

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 JULY 2018</b>
<b>TITLE OF REPORT:</b>	<p><b>174451 - PROPOSED CHANGE OF USE AND CONVERSION OF FORMER COACH HOUSE TO FORM A 2 BEDROOM DWELLING TOGETHER WITH PROVISION OF TURNING AND PARKING FACILITIES AND PRIVATE AMENITY AREA AT FORMER COACH HOUSE AND LAND AT WILCROFT, BARTESTREE, HEREFORDSHIRE, HR1 4BB</b></p> <p><b>174452 - PROPOSED CHANGE OF USE AND CONVERSION OF FORMER COACH HOUSE TO FORM A 2 BEDROOM DWELLING TOGETHER WITH PROVISION OF TURNING AND PARKING FACILITIES AND PRIVATE AMENITY AREA AT WILCROFT, ACCESS TO CROFT COURT, BARTESTREE, HR1 4BB</b></p> <p><b>For: Mr Mifflin per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Hereford, Herefordshire HR2 0SN</b></p>
<b>WEBSITE LINK:</b>	<p><a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174451&amp;search=174451">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174451&amp;search=174451</a></p> <p><a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174452&amp;search=174452">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174452&amp;search=174452</a></p>
<b>Reason Application submitted to Committee - Redirection</b>	

**Date Received: 27 November 2017    Ward: Hagley**

**Grid Ref: 356366,241649**

**Expiry Date: 31 May 2018**

Local Member: Councillor DW Greenow

## **1. Site Description and Proposal**

- 1.1 Planning permission and Listed Building Consent is sought for the conversion of an existing two-storey brick constructed outbuilding at Wilcroft, Bartestree. The application site is accessed via an unadopted track from the C1130 to the north of the village. The site is in open countryside. The track serves a number of residential properties and agricultural land. The application site is, in effect, the western end of a range of buildings that would formerly have been associated with the Grade II listed Wilcroft House, the list entry for which is below:-

*Grade II House, now divided into three. Late C18 and early C19 with additions of late C19. Brick, hipped slate roofs. Irregular plan with former main entrance range aligned east/west facing south (Wilcroft), wings extending to east (Wilcroft East) and west (Wilcroft West), former central entrance and stairwell, end and axial stacks. Two and three storeys with attics and*

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

*cellars; south front, rusticated quoins and semi-circular blind arch to single bay, 2:1:3 glazing bar sash windows, forward projecting Tuscan porch with panelled door, inner elliptical headed archway to doorway with half-glazed door. Interior retains contemporary staircase and stuccoed ceiling decoration.*

- 1.2 It is by association with Wilcroft that the subject building is considered 'curtilage listed'. The intended vehicular access to the converted property will run along north of the terrace before turning south to approach from the west.
- 1.3 To the immediate west of the application site is a range of agricultural buildings, including some that have been used for livestock housing. The buildings include an open-fronted south-facing pole barn, which adjoin the west-facing gable of the subject building. Access to this barn by vehicle is via the proposed access to the barn conversion.
- 1.4 The accommodation proposed is 2-bedroom, with open plan kitchen and dining area occupying one bay at ground floor, a lounge the other.
- 1.5 There is a lengthy planning history associated with the site. The original 1999 scheme was refused for 3 reasons relating to the impact of the conversion on the character of the building, the detrimental amenity impacts of providing access to the converted building along the rear of the neighbouring dwellings and the adverse environmental impacts of living in such close proximity to a farmyard.
- 1.6 The 2002 application was refused for a single reason relating to the adverse environmental impacts of living in such close proximity to a farmyard.
- 1.7 A further 2012 application was refused for the same single reason:

*The proposed site layout drawing fails to specify areas for the parking of domestic vehicles and private amenity space, and does not confirm the ability to access the pole barn with larger, agricultural vehicles without severely compromising the proposed domestic curtilage. For this reason the local planning authority considers the proposal contrary to Policies HBA12 and DR2(4) of the Unitary Development Plan in that the proposed residential use has not been shown to be compatible with the adjoining agricultural activity. The absence of a demonstrably safe means of access to the property or the provision of adequate private amenity space is also held contrary to Policies DR3 and H13(11) of the Unitary Development Plan and guidance set out in the NPPF.*

- 1.8 Importantly, this refusal was the subject of an appeal. The appeal was dismissed but in determining the appeal, the Inspector provided detailed commentary on the proposal and this has informed this most recent submission.
- 1.9 The application is accompanied by a Planning, Heritage Design and Access Statement and a Protected Species Survey.

## **2. Policies**

- 2.1 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the link below:-

SS1 – Presumption in favour of sustainable development  
SS6 – Environmental quality and local distinctiveness  
RA3 – Herefordshire countryside  
RA5 – Re-use of rural buildings  
MT1 – Traffic management, highway safety and promoting active travel  
LD1 – Landscape and townscape

LD2 – Biodiversity and geodiversity  
LD4 – Historic environment and heritage assets  
SD1 – Sustainable design and energy efficiency  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality

2.2 The Bartestree and Lugwardine Neighbourhood Development Plan was made on 1 December 2016 and as such carries full weight as part of the adopted Development Plan. The relevant policies are set out below:-

BL1 – Criteria for the Design of New Houses  
BL3 – Infilling and Windfalls  
BL5 – Housing in the Countryside  
BL6 – Residential Rural Buildings  
BL7 – Conserving Historic Character  
BL12 – Transport and Highways

2.3 National Planning Policy Framework (NPPF)

Achieving sustainable development  
Building a strong, competitive economy  
Supporting a prosperous rural economy  
Requiring good design  
Conserving and enhancing the natural environment  
Conserving and enhancing the historic environment

2.4 National Planning Policy Guidance

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

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

2.6 The Neighbourhood Development Plan policies can be viewed on the Council's website by using the following link:-

[https://www.herefordshire.gov.uk/downloads/file/3207/neighbourhood\\_development\\_plan\\_adopted](https://www.herefordshire.gov.uk/downloads/file/3207/neighbourhood_development_plan_adopted)

### **3. Planning History**

3.1 The site has a lengthy history relating to the proposed conversion of the building into a dwelling:

P152673/L - Various works to former coach house (Retrospective). Refused 12 November 2015

S120452/F and S120454/L – Change of use with alterations to form small residence from former coach house. Refused 11 October 2012. Appeal Dismissed

CE2002/0580/F and CE2002/0582/L – Conversion and refurbishment of a redundant former coach house to form new dwelling on part of a terrace of existing dwellings. Refused 19 April 2002

CE1999/1962/F and CE1999/2961/L – Alterations and refurbishment of an existing outbuilding (former coach house) to form new dwelling as part of a terrace of existing dwellings. Refused 2 May 2000.

## 4. Consultation Summary

### 4.1 Statutory Consultations

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.

Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 62 of the Habitats Regulations 2017, as amended.

Natural England's advice on other natural environment issues is set out below.

Further advice on mitigation

To avoid impacting the water quality of the designated sites waste and surface water must be disposed in accordance with the policies SD3 and 4 in of the adopted Herefordshire Core Strategy.

Foul sewage

We would advise that package treatment plants should discharge to an appropriate soakaway which will help to remove some of the phosphate (see NE report below). Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. We therefore propose that the package treatment plant/septic tanks and soakaway should be sited 50m or more from any hydrological source. Natural England research indicates that sufficient distance from watercourses is required to allow soil to remove phosphate before reaching the receiving waterbody. (Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks Around Freshwater SSSIs) Where this approach is not possible, secondary treatment to remove phosphate should be proposed. Bespoke discharge methods such as borehole disposal should only be proposed where hydrogeological reports support such methods and no other alternative is available. Any disposal infrastructure should comply with the current Building Regulations 2010.

Surface water

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as

described for the highest level of environmental protection outlined within the guidance. For discharge to any waterbody within the River Wye SAC catchment the 'high' waterbody sensitivity should be selected. Most housing developments should include at least 3 treatment trains which are designed to improve water quality. The number of treatment trains will be higher for industrial developments.

An appropriate surface water drainage system should be secured by condition or legal agreement.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### Other advice

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

#### Welsh Water

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

## 4.2 Internal Council Consultations

### Transportation Manager

The property is accessed off a narrow private lane with limited passing places, but which already serves a number of other properties. I do not consider that the addition of one further property gives grounds for objection.

Proposal acceptable, subject to the following conditions and / or informatives:-

### CAL

### Conservation Manager (Historic Buildings)

Recommend approval subject to conditions: the proposals would not harm the character or significance of the building and as such accord with policies within the adopted CS and NPPF.

Conditions: Window details, roof details and materials, rooflight details. Walling sample panel.

### Conservation Manager (Ecology) in response to updated Ecological Survey

The site lies within the Discharges "any discharge of water or liquid waste..." River Lugg (R.Wye) SAC & SSSI Impact Risk Zone and so sufficient and detailed information is required to be submitted to allow the authority to assess the proposal through its Duty of Care under NERC

Act and Habitat Regulations and to determine that the development will have NO 'likely significant effects' on the relevant SAC & SSSI.

The applicant has indicated in their application form that foul water will be managed by connection to a new Package Treatment Plant but no information on location or how final outfall will be managed appears to have been supplied. In order to discharge this LPA's Duty of Care confirmation that final outfall through a soakaway drainage field on land under the applicant's control should be supplied. No direct discharge to any local watercourse, stream or culvert will be acceptable due to potential detrimental impacts upon the River Lugg (Wye) and the protected species and other ecology for which it is designated a SSSI and SAC. **This information on foul water management must be supplied before this application can be determined (NERC Act, NPPF, Habitat Regulations, Core Strategy SD4 and LD2)**

Subject to this information being received then I could conclude that there would be no unmitigated Likely Significant Effects on the River Lugg (Wye) SSSI and SAC. I note the updated ecology report and bat surveys with suggested Ecological Working Methods and proposed Biodiversity Enhancements. These should be subject to an appropriate implementation Condition.

### **Nature Conservation – Ecology Protection, Mitigation and Enhancements**

*The ecological recommendations and biodiversity enhancements in the Ecology Report by Countryside Consultants Ltd dated January 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.*

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

In response to the submission of a Foul Drainage Strategy, the following comments were provided:

Subject to any approvals/licences required from Building Control or Environment Agency (discharges) as part of the construction phase/operation and outside of Planning Control I am satisfied that the proposed Foul water Management system is appropriate and relevant to conclude that this development should have NO 'likely significant effects' on the River Lugg (R Wye) SSSI/SAC.

My previous suggested condition regarding ecological protection remains valid.

## **5. Representations**

### **5.1 Bartestree and Lugwardine Parish Council (original comments):**

Bartestree with Lugwardine Parish Council would like to support both this application and 174452. They are, however, mindful of concerns regarding the restricted thoroughfare. Please see NDP BL6.

### **Bartestree and Lugwardine Parish Council (revised comments):**

Whilst we as a PC have previously supported this application for the property, on this occasion we are minded to object for a variety of reasons. These include details of planning history, which we were unaware of - in particular the planning report of 2016. We also felt there were very real problems with access and rights of way. The property is also a listed building. The installation of a cesspit. Local residents, who use the well, fear a pollution problem.

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

It was claimed that the photographs used for the current application were very misleading – and do appear to be. They date back to 2012.

There was, it is claimed, a whole catalogue of events which the applicant has used to mislead planning officers, by having work done without permission in the past.

We, as a Parish Council, now wish to withdraw our support for this application.”

5.2 Over the course of a number of re-consultations in respect of both the Planning and Listed Building applications, a total of 18 objections have been received from 9 individuals. The comments can be summarised as follows:

- application similar to many previously refused applications
- building is suitable for agricultural or storage purposes
- impact on existing access to back lane
- will restrict use of back lane by emergency vehicles
- not possible to continue to use tractor and machinery on the lane
- existing plans include alterations that have been made without consent (windows in north and south elevations, brick paved area removed and replaced with concrete)
- impact of works on local bat and newt populations
- significant portions of the building have been re-built
- inaccurate to state that there will be no stripping out of walls, ceilings or floors as this has already taken place
- current use is described as residential and not vacant - it is a garage which should be used as storage or for agricultural purposes
- other converted buildings have amenity space to the north with no access required to the back lane
- loss of light to neighbouring property/kitchen
- will result in obstruction of lane for legitimate users
- timber cladding proposed to west wall is a fire hazard next to flammable hay and straw
- inaccurate Protected Species Survey
- access inadequately surfaced for additional traffic required for construction vehicles and future occupiers
- no details of how construction vehicles will access site
- the additional windows will overlook my property
- potential contamination of well water through use of reed bed system

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=174451&search=174451](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174451&search=174451)

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=174452&search=174452](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174452&search=174452)

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 adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Bartestree and Lugwardine Neighbourhood Development Plan (BLNDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

- 6.3 The application site has been considered for residential conversion on several occasions historically. The site is outside the identified settlement boundary, but the historic precedent for conversion of the remainder of the range involved is obvious. Although the building is not remarkable in its own right, it is present on first epoch OS extracts and part of the historic built environment associated with Wilcroft. It is acknowledged that there have been unauthorised works to repair and partially rebuild the Coach House and through negotiation a number of changes have been secured to redress some of the concerns that have been identified (notably the removal of the 2 windows in the north elevation of the building in response to objections about potential loss of privacy. Aside from this it must be stressed that questions over the qualification of the building for conversion in accordance with CS policy RA5 (and now policy BL6 of the BLNDP) have not been raised in previous refusals. These have historically been focussed upon the detail of the proposed schemes at the time.
- 6.4 The legal provisions in respect of the heritage impacts are enshrined within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the decision-maker to 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. Further to this, case law has established that preserving can be considered to be the same as doing no harm.
- 6.5 The Principal Conservation Officer has no objection and whilst the works that have been undertaken without consent cannot be condoned, they are considered to be modest and sensitive to the character of the building and its wider context and provide for a small 2 bedroom unit of accommodation within an established terrace of converted buildings. CS policy RA3 and BLNDP policy BL5 permit the conversion of disused rural outbuildings in the open countryside provided there is cross-compliance with policy RA5 and policies BL3 and BL6 respectively. In this case it is considered that the principle of re-using this specific building is acceptable and this has been endorsed in the most recent appeal decision in respect of a near identical application for work to the building. The Inspector opining that “*the proposal would serve to preserve the building, or its setting along with that of neighbouring curtilage listed buildings and any features of special architectural or historic interest*”.
- 6.6 At this juncture it is worth referring to the most recent refusal of Listed Building Consent (P152673/L). This sought to regularise the unauthorised works carried out to the building. There was no associated application proposing an alternative beneficial use of the building. The application was refused for the following reason:
- In the absence of an acceptable redevelopment scheme securing a beneficial use, the alterations are unnecessary and unjustified, failing to protect, conserve or enhance the heritage asset contrary to Policy LD4 of the Herefordshire Local Plan Core Strategy and guidance set out in the National Planning Policy Framework.*
- 6.7 The approach taken in determining to refuse this application was based upon the NPPF test that requires the decision-taker to weigh the impacts of development on the heritage asset against the public benefits. In the absence on any proposed use of the building, it was concluded that there was no basis to support what were in practice a number of unjustified alterations to the building. That is not the case now as a residential use is proposed.
- 6.8 Accordingly, the proposal is considered to comply with CS policy LD4 and BLNDP policy BL7 and in respect of the impact upon the character and setting of the curtilage listed building, it is considered that the amended scheme will preserve the character of the building. There will be some impact upon the setting of the building but this will effectively result in less than substantial harm. Having regard to the changes affected to the setting, this is considered to be very much at the lower end of the spectrum of less than substantial harm and in weighing this against the small scale economic and social benefits of securing a beneficial residential use of the building, the balance is in favour on the grounds of heritage impact.



- 6.9 Beyond this however, and at the root of the main cause of tension in respect of this site however, CS policies RA5 and SD1 require the proposed use of the building in question to be compatible with neighbouring uses and secure and safeguard residential amenity for existing and proposed residents. Policy MT1 requires development to provide safe means of access for pedestrians and motorised traffic.
- 6.10 It is considered helpful to focus on the two main issues that were considered in respect of the 2012 appeal.

#### Compatibility with neighbouring uses (agricultural operations)

- 6.11 In this case, the most obvious cause for conflict is with the access to and use of the pole barn immediately adjacent the application site. The refused submission proposed a rather convoluted and unclear layout with the amenity area for the converted building being partly in front of the adjacent agricultural building and no clear parking layout. This uncertainty led to a reasonable conclusion that the layout would fetter the farmer's ability to manoeuvre and access the building. The revised submission under consideration has sought to clarify the interaction between pedestrian and farm vehicles or that between parked cars and tractors and trailers attempting to access the barn. In essence, the amenity area is now limited to an open courtyard directly to the south of the coach house building (the applicant has advised that the farmer has no legal entitlement to access this land) with parking for 2 vehicles on land within the applicant control in an area set back from the back lane. This leaves a large area of hardstanding (approximately 130 square metres) immediately in front of the pole barn such that it is considered that there is sufficient room for the farmer to access the pole barn in a manner that will not prejudice his operations to an extent that would warrant the refusal of planning permission. Although a civil matter, the applicant has provided title deeds that indicate that this revised arrangement would not restrict the farmer's activities in the lane beyond those that are legally permitted.
- 6.12 The potential conflict between agricultural activities and the access to and from the converted buildings is clearly a continuing source of contention locally, but having assessed the issues that have been crystallised within the 2012 appeal decision, it is considered that an acceptable compromise has been found that will enable a small dwelling to be provided without compromising the use of the adjacent buildings and as such the requirements of CS policies RA5, SD1 and MT1 and BLNDP policies BL1 and BL3 are satisfied.

#### Residential Amenity

- 6.13 Although a reason for refusal historically, technical advice as regards the impact upon living conditions arising from the close proximity of the converted building to livestock, is that a reason for refusal could not be substantiated. This is in the context that there are other properties locally.
- 6.14 The converted building is provided with a modest but acceptable area of garden curtilage for a dwelling of this size, with parking that meets the required standard.
- 6.15 Two small windows on the north elevation will now be omitted and this satisfactorily addresses concerns about the loss of privacy to the garden of Fiddlers End. In respect of an objection concerning the loss of light to the kitchen of fiddlers Green, the proposed boundary wall has been revised and now comprises brick pillars and railing. The combination of modest height, openness and distance from the kitchen window is such that there would be no adverse impact upon residential amenity
- 6.16 I have considered the representations received in relation to the intensified use of the unmade and unadopted lane. Whilst Highways Design Guide policies would normally militate against

servicing more than 5 dwellings from such a lane, the historic situation is such that existing usage far exceeds this already. In this context I do not consider that a further 2-bed dwelling would unreasonably add to the burden that the track already carries. The Transportation Manager is content that the junction with the C1130 offers adequate visibility. It is also noted that concerns over intensification have not figured as part of the Council's refusal reasons and this approach was endorsed by the Inspector.

- 6.17 There will undoubtedly be some disruption during further works to convert the building but these will be temporary and not a basis for refusal of planning permission. It is considered that there is ample space for the storage of materials and the parking of site operative vehicles in the area proposed for the future parking provision and as such no reason to condition such matters. A condition restricting working hours is reasonable however.

#### Other Matters

- 6.18 In relation to biodiversity impacts, it is reiterated that any works undertaken to the building without the relevant permissions cannot be condoned but there is no evidence before the Council that suggests that there has been any harm to protected species as a result of this. The application has been supported by a Protected Species Survey which was updated in light of local concerns. This has been scrutinised by the Council's Ecologist who has raised no objections subject to the recommended enhancements being incorporated. Furthermore in relation to the proposed drainage strategy, the applicant's recent confirmation that a mains connection is available is such that he concludes that there are no unmitigated impacts on water quality within European and national designations (River Wye Special Area of Conservation and Site of Special Scientific Interest). Concerns in respect of the potential impacts on private water supply are noted in relation to the originally proposed private package treatment works, but upon confirmation that a mains connection is available, there are considered to be no risks warranting further consideration.
- 6.19 Some concerns have been raised in respect of rights of access over the lane itself but these are civil matters and beyond the scope of Planning legislation. The revised layout provides for an open access across the application site to the rear of the neighbouring properties which at 3.5 metres wide would allow for emergency vehicles to access and any access from the other direction remains unaffected.

#### Conclusion and Planning Balance

- 6.20 It is recognised that there is a history of repeated refusals to the conversion of the Coach House and that this has continued to be a source of concern amongst local residents. That said, over the course of time, the range of issues that have resulted in refusal have been refined such that in 2012 this was limited to the potential conflict between the proposed residential use and the ongoing agricultural activities. It is considered that this proposal has satisfactorily addressed the lack of clarity that was the basis of the last refusal of planning permission. Heritage, biodiversity, drainage and residential amenity and access and parking issues have been properly addressed and in applying the planning balance, the acknowledged modest social and economic benefits associated with the conversion and occupation of a small 2 bed dwelling considerably exceed the minor environmental impacts that have been identified. Accordingly the proposal is considered to comply with policy and to be representative of sustainable development.

## **RECOMMENDATIONS**

### **APPLICATION 174451/F**

#### **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. D04 Details of window sections, eaves, verges and barge boards**
- 4. D09 Details of rooflights**
- 5. D11 Repairs to matching existing**
- 6. C65 Removal of permitted development rights (include fencing and means of enclosure)**
- 7. C96 Landscaping scheme**
- 8. C97 Landscaping scheme - implementation**
- 9. H13 Access, turning and parking**
- 10. I16 Restriction of hours of construction**
- 11. I20 Scheme of surface water drainage**
- 12. The ecological recommendations and biodiversity enhancements in the Ecology Report by Countryside Consultants Ltd dated January 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006**

- 13. CE6 Water conservation**

#### **INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

**2. N11C General**

**APPLICATION 174452/L**

**RECOMMENDATION**

**That Listed Building Consent be granted subject to the following conditions:**

**1. D01 Time limit for commencement (Listed Building Consent)**

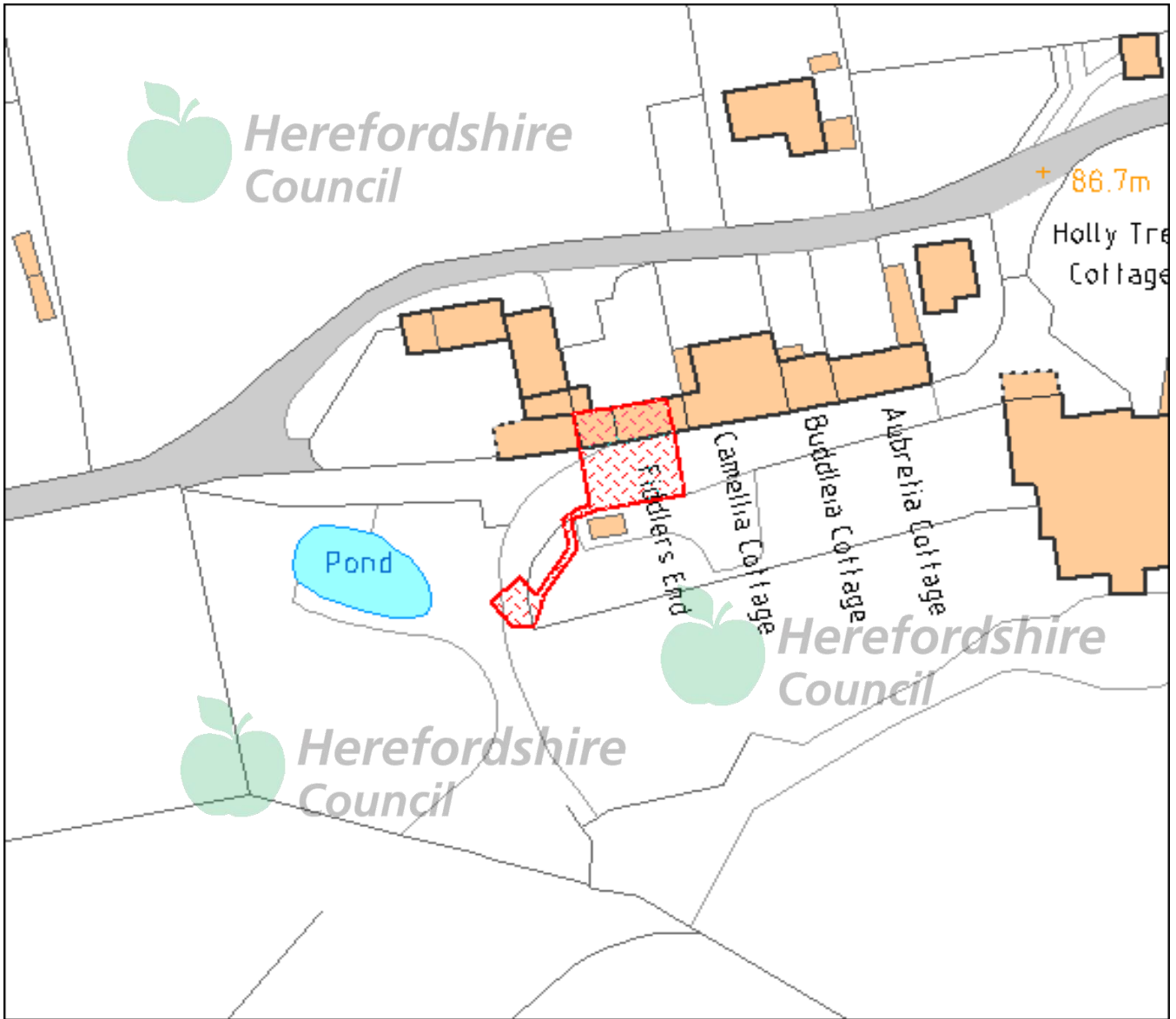
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 174451

**SITE ADDRESS :** FORMER COACH HOUSE AND LAND AT WILCROFT, BARTESTREE,  
HEREFORDSHIRE, HR1 4BB

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