

Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 4 September 2024 at 10.00 am

Present: Councillor Terry James (chairperson)
Councillor Clare Davies (vice-chairperson)

Councillors: Polly Andrews, Bruce Baker, Dave Boulter, Simeon Cole, Dave Davies, Elizabeth Foxton, Catherine Gennard, Peter Hamblin, Stef Simmons, John Stone, Richard Thomas and Mark Woodall

In attendance: Councillor Matthew Engel

Officers: Legal Adviser and Development Manager Majors Team

24. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Jacqui Carwardine.

25. NAMED SUBSTITUTES (IF ANY)

There were no substitutes.

26. DECLARATIONS OF INTEREST

There were no declarations of interest.

27. MINUTES

RESOLVED: That the minutes of the meeting held on 21 August 2024 be approved.

28. 232851 - AUBREYS, TO THE WEST OF THE MOUNTAIN ROAD, LLANVEYNOE, LONGTOWN, HEREFORDSHIRE, HR2 0NL (Pages 5 - 8)

The Development Manager Hereford and South team provided a presentation on the application and the updates/representations received following the publication of the agenda. A verbal update was provided on a recent application to Heritage England for listed building status for the farmstead at Aubreys and the implications for decision making on the application.

In accordance with the criteria for public speaking Mrs Tribe, spoke on behalf of Longtown Group Parish Council, Mrs Griffiths, local resident, spoke in objection to the application and Mr Gardener, the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained the location of the proposed development was in a landscape of outstanding and unspoilt quality which should have received statutory protection. The location of the application site was prominent in the Olchon Valley due to its setting high on the hillside. Had an application been received for a new house at the application site it would have been denied. In the present application, policy RA5 of the core strategy was used to make use of existing buildings at the farmstead. It was noted that an earlier application for the

site had been refused and the current application had been adjusted in line with that refusal. The very late receipt of the structural survey concerning the existing buildings (as required under core strategy policy RA5) was raised. The description of the existing buildings on site in the survey was at odds with the assessment of their condition within the officers report. The value of the structural survey from the applicant was questioned as it presented a partial view of the state of the existing buildings. The impact of the proposed development on the landscape was unacceptable. The development would be clearly visible from vantage points around the local landscape and would have a detrimental impact on the beauty and outstanding quality of the local area. There was no support for the application in the Olchon Valley where it was felt that the development would tarnish the beauty of the Valley and harm tourism. It was felt that the case officer's report should contain greater regard for the opinions of the Landscape Officer and Heritage Officer and their objections regarding the impact of the application with reference to core strategy policies LD1 and LD4.

The committee debated the application. There was division among the members of the committee regarding the acceptability of the application.

In judging the application as acceptable some members made the points below:

- the application would be positive in its reinstatement and renovation of heritage buildings. The reuse and repurposing of existing stonework would ensure that the development was not intrusive upon the landscape.
- the prominence of the application site and it's visibility from other vantage points locally was not felt to be a significant concern.

In judging the application as unacceptable some members made the points below:

- the scale of the proposed development, the proposed building materials and the impact upon a sensitive environment was unacceptable. The application site was prominent and exposed on the side of a hill in the Olchon Valley and was visible from a number of local vantage points. The addition to the existing buildings of the new barn, retaining wall, garage and access track would have a significant and unacceptable impact upon the landscape. The application was contrary to core strategy policies SD1, SS6 and LD1 of the core strategy due to its impact on the landscape.
- The scale of the proposed changes to the existing buildings on-site was unacceptable. Regard should be paid to the Heritage officers and Landscape officers' assessments of the proposed changes to the existing buildings which would be detrimental to their original form, appearance and setting. Due to the impact of the proposed modifications to the original buildings, in particular, to their form, appearance and setting, the application was contrary to core strategy policies LD1, LD4, RA3 and RA5 and neighbourhood development plan (NDP) policies LGPC4. The application did not represent reinstatement but rather expansion and change of use from farmstead to residential dwelling and was therefore contrary to core strategy SS1 and NDP policy LGPC4.

The local ward member was given the opportunity to close the debate. In summary, he warned that in the event of an approval of the application a precedent would be set for similar developments in the Olchon Valley which would change the nature of the area.

Councillor Stef Simmons proposed and Councillor Catherine Gennard seconded the refusal of the application due to the unacceptable scale and nature of the modifications to the existing buildings, the scale of the new buildings on site and the detrimental intrusion on the landscape contrary to core strategy polices LD1, LD4, RA3, RA5, SD1, SS1 and SS6 and NDP Policies LGPC4 and 12 (a&b).

The motion was put to the vote and was carried by a simple majority.

RESOLVED – That the application is refused due to the unacceptable scale and nature of the modifications to the existing buildings, the scale of the new buildings on site and the detrimental intrusion on the landscape contrary to core strategy policies LD1, LD4, RA3, RA5, SD1, SS1 and SS6 and NDP Policy LGPC4.

– That the application is refused due to the impact on the landscape, in accordance with those reasons set out in LGPC12 (a & b) of the regulation 16 plan stage (April 2019) of the Longtown Group NDP, specifically contrary to:

- a) Protect the views to and from Offa's Dyke Path and the Brecon Beacons National Park.**
- b) Conserve, restore or enhance the landscape character.**

The meeting ended at 11.22 am

Chairperson

232851 - PROPOSED RESTORATION AND RESIDENTIAL USE OF THE FARMSTEAD AT AUBREYS INCLUDING: THE CONVERSION OF AND EXTENSION OF THE EXISTING FARMSTEAD, PROPOSED DETACHED BUILDING FOR GARAGING, WORKSHOP AND PLANT STORAGE, EXTENSIVE LANDSCAPING AND REWILDING OF THE WIDER SITE, THE INSTALLATION OF AN ACCESS TRACK AND ASSOCIATED WORKS AT AUBREYS, TO THE WEST OF THE MOUNTAIN ROAD, LLANVEYNOE, LONGTOWN, HR2 0NL

For: Ms Gardner per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL

ADDITIONAL REPRESENTATIONS

Five further representations have been received from Dr R Maurice-Williams, Mr N Keeble, Mr Bill Mills, Mr D Stones and the Herefordshire Wildlife Trust, the concerns raised are summarised as follows:

All correspondence can be viewed on the website at:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232851&search-term=232851

Objection from Mr Stones is also appended.

- extensive new development will spoil the remote landscape of the upper Olchon valley.
- the new ancillary building is well away from the present farmstead and interferes with the ancient field pattern which is visible from the other side of the valley. This will contravene the landscape policy guidance document 2023 section 7.
- the existing farm is derelict and needs to be rebuilt. The core strategy policy RA5 says that the property has to be restored without major new building and without any extensions and ancillary buildings. This application does not fit in with these criteria.
- Structural survey of building should be a pre-requisite for validation – real risk of significant loss of historic fabric
- Notice given by one representation (from Nicholas Keeble) that an application to Historic England for listing the entire structure was submitted (Thursday 29 August)
- Allowing the development on an LWS could set a precedent for future planning applications which could negatively impact the LWS designations
- Scale of landscape impact remains significant and this is not outweighed by the works to restore that farmstead which in terms of their scale fundamentally alter and detract from their value
- The proposed drainage strategy does not comply with the Environment Agency's General Binding Rules and permission should not be granted without evidence of a viable drainage strategy
- Incorrect assumptions made about the flows within the adjacent watercourses with evidence provided of no flows
- Photographic evidence of flooding of the Mountain Road also provided
- Whilst mitigations have been recommended which could replace details such as roosting sites once an existing habitat is lost it is not easy to replicate or to replace the value of that habitat
- current proposal for track passes directly through the LWS but the application area also includes the field to the South which lies outside of the LWS boundary. It might be

possible to reduce the impacts of the development by redirecting the proposed track through this field. Reducing the amount of the development within the actual LWS boundary could reduce the risk to the LWS habitats

- we note that the Phase 1 survey is dated August 2021 which is now 3 years ago and therefore may not provide a current view of the ecological status of the site.
- We believe that in its current form the above application may conflict with LD2 – Biodiversity and Geodiversity

OFFICER COMMENTS

For the avoidance of doubt a structural appraisal is not a national validation requirement and at present Herefordshire Council does not have a local list requiring such as a pre-requisite to validation. Nevertheless, further to the publishing of the report, the applicant has commissioned a Structural Survey of the farmhouse and buildings which took place on 28 August 2024 and was submitted to the LPA on 2 September.

In summary, the report advises that the remaining elements of the buildings are capable of being retained. In particular, crack stitching, repointing, roof replacement and floor installation is recommended for the farmhouse whereas the design and construction of new roofing will be required for the remnant farm buildings. What is evident from the report is that the standing remains of the farmstead can be retained, underpinned with new floors created thereby preserving the historic fabric alongside the recommended use of traditional techniques to carry out the new work and works of repair.

Having regard to the support offered by policy LGPC4 for the re-instatement of historic farmsteads it is considered that this report provides sufficient evidence of the ability to retain the existing fabric through the implementation of the project. Notwithstanding this, condition 7 remains valid in terms of providing for a further detailed level of clarification as to how the existing fabric will be retained during construction. This accords with the requirements of the Principal Building Conservation Officer in the event that permission is granted.

The Council has received confirmation that the listing application referred to above has a reference number and is being actively considered by Historic England Midlands. Historic England have advised that there is no certainty as to when the listing application will be considered although they will try to achieve this by the agreed determination date of 6 September. There is however no guarantee that it will be completed by this date but Historic England have made clear that they respect the right of the Council to proceed with the determination of the planning application and advise that in practice, if the buildings are listed then it would likely be necessary for a separate Listed Building Consent application to be submitted. The legal advice in respect of this latest development will be covered in the presentation but for clarity, the current position is a matter for the decision maker to consider and accord appropriate weight to. It is however your officers view that in light of the early stage that the application for listing is at, it should be afforded only limited weight.

The assessment of this application has properly considered the heritage value of the farmstead and at no time over the last 3 or so years that the various proposals for the site have been under consideration has there been any suggestion from the Principal Building Conservation Officer that the farmstead is worthy of listing. Instead the approach has been to try to promote the most appropriate balance between the interests of securing a viable and beneficial use of the buildings in a manner that respects their character and setting. This is considered to be reflected in the terms of policy LGPC4 of the Longtown Group Neighbourhood Development which identifies the site as one for potential reinstatement.

With regard to the further representation regarding the drainage strategy, it is maintained that the Council's advisor is satisfied that a viable drainage solution can be achieved and as such recommends a condition. The compliance or otherwise with the General Binding Rules is a separate matter from the determination of the application and would be a matter for the applicant to address directly with the Environment Agency.

In response to the comments received from the Herefordshire Wildlife Trust, the Ecologist has provided the following updated response

The initial Phase 1 Ecology Survey for the site was undertaken in August 2021, there have been further visits and reports relevant to the condition of site throughout 2022 and 2023 with the most recent update being undertaken in June 2024.

I note the comments from Herefordshire Wildlife Trust and their concerns over the track passing through part of the Black Mountains Woodland SWS. The access track has been re-designed so although the access track still goes through SWS, it is only within the lower ecological value area dominated by bracken and through an area of habitats for which the site is not designated. There is proposed mitigation to create and enhance habitats within the site.

The access track has been designed in this way to reduce the visual impact by taking it through a less visible field and avoiding parking and turning at the front of the buildings in order to better preserve their undeveloped setting.

It is also confirmed that there will be no loss of irreplaceable habitat associated with the development proposed within the Special Wildlife Site.

NO CHANGE TO RECOMMENDATION

