

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>15 July 2020</b>
<b>TITLE OF REPORT:</b>	<p><b>200680 - ERECTION OF DOMESTIC OUTBUILDING FOR PURPOSES INCIDENTAL TO THE ENJOYMENT OF THE HAY MEADOW, INCLUDING ASSOCIATED EXTENSION TO THE RESIDENTIAL PLANNING UNIT AT THE HAY MEADOW, PRESTON WYNNE, HEREFORD, HR1 3PE</b></p> <p><b>For: Mr Pickering per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200680&amp;search-term=200680">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200680&amp;search-term=200680</a>
<b>Reason Application submitted to Committee: Applicant related to officer in the planning department</b>	

**Date Received: 26 February 2020**

**Ward: Hagley**

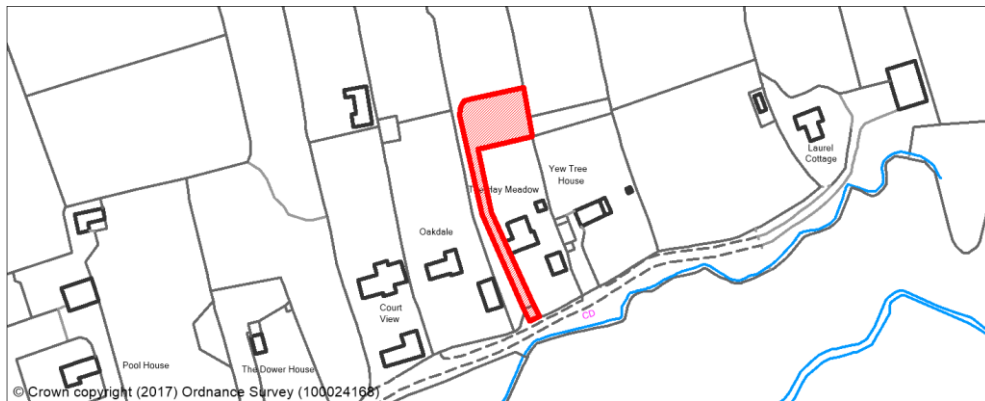
**Grid Ref: 356858,246574**

**Expiry Date: 22 April 2020**

Local Member: Councillor Paul Andrews

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

- 1.1 The application relates to land at the rear of The Hay Meadow, Preston Wynne, a detached dwellinghouse of brick construction with a slate roof which is set within a large residential curtilage including a gravel parking area and detached garage to the fore with garden (of predominately lawn area) to the rear. Beyond the residential garden is a modest area of rough pasture, which is in the applicant's ownership and part of which is within the application site.
- 1.2 The dwellinghouse is accessed off the public highway via a modest and private highway known locally as Marsh Lane. The dwellings in the locale, are mostly detached dwellings with a variety of outbuildings, but which notably lack uniformity or consistent vernacular.

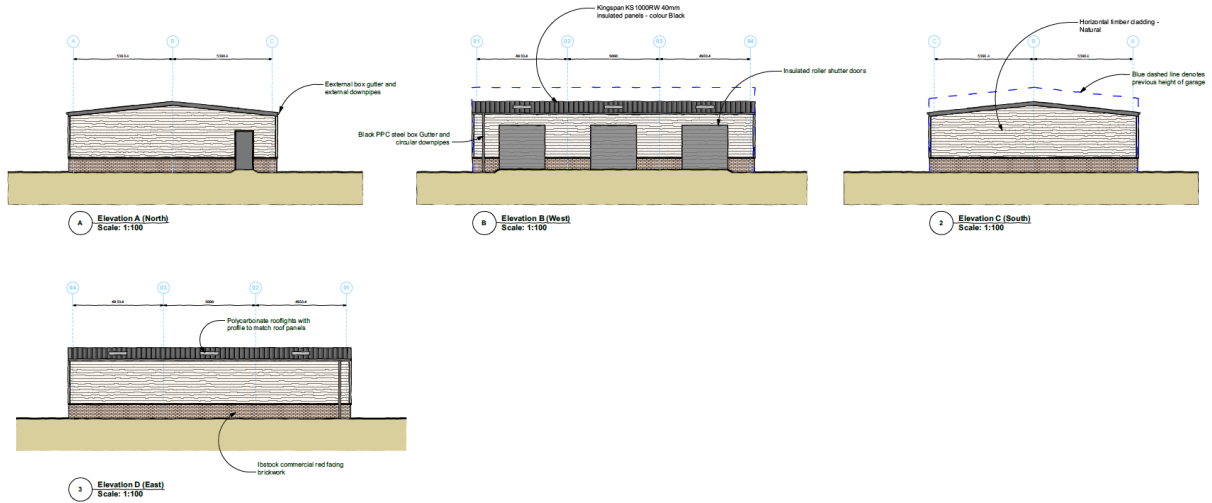


*Application site edged in red*

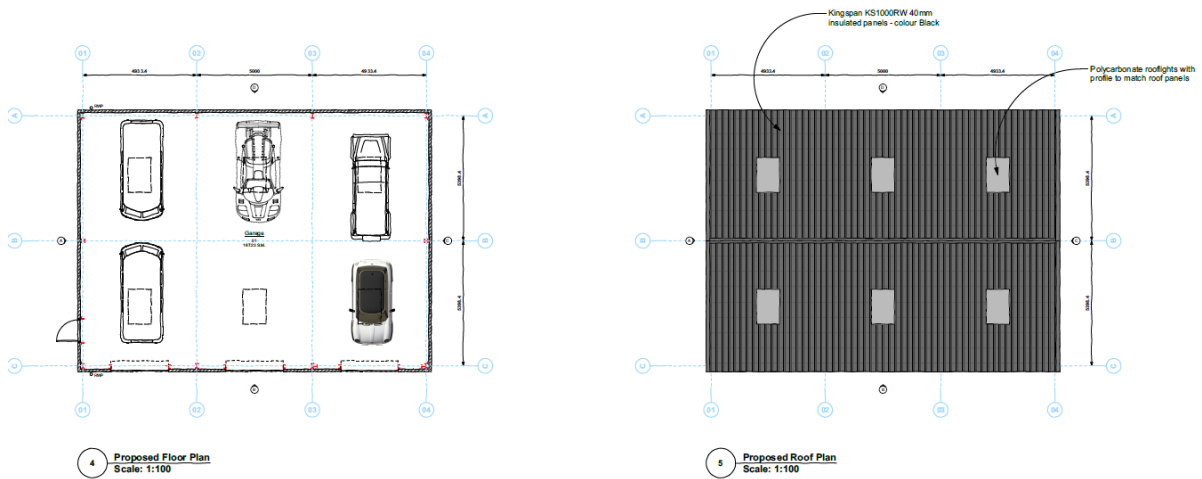


*Site photo looking south towards the dwellinghouse*

- 1.3 The proposal is for the erection of an outbuilding for the storage of private cars incidental to the enjoyment of the dwellinghouse, as well as the change of use of an area of pasture with no specific use to form part of the residential curtilage of the dwellinghouse. The outbuilding proposed would be sited just beyond the existing boundary to the residential curtilage, adjoining the eastern boundary hedge. The proposal also includes two modest areas of landscape planting, including native species trees.
- 1.4 The building proposed would consist of a shallow dual pitched roof covering a storage building with a width of circa 15 metres; a plan depth of circa 11 metres with a height to the ridge of just under 4 metres. The proposal would be clad in horizontal timber cladding on a red brick plinth and roofed with black insulated panels with rainwater goods also being finished in black.
- 1.5 The proposed building is understood to be necessitated to store the applicant's private motor vehicles and implement storage, in a secure and dry manner; with the applicant stressing the proposal is for domestic uses only.



*Elevation plans as proposed*



*Floor and roof plans as proposed*



*Site photo looking north away from the dwelling*



Site Plan as proposed (showing entire application site)

## 2. Policies

### Herefordshire Local Plan – Core Strategy

2.1 The following policies are considered to be relevant to this application:

- SS1 - Presumption in Favour of Sustainable Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- RA1 - Rural Housing Strategy
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- RA3 - Herefordshire's Countryside
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

2.2 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 following link:-

[https://www.herefordshire.gov.uk/downloads/download/123/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy)

Withington Group Parish Neighbourhood Development Plan (Made 11 October 2019)

2.3 The following policies are considered to be relevant to this application:

*Policy P4 Local Distinctiveness - Housing Layout and Design*

[https://www.herefordshire.gov.uk/download/downloads/id/18550/withington\\_group\\_neighbourhood\\_development\\_plan\\_july\\_2019.pdf](https://www.herefordshire.gov.uk/download/downloads/id/18550/withington_group_neighbourhood_development_plan_july_2019.pdf)

National Planning Policy Framework (2019)

2.4 The following chapters of the framework are considered to be pertinent to this application:

1. Introduction
2. Achieving Sustainable Development
3. Plan Making
4. Decision-making
9. Promoting sustainable transport
12. Achieving well designed places
15. Conserving and enhancing the natural environment

2.5 The Planning Practice Guidance published by the Government at the following link is considered to be a material consideration.

<https://www.gov.uk/government/collections/planning-practice-guidance>

- 2.6 Further the government's recently published National Design Guide is considered to be material to the consideration of this application, link below.

<https://www.gov.uk/government/publications/national-design-guide>

### 3 Planning History

- 3.1 The proposal site itself has not been the subject of any past planning applications. The following applications on the wider site are considered relevant:

153789/F - Erection of a self-build detached four bedroom dwelling with a separate double garage and office above – Approved with conditions

162232/AM -Non-material amendment to permission 153789 - Erection of self -build 4bed dwelling with detached garage and office above – amendments to remove chimney – Approved

174669/FH - Proposed single storey orangery extension to rear – Approved

### 4 Consultation Summary

#### Statutory Consultations

- 4.1 None.

#### Internal Council Consultations

- 4.2 Transportation Manager

*“There are no highways objections to the proposals.”*

- 4.3 Conservation Manager (Ecology)

#### Original Comments

*“The site is within the River Wye/Lugg SAC catchment and a HRA process is triggered by this application.*

*The LPA notes that:*

- *There are no facilities creating any form of foul or dirty water proposed as part of this development.*
- *All additional surface water will be managed through on-site soakaway.*

*Based on this information and details being subject to approval and secured through plans approved as part of any consent granted the LPA can conclude that there are NO identified ‘likely significant effects’ on the River Lugg/Wye and this application can be considered as ‘screened out’ from requiring any further HRA process.*

*From information supplied and images available there are no immediate ecology related concerns with this proposal. There are no ecological records of important or Protected Species immediately on or adjacent to the site. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However a relevant information note is requested:.*

### *Wildlife Protection Informative*

*The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts and all Bat species that are present and widespread across the County and recorded in the wider locality around this application site. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.*

*As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance (“Net Gain”) the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:*

### *Nature Conservation – Biodiversity and Habitat Enhancement*

*Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements and TWO bird nesting boxes should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement, boundary feature or adjacent habitats.*

*Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.”*

## **5 Representations**

### **5.1 Withington Group Parish Council**

#### Initial Comments

*“The WGPC objects to this application for a number of reasons. These include that:-*

- The application is outside the settlement boundary and thus the rural development policies apply, which would be against the proposal.*
- The proposal is beyond that which could normally be described as 'ancillary' to the dwelling house and there is already a substantial garage on the site.*
- Should the planning application be granted, the Parish Council would ask for a condition to be placed on it for 'no commercial or business use' as there is local concern about noise pollution should it be used for industrial use.”*

### **5.2 Third Party Representations**

The application has received 16 representations to date objecting to the development, which have been received from eight members of the public. The main points raised are summarised below:

- Proposed development inappropriate in terms of its size, location, type of construction (being industrial in its appearance) and use
- The potential for noise when ‘stored vehicles’ are being renovated, impact on amenity
- There is a risk applicant will mix business use with the use of the building

- Applicant already has a large double garage and workshop in the curtilage of the dwelling
- Impact on nearby oak tree
- Impact on tranquillity of lane
- Impact on views from adjoining dwellings
- Domestic garage and store cannot be treated under the reference of purposes incidental to the enjoyment of the house

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=200680&search=200680](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200680&search=200680)

## 6 Officer's Appraisal

### Policy context and Principle of Development

6.1 The proposal is considered in line with the statutory requirements of Section 70 (2) of the Town and Country Planning Act 1990 (as amended) which requires that when determining planning applications, the local planning authority shall have regard to the provisions of the development plan, local finance considerations (so far as material to the application) and any other material considerations. Following this requirement, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states the following:

*"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 (taken as a whole) is the Herefordshire Local Plan – Core Strategy (CS) and the Withington Neighbourhood Development Plan. The National Planning Policy Framework (NPPF) is also a significant material consideration, but does not constitute a statutory provision, unlike the development plan.

6.3 As is set out at paragraph 30 of the framework and stipulated at Section 38 (5) of the Planning and Compulsory Purchase Act 2004 (as amended), *"if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document"*. In this way should a conflict between the NDP and the CS arise, the NDP will take precedence over the CS unless there are other material considerations that dictate otherwise.

6.4 CS Policy SS1 sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the current NPPF as a golden thread running through plan-making and decision-taking. Policy SS1 also confirms that proposals which accord with the policies of the CS (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Again, this is broadly reflective of Paragraph 11 of the current NPPF.

### Proposed change of Use

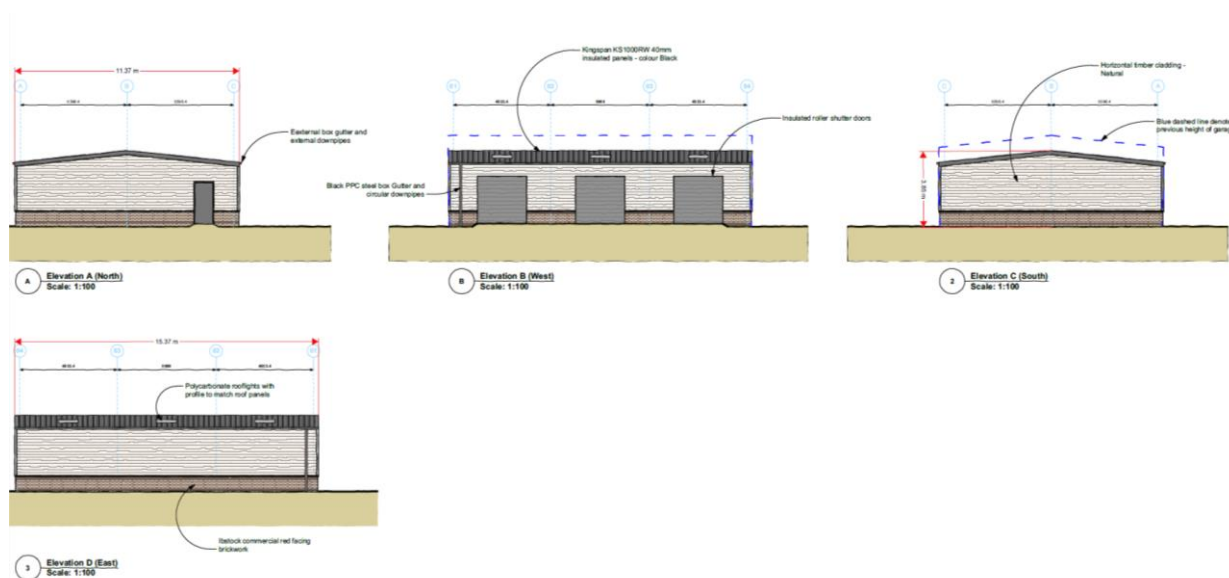
6.5 The application proposes the change of use of an area of land which is currently rough pasture to a residential use as part of the domestic curtilage for the dwellinghouse. This area measures slightly over 500m<sup>2</sup>. Officers consider this change in use of land to be acceptable, as there would be no adverse effect on the appearance or character of the area, as the land is well related to the existing residential curtilage which is of much the same form, with the scale being modest such that it wouldn't amount to an unacceptable domestic incursion into the open countryside.



## Design & Appearance

- 6.6 In regards to the design of the proposed building, the Local Planning Authority has a statutory duty under Section 39 of the Planning and Compulsory Purchase Act 2004 to have regard to the desirability of achieving good design.
- 6.7 When considering the design and landscape impact of a proposed development, Policy SD1 of the Core Strategy is significant as it requires that development proposals create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. Where appropriate, proposals should also make a positive contribution to the architectural diversity and character of the area, including through innovative design. They should also safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing. Specifically regarding landscape matters, Policy LD1 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, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. New landscape schemes along with their management should ensure development integrates appropriately into its surroundings and maintains tree cover. In wider terms, policy SS6 sets out that development proposals should conserve and enhance environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.
- 6.8 The NPPF is a key material consideration for the proposal , it includes a chapter focused on achieving well-designed places (chapter 12), which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, as good design is a key aspect of sustainable development. Decision-making (as directed at paragraph 127 of the framework) should ensure developments will: function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character including the surrounding built form and landscape setting (whilst not preventing innovation or change); establish or maintain a strong sense of place creating attractive and distinct places to live and visit; with a high standard of amenity for existing and future users that doesn't undermine quality of life or community cohesion and resilience. Additionally paragraph 98 of the NPPF sets out that decisions should protect and enhance public rights of way, including taking opportunities to provide better facilities for users.
- 6.9 The NPPF is clear at paragraph 130 that "planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides." The government has confirmed by way of a Written Ministerial Statement (on 1st October 2019) that "in the absence of local design guidance, local planning authorities will be expected to defer to the illustrated National Design Guide"; the National Design Guide is therefore considered to be a material consideration for considering what achieves good design in proposed developments. Equally design shouldn't be concocted as a reason for refusal when proposals accord with the design expectations of the NPPF, material considerations and development plan. Additionally at paragraph 131, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 6.10 The Withington Neighbourhood Development Plan is also applicable in this regards as policy P4 relates to local distinctiveness, housing layout and design with its criteria being relvant for all new development. Specifically criteria (d) in that detached garages to dwellings should not usually project beyond the front or principal elevation of the dwelling and attached garages should be designed to appear subservient to the main dwelling and not visually dominate the street scene, along with criteria (e) in that external materials should respect and complement their setting and context.



*Elevation plans as proposed (and annotated with measurements in red)*

- 6.11 The proposed outbuilding is noted to be sited to the rear of the existing dwelling, though it is separated from the dwelling by an expanse of lawn. The development plan policies that relate to garaging, specifically NDP policy P4, set out that garaging should be set behind the principal elevation of dwellings and not visually dominant in the street scene. This proposal is set well behind the dwelling and is visually highly discrete in the streetscene and vantage points from the public realm. In this manner the proposal is not considered to detrimentally impact the character, tranquillity or landscape appearance of the area. Further at this juncture, officers note that views from private vantage points such as dwellings are considered to be private interests and rarely form material planning considerations.
- 6.12 Officers consider that the proposal is of an acceptable appearance for its context to the rear of a residential dwelling, as the proposal materials are considered to be in line with those one would expect in a rural context with the utilisation of timber cladding for the elevations providing a natural hue to the proposal which will weather down into its context. Whilst the proposal does utilise black panelling for the roof, due to the shallow pitch of the roof this will not be the prominent visual element of the proposal and the colour is recessive providing the finish is matt.
- 6.13 In terms of the scale of the proposed building, it is considered to be of acceptable massing due to the reduced ridge height, with the proposal being read as a subservient addition to the curtilage as it will not visually challenge the primacy of the dwellinghouse on the property as a whole. The scale of the building in terms of its footprint is noted to be approximately 160m<sup>2</sup>, which is noted to be rather large for a proposed garage however when considered in the context of the scale of other outbuildings found in the area it is not considered to be disproportionate with there being detached home offices and stable buildings in the locale which are of a similar scale. It follows that the scale and mass, whilst in the high echelons of what officers would deem to be permissible, is never the less regarded to be acceptable.

- 6.14 Further, I note that reference has been made to fall back positions in relation to the physical scale of the proposal, it is noted that as the dwellinghouse benefits from permitted development rights; however whilst this proposal could not be erected within the existing curtilage using the provisions of the Town and County Planning (General Permitted Development) Order 2015 (as amended) Part 1, Class E as the eaves heights exceed the criteria. However I do note that a building with a dual pitch roof with a ridge height of less than four metres can be erected and equally a building of a similar footprint can be erected for incidental uses; thus a building of this scale would be a realistic addition to the curtilage of domestic dwellings. However I do not consider provisions under permitted development rights to be overly determinative in the case of this proposal, and the proposal is considered on its merits as presented.

#### Amenity

- 6.15 The proposed building is for the express purpose of storing vehicles and implements, it is not proposed to be for commercial purposes or a mechanics workshop, which officers would expressly deem to be unacceptable in such a location. The proposal is assessed on the basis of what is proposed, with it considered that noise being produced from the development would be relatively minor. The outbuilding would be sited some distance from the nearest residential dwellings as sensitive receptors and it is noted that as the property in its current form would generate some level of domestic noise from operations such as lawn maintenance and as such any noise generation is considered to be comparable to the existing uses on the site.
- 6.16 The proposed development is single storey, with no windows on the elevations and so is not considered to have an overbearing, overlooking or dominating impact on the landscape or neighbouring properties.

#### Incidental Use

- 6.17 The application is for the change of use of the land to domestic curtilage and then for the erection of an outbuilding for the storage of vintage private motor vehicles and garden implements, with the applicants submitting that the building will be for uses incidental to the dwellinghouse. It is notable when considering this aspect of the proposal that the Town and County Planning Act 1990 (as amended) is explicit at Section 55 (2) (d) that *"the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such"* is excluded from the definition of development. In this manner whilst the proposed building is for the storage of vehicles and implements, it is made on the basis that it does not constitute a material change in use (to a B8 storage use) as the use would be incidental to that of the host dwelling.
- 6.18 To assess if a proposed use is incidental to another use, the primary use must firstly be identified and then the relationship between the incidental use to the primary use must be considered as a matter of fact and degree, as a planning judgment by the decision-maker.
- 6.19 The primary use of the land (on the basis of the conclusions above) would be as part of the domestic curtilage of the dwellinghouse, with this being read as a singular planning unit,. The host dwelling is a detached four bedroomed property with existing outbuildings to the fore and an ample curtilage.
- 6.20 In terms of the physical relationship, the proposed outbuilding would be sited approximately 30 metres to the rear of the existing dwelling with all access arrangements being down the side of the host dwelling. Turning to consider the nature of the secondary use, the scale of the proposed building is for the storage of up to six vehicles (as indicated on the plans submitted, though it is noted that varying degrees of implement storage would reduce the number of vehicles that could be stored), with the vehicles being stored being those in the private ownership of the applicant and which are for the private enjoyment of the applicant. As a metric for considering the reasonableness for such a proposal, elsewhere dwellinghouses have been known to

accommodate: collections of tens of motorbikes, standard gauge railway tracks and rolling stock, or observatory buildings for star gazing. It follows that a use for the storage of a handful of private cars is not, in this instance, considered to be an unreasonable one, in the context of a detached dwelling within a spacious curtilage.

- 6.21 In the consideration of the proposed use, the ability to impose conditions to secure the acceptable form or use of a scheme is of some relevance, in this regard officers are content that the imposition of planning conditions to limit the use of the outbuilding would offer adequate levels of control to ensure that the use remains one incidental to that of the main dwellinghouse. In this manner, if a different use were desired in the future, an application would be needed to change its use and so the merits of such a proposal could be assessed at that juncture.
- 6.22 Officers consider that it is reasonable to conclude that the building is for an incidental use, due to the proposal being for the accommodation of the residents hobby, a private motor vehicle collection which is considered to sensibly related to the enjoyment of the dwelling, and with the proviso that a condition is imposed to ensure no commercial activity takes place in the outbuilding, it is considered to be acceptable in this regard.

### Ecology

- 6.23 In regards to ecology and biodiversity matters generally on the site, Policy LD2 of the CS is most applicable in considering matters of ecology and this broadly requires that all developments should conserve, restore and enhance the biodiversity assets of the county through a range of measures. Policy LD3 also requires that proposals should protect, manage and plan for the preservation and provision of green infrastructure, whilst policy LD1 states that developments should maintain and extend tree cover where they are important to amenity. All off these policies are in line with the dictum set out by Chapter 15 of the NPPF.
- 6.24 The proposed building, as noted in representations from members of the public, is nearby to a large oak tree which lies on adjoining land in third party ownership and forms part of the curtilage of Yew Tree House which lies to the east. The centre of the tree is considered to be approximately 20m from the edge of the application site, with the canopy extent being circa 12 metres from the edge of the application site.



*Site photo from beyond application site looking south towards host dwellinghouse (oak tree shown on left hand side)*



*Site photo looking across application site to the east, showing the oak tree in background*



*Application site edged in red, tree shown to the east*

- 6.25 The level of detail provided as part of the application is considered to be sufficient given the separation between the proposed development and the tree. Officers consider that the proposed building would not have an adverse impact on the existing oak tree in the adjoining garden and so the proposal is accords with policy LD2 in this regard.
- 6.26 The application site is noted to adjoin a Natural England Priority Habitat, namely a traditional orchard; as the application does not relate to this parcel of land, officers do not consider the proposal to harm or impact the adjoining habitat. Further, the application includes the provision for the planting of two modest areas of native trees. This is not considered necessary to offset any identified harm from the proposal, however, it is considered to offer a biodiversity enhancement as does the proposed condition from the Council's ecologist for the provision of

modest enhancements; both elements are secured via conditions recommended by officers below and are regarded to weigh positively in the planning balance though minor weight is attributed to them.

### Habitat Regulations Assessment

- 6.27 The application site lies within the catchment for the River Lugg, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017 ('Habitats Regs.' henceforth). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 6.28 Under the Habitat Regs, Herefordshire Council (as the 'competent authority') has a statutory duty to assess if a proposal is likely to have "a significant effect" whether in combination or alone, this must take place before granting planning permission. This initial assessment is known as the 'screening stage' which considers if there is a possibility of a 'likely significant effect' on the integrity of the SAC, this considers both the effect of the proposal and the in-combination effect; this is considered to be a notably low threshold which acts as a trigger, (thus ruling out only cases where there is no doubt or no real risk of significant effects). At the screening stage the proposal must be considered without regard to any mitigation, any integrated or additional avoidance or reduction measures when considering at the HRA screening stage whether the plan or project is likely to have an adverse effect on a European Site, these may only be considered as part of an appropriate assessment. Any proposal that has the possibility of a 'likely significant effect' on the integrity of the SAC triggers an 'Appropriate Assessment' of the proposal.
- 6.29 Once an 'Appropriate Assessment' has been triggered by the screening stage, the competent authority may only grant consent if it can be demonstrated 'beyond reasonable scientific doubt' using the 'best scientific knowledge in the field' that the proposal will not adversely affect the integrity of the SAC, this assessment should utilise 'best scientific knowledge in the field' as well as considering mitigation and in-combination effects.

### Screening Stage

- 6.30 The proposal in this case does not include any foul water drainage and would not result in additional persons visiting the site, as the use would be incidental to the enjoyment of the dwellinghouse; the proposal is for all surface water drainage to be managed via soakaways as is the norm, with a condition being recommended to secure the surface water drainage arrangements as is the standard approach. However it is not considered reasonable or necessary in this instance to condition that no toilet facilities are installed in the outbuilding in the future, because the use is considered to be incidental and so there would be no net increase in persons at the property as a whole, thus there would not be any additional foul water (and so phosphates), irrespective of the quantum of toilets or sinks. As is noted by the Council ecologist, the officers conclude that there is no possibility of a adverse likely significant effect on the integrity of the River Lugg which is a catchment within the River Wye Special Area of Conservation; accordingly the proposed development is screened out at this stage and the proposal is considered to accord with the habitat regulations, policy LD2 of the Core Strategy and the framework in this regard.
- 6.31 As the development is screened out and is acceptable in HRA terms, it is not necessary to undertake an appropriate assessment.

### Planning Balance and Conclusions

- 6.32 The National Planning Policy Framework has at its heart a presumption in favour of sustainable development which is echoed in CS policy SS1. Sustainable development is considered to consist of three key elements, which are interdependent and need to be pursued in mutually supportive

ways (so that opportunities can be taken to secure net gains across each of the different objectives); :

- a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting

6.33 Though the three objectives of sustainable development are not criteria against which every decision can or should be judged, decision-making should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

6.34 Development proposals that are considered to represent sustainable development, meet the first test and are considered to be sustainable development, thus benefiting from a presumption in favour of the development. The second half of Paragraph 11 of the NPPF applies the presumption in-favour of sustainable development for decision-making; 11 c) outlines that development proposals in accordance with an up-to-date development plan should be approved without delay; 11 d) outlines that where the development plan is silent or the policies most relevant for the determination of the application are out-of-date (those being the housing policies), permission should be granted unless either of the following criteria are met.

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.35 The restrictive policies set out at Paragraph 11 are set out at Footnote 6 of the framework, they include protected areas or assets such as Special Areas of Conservation, Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty, designated heritage assets or areas at risk of flooding. None are considered to apply in this instance.

6.36 The application as proposed and with the conditions recommended below is not considered to give rise to any conflict with the development plan nor the provisions of the framework. At the heart of both the development plan and framework lies a positive presumption in favour of development, specifically the framework is clear that development proposals in accordance with an up-to-date development plan should be approved without delay.

## **RECOMMENDATION:**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the following approved plans, Drawing Numbers:

- Elevation and floor plans – 329 03 Rev A
- Block plans – 329 02
- Site location plan - 329 01

except where otherwise stipulated by conditions attached to this permission.

**Reason.** To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls, roofs and rainwater goods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. The garage hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.

**Reason:** To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. The outbuilding and access thereto must be reserved for the garaging or parking of private motor vehicles in the ownership of residents of the host dwelling and the garage shall at no time be converted to habitable accommodation.

**Reason:** To ensure adequate off street parking arrangements remain available at all times and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garages shall be erected within the curtilage of the dwellinghouse other than those expressly authorised by this permission.

**Reason.** In the interests of the amenity of the development and to comply with the requirements of Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.



7 All surface water shall be managed through a soakaway system within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), and Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4.

8 Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements and TWO bird nesting boxes should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement, boundary feature or adjacent habitats.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

9 All planting, approved scheme (Block plans – 329 02) shall be carried out in the first planting season following the first use of the building. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

**INFORMATIVES:**

- 1. IP2 Application Approved Following Revisions
- 2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts and all Bat species that are present and widespread across the County and recorded in the wider locality around this application site. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

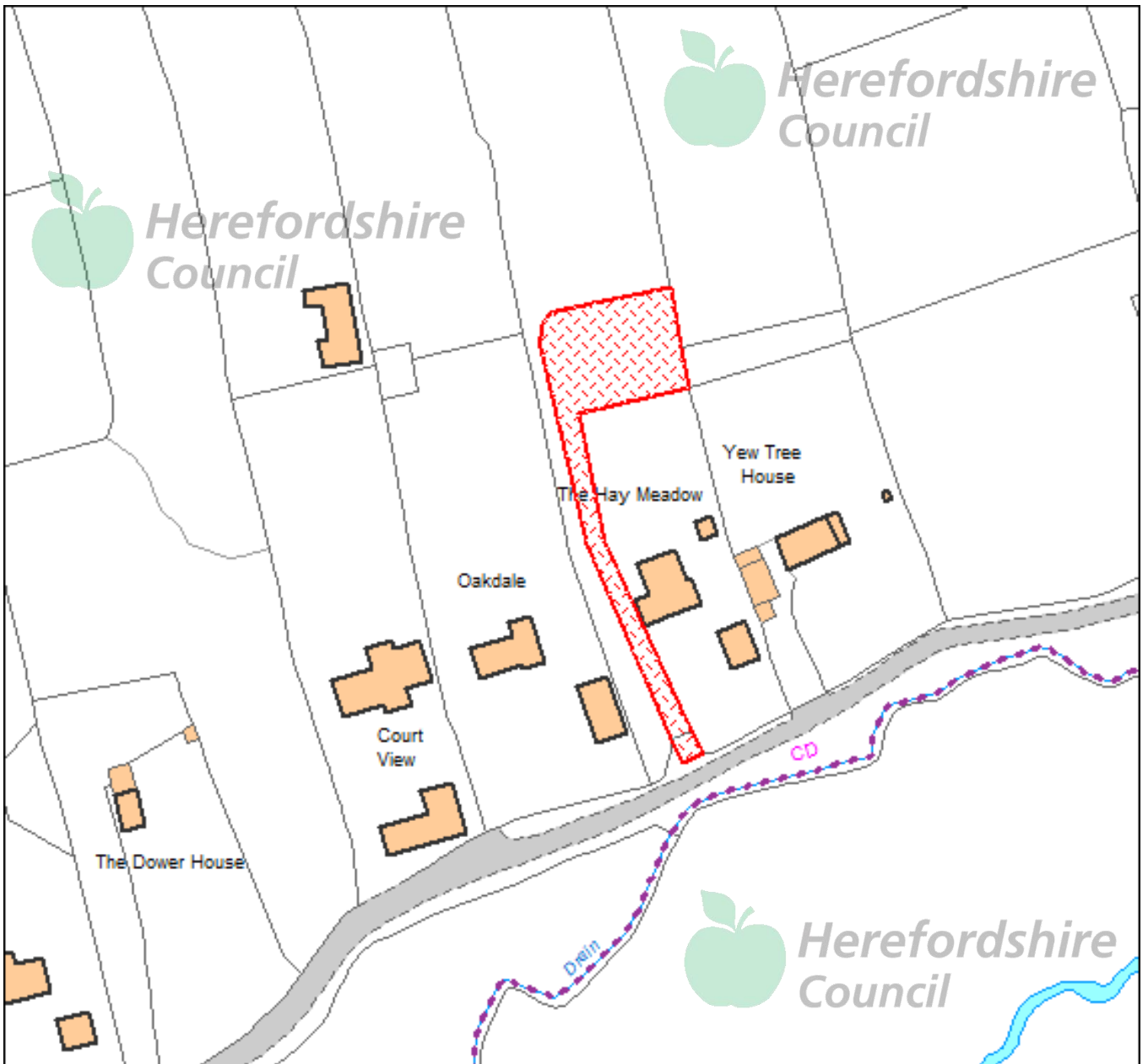
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 200680

**SITE ADDRESS :** THE HAY MEADOW, PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PE

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Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882