

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 March 2020
TITLE OF REPORT:	193578 - ERECTION OF AN AGRICULTURAL BARN TOGETHER WITH APPROPRIATE LANDSCAPING AND PLANTING AT BANBH FARM, BREINTON, HEREFORD, HR4 7PP For: Mr Owen per Mr Leigh Martin, Procuro, St Owens Cross, Hereford, Herefordshire HR2 8LG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193578&search=banbh%20farm
Reason Application submitted to Committee – Re-direction	

Date Received: 14 October 2019

Ward: Credenhill

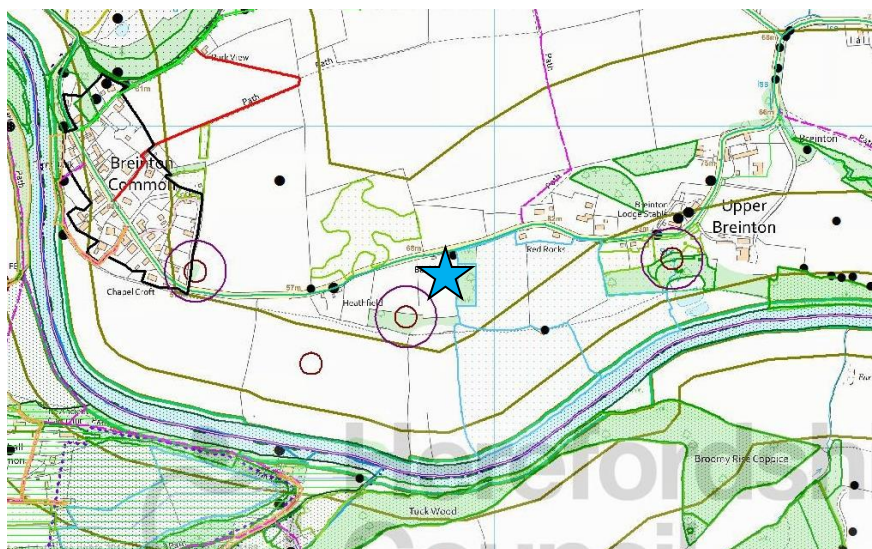
Grid Ref: 345889,239745

Expiry Date: 9 December 2019

Local Member: Councillor Bob Matthews

1. Site Description and Proposal

- 1.1 The application site is found within the parish of Breinton, approximately 1 kilometre to the east of Breinton Common and approximately 5.5 kilometres west of Hereford City Centre. The site forms part of a larger field which is in agricultural use and is accessed from the C1190 via double galvanised gates. The location of the site is indicated by the blue star on the map shown below.



- 1.2 The parcel of land, which is rectangular in shape, slopes gently southwards away from the road and views are afforded to the River Wye and the southern slopes of the valley which form a ridge-line of woodland. The site and the wider field is well enclosed and is bound by mature species hedgerows and trees to the east, with a thick and mature barrier of hedgerow and trees running part way down the western field boundary. The site is also bound by mature hedgerows to the north delineating it from the road and an ancient Oak can be found in the north-eastern corner of the site. The site is presently laid to grass and used for the running of a small herd of cattle and flock of sheep in combination with a small number of neighbouring fields which the applicant owns.
- 1.3 This application seeks planning permission for the erection of an agricultural building for the storing of tools, feed supplies, machinery and to house the cattle during the winter months (at present these are transported back to the main holding in Gloucestershire).
- 1.4 The building would be sited parallel to the road and would measure 18 metres in length, 12 metres in width under a pitched roof which would have a ridge height of 6.4 metres. The building would be of a typical agricultural appearance with vertical timber boarding above a dark green sheeting base. The pitched roof would also utilise dark green sheeting with 3 translucent roof lights on each slope. The building would sit within a stoned/gravelled apron and access track and landscaping is proposed to the south of the building to separate it from the wider field. Soakaways are intended to be utilised to deal with surface water.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS)

The following policies are considered to be of relevance to this application: -

LD1 - Landscape and townscape
LD2 - Biodiversity and townscape
LD4 - Historic environment and heritage assets
SS1 - Presumption in favour of sustainable development
SD1 - Sustainable design and energy efficiency
SD3 - Sustainable water management and water resources
SS6 - Environmental quality and local distinctiveness
MT1 - Traffic Management, highway safety and promoting active travel

2.2 Breinton Neighbourhood Development Plan (BNDP)

The Breinton Neighbourhood Development Plan was made on 1 December 2016 and therefore now forms part of the development plan for this part of Herefordshire.

B6 - Sustainable design and energy efficiency
B7 - Protecting the best and most versatile agricultural land, soils and promoting agricultural development that protects the environment and preserves the distinctive rural landscape.
B14 - Protecting the landscape
B15 - Local distinctiveness

https://www.herefordshire.gov.uk/download/downloads/id/9128/neighbourhood_development_plan_adopted.pdf

2.3 National Planning Policy Framework (NPPF)

1. Introduction
2. Achieving sustainable development

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

- 4. Decision-making
- 6. Building a strong, competitive economy
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

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

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 **190839/F** - Erection of an Agricultural Barn with landscaping and planting - Refused
- 3.2 **P183055/F** - Proposed erection of general purpose agricultural barn - Withdrawn
- 3.3 **DCC062594/F**- Log cabin for temporary two bedroom accommodation - Refused
- 3.4 **DCC060318/F** - Erection of log cabin residence, farm shop, butchery with cold store, farrowing unit, 3 no. stables, hay barn and agricultural areas enclosed - Withdrawn
- 3.5 **DCC060731/F** - General purpose agricultural barn and access track
- 3.6 **DCC071015/F** - Temporary mobile accommodation - Refused

4. Consultation Summary

Statutory Consultations

- 4.1 **Forestry Commission** – No response.
- 4.2 **Historic England** – Raise concerns as follows:

The proposed erection of an agricultural barn together with landscaping and planting is within the setting of Eaton Camp Scheduled Monument (National Heritage List for England UID: 1001756). The position of the camp overlooking the confluence of Cage Brook and the River Wye and its flood plain to the north are part of the significance of the monument. Inappropriate development within this area could therefore have a negative impact on the significance of this nationally important archaeological site.

We welcome the production of the "Heritage/SAM Setting Assessment In Support of Planning Application - Proposed erection of an agricultural barn" (October 2019) although would not necessarily agree with the conclusion that "the proposed erection of an agricultural barn when reviewed in context with all other more prominent structures visible from Eaton Camp will have a neutral change to the special interest of the camp setting and there would be no material change of its significance". In our view some harm would be caused to the designated heritage asset through development within its setting and as such the tests within the NPPF section 16 regarding the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 192); harm requiring clear and convincing justification (paragraph 194); and the weighing of harm against public benefit (paragraph 196), should be examined by the Council.

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

4.3 Natural England_– No objection (to previous Appropriate Assessment which remains valid)

Internal Council Consultations

4.4 Conservation Manager (Ecology)_does not object

Apart from a variation in size of the proposed building and a shift in location within the site there are no other changes from the previous application. A Habitat Regulations Assessment process is still required but with no material change the previous screening – appropriate assessment undertaken 26th March 2019 is still fully valid and appropriate and is formally adopted by the LPA to support this current application. Copy included within this response.

Natural England returned a formal ‘no objection’ comment to this previous appropriate assessment (copy included in this response) and this is still considered relevant.

There are no other ecology comments or concerns and no objection is raised.

4.5 Transportation Manager does not object

The erection of a barn at this location will not result in a cumulative impact on the highway which could be classed as severe, when taking into account the current land use at the site.

The existing access point is demonstrated as suitable for the character and usage of the road and access as set out in drawing numbered ‘Banbh Farm 1n’. Creating this access will require some minor modifications to the existing access and a Section 184 licence may be required in the event that permission is granted. A link to the relevant guidance is below.

https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents

There are no highways objections to the proposed erection of the barn.

4.6 Conservation Manager (Landscapes)

Original comments - 12 November 2019 – Object

Views: From road (north of site), a hedgerows screens the site (in leaf), but is semi-screened in autumn and winter. The gateway provides visibility into the site. Due to the sloped condition of the site and higher elevations to the south-west, the site is exposed from further afield, including the direction of Eaton Camp. The field boundary hedgerows to the west and south assist in screening the site. A dense hedgerow and woodland to the east boundary provide a dense screen.

Impacts

- Change to visual landscape character.
- Change to physical landscape due to earthworks.
- Damage to existing veteran tree roots and branches, influencing the long term health of the tree.
- Impact on landscape setting of the Eaton Camp, a Scheduled Ancient Monument.

Recommendations

- Protection of veteran tree
- The applicant appears to locate the barn and hardstanding in very close proximity to the Veteran tree (Pedunculate oak) (Refer figure 3).
- Protect existing tree roots and branches of a veteran tree and ensure the long term health of the tree is secured. Provide a tree survey and associated management strategy in accordance with BS5837: Trees in relation to design, demolition and construction – recommendations.

Visual mitigation trees

The applicant proposes trees to mitigate views from the south-east. The tree species are not provided. It would be recommended to increase the massing to ensure comprehensive screening from the direction of Eaton Camp.

Provide a soft landscape plan to scale, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.

Material and colour design

The applicant proposes concrete precast panelled plinth; Yorkshire boarding and fibre cement roof. These materials and colours are light tones. It is regarded that dark tones are recessive and therefore better at blending in the landscape.

Consider carefully the material choice and colour. It is advisable to undertake a colour assessment and refer to the following guidance.

Malvern Hills Areas of Outstanding Natural Beauty: Guidance on the Selection and Use of Colour for Development

www.malvernhillsaonb.org.uk/wp-content/uploads/2015/02/guidance_on_colour_use_screen-1.pdf

Malvern Hills Management Plan 2019-2024

<http://www.malvernhillsaonb.org.uk/wp-content/uploads/2015/02/FinalLowResManPlan2014-19.pdf>

Landscape Institute technical information

www.landscapeinstitute.org/technical-resource/environmental-colour-assessment/

Updated Comments - 10 December 2019 – Approved subject to conditions

C13 Samples of external materials
CK3 Landscape Scheme
CK4 Implementation
CK5 Maintenance Plan (10 years)

1. Plant hedgerow trees within the hedgerow to reinforce the local landscape hedgerow characteristic. (Refer below for species suggestions and guidance).
2. Straighten hedgerow to reflect a typical hedgerow field boundary alignment.
3. Reconsider the planting of Ash trees, due to issues with tree availability and Ash Dieback. Consider replacing with Sycamore.

4. Review hedgerow species and specification based on the below guidance.

Tree and hedgerow guidance

Trees and Hedgerow Tree specification

Individual trees shall be planted as follows: Trees should be planted in areas previously cleared of all weeds, grass and vegetation. The trees are to be of 'Selected Standard' size, 16-18 cm girth, 2.5-3.5 metres tall, bareroot or rootballed and healthy and vigorous. Trees should be planted in planting holes 1.2m. x 1.2m. x 900mm deep, with the topsoil mixed with a minimum of 20 litres of suitable tree planting compost and replaced carefully around the roots and lightly compacted every 150mm layer. Trees should be supported with a treated timber stake and rubber ties and protected from both rabbit and stock damage. This may require the construction of sufficiently robust timber guards of a size appropriate for the type of stock kept in the field. A water regime is to be followed to ensure the health of the tree is maintained during the establishment period.

Standard Hedgerow Planting Specification

Hedging plants are to be 60-80 cm high, 1+1, bareroot, healthy and vigorous transplants to be planted in a double staggered row, 450mm apart, 5-7 plants per linear metre. Suggested species mix as follows:

Suggested Species

Only native and locally characteristic species should be used.

Common native, thorny species:

Hawthorn (*Crataegus monogyna*)

Blackthorn (*Prunus spinosa*)

Holly (*Ilex aquifolium*)

Non thorny species:

Field Maple (*Acer campestre*)

Hazel (*Corylus avellana*)

Hornbeam (*Carpinus betula*)

Wayfaring Tree (*Viburnum lantana*)

Guelder Rose (*Viburnum opulus*)

Dogwood (*Cornus sanguinea*)

Spindle (*Euonymus europaeus*)

Larger and 'Standard' Tree Species

Sycamore (*Acer pseudoplatanus*)

English (Pedunculate) Oak (*Quercus robur*)

Sessile Oak (*Quercus petraea*)

Bird Cherry (*Prunus padus*)

Wild Cherry (*Prunus avium*)

Field Maple (*Acer campestre*)

Notes:

- Dog Rose (*Rosa canina*) can be planted as an additional non woody species but is not considered part of the 5-7 plants per metre. This species will also quickly colonise naturally.
- Elder should not be planted in a new hedge it will out compete/kill other species and quickly develop in to a thin and gappy hedgerow.
- Honeysuckle should not be planted as it does not 'grow with the tree' leading to strangulation and its climbing habit can cause woody species to collapse.
- Ivy will colonise naturally but excessive growth may need to be managed to ensure excessive shading of woody species does not occur.

- 4.7 **Conservation Manager (Archaeology)** – no further comments, refer to those made on previous application.

Having regard to the information now submitted and the content of the representations already received, I have the following comments to make:

There is I think likely to be some harm to the significance of Eaton Camp SAM, through changes within its setting. On balance, however, the changes are not extensive enough or of a character that would lead me to regard any harm as substantial in this case.

There are also in my view no other ways in which the development would be damaging to the historic environment.

Therefore, although I still have concerns about what is proposed, my concerns are not sufficient for me to object to the application as it stands.

- 4.8 **Environmental Health (Contamination)** – the following comments have been made; -

If the applicant is content, we can recommend a condition such as that below to address any uncertainty and the representations given it looks to have been used for the deposition of waste of one sort or another.

Although this is a lengthy condition, it can stop at Part 1 (a) if a suitably qualified person considers the waste not to include anything of any concern. Especially considering the context

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
 - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health.

Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

4.9 **Conservation Manager (Trees)** – make the following comments;

I'd say from looking at the amended plans a condition to include a Tree Protection Plan should be sufficient.

5. **Representations**

5.1 **Breinton Parish Council** – Object

Breinton Parish Council stands by its objections to PA 190839 (18 April 2019) and PA183055 (18 October 2018), both of which are attached for ease of reference, and wishes to OBJECT to this current and third application for the erection of an agricultural barn at this site. The council endorses the other objections already received from National Trust, Herefordshire Council's Landscape Officer (Mr O. Jones) and local residents, and fully supports the requirement from Natural England for the submission of a Habitats Regulation Assessment.

The application fails to comply with several Breinton Neighbourhood Development Plan policies:
B7 Promoting agricultural development that protects the environment
B10 Moving around Breinton
B11 Green Infrastructure
B14 Protecting the Landscape
B15 Local Distinctiveness

Consequently, it is also non-compliant with relevant policies in the Local Plan Core Strategy and the National Planning Policy Framework (2019)

Whilst councillors recognise that the footprint of the proposed barn has now been considerably reduced, and re-aligned by 90 degrees, it remains an over-large structure for the site; and this concession by the applicant on a single element of the council's earlier objections does not in any way mitigate the negative impacts of all other reasons for objection, including the retained 6.6m height of the proposed barn in such a sensitive location.

Councillors consider that the 40% reduction in the footprint of the proposed barn ought to have entailed a revised Business Plan: no such plan has been submitted. Indeed, the only Business Plan ever submitted, with the subsequently withdrawn PA183055, was wholly inadequate and is in any case now redundant because it purported to justify a significantly larger barn: councillors are puzzled as to why a structure of that size was proposed in the earlier application.

As with the two previous proposals, this barn is quite simply the wrong kind of development in the wrong place. The Council has been advised by local beef farmers operating a variety of different farming models that the proposal for Banbh Farm is not financially viable in agricultural terms. The site is too small and the grass of insufficient quality to sustain the cattle numbers outside for any length of time, even without cutting for forage or grazing additional sheep as is now being proposed. In addition, major parts of the site are demonstrably subject to periodic flooding, reducing its grazing potential even further. The council is also advised that cattle will require large amounts of basic feed to be trucked in over an 18 -month period in addition to the silage/cake which would be necessary to 'finish' them. This makes no economic sense; nor is it consistent with the parish's and the county's declaration of climate emergency.

Councillors continue to assert that any possible economic or public benefit from the proposal is outweighed in the necessary Planning Balance assessment by inevitable environmental harm. Based on the site's 'planning history' and this unjustified agricultural proposal it would be reasonable to wonder might not the applicant be setting up the proposal to fail in due course, thus enabling a future 'change of use' application for residential dwelling(s) perhaps always intended. This would be contrary to Neighbourhood Development Plan policy B1.

Just as there is no economic case for approving this barn there is a strong environmental case against it. The council is deeply concerned that there is still no clear plan for the disposal of animal waste slurry. The site is in a Nitrate Vulnerable Zone adjoining the River Wye SAC/SSSI and includes a Flood Zone 3 floodplain. Phosphate levels on this stretch of the river remain close to the legal capacity limit and the nearby north-flowing Cage Brook tributary has recently exceeded that limit. It would be impossible to avoid detrimental run-off into the River Wye from any on-site dispersal of waste.

In addition to slurry - the proposed barn will require regular scraping down - there is absolutely no information about the separation, storage, treatment and disposal of 'clean' rain water falling on the building and potentially contaminated waste water that has fallen on the yard. Regulations require all three materials to be kept apart - potentially in large storage tanks - for which there is little room on site. There is probably no potential whatsoever to spread the materials on site without guaranteeing that effluent can be kept out of the river either directly or through the soil.

Following separate storage (unspecified), off-site waste disposal would consequently entail significant transport vehicle movements through the very narrow and twisting lanes that permit access to the site. Given the requirement for these and numerous other large vehicle movements associated with the proposal, such as feed stuffs referred to above, councillors are especially troubled by the Transportation Department's 'No objection' response which focuses solely on the immediate access and visibility splays at the site itself.

To say that the proposed development "will not result in a cumulative impact on the highway which could be classed as severe when taking into account the current use of the site" is totally misleading. Any access to Banbh Farm is via C class and/or unclassified roads. The volume of unsuitable vehicles regularly using quiet, twisting, poorly surfaced lanes, whose current speed limit is 50mph, will increase dramatically. These are lanes used by local dog walkers, cyclists, runners, horse-riders and recreational walkers on the Wye Valley Way.

Because it is marked on the earliest OS map and the Tithe Map the removal of a considerable length of roadside hedge would be in breach of its protected status under the Hedgerow Regulations. Its removal is 'justified' by the facilitation of access for large vehicles to the site: this disregards the loss to landscape heritage. Just to the east of the field gate to the site is a further historic landscape feature, a 'hollow-way' whose margin would also be detrimentally affected by the hedgerow's removal.

The council is concerned to note that the Application Form includes several factually incorrect answers, evidently either careless responses or designed to mislead:

Q9 Is vehicle parking relevant to this proposal? Answer given: 'No'

Answer should be 'Yes'. Access and parking area are shown on plan, presumably for transportation of stock, feed delivery and waste/slurry removal

Q10 Are there trees or hedges on the proposed development site? Answer given: 'No'

Answer should be 'Yes'. The site contains trees and hedges on all four sides (including the river frontage)

Q11 Is the site within an area at risk of flooding? Answer given: 'No'

Answer should be 'Yes'. The entire lower part of the site is Zone 3 flood plain which floods regularly in autumn and winter, also at times in spring in summer.

Q12 Biodiversity and Geological Conservation. Is there a reasonable likelihood of the following being affected adversely (...) within the application site, or on land adjacent to or near the application site?

1. Protected and priority species Answer given: 'No'
Answer should be 'Yes'. Nesting peregrines, red kites, buzzards and sparrow hawks; lesser-spotted woodpeckers, barn owls and other threatened species are all known to be present "within, adjacent to or near the application site".
2. Designated sites, important habitats or other biodiversity features Answer given: 'No'
Answer should be 'Yes'. The site is immediately adjacent to the River Wye SAC/SSSI and near to Red Rocks, a RIGS-designated (geological) site. It is near and within the setting of the Scheduled Monument (NH List Entry 1001756) at Eaton Bishop Camp.

5.2 Eaton Bishop Parish Council – Object

This latest application is very similar to previously refused applications and the reasons for refusal remain the same.

Whilst the site is not in our Parish it is immediately adjacent to the boundary and River Wye and within the setting of the Eaton Camp Scheduled Monument.

We wish to support the points of objection made by the following:

Historic England
National Trust
Natural England
Breinton Parish Council
Local residents

Eaton Bishop feel the application is misleading in that the application is for an agricultural barn, however the stated intention is for the winter housing of Cattle. A barn for cattle would need an open ventilation at the ridge of the roof which is not shown and the proposed design would suggest alternative use. The Yorkshire Boarding doesn't specify the open spacing needed for essential ventilation.

The small reduction in proposed size of the barn and location nearer the road doesn't address the fundamental unsuitability of introducing a building in the area and results in loss of hedges and harm to established trees as highlighted in other objections.

The land is in the flood plain and is grass meadow, so the suggestion that there is a need for storage and use of machinery and equipment again doesn't seem to be valid. There is no mention of a slurry pit to prevent run-off which would pollute the sensitive vegetation within the River Wye SAC.

The concerns and objections are fully detailed and expressed by others to this and previous applications and are fully support by Eaton Bishop Parish Council.

- 5.3 **13 Letters of Objection** have been received, which include those made on behalf of both the National Trust and the Eaton Camp Historical Society. The content of the letters can be summarised as follows;

Agricultural Need

- Limited need for building given the capacity of the unit
- Hidden agenda to application that omits previous unacceptable details (i.e septic tank)
- No business case
- Will be precursor for future dev
- Holding would never justify two part time workers

Flooding

- The site floods
- Concerns over the welfare of animals

Contaminated Land

- Previous use as unregulated waste disposal
- Potential presence of asbestos

Trees and Hedgerows

- Negative impact on existing trees and hedgerows
- Mature tree at the corner of the site is a key landscape feature and there is strong objection to the building footprint overlapping the canopy

Traffic

- Potential to significantly increase road traffic and road network cannot tolerate such movements
- Should be secured to agricultural use

Amenity

- Negative impact on visual amenity
- Impact on walkers, cyclists and tourists
- Neighbours enjoy view across the Wye
- Smell from animals
- Noise pollution

Drainage and Ecology

- Field becomes very wet and thus not suitable for livestock
- HC declared climate emergency
- Phosphate, ammonia and nitrate impacts of run off to the River Wye

- Riverside, woodland and floodplain species at risk
- Owls displaced by light pollution
- Animal waste plan is unclear

Design

- Design is not in keeping
- Reduction in size is welcome but is still an application for a building where there are none already
- Concerned at the proposed use of natural fibre cement sheeting rather than sheeting with a darker tone.
- More substantial landscaping required and even then would not hide the building
- Design is not conducive for housing livestock

Setting of Eaton Camp

- Some harm would be caused to setting of Eaton Camp
- Outward views were of fundamental importance to Eaton Camp historically as an Iron Age promontory fort
- View to the east from Eaton Camp is arguably most significant
- Welsh Water pumping station removal will enhance setting of Eaton Camp and therefore it cannot be states that this eyesore justifies the proposed building

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193578&se arch=banbh%20farm

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

Policy Context

- 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). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Breinton Neighbourhood Area, which published a made Neighbourhood Development Plan (BNDP) on 1 December 2016.

Background and Principle of Development

- 6.3 By way of background, it is noted that this application is the third submission made by the applicant for a building on the site, with the previous applications being withdrawn and refused by virtue of the size, location and design of that proposed and the negative contribution such additions were considered to have on the character of the landscape.

- 6.4 This proposal presents an agricultural building of a reduced scale, designed for its intended purposes to serve as an agricultural storage and livestock housing building. With regards to the principle of development, in the first instance it is noted that Policy RA6 supports employment generating proposals in rural areas, especially where it involves the small scale expansion of existing businesses. However, it makes clear that such proposals will only be supported where they ensure that the development is of a scale which would be commensurate with its location and setting and would not cause adverse impacts to the amenity of neighbours by way of its design or through noise, dust, smell or lighting. It also sets out that such proposals should not undermine water quality targets in line with the objectives of Policies SD3 and SD4. Policy B6 of the BNDP amongst other things, requires that agricultural development should protect the environment and make a positive contribution to preserving the distinctive rural landscape. At the national level, Paragraph 83 of the NPPF makes it very clear that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, either through the conversion of existing buildings or well-designed new buildings. The NPPF at Chapter 6 goes on to recognise that sites to meet local business needs will often be found outside of sustainable settlements. This should not preclude development, but particular care and attention to ensure that the development is sensitive to its surroundings and does not have an adverse impact on the local highway network should be had in such instances.
- 6.5 This application seeks permission for the erection of a modest agricultural building within a smallholding owned by the applicant, comprising a small number of sheep and cattle. It is understood that cattle already graze the ground from time to time, but are presently transported back to the main holding in Gloucestershire for housing during the winter months. The intention is therefore to allow the cattle to remain on site at Breinton if required, and to have the necessary tools, machinery and feed stuff to facilitate the day to day operation of the smallholding. Whilst officers are aware of the concerns raised with regards to any “hidden agenda” of the proposed use of the building, this application is to be assessed on its own merits. Moreover, whilst the Parish Council raise concerns with regards to discrepancies on the submitted application form, officers are content that sufficient information has been submitted to properly assess the application.
- 6.6 Whilst there are no existing buildings on the site, on the basis of the information submitted the building would facilitate the day-to-day operations of an albeit small, agricultural enterprise. Subject to an assessment of the proposal’s design, landscape impact, impact upon heritage assets, biodiversity and highways, officers are of the view that there is policy support for the broad principle of this proposal.

Design and Landscape

- 6.7 Policy SD1 of the CS relates to the design of new buildings and states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions, and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing. Policy LD1 is also of relevance to the proposal, and requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the development.
- 6.8 Having regards to the made BNDP, Policy B14 states that all development proposals will be expected to provide landscape impact analysis proportionate to the scale of the development and its impact, which will demonstrate how proposals have been designed to enhance local landscape character and reduce potential urbanisation of this sensitive rural area. Development should be designed to take account of local topography and developments should be of a small scale and new buildings or structures should be of a height, scale and massing appropriate to the rural character of the parish. With reagrds to the landscape and wider environment, Policy B15 requires all new development proposals to demonstrate consideration of a number of landscape design principles. Those of relevance to this application are considered to be the following; -

- (b) Local habitats should be preserved and enhanced and wildlife conserved;
- (c) Veteran, mature and established trees should be protected and incorporated into landscaping schemes wherever possible. The planting of local species will be encouraged. Species should be appropriate to the location and setting in terms of type, height, density and the need for on-going management. When constructing boundaries native tree species should be used. Existing hedgerows should be retained and the establishment of new native hedges is encouraged. Ancient woodland along the river cliff and at Wyevale Wood (as shown on Defra's Magic Maps) must not be disturbed;
- (f) All new development must incorporate sustainable urban drainage systems (SUDS) which as a minimum are fully compliant with the most recently adopted national and local standards and preferably exceed them.

- 6.9 The proposed building would measure 18 metres by 12 metres and would thus be 6 metres shorter than the previous refused proposal. In addition to this, the building is located in the northern portion of the site, closer to the boundary with the road. The site is set at a lower level to the road and therefore it would not appear as overbearing or overly prominent when viewed from the road travelling in either direction. Furthermore, its siting would reduce the prominence of the building and would help to prevent it from appearing as an incongruous or alien addition, as was considered the case in the previous submissions when the building was located more centrally and did not benefit from the backdrop of the trees and hedgerows which delineate the site's boundary with the road. Moreover, it is considered that the proposed layout makes more efficient use of the site and appears more conducive to agricultural use.
- 6.10 It is accepted that the design of the building is of no architectural interest but it is functional in its appearance and the palette of materials as shown on the submitted plans is commonly found on buildings of this nature throughout the country. The use of timber boarding and sheeting with gated openings to the south west and east elevations provide it with a clear agricultural vernacular appearance. With this in mind, whilst officers note the comments with regards to speculations surrounding the use of the building and its suitability for housing livestock, it does not present as an addition which would lend itself to any other use which would not be desired in this location. The size is generally regarded as being commensurate for the purposes which it would serve, given that this includes spaces for both storage and housing livestock during certain times of the year.
- 6.11 The location of the building closer to the boundary is considered to reduce its impact on the wider landscape setting, especially given that the amount of hardstanding/access track has been reduced and now is minimised to only that which is necessary to maintain and access the building. Officers are mindful that buildings of this design are typically found within rural Herefordshire and it is not considered to sit awkwardly or be out of keeping in this rural and agriculturally dominated landscape. However, regard is had to the fact that there are wide ranging views to the site from the River Wye and the ridge line beyond, within the Parish of Eaton Bishop. As such, landscaping has been proposed to the south of the building and this is generally considered acceptable. However, conditions are recommended to amend the landscaping scheme to ensure the southern boundary responds appropriately to the existing field patterns and to secure its implementation together with a 10 year management plan. Comments received raise concerns that the proposed screening would not fully mask the building. Officers accept that this is the case but the proposed planting would soften the appearance of the building and assist in upholding the landscape character.

- 6.12 As set out above, additional details with regards to landscaping will come forward via safeguarding conditions. However, it is noted that there is a veteran Oak tree located in the north-eastern corner of the application site. Amended drawings were received which set the building further south into the field and away from the boundary. There is now considerable distance between the boundary, the veteran tree and the hardstanding and the building and therefore it is unlikely that the addition would cause harm to the integrity of this tree, or any other mature species along the northern and eastern site boundaries. However, to provide certainty and noting the concerns raised, a Tree Protection Plan is requested and this can be secured by way of a condition as recommended by the Council's Tree Officer. The proposal is therefore considered to accord with CS Policy LD1 and LD3 and Policy B14 of the BNDP.

Historic Environment

- 6.13 The building is located within the setting of Eaton Camp Scheduled Ancient Monument. It is clear from the representations received that there are significant concerns regarding the effect of the structure on the setting of the heritage asset. The site is located close to the hamlet of Ruckhall to the west, and part of the settlement is located upon the western ramparts of the enclosure, much of which is a Scheduled Ancient Monument.
- 6.14 Policy LD4 states that proposals affecting heritage assets should conserve, and where possible enhance the asset and its settings through appropriate management, uses and sympathetic design. The NPPF, under Chapter 16, details clearly how the impacts of a proposed development on the significance of a designated heritage asset should be considered with any application. Fulfilling the requirements of Paragraph 189, the application is supported by a Heritage/SAM assessment which has assessed the proposal's potential for harm to the asset. The following conclusions were drawn from the assessment;

"Taking into account the statutory definitions and descriptions of the Scheduled Ancient Monument and particularly addressing the setting principle, it is clear that the current proposal at Banbh Farm does not create significant harm"

- 6.15 The Council's Archaeologist has referred to the comments made for the previous submission. These were essentially that although there was some concern, it was not considered that the development would lead to significant harm to the Scheduled Ancient Monument. However, as per the previous comments, Historic England, The National Trust, and Eaton Camp Historical Society raise greater concerns and believe the proposal would detract from the character and significance of the Scheduled Ancient Monument and its setting.
- 6.16 It is noted that the previous decision did not identify any harm to the designation and it is considered that by virtue of this proposal's design, scale, layout and landscaping, any impact would be greatly reduced. Officers are therefore of the view that given the distance between the site and the heritage asset and the recognition that such agricultural buildings are not viewed as alien additions, permission should not be withheld on the basis of heritage impacts. It is appropriate to advise that whilst it is not unlawful for a decision maker to come to a different conclusion on a subsequent similar application, the consistency of decision-making is an important factor.

Amenity

- 6.17 The nearest dwellings to the site are found 180 metres to the east and west of the application site. Whilst the building may be visible to some extent from these dwellings, this should be largely limited by the screening offered by the boundaries of the field. In any case, the loss of a private view is not a material planning consideration and the building is not of a size, scale or use which would cause harm to the amenity of these neighbours, in accordance with Policy SD1 of the CS and the relevant provisions of the BNDP.

- 6.18 Noting the representations received, whilst officers accept that tourism within the Wye Valley is a valued contributor to the rural Herefordshire economy, it is not considered that the proposal would jeopardise its appeal to walkers and cyclists.

Biodiversity and Habitat Regulations Assessment

- 6.19 The site in this instance also lies within the catchment of the River Wye Special Area of Conservation (SAC). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value. Under the Conservation of Habitats and Species Regulations 2017, Herefordshire Council has a legal duty to assess the potential impact of new developments in this area by undertaking an 'Appropriate Assessment' (AA) which must be able to determine with scientific certainty that there would be no 'likely significant effects' upon the designated site. The obligations are embodied with CS policies LD2 and SD4, as well as the guidance of the NPPF.
- 6.20 It is acknowledged that considerable concerns have been raised with regards to the proposal's impact on the River Wye Special Area of Conservation (SAC) through run-off and effluent generated by livestock, especially noting the presence of the River Wye. It is thus accepted that the site has a number of biodiversity constraints and this brings into relevance Policy LD2 of the CS, which seeks to protect, conserve and enhance biodiversity. This is supported through Policy B7 and B15 of the BNDP, which share aspirations.
- 6.21 The proposal has been assessed by the Council's Ecologist and a Habitats Regulations Assessment – Screening has been undertaken. The Ecologist has confirmed that given the proposal is not considerably altered from the previous scheme, the previous Appropriate Assessment remains valid. This concludes that given that the building would not increase the number of stock numbers on the holding, there would not be any 'Likely Significant Effect' on the River Wye Special Area of Conservation. This document was sent to Natural England for consultation, who concur with the Council's HRA conclusions and so have no objection to the proposal. Therefore in this aspect, the proposal is considered to accord with Policies LD2 and SD4 as it will not detrimentally impact on the biodiversity or ecological significance of the River Wye.
- 6.22 Given the modest scale of the proposed building which does not seek to introduce an intensive agricultural use to the site, officers are of the view that the proposal would not result in any negative effects with regards to biodiversity. Lighting can be secured by way of condition and again, given the scale of the building and the proposed light use, it is not considered that it would generate a level of noise which would be prejudicial to species in the vicinity.
- 6.23 With the preceding assessment in mind, officers consider that the proposal would not present any undue harm to biodiversity or river water quality and as such would be in accordance with Policies LD2 and SD4 of the CS and Policy B15 of the BNDP.

Highways and Access

- 6.24 Policy MT1 of the CS seeks to ensure that proposals do not generate traffic movements which cannot safely be accommodated within the local highway network. Policy B10 of the BNDP echoes these requirements at the local level and seeks to ensure that the character of rural routes are retained.
- 6.25 Concerns with regards to the removal of hedgerows at the access are acknowledged, but these are to be translocated and set back so as to achieve the requisite visibility splays. This alteration is not considered to be such that it would unduly alter the character of this road to an extent where it would harm the character of the rural lane network.

- 6.26 Noting the above and that the required visibility splays can be accommodated within highway and/or applicant's land, the proposed building and its intended use is not such which would lead to a discernible intensification. It solely seeks to provide small scale livestock accommodation and storage ancillary to the smallholding and thus officers do not share the concerns raised by the comments received in this regard.
- 6.27 The proposal is therefore not considered to be one which would result in 'severe' harm to the highway network as set out at Paragraph 109 of the NPPF. As such, the proposed access arrangements are considered acceptable and accord with the requirements of the CS, BNDP and NPPF.

Contamination

- 6.28 Concerns received via representations made pertain to the previous use of the site for the dumping of waste. With this in mind, the Council's Environmental Health Officer has been consulted and has recommended a condition to undertake a desk study report which would include previous site and adjacent site use and potential contaminants arising from those uses. Such a submission would secure compliance with CS policy SD1.

Flooding

- 6.29 The site lies at significant elevation relative to the River Wye and accordingly, is well distant from any Flood Zone. It is understood that the other land owned by the applicant is within the Flood Zone susceptible to flooding. With this in mind, it is understood that the building would serve as refuge for livestock during any severe flooding events.

Conclusion

- 6.30 The proposal would result in the addition of a modest agricultural building, commensurate to a small scale rural enterprise, fulfilling economic objectives of sustainable development. The proposed building, by virtue of its design, scale and siting is not be considered to cause harm to the wider landscape setting or the setting of Eaton Camp Scheduled Monument. Moreover, no harm to ecological networks or the local highway network is identified.
- 6.31 Overall, the proposal is considered to accord with the provisions of the Breinton Neighbourhood Development Plan, the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The proposal is therefore considered a sustainable form of development and officers accordingly recommend approval subject to the conditions as set out below.

RECOMMENDATION

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

- 1. Time limit for commencement (full permission)**
- 2. C06 Development in accordance with approved plans**
- 3. C13 Samples of external materials**
- 4. CK3 Landscape Scheme**
- 5. CK4 Implementation**
- 6. CK5 Maintenance Plan (10 years)**

7. **CKN Lighting**
8. **CKB Protection during construction**
9. **No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
 - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

10. **The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

Reason: In the interests of human health.

11. **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

Reason: In the interests of human health

INFORMATIVE:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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.**

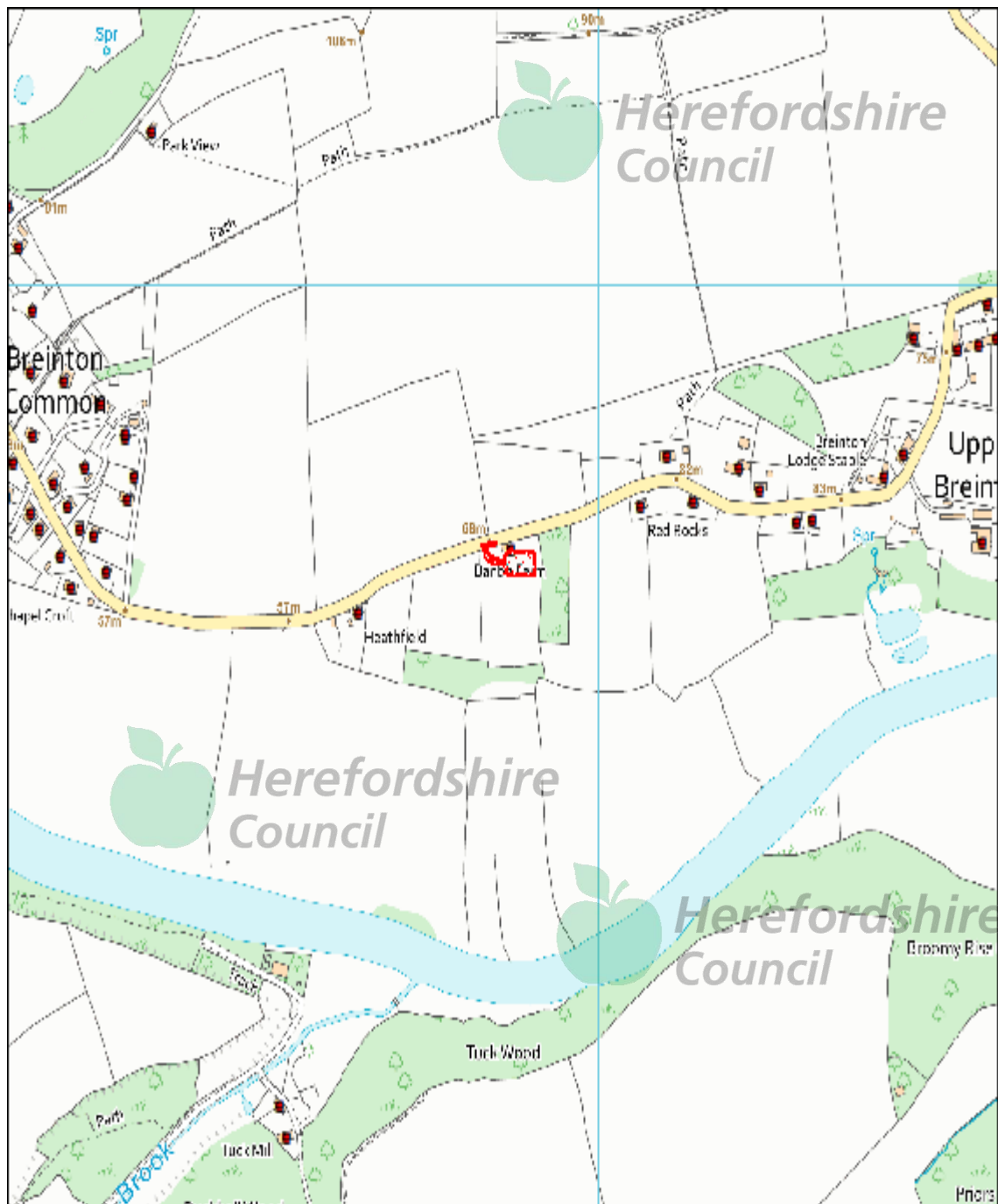
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 193578

SITE ADDRESS : BANBH FARM, BREINTON, HEREFORD, HR4 7PP

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612