. That includes from parts of Woodend Lane, Hope House Lane and at the junction with the B4220.
 9. The LVA and the LVSE posit that the visual envelope is limited and that the proximity of MV diminishes the rural setting of the appeal site and sets a local precedent for this type of development. Even though the LVA submits that the appeal site has a reduced susceptibility to change because of the presence of an existing caravan park, it still considered the site to be of medium susceptibility overall. Views of the sight are significant and it is likely that it would also feature in more distant views from higher ground. In any event whilst the LVA is prepared within a framework of a stated objective

¹ Updated 2009

² Lockhart Garratt – Ref: 16-3183, Version: 2, Date: 6 March 2016

³ Paragraph 4.2.1

⁴ Lock Hart Garratt – Ref: 17/2149, Version: 3, Date: 24/01/2018

⁵ Paragraph 5.12

methodology, such assessments ultimately involve a level of subjective judgement.

10. MV already covers a sizeable area and, according to the appellant's LVSE, comprises approximately 274 static units, 14 touring caravans and 35 holiday lodges. Whilst the LVA emphasises the relationship of the appeal site with MV, it also describes that existing leisure park as a 'unique' component of the wider landscape, which it characterises as divided fairly evenly into arable and pastoral land of varying size and regularity. Although Woodend Lane runs to the west, with the access to MV to the immediate south, and the site is bounded by hedgerow, those elements do not dissociate it from the wider rural landscape or establish an exclusive relationship with MV. Rather, being a pastoral field bounded by hedgerow, the appeal site has more commonality with the characteristics of the surrounding countryside. It also performs an important function in containing the development at MV and creating a visual buffer between it and the public highway to the west, with fields beyond. Therefore, I disagree that the appeal site's proximity to MV legitimises more development of the same type obtruding further into the open countryside.
11. Moreover, the appeal site is on rising ground, which is likely to increase the prominence of the proposed 40 caravans. The Council estimates that the overall effective height of the each caravan, taking account of its base, would be about 4 metres, which has not been disputed. It is accepted that views from the north would be largely obscured by the wooded railway cutting. However, even allowing for the relaxed management of the southern and western hedges, which the appellant advises have grown to up to 2.5 metres tall, the upper parts of the caravans would still be visible in southerly views.
12. Further planting is proposed, with phased development and the caravans would be finished in muted colours, all of which could be secured by condition. However, the additional planting, including oak trees within the external hedge, would be likely to take some time to establish. Such screening would also be less effective during the winter months. Notwithstanding the suggested mitigation and the wooded backdrop, the proposed development would be read as an expansion of the already sizeable and prominent caravan park at MV. Adding 40 caravans over 2.9 hectares (7.1 acres) across a pastoral field, albeit informally arranged, would increase the visual intrusion into a predominantly rural landscape setting, particularly in near and mid distance views from the south and southwest.
13. Given that the site would be a holiday location, it is unlikely that holiday makers would wish to be completely enclosed by substantial screening, which could be oppressive if it prevented all outward views towards the pleasant surrounding landscape. Therefore, it is a likely that the height of vegetation would be controlled to some extent leading to inter-visibility. The LVA, referring to its 'Viewpoint 4' photograph taken from the junction of the B4220 and Hope House Lane, comments: '*The adjacent holiday park is conspicuous to the right of the field of view, and is a good measure of the likely visual interaction to be expected from the proposed development.*'⁶ That aspect of the LVA is in accord with my own observations. They lead me to conclude that the proposed development would, despite intervening hedgerows, and additional planting appear prominent viewed from public vantage points.

⁶ Paragraph 5.4.1

14. The LVA suggests that views are more limited from surrounding public footpaths, but Hope House Lane provides a connection from the Herefordshire House public house to the Three Choirs Way long distance walking route. Therefore, walkers and holiday makers may join it via Hope House Lane perhaps having taken refreshment at the public house. The rural road network, often characterised by quiet country lanes, frequently provides important connections for walkers to the public rights of way network. Indeed sections of the B4224 and Hope House Lane form part of the Three Choirs Way route. Although those particular sections do not offer good views of the appeal site, they do show that the public rights of way network should not be considered as discrete from surrounding connections to it.
15. Whilst the relevant country lanes lack formal footways that is mitigated by relatively low levels of traffic. Indeed, some local residents have referred to use of Woodend Lane by walkers, cyclists and horse riders. Therefore, views of the appeal site would not be merely confined to glimpses from fast moving motor vehicles. It seems to me that the expansion of holiday park development would adversely affect the panoramic visual landscape, as experienced by various users of the surrounding rural road network.
16. The Council's Landscape Officer originally expressed significant concerns about the effects of the proposal on the landscape and advised that a formal landscape appraisal should be produced by the appellant. The LVA places much weight on the proposed mitigation in the form of screening. In revised comments⁷, following the submission of the LVA, the Council's Landscape Officer is ultimately persuaded that the mitigation proposed will, whilst taking a number of years to establish, be effective. However, the Landscape Officer acknowledges that the proposal will extend development westwards onto the higher contours of the open countryside, therefore increasing its influence over the local landscape and bringing it to the forefront of the view. I agree with that part of the assessment.
17. Mitigation secured by condition can, in some circumstances, make otherwise unacceptable development acceptable. The proposal suggests substantial belts of landscaping, in the form of 5-10 metre deep buffer zones and trees, including standard tree specimens, with a minimum height of 300cm to 350cm, to supplement the existing hedgerow. However, the extent and scale of the mitigation considered necessary to ameliorate the fundamentally adverse effect on the landscape is also indicative of the basic harm that a caravan park at this location would have.
18. Moreover, the proposed mitigation would enclose the field with substantial screening vegetation which would itself compromise the characteristic openness of the plateau landscape. It would also take some time to fully establish. In any event, given the height of the caravans, it is likely that the development would still appear prominent in the visual landscape as the effectiveness of the screening would vary with the seasons.
19. Whilst the landscape is not nationally designated, and any views from the AONB would be distant, the value of the LCT is identified in the LCA. The National Planning Policy Framework (the Framework)⁸, an important material consideration in all planning decisions, also recognises the importance of the

⁷ Memorandum 18 May 2017

⁸ March 2012

intrinsic character and beauty of the countryside.⁹ The cumulative effect of the proposal, in the context of the existing caravan park at MV, would damage the rural landscape by expanding development into it. A number of local residents have expressed similar concerns about the incursion into the countryside. The quality of the landscape is also a factor in attracting tourists to the Herefordshire countryside so it is important that it is protected from detrimental development.

20. The above factors lead me to conclude that the proposal would harm the character and appearance of the area, with particular regard to the rural landscape. Therefore, it would be contrary to Policy LD1 of the Herefordshire Local Plan Core Strategy 2011-2031 (CS)¹⁰ which, amongst other things, seeks to conserve and enhance the natural and scenic beauty of important landscapes and ensure that development integrates appropriately into its surroundings. It would also conflict with similar policy protecting the countryside in the Framework.
21. Policy E4 of the CS promotes the development of sustainable tourism opportunities but that is provided that there is no detrimental impact on natural assets or on the overall character and quality of the environment. Therefore, given my findings above, the proposal would also conflict with that policy.

Highway safety

22. Concern has been expressed by the Council about an increase in traffic movements and its effect on the junction of Woodend Lane (C1136), Hope House Lane and the B4220. It is particularly concerned about visibility for drivers turning right from the C1136 towards Bromyard on the B4220. A supplementary concern was the acuteness of the turn towards the site, when approaching from the Bromyard. A local resident has also articulated broad concerns regarding the safety of the junction.
23. The junction is at a bend on the B4220, which has a 60mph speed limit. Nevertheless, as I saw on my site visit the junction is wide and visibility south is reasonable. Although vehicles approaching from the north-west on the B4220 emerge from a dip in the road and become visible closer to the junction, that point is still a reasonable distance away. There is also signage on the road side and surface in both directions on the B4220 advising drivers to 'slow' and giving notice of the coming bend. Part of the proposal includes re-lining the white lines at the junction to facilitate its safe use, which could be conditioned.
24. The section of Woodend Lane leading from the new access to the junction, although narrow in parts, is a straight road and an additional passing bay is proposed, which could be secured by condition. That road has also been used for some years by holidaymakers staying at MV, apparently without incident.
25. Given that the Council accepts that no personal injury accidents were recorded over a 5 year period from 2010-2014 and the latest data indicates that there is no record of accidents between 2001 and 2017,¹¹ concerns about the safety of the junction are not evidenced. There would be additional vehicular movements generated by the development but the traffic count indicates that the increase would be relatively modest. The Council's Transportation Manager

⁹ Paragraph 17

¹⁰ Adopted October 2015

¹¹ Paragraph 1.7 SoC Rebuttal – Transport Input – PTB (data obtained from Crashmap web site)

was satisfied by that evidence and the original Council Officer's Committee Report concluded that the proposal was acceptable in terms of highway safety and capacity. I agree that the modest increase in traffic would be unlikely to materially change the existing situation or jeopardise highway safety.

26. Moreover, it is significant that the site would be for static caravans. Therefore, tourists associated with the site would not be negotiating the junction trailing caravans. A local resident has referred to the regularity of road traffic accidents on the B4220 in the proximity of the junction, but the data does not appear to indicate that there have been accidents at the junction itself and no evidence of other frequent accidents has been provided. It has been suggested that holidaymakers unfamiliar with the three-way junction layout would be particularly vulnerable. However, given that the junction has been used for some time by tourists staying at MV, that concern does not appear to be borne out by the relevant accident data.
27. An accident in the vicinity in December 2017 is referred to but no precise location has been provided by the objector. The appellant has indicated that it was some 600 metres north of the junction and involved a car travelling towards Bromyard leaving the carriageway and colliding with a tree and a barrier. Therefore, regrettable though that incident was, it does not appear to be directly related to the junction at issue.
28. Overall therefore, I conclude that the proposed development would not harm highway safety along Woodend Lane (C1136) or at its junction with the B4220. Therefore, the proposal would comply with Policy MT1 of the CS as it has demonstrated that the local highway network can absorb the relatively modest traffic impacts without adversely affect the safe and efficient flow of traffic on the network. It would also be in accordance with paragraph 32 of the Framework, as a safe and suitable access to the site would be provided and there would not be any severe cumulative impact on the transport network as a result of the proposal.

Other Matters

29. There are three nearby grade II listed buildings being Silkcroft, Woodsend and Boyce Farmhouse. Silkcroft is an attractive two-storey, gable ended, black and white dwelling and dates from the 17th century, according to its listing. It is located about 200 metres to the south west of Tom's Patch. However, it is separated from the appeal site by Woodend Lane and an expanse of field which surrounds it and forms its immediate setting. Although the proposal would in effect, bring caravan development closer, it would not impinge on that setting to any great degree. Moreover, views towards the listed building from the east are already largely obscured by substantial modern agricultural barns and associated buildings which occupy the foreground. As I saw on my site visit, views from the house towards the appeal site would also be substantively curtailed by those same agricultural structures. Therefore, given those circumstances, the proposal would not harm Silkcroft or its setting.
30. Woodsend is some 200 metres to the north. However, it is separated from the appeal site by the heavily wooded railway cutting. There are no clear views towards that property from or incorporating the appeal site and the proposal would not have any material effect on the listed building or its setting. Boyce Farmhouse is at the eastern end of MV and its setting already consists of the adjoining holiday caravans, hardstandings and other ancillary buildings. Given

its current setting and distance from the appeal site it would not be adversely affected. A local resident has also referred to Clater Park House and Gardens, which is another grade II listed building, to the north. However, it is much further away from the appeal site than the other listed buildings. Whilst it may be seen in the same field of view as Tom's Patch in from some distant vantage points on more elevated ground, there is a sufficient intervening expanse of open countryside to negate any adverse effect on its setting. Overall therefore, I am satisfied there would be no harm to listed buildings or their settings in the vicinity.

31. Additional matters have been referred to by local residents objecting to the development including light pollution, effects on wildlife and noise. Some Appeal decisions have also been referred to an objector. As I have dismissed the appeal on other substantive grounds for the reasons given, there is no requirement for me to reach a definitive conclusion on those aspects.

Planning Balance and Conclusion

32. It is recognised that there would be economic benefits associated with the proposal. There would be employment opportunities during the construction phase and a contribution to the local economy from the purchase of materials and use of local trades and services. The appellant indicates that two full-time and two part-time employees would be required to operate the holiday park. Expenditure of holiday makers staying at the park in shops, pubs, restaurants and on visitor attractions and activities would also be of benefit. Although some of that spend would be within the site, it is reasonable to suppose that much would be external and support businesses in the surrounding area. I note the various reports and studies, referred to by the appellant, confirming the significant contribution of the holiday park industry and tourism more generally to the UK economy. The support of the Local Chamber of Commerce is also recognised. Those factors weigh in favour of the proposal.
33. Policy E4 of the CS also offers positive support to the development of sustainable tourism opportunities, which is in accord with paragraph 28 of the Framework. However, Policy E4 also seeks to safeguard the county's natural assets and the character and quality of the environment. Similarly, paragraph 28 of the Framework refers to respect for the character of the countryside and says that the provision and expansion of tourist and visitor facilities should be in appropriate locations.
34. I have not found harm in terms of highway safety. It is accepted that any development is likely to have some effect in the context of a rural landscape. However, the cumulative impact of the proposal in extending caravan development westward across panoramic rural views, would cause significant harm to the character and appearance of the rural landscape. In this particular case, on balance, the adverse visual impact on the countryside outweighs the economic and tourism benefits of the proposal, which does not, therefore, amount to sustainable development.
35. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR

