

# **PLANNING AND REGULATORY COMMITTEE**

**Date: 15 July 2020**

## **Schedule of Committee Updates/Additional Representations**

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

## SCHEDULE OF COMMITTEE UPDATES

**191449 - SITING OF SHEPHERD HUT TO PROVIDE TOURIST ACCOMMODATION INCLUDING CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED LANDSCAPING WORKS AT NEW HOUSE, CUSOP, HAY-ON-WYE, HR3 5TG**

**For: Mr Rose per Mr Barry Rose, New House, Hay-on-Wye, Hereford, Herefordshire HR3 5TG**

### **ADDITIONAL REPRESENTATIONS**

On the 14<sup>th</sup> July the following additional comment was submitted by Cusop Parish Council in response to the Officer's Committee Report.

*I wish to express concern about the failure of the planning officer's report to address and apply the relevant policy of the Cusop NDP to this application.*

*The policy in question is Policy 11(c) which, outside the settlement boundary, permits employment-generating activities "such as farming or some types of tourism that can function effectively only if based within the countryside." The word "only" is the critical qualifier here. The policy was worded in this way specifically to limit development in remote countryside, such as the site of this application, to activities that needed to be there. Otherwise development was expected to be within the settlement boundary unless it re-used a redundant building in accordance with Core Strategy Policy RA5 or was a small-scale extension of an existing business.*

*The text of the NDP provides the thinking behind this policy:*

*30. Where growing local businesses need dedicated employment land, existing and prospective employment land in Cusop and Hay should meet this need and developers will be guided towards this land. While some businesses may prefer to be located in the countryside, most can be based satisfactorily within existing settlements.*

*31. Nevertheless there are land-based businesses, mainly farming and some tourism enterprises, that need to be based in the countryside and these enterprises are important: as well as providing direct and indirect employment, they help maintain a landscape that is highly valued by residents and visitors. It is another priority of the Plan to enable such business to grow and diversify, while protecting the most sensitive locations from negative impact.*

*The officer's report (para. 6.10) notes the existence of NDP Policy 11, but completely omits to address whether the application actually meets this policy. Then (in para 6.13) the report concludes that "appreciating that both the NDP and CS, as well as National guidance, encourage small scale tourist accommodation, the proposal is found to be acceptable in principle." As far as the NDP is concerned this is inaccurate: the NDP does not identify accommodation separately from tourist development generally, but it does subject such development, accommodation or otherwise, to the qualification of functional need.*

*The report notes that the application is compatible with Core Strategy E4, but this is not a green light for the application unless it is also compliant with the NDP. Even if officers judged that there was a conflict with the Core Strategy, it would have to be resolved in favour of the Cusop NDP which is the more recent document to be adopted. In any event the NDP was*

examined in 2017 and found to be in general conformity with both national policy and the Core Strategy.

*So the question is: is the proposed shepherd's hut an activity that "can function effectively only if based within the countryside"? Our view is that it is not. Activities such as pony-trekking centres or bothies for long-distance walkers which by their nature need to be in the countryside are the sort of development that would qualify under this policy. Not accommodation for car-borne visitors which can equally well be located within the settlement or re-use existing buildings; and especially not accommodation in remote upland at the end of a narrow road up a steep hill with hairpin bends.*

*The report (para 6.11) also brushes aside the opportunity that consent would create for further development. One shepherd's hut is a poor return for the works proposed in this application, so it is likely that the applicant will return for more (indeed, the original application was for two huts). If the principle of development is established, what case could there be against two? And if two were permitted, what about three? or four?*

## **OFFICER COMMENTS**

The comments reference Policy 11(c) of the Cusop NDP but quote Policy 11(b), for reference the entire policy is included below.

*Employment-generating proposals will be permitted outside the Settlement Boundary only where they:*

- (a) re-use existing redundant buildings in accordance with Core Strategy Policy RA5, or*
- (b) are activities such as farming or some types of tourism that can function effectively only if based within the countryside, or*
- (c) are small-scale extensions or diversifications of existing businesses at their existing locations.*

*In the case of proposals that would have a significant effect on any of Cusop's Locally Distinctive Assets (Policies 12, 13, and 14), their impact will be considered exceptionally carefully and applicants will be expected to provide evidence of why the proposal cannot be located elsewhere.*

The Officer's Committee Report addresses Policy 11 at 6.3 and 6.4 before returning to it at 6.10.

Policy 11 of the NDP sets out exceptions to the locational strategy of employment provision, included as an exception at (b) is: '*some types of tourism that can function effectively only if based within the countryside*'. This does not preclude small scale tourist accommodation and neither does the preamble to the policy at paragraph 31 of the NDP. The wording of the policy seeks to segment the tourism industry into activities that could operate within the settlement and those that could not. As such it is reasonable to segment tourist accommodation by those that could and could not operate in the settlement. While it is acknowledged that some tourist accommodation could operate effectively within the settlement, this is not the case for all types of tourist accommodation. It is peripherally relevant that Policy E4 of the Core Strategy seeks to delineate the appropriateness of rural tourist accommodation based on scale.

It is considered that the specific nature of the current scheme is to operate a small scale countryside business that would not be suitable within a built up area. As such it remains Officer's assessment that the proposal does comply with Policy 11 of the NDP by meeting exception criteria (b), set out above.

A second issue was again raised in the comments, which relates to the setting of a precedent if the scheme is approved. As stated in the Officer's Committee Report, see paragraph 6.11, the application must be assessed on its own merits and does not propose further development. If future applications were submitted these would similarly have to be assessed on their own merits and against the policies relevant at the time.

#### **AMENDEMENT TO RECOMMENDED CONDITION 4**

It has come to Officer's attention that the recommended Condition 4 does not reflect the most up to date proposal and instead refers to the use of the existing septic tank. However, the proposal is now to install a new package treatment plant for the shepherd's hut. The revised recommended condition 4 is:

*All foul water shall discharge through connection to the proposed package treatment plant and onsite soakaway; and any additional surface water shall discharge to appropriate soakaway-infiltration features; unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework, NERC Act (2006), NPPF (2019) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.*

#### **NO CHANGE TO RECOMMENDATION**