

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	10 NOVEMBER 2020
TITLE OF REPORT:	<p>200500 - 1) CHANGE OF USE OF THE BARN FROM AGRICULTURAL TO OFFICE SPACE. WORKS UNDERTAKEN INCLUDE REPLACEMENT BEAMS AND GLAZING TO OPEN NORTH GABLE END OF BARN. 2) FORMALISE AN HISTORIC CHANGE OF USE FROM RIDING ARENA TO CAR PARK - WORKS INCLUDED TARMACKING THE ARENA. 3) ACCESS ROAD. (ALL WORKS RETROSPECTIVE) AT CRUMPLEBURY FARM, WHITBOURNE, WORCESTER, WR6 5SG</p> <p>For: Mr Edward Evans, Dial House, Whitbourne, Worcester, WR6 5SG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200500&search-term=200500
Reason Application submitted to Committee – Re-direction	

Date Received: 14 February 2020

**Ward: Bromyard
Bringsty**

Grid Ref: 370072,256934

Expiry Date: 21 May 2020

Local Member: Councillor Nigel Shaw

1. Site Description and Proposal

- 1.1 Crumplebury Farm is a moderately sized complex of modern buildings with associated host farmhouse, located approximately 1.25 miles (as the crow flies) west of the settlement of Whitbourne. The 'Green Cow Kitchens' restaurant, which was granted planning permission (retrospectively) in 2013, sits at the heart of the site, with associated buildings in conjunction with the enterprise now surrounding the restaurant, following planning permission being granted in 2017.
- 1.2 The site is set within estate farmland, defined by predominately agricultural grazing fields and woodland beyond the northern boundary, which leads up to Badley Wood Common. Boundary treatments comprise a mixture of post-and-rail and wire fencing (which offers open views into and out of site) and recently planted hedgerow to the western boundary adjacent to the main tarmacked car parking area. The Landscape Character of the site and surrounding areas is that of Wooded Estate lands with large discrete blocks of woodland, mixed farming land use, hedgerows as field boundaries and large country houses set in parkland. It also redefines the settlement pattern hereabouts of wayside dwellings or estate villages, in which isolated farmsteads are also featured, like Crumplebury Farm was in the past.
- 1.3 The topography of the land is that the buildings themselves appear slightly elevated, viewed from the south of the site at the point of the private access road, looking west towards the main parking

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

area and site access (when viewed from the south elevation), before flattening off across the remainder of the application site. The topography to the south-east, gradually rises as you head towards Whitbourne Hall Unregistered Park and Garden. The site also has largely open views which can be clearly viewed at some distance from the north elevation into the site. South of the application site and heading back towards the A44, the site can also be viewed clearly within the landscape, although its palette of materials provides some assimilation, looking to the north, although it can be viewed from surrounding public receptors including public highways, largely as a result of a comprehensively glazed north elevation. The undulating and varying gradient of the land also promotes the tranquillity of the site location in the context of its surroundings, including north of the application site, heading towards Badley Wood Common and Tedstone Delamere, in which the gradient considerably increases.

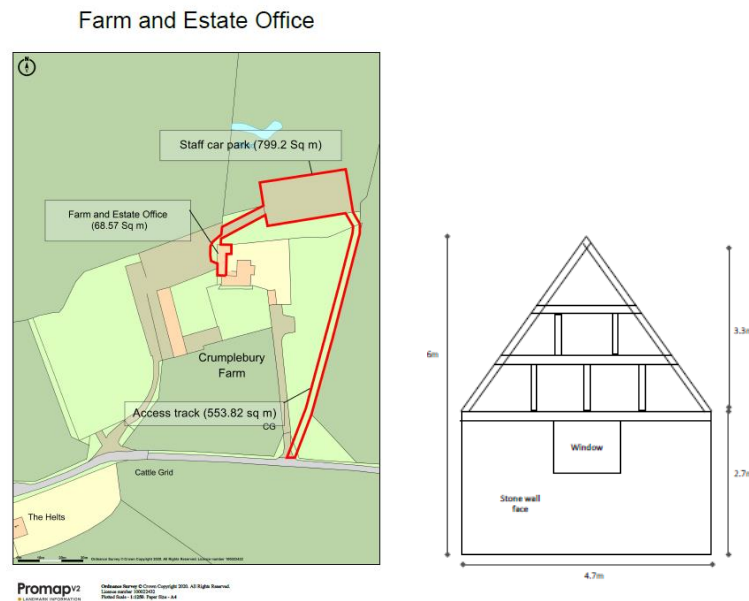
- 1.4 The majority of the surrounding buildings are of agricultural form with a mixture of Victorian brick built vernacular buildings alongside contemporary steel and timber framed structures acknowledged, as well as the presence of stone and extensive glazing. Locally, there is a prolific use of brickwork, metal sheeting, timber and stone (rubble and dressed) in wall construction, whilst plain clay tiles, natural slate and metal sheeting are found commonly in the construction of roofs.
- 1.5 The closest residential properties, in identifying surrounding receptors are as follows. Firstly, there is the on-site farmhouse and 'The Helts', a pair of semi-detached dwellings, located approximately 100 metres south-west of the application site. These properties are tenant occupied. Approximately 415 metres south-east of the application site (as the crow flies), is the Grade II* Listed 'Whitbourne Hall', sub-divided into a number of residential apartments and which are independently owned residential units. There are also a small cluster of dispersed properties heading north towards Badley Wood Common and adjacent to the common itself, both to the north and north-east of the application site, respectively, albeit these dwellings are at varying orientations. The nearest approximately is 450 metres north as the crow flies and 435 metres measuring north-east, as identified on the Council's Geographical Information System ('GIS')). PROW Footpath WH16 also runs to the east of the site, albeit almost equidistant between the application site and Whitbourne Hall. The map below identifies Crumplebury Farm and provides a portrayal of surrounding receptors:



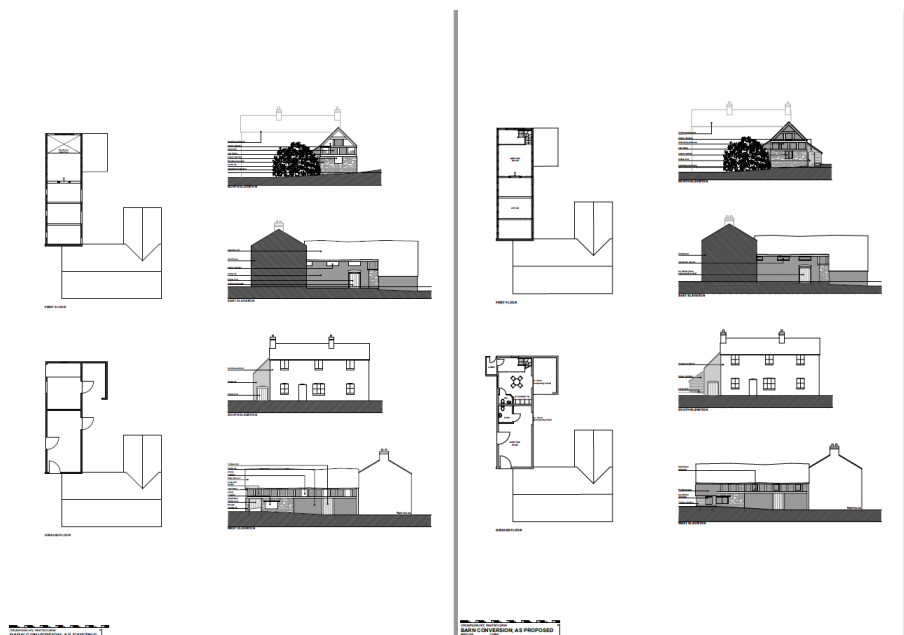
Map of Crumplebury Farm and surrounding area (site denoted by red star)

- 1.6 The site itself forms part of the Whitbourne Estate, a family trust, in which the applicant manages the Estate.

- 1.7 Planning permission is sought, retrospectively, for the change of use of a barn from agricultural to office space, including works comprising replacement beams and glazing to the open north gable end of barn; the formalisation of an historic change of use from riding arena to car park including tarmacking of the arena; and the formation of a new access road to this car park. Officers refer members to the proposed plans under consideration below:



Location Plan and existing cross-section drawing



Existing and proposed elevation and floor plans



Photographs of north elevation gable end prior to works commencing and during works

- 1.8 In relation to the change of use of the barn to office space, alterations have been undertaken to replace the timbers, some of which were rotten, as well as window frames and doors. It is also noted the northern gable end was previously leaning quite considerably and subsequently, a number of bricks had fallen out of the panels. As a result, members will note these sections have now subsequently been double glazed. The use of the building is to accommodate office space ancillary to Crumplebury Farm. Photographs of site, as present, are shown below (taken by case officer on 16 October 2020):



Taken from south-east of site, looking north



Taken east of site, looking south



Taken south-east of car park, looking north west and north respectively



Taken west of car park, looking east and west respectively



Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

West and north elevations of barn



West and east elevations of barn



Ground floor of Barn





First floor of barn and looking north, respectively

2. Policies

2.1 The proposal is to be 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.

2.2 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." In this instance, the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Whitbourne Neighbourhood Development Plan. the latter which was made in December 2016. The National Planning Policy Framework (NPPF) is also a significant material consideration, but does not constitute a statutory presumption, unlike the development plan which carries the statutory presumption as set out above. The NPPF (as updated in 2019) sets out the Government's planning policies for England and how these are expected to be implemented. Specifically paragraph 30 of the framework sets out that once a NDP has been brought into force/made, the policies it contains take precedence over existing non-strategic policies in the Core Strategy, where they may conflict.

2.3 Herefordshire Local Plan – Core Strategy 2011-2031 (adopted 15 October 2015)
Officers consider that the following policies are applicable to this application:

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement and transportation
SS5	-	Employment provision
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA5	-	Re-use of rural buildings
RA6	-	Rural economy
MT1	-	Traffic management, highway safety and promoting active travel
E1	-	Employment provision
E4	-	Tourism
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable design and energy efficiency

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- SD2 - Renewable and low carbon energy
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

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

2.4 Whitbourne Neighbourhood Development (Whitbourne NDP) made on 1 December 2016

The Whitbourne Neighbourhood Development Plan is made and as such, the Policies within the Plan are afforded full weighting. It is noted that the land use policies of the Whitbourne NDP are predominantly concerned with applications for housing development and as such it is only Policy LU9 (Environmental Considerations) that is directly relevant to this proposal. The Whitbourne NDP, 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/directory_record/3119/whitbourne_neighbourhood_development_plan_made_1_december_2016

2.5 National Planning Policy Framework (February 2019)

The revised National Planning Policy Framework of February 2019, sets out government's planning policies for England and how these are expected to be applied. Officers view that the following sections below are applicable to this application:

- 1 - Introduction
- 2 - Achieving sustainable development
- 4 - Decision-making
- 6 - Delivering a strong, competitive economy
- 8 - Promoting healthy and safe communities
- 9 - Promoting sustainable transport
- 12 - Achieving well-designed places
- 15 - Conserving and enhancing the natural environment
- 16 - Conserving and enhancing the historic environment

The NPPF, together with all relevant documents and revision, are viewable at the following link:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.6 Planning Practice Guidance

Planning Practice Guidance categories have been revised and updated to make it accessible and should be read in conjunction with the NPPF. Planning Practice Guidance can be accessed through the following link:

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

3. **Planning History**

3.1 Third party representations have raised a number of issues concerning the planning history and severity of breaches of planning on Crumplebury Farm, as a whole, although the Council is continuing to work with the applicant to bring the matter to a conclusion.

3.2 P194408/F - Removal of a condition 4 and a variation of Condition 16 Application No: 163902/F (Demolition of 5no. existing redundant agricultural outbuildings to facilitate expansion of existing restaurant and following events facilities: Function Suite, Fine Dining Restaurant and Lounge, Conference Space and 16no. Accommodation Suites) – UNDETERMINED (being presented to planning committee date TBC)

P200858/XA2 - Application for approval of details reserved by conditions 8 20 & 21 attached to planning permission 163902 – SPLIT DECISION issued on 3 April 2020 (Condition 8 is currently

being signed off with regards to technical aspects of S.278 agreement; Condition 20 discharged; Condition 21 cannot yet be discharged, although this is pre-occupancy).

P200335/F - Proposed variation of conditions 2 and 4 of planning permission 182223 (Proposed construction of new mono-pitch building) - To allow for 2nd biomass boiler – APPROVED WITH CONDITIONS on 6 April 2020.

P193647/F - Proposed variation of condition 16 of planning permission 163902 (Demolition of 5no. existing redundant agricultural outbuildings to facilitate expansion of existing restaurant and following events facilities: Function Suite, Fine Dining Restaurant and Lounge, Conference Space and 16no. Accommodation Suites) - No amplified music shall be played in the premises outside the following times 12.00hrs to 00.00hrs – WITHDRAWN on 9 December 2019.

P182223/F - Proposed construction of new mono-pitch building – APPROVED WITH CONDITIONS on 8 October 2018

P181441/XA2 - Application for approval of details reserved by conditions 9 & 18 attached to planning permission P163902/F – APPROVED on 26 July 2018

P181140/XA2 - Application for approval of details reserved by condition 3 attached to planning permission 163902 – APPROVED on 1 May 2018

P180280/XA2 - Application for approval of details reserved by conditions 8, 11, 14, 17, 22 attached to planning permission P163902/F – APPROVED on 27 July 2018 (Conditions 11, 14, 17 and 22 are fully discharged with condition 8 subject to a Section 278 agreement so condition not fully discharged)

P163902/F - Demolition of 5 no. existing redundant agricultural outbuildings to facilitate expansion of existing restaurant and following events facilities: Function Suite, Fine Dining Restaurant and Lounge, Conference Space and 16no. Accommodation Suites) – APPROVED WITH CONDITIONS on 3 August 2017

P131619/F - Retrospective change of use of existing outbuilding from B1 to A3 – APPROVED WITH CONDITIONS on 2 August 2013

4. Consultation Summary **Statutory Consultations**

- 4.1 **Severn Trent** – No objections:
“With Reference to the above planning application the company’s observations regarding sewerage are as follows. As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied”.
- 4.2 **Welsh Water** – Non-committed:
“We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. The applicant is advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times”.
- 4.3 **Herefordshire Wildlife Trust** – No response

4.4 **Natural England – No response**

Internal Council Consultations

4.5 **Building Conservation Officer – Support**

"I am happy to support this retrospective application which is principally for conversion of an outbuilding for office use. The scheme is well considered, lightweight and proportionate to its historic significance. In these terms, it complies with relevant NPPF and Local Authority Plan Policies as follows: Para 184 – conserved in a manner appropriate to its significance so that it can be enjoyed for its contribution to the quality of life of existing and future generations. Para 192 – putting a redundant farm building back into viable use. LD4 - conservation of a heritage asset in a manner appropriate to its significance"

4.6 **Ecology – No objections/conditions recommended:**

"No Habitat Regulations Assessment is triggered by this application.

As a retrospective application on a site already known to support bat roosting (Bat survey report June 2017 - for Cow Green Kitchen Application 163902) the LPA can only hope that no breach of the Wildlife & Country Act occurred. The previous ecology report did not cover this additional development area and so there is no direct evidence to support a wildlife crime investigation by West Mercia Police.

The LPA cannot reasonably require any retrospective ecological surveys as these would serve no material purpose. It is however reasonable for the LPA to require the application to demonstrate a clear net gain in biodiversity and to ensure any additional external lighting is minimised and designed with 'wildlife in mind'. Suggested conditions would be:

Nature Conservation – Biodiversity and Habitat Enhancement

Within 3 months of this planning consent, information such as an Ecological Clerk of Works report, demonstrating the installation of significant biodiversity net gain enhancements of appropriate habitat boxes for bat roosting, bird nesting and encouraging pollinating insects located within land under the applicant's control should be supplied to and acknowledged in writing by the local authority. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external or radiated lighting from the development should illuminate any biodiversity net gain features.

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 SS6, LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

Protected Species, Dark Skies and Intrinsically dark landscapes (external lighting)

a) At no time shall any external lighting except in relation to safe use of the approved or existing buildings within the application site be installed or operated; and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

b) No external lighting should illuminate any, boundary feature, highway corridors or adjacent habitats.

c) All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/19)".

4.7 Transportation – Objection:

"The local highway authority (LHA) has the following comments: Conversion of barn to office – the LHA has no objection to this element of the retrospective application.

Car parking and access road – the applicant has submitted no evidence that additional car parking is required. The original planning application (ref: 163902) including adequate parking for staff and visitors therefore evidence is required to show a need for the additional car parking. Until such evidence is provided the LHA object to this element of the application due to the additional car parking potentially increasing traffic to and from the development.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.8 Public Rights of Way (PROW) – No objection

"No objection"

5. Representations

5.1 Whitbourne Parish Council – Objection:

"This application seeks retrospective planning permission for "Change of use of the barn from agricultural to office space" and "a staff car park and delivery area, plus a new access road connected [sic] said car park to the existing private road."

The Parish Council objects to this application. It has in the past supported the development of an enlarged restaurant and conference facility adjacent to this location but only on the basis that restrictions were in place to protect the residential amenity of local residents and on the basis of the plans and assurances put forward by the applicants in the original application (No. 163902).

In order to put the following comments into their wider context, the objections raised by the Parish Council and local residents in relation to a related and linked application (No. 194408 - Removal of Condition 4 and a variation of Condition 16 re application No. 163902/F) should also be taken into account.

[Note: If the related/linked application is approved (to remove or amend usage restrictions imposed on the Crumplebury development in order to allow large parties and weddings of up to 250 people) it is likely to significantly increase the number of vehicle movements that might otherwise take place and thereby increase the impact of the development referred to in this application (a new office, staff car park, delivery area and access road) and further prejudice the residential amenity of local residents.

The Barn

No ecological or architectural assessment appears to have been undertaken prior to the work being undertaken. Although unknown, it is thought likely by local residents that bats would have inhabited the barn when it was in a dilapidated state. Further the brick infill sections in the gable end of the building have been removed by the applicant and replaced with glazing. As a consequence, during the hours of darkness, the glazed end of the building and other security

/pedestrian lighting apparently impacts and exacerbates the light pollution which is already very evident in the valley and which the applicant has confirmed must be mitigated.

The Car Park and Access Road

We understand that the car park can take up to 40 vehicles and it also serves as a delivery area for visiting delivery vehicles. This part of the application was considered in the light of the following points:

- 1. Another very large car park has already been constructed (which had permission) to serve the needs of the expanded Green Cow restaurant. It is unclear why further car parking or a delivery area is necessary – certainly if the existing planning conditions for the development remain unchanged. The new staff car park, delivery area and access road in question did not feature at all in the original application for the development. Given the strong local opposition to the further expansion of the development, this additional car parking and access road is not justified and represents an overdevelopment of the site in what should be a beautiful and tranquil country setting.*
- 2. The main access (via the A44) is dangerous and HCC has already made it clear that increased use of this access should be discouraged as it “has severely substandard visibility.” Additional staff car parking and delivery facilities could only encourage an increase in use of this access;*
- 3. Conversely if the A44 access is not used by staff and deliveries, it is said that the location of this new car park (which is towards Whitbourne Hall) will only serve to encourage local staff and deliveries to use the Whitbourne Hall access which is supposed to be private. Indeed, the applicant confirmed himself that he encourages staff employed by Crumplebury Ltd to use this private driveway;*
- 4. Complaints about the increased use of the private drive adjacent to Whitbourne Hall also feature in the related/linked application e.g. “Although the Estate has a right of way over the Hall’s drive, this right of way does not extend to members of the public accessing Crumplebury, nor to delivery vehicles or staff members doing the same. Since Crumplebury has been open there has been a considerable increase in the traffic flow along the private drive belonging to Whitbourne Hall during the daytime and even more so at night when people are arriving and departing. This traffic flow will be increased enormously if this application is granted.”*
- 5. When the Crumplebury development is in operation, there are apparently frequent, noisy and very late-night traffic movements (across a noisy cattle grid) to and from the car park across an acoustically sensitive valley. These movements are often accompanied by car doors slamming and shouting – often long after a function has finished – as the vehicles are usually driven by staff members;*
- 6. Further, there are apparently early morning deliveries from commercial delivery vehicles which also cause a disturbance to local residents;*
- 7. Bright and intrusive external lighting to illuminate the car park (and car headlights) cause further significant light pollution;*
- 8. As the access road is on a gradient, headlights from vehicles apparently point directly into a local resident’s house”.*

Planning Policies

The Parish Council consider that this application contravenes the following policies as set out in the Herefordshire Core Strategy:

Policy MT1 which states:

Development proposals should incorporate the following requirements covering movement and transportation and they should:

- 1. “demonstrate that the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that*

traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;

4. ensure that developments are designed and laid out to achieve safe entrance and exit,...

Policy SD1 states that development proposals should incorporate the following requirements:

- ☐ *“safeguard residential amenity for existing and proposed residents;*
- ☐ *ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination...”*

Policy RA6 confirms that:

“Planning applications which are submitted in order to diversify the rural economy will be permitted where they;

- ☐ *ensure that the development is of a scale which would be commensurate with its location and setting;*
- ☐ *do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell;*
- ☐ *do not generate traffic movements that cannot safely be accommodated within the local road network.”*

5.2 **Other interested parties**

The remaining representations made to this application have subsequently been made by interested third parties. This comprises any interested party or individual, whom the Council does not formally consult with but have made their own representation, to this application. To date, nine letters of comments have been received from seven interested parties.

- Noise and light pollution;
- Landscape harm;
- Ecological harm; and
- Highway safety

5.3 Full consultation responses, as well as submitted documents, 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=200500&search-term=200500

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 comprises the Herefordshire Local Plan – Core Strategy (CS) and the Whitbourne Neighbourhood Development Plan (NDP) which was made on 1 December 2016. The National Planning Policy Framework (‘NPPF’ henceforth) is also a significant material consideration, but does not constitute a statutory presumption, unlike the development plan which carries the statutory presumption as set out above. The NPPF (as updated in February 2019) sets out the UK Government’s planning policies and how these are expected to be implemented. Specifically paragraph 30 of the NPPF sets out that once a NDP has been made, the policies it contains take precedence over existing non-strategic policies in the Core Strategy, where they are in conflict.

- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has yet to be made and is due early November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.
- 6.4 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, 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), identified at paragraph 8:
- 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;
 - 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
 - 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 to climate change, including moving to a low carbon economy
- 6.5 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development.
- 6.6 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted as set out at paragraph 11c) of the NPPF. At paragraph 11d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: 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
- 6.7 The NPPF seeks to promote strong rural economies through the sustainable growth and expansion of business in rural areas and the development and diversification of agricultural and other land based rural businesses. Paragraph 80 of the NPPF states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight given to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The NPPF at paragraph 83 seeks to ensure that planning policies and decisions enable the growth and expansion of all types of business in rural area to support a prosperous rural economy, including the diversification of agricultural and other land based rural businesses. Whilst Paragraph 84 recognises that to meet business needs in rural areas, sites may need to be found adjacent to or

beyond settlements, and in locations that are not well served by public transport. In these circumstances it is important to ensure development is sensitive to its surroundings and does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

- 6.8 The Core Strategy supports rural enterprises with policy E1 setting out that the focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy. Development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:
- the proposal is appropriate in terms of its connectivity, scale, design and size;
 - the proposal makes better use of previously developed land or buildings;
 - the proposal is an appropriate extension to strengthen or diversify an existing business operation; and
 - the proposal provides for opportunities for new office development in appropriate locations.
- 6.9 Specifically for the rural economy Policy RA6 of the Core Strategy, supports employment generating proposals which help diversify the rural economy. Specifically it sets out that planning application that diversify the rural economy will be permitted where they:
- Ensure that the development is of a scale which would be commensurate with its location and setting;
 - Do not cause unacceptable adverse impacts on the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;
 - Do not generate traffic movements that can't safely be accommodated within the local road network; and
 - Do not undermine the achievement of water quality targets in accordance with policies SD3 & SD4
- 6.10 The Whitbourne NDP does not identify any specific employment policies. However, Policy LU9 (Environmental Considerations), sets out that proposals for development should:
- Respect the landscape and built environment;
 - Respect relevant bio-diversity features and wildlife habitats of the area; and
 - Have regard to the aims of the Herefordshire Green Infrastructure Study (2010), which enjoins the protection and promotion of green infrastructure.
- 6.11 The NPPF at paragraph 180 sets out that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.12 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. Where appropriate, proposals should also make a positive contribution to the architectural diversity and character of the area, including through innovative design. Policy LD1 Development proposals need to demonstrate that features including that of scale and site selection have been positively influenced by the character of the

landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.

- 6.13 Policy RA5 of the Core Strategy provides an appropriate level of assessment for any such proposal and includes several criteria that an application should meet in order to represent a sustainable re-use of a redundant or disused building. For ease, these are found below:

- 1. design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting;*
- 2. design proposals make adequate provision for protected and priority species and associated habitats;*
- 3. the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;*
- 4. the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and*
- 5. the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.*

- 6.14 Members will also note Policy LD4 of the Core Strategy (historic environment and heritage assets) which strive to conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance, including appropriate uses and design, trying to emphasise the original form and function where possible. This also includes using the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes.

Procedural Comment

- 6.15 Under Class B (means of access to a highway), Part 2 (minor operations), Schedule 2 (permitted development rights) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended, most recently updated 31 August 2020), the formation, laying out and construction of a means of access to a highway which is not a 'trunk' road or a 'classified' road, where that access is required in connection with development permitted by any Class in Schedule 2, would constitute permitted development. However, as the use of the barn as office space would not fall under Schedule 2, planning permission is required.
- 6.16 The following sections consider whether there are any material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

Design Impact

- 6.17 Located directly east of Crumplebury, the barn which is subject of this retrospective application has had a number of alterations undertaken, although the farmhouse outbuilding which is attached to the barn has been unaltered during the works. The works undertaken comprise as follows:
- The replacement of rotten timbers, window frames and doors internally;
 - The addition of a lean-to porch at the west elevation;
 - The northern gable end, which was previously leaning badly and resulted in a number of bricks had fallen out of the panels, has now been double glazed;

- The small section to the north-east of the building is an attached lean-to and is not part of the office development and is used by the estate tenants of the farmhouse; and
- At the eastern elevation, no changes other than the replacement of a number of old window frames have been done, and all openings remain as original.

No alterations or changes have been made to the southern elevation.

- 6.18 In regards to the design of the 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. Whilst not listed or considered to be a non-designated heritage asset, given the lack of reference to this by the Council's Building Conservation Officer, members will also note from the outset that the Council's Building Conservation Officer supports this application, taking the view that the scheme presented is well-considered, lightweight and proportionate to its significance.
- 6.19 In the view of officers, with regard to the barn, whilst a structural survey of the barn in its current condition has not been submitted, officers note the details provided by the applicant of the works that have already been undertaken and the necessity for those works. Having observed the barn on site and noting the alterations to this element of the building, it is reasonable to conclude that it is capable of conversion in the form proposed and that major or complete reconstruction was not required to achieve the use intended, particularly given the size of the footprint under consideration.
- 6.20 The barn is evidence of how this site has organically developed over time. There are some additional openings, as the applicant has confirmed, with regards to the double glazing introduced at the north elevations. However, the size and number of many of these is not considered to be extravagant or overly domesticated. Indeed, existing openings are utilised. As such, the alterations would not dominate the building or substantially alter its appearance with the scheme retaining many of the architectural features of the barn where possible. The lean-to porch is regarded to be a new feature, but in the view of officers, would not adversely affect the character or appearance of the building, citing the timber cladding walling which is typical of many agricultural or former agricultural buildings across Herefordshire. The design proposals would satisfy Policies SD1, LD4 and RA5 of the Core Strategy and Policy LU9 of the Whitbourne NDP.

Heritage Impact

- 6.21 The Council is required to give diligence to the Planning (Listed Buildings and Conservation Areas) Act 1990. In this instance Section 66, requires decision makers to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- 6.22 Officers are also aware of the result of Court of Appeal - Catesby Estates Ltd v Steer Secretary of State for Communities and Local Government v Steer - [2018] EWCA Civ 1697; specifically in relation to the effect of the setting in that the judge in this case provided guidance in the interpretation of the concept of "setting", to include much more than visual impact. When considering the impact of a development proposal upon the setting of a Heritage Asset, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance. It should be noted that a view to or from a Heritage Asset does not necessarily mean that a site is within that asset's setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without there being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.

- 6.23 The site is not within a conservation area but a number of heritage assets are in the vicinity of the site including:
- Whitbourne Hall (Grade II* Listed);
 - Whitbourne Hall Unregistered Park & Garden;
 - The Sconce (Grade II Listed); and
 - Rose Cottage (Grade II Listed)
- 6.24 In terms of the impact on preservation of the impact on heritage assets, the key test is the degree of harm to the assets' significance, which epitomises section 16 of the NPPF. However, given the clear significant separation distances, in conjunction with the existing built forms and landscape features between the application site and any heritage asset, orientations and outlooks, officers do not consider that the proposals submitted would be deemed to cause harm to the 'significance'; experience or additionally setting of any listed building or heritage asset nearby. Additionally, the Council's Building Conservation Officer does not consider or identify any harm in this instance. The development undertaken would in the view of officers, not affect the setting or experience of the relevant designated heritage assets referred to above. They are not considered to result in any harm to the detriment of these assets.
- 6.25 Whilst noting the nature of the alterations undertaken and their subservient form compared to the surrounding built form especially given the distance between Whitbourne Hall and this site, as well as orientation, officers note the representations on this matter and the consultation responses from the Building Conservation Officer in this regard and have afforded significant weighting to this view.
- 6.26 Bringing the above assessments of heritage together, both individually and cumulatively, the development is not considered to adversely affect or give rise to harm to designated heritage assets nor their setting or experience, as they would be preserved. Having given this matter special regard, as is required, officers consider the scheme to accord with Policy LD4 of the Council's Core Strategy in conserving designated heritage assets and the wider historic environment; Section 16 of the NPPF and the Council has exercised its right in regards to section 66 of the Act. Under the NPPF, there is no need to undertake the test prescribed in paragraph 196 as no harm has been identified.

Landscape Impact

- 6.27 The application site lies in open countryside, the application site gently undulates further south with the surrounding topography rising considerably heading north towards Badley Wood Common. The application site, this being the application before members, can be viewed from the north of site:



Photograph taken on U65030 adjacent Redhill looking southbound towards Crumplebury

- 6.28 The site is clearly visible in views from the road, nearby car park and to a minor extent, also along nearby public rights of way (WR16) where passers-by would be likely to be travelling at low speeds. Moreover, any views from the PROWs would be long-range glimpses across a rural landscape which is already punctuated by occasional residential properties and agricultural style buildings.
- 6.29 It is important to acknowledge that the site does not lie within a designated landscape and is a largely well contained site, albeit adjacent to the unregistered park and garden of Whitbourne Hall. The proposal is clearly informed by the surrounding built form and landscape in terms of the proposed use and the depth and positioning of the building, contained by existing features and development which forms Crumplebury Farm. Furthermore, the external materials of the building, are not uncommon in the area. In any event, in light of the above, the building itself would not appear discordant with the surrounding landscape.
- 6.30 As the application has progressed, a number of objectors have raised issues concerning impacts on landscape grounds as a consequence of amenity, namely noise and light pollution, particularly associated with vehicles. As part of such discussions, landscaping can be provided at the north and east of the car park, facing Badley Wood Common and neighbouring properties. This would, include temporary boundary treatments to be agreed by way of condition, and in the next planting season, to introduce native species hedgerow which over time, will assimilate into the locality. Once at a mature stage, this would allow for the temporary boundary treatment to be removed, to prevent any prolonged and permanent landscape harm. As such, it is considered that subject to these conditions, namely in the way of a time-sensitive landscaping scheme, the development would not have a harmful effect on the character and appearance of the area. It would conserve the landscape and scenic beauty in accordance with Policy LD1 of the Core Strategy; LU9 of the Whitbourne NDP and Section 15 of the NPPF.

Residential Amenity

- 6.31 Policy SD1 of the core strategy states that development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This accords with the approach under Paragraph 180 of the NPPF and Policy LU9 of the Whitbourne NDP.

- 6.32 As officers understand, there is no intention to increase activity on the site. Indeed that will be subject to any separate planning application to be submitted to the local planning authority and that the office use being proposed under this retrospective application is to be ancillary to Crumplebury Farm and its associated operations.
- 6.33 The temporary construction effects whilst works were taking place are not considered to be material to determining this application as the work is now complete. The use of the site as an office and change of use of the land to car parking and the long term change is unlikely to cause adverse effects beyond that which is considered acceptable, subject to landscaping conditions which would significantly address aural and visual amenity concerns. Of course, officers have noted that concerns have been raised regarding noise and visual amenity which largely relates to the wider uses of Crumplebury, discussed under P194408/F. Notwithstanding this, members will appreciate that due to more than sufficient separation distances of circa 400 metres plus (approximately), and the orientation of these neighbouring properties, officers consider that in terms of neighbouring residential amenity, the works undertaken and subsequent uses of the site are not considered to be contrary to CS Policy SD1; Policy LU9 of the Whitbourne NDP or Paragraph 180 of the NPPF. The photo below illustrates separation distances:



Drainage

- 6.34 Foul drainage is to connect to the existing package treatment system that serves the Crumplebury Farm development, which there is sufficient capacity to serve and which has been previously approved. This is to accommodate two WC units, which will connect to the new sewage treatment plant. Surface water is to discharge to SuDS and soakaways on site, which were approved under the wider Crumplebury development in 2017.
- 6.35 The application site lies within Flood Zone 1 as defined by the Environment Agency and as such has a low probability of flooding. In accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). As such, officers consider the application to accord with the provisions of Policies SD3 and SD4 of the CS.

Ecology and Biodiversity

- 6.36 Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged. This is directly supported by policy LD3 which ensures development proposals

protect, manage and plan for the preservation of existing and delivery of new green infrastructure. This is achieved by identifying green corridors and linkages, provision of on-site infrastructure and integration into the wider network.

- 6.37 Members will note the comments of the Council's ecologist, who has no objection to this retrospective application subject to conditions, which would accord with Policies LD2 and LD3 of the CS and Policy LU9 of the Whitbourne NDP, and are included within the recommendation. This includes the securing of additional ecological and habitat enhancement within a time-sensitive period, given the retrospective nature of this application, and the submission of details of any external lighting to be installed to allow the safe use of the car park.

Highways and Transportation

- 6.38 Policy SS7 requires proposals to focus development to the most sustainable locations and reduce the need to travel by private car. This aim is reflected by policies SS4 and MT1, which stipulate that proposals should facilitate a genuine choice of travel modes such as a walking, cycling and public transport. These policies are reflective of the NPPF objectives to guide development to sustainable locations. With particular reference to the matter of access, the NPPF sets out how transportation, highways impact and non-vehicular movement should be considered, assessed and supported in paragraphs 108 – 111, stating – In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

- 6.39 Paragraph 109 explicitly states Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Furthermore policy MT1 of the CS seeks to ensure that developments, among other things, are sited, designed and laid out in a manner which ensures the safe and efficient flow of traffic, safe entrance and exit and have the appropriate operation manoeuvring space to accommodate all modes of transport.

- 6.40 The Local Highways Authority Area Engineer has reviewed the proposal. In terms of conversion of the barn to office use and has no objection to this element of the retrospective application but is concerned that the retention of the car park and associated access road has not been justified and that they may increase vehicle movements to and from the site. In terms of the car parking and access road, it is appreciated that the applicant has submitted no evidence that additional car parking is required, but Policy MT1 does not require such evidence to be submitted. The car park is intended to provide separate parking arrangements for staff for the Crumplebury Farm enterprise. There is nothing to suggest that it will give rise to an intensification in use. However, an intensification of use would require a planning application to be made. On this basis, and noting that there is still considerable operational and manoeuvring space with safe entrance and exit, officers view that the application accords with Policies RA6 & MT1 of the CS and does not contradict paragraph 109 of the NPPF.

Other considerations

- 6.41 For the avoidance of doubt, and in seeking to clarify third party representations, any statutory nuisance can be dealt by way of Environmental Health legislation, namely under the Environmental Protection Act 1990. It is advised that complaints submitted through this channel, allow for such matters to be investigated. Officers view residential amenity to be acceptable from a planning point of view. Further measures are available through the EPA 1990 regime however it is necessary to separate the planning and separate environmental health issues as the Council

cannot rely on another regime to regulate any unacceptable harm caused to amenity by the development. The majority of representations cite wider issues associated with the concurrent application on this site (194408/F), which are considered under that relevant application.

Conclusion

- 6.42 In accordance with the statutory requirement, a determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF affirms at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. As set out in the foregoing paragraphs, officers view is that the development undertaken is considered to accord with the development plan, taken as a whole. A key material consideration is the NPPF, to which officers consider, in light of the above, that the proposal constitutes sustainable development. In respect of highways, it is noted that the objection solely relates to additional car parking which they consider to not be justified. The Local Highways Authority Area Engineer has reviewed the proposal and is concerned that the retention of the car park and associated access road has not been justified and that they may increase vehicle movements to and from the site. Planning policy does not require such evidence to be submitted. The car park is intended to provide separate parking arrangements for staff for the Crumplebury Farm enterprise. There is nothing to suggest that it will give rise to an intensification in use. Any intensification of use would require a planning application to be made.
- 6.43 Of course, given this is a retrospective application, officers are recommending a number of time-sensitive conditions for the applicant to comply with. These are recommended in order to secure a well-rounded development, in the interests of all, particularly in light of the aural and visual amenity currently associated with the current absence of landscaping at this car park, although vast separation distance from neighbouring properties does somewhat alleviate these concerns. Notwithstanding this, landscaping to address these issues where possible is necessary and in the interests of all.
- 6.44 It is recommended that planning permission be granted, subject to the conditions below.

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. **C07 - Development in accordance with the approved plans**
The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. Location Plan; Barn Conversion - As Existing dated March 2020 and Barn Conversion - As Proposed dated March 2020, and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.
2. **C95 – Details of temporary boundary treatments**
By 31 March 2021, temporary boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority, comprising a plan indicating the position, type, design and materials of the boundary treatment to be erected. The boundary treatment shall be implemented within three months of the approved details and shall be retained for a period of 10 years following installation.

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy SD1 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.

3. C98 – Planting

By 31 March 2021, a plan detailing a scheme of planting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall prescribe that at least 5 species of native woody shrubs shall be planted and it shall include details of the species, sizes, quantity, density of planting with cultivation details. All planting shall be carried out in accordance with those details and planted and implemented in the first planting season following approval of details by the Local Planning Authority.

The planting shall be maintained in perpetuity. During the first ten years of maintenance, any shrubs that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of a 10-year maintenance period.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.

4. CK5 – Landscape Maintenance Plan

By 31 March 2021, a schedule of landscape maintenance for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.

5. CAD – Access gates

By 31 March 2021, the access gates to the approved car park shall be removed from the site in perpetuity.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.

6. CD2 - Habitat Enhancement Scheme

By 31 March 2021, information such as an Ecological Clerk of Works report, demonstrating the installation of significant biodiversity net gain enhancements of appropriate habitat boxes for bat roosting, bird nesting and encouraging pollinating insects located within land under the applicant's control should be supplied to and acknowledged in writing by the local authority. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external or radiated lighting from the development should illuminate any biodiversity net gain features.

Reason: The enhancement and potential to improve protected species and biodiversity assets is a necessary requirement to ensure that diversity is conserved and enhanced in accordance with the requirements of the NERC Act 2006 and Policy LD2 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.

7. C57 - Restriction on Use

The building shall be used as an office only and for no other purpose (including any other purpose in Class B1a of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.

8. C64 – Restriction on separate sale

The building; car park and access road and the site known as Crumplebury Ltd shall not be sold, leased or let separately from each other.

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy SD1 of the Herefordshire Local Plan - Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.

9. CNS - Protected Species, Dark Skies and Intrinsically dark landscapes (external lighting)

a) At no time shall any external lighting except in relation to safe use of the approved or existing buildings within the application site be installed or operated; and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

b) No external lighting should illuminate any, boundary feature, highway corridors or adjacent habitats.

c) All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/19) and Policy LU9 of the Whitbourne Neighbourhood Development Plan.

INFORMATIVES:

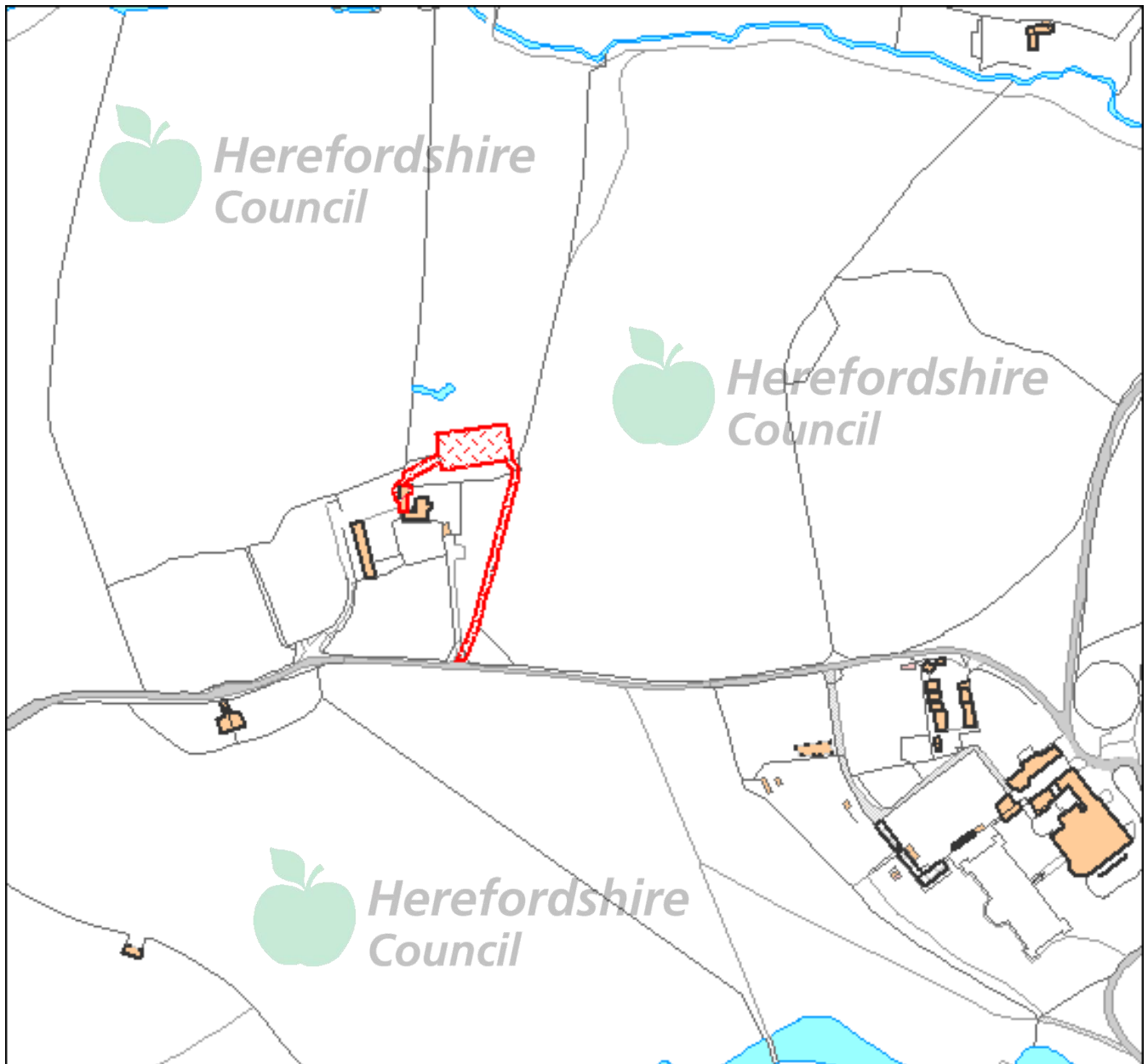
1. IP1 – Application Approved Without Amendment
2. I18 – Rights of Way
3. I33 – General Ecology

4. The applicant's attention is drawn to the changes to the Use Class Order 2020, in that this application was made to the Local Planning Authority before 1 September 2020.

Decision:
Notes:
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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 200500

SITE ADDRESS : CRUMPLEBURY FARM, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5SG

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