

AGENDA

Planning Committee

Date: **Wednesday 13 October 2010**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor TW Hunt
Vice-Chairman	Councillor RV Stockton
	Councillor ACR Chappell
	Councillor PGH Cutter
	Councillor H Davies
	Councillor GFM Dawe
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor JW Hope MBE
	Councillor B Hunt
	Councillor RC Hunt
	Councillor G Lucas
	Councillor RI Matthews
	Councillor JE Pemberton
	Councillor AP Taylor
	Councillor DC Taylor
	Councillor WJ Walling
	Councillor PJ Watts
	Councillor JD Woodward

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AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 1 September 2010.	1 - 12
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	13 - 16
7.	DMSE/100966/F - PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX. Application (part retrospective) to erect, take down and re-erect polytunnels, rotated around fields as required by the crops under cultivation (soft fruit).	17 - 44
8.	DMNW/100435/F - LOWER FIELD AT ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ. Retrospective re-application for change of use of land from agricultural to one family travellers site including stationing of one caravan, shed and ancillary structure.	45 - 54
9.	DMNW/100558/F - ASHFIELD BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ. Change of use from agricultural land to one family traveller site to include the stationing of one living vehicle, storage boxes & shed.	55 - 62
10.	DMNC/091832/F - LEDWYCHE FARM, BLEATHWOOD, LITTLE HEREFORD, HEREFORDSHIRE, SY8 4LF. Change of use of land for stationing of caravans to provide 1 no. residential mobile home for agricultural workers employed in free range egg production.	63 - 68
11.	DMS/101741/O - MOREBOROUGH, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BE. Erection of 2 dwellings, construction of new vehicular access and associated works.	69 - 76
12.	DMS/101822/FH - STONE LEA, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU. Proposed single storey extension and alterations to car parking arrangements.	77 - 82

13. DATE OF NEXT MEETING

Date of next site inspection - Tuesday 2 November 2010 [TBC]

Date of next meeting - Wednesday 3 November 2010

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 1 September 2010 at 10.00 am

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: PGH Cutter, GFM Dawe, DW Greenow, KS Guthrie, JW Hope MBE, B Hunt, RC Hunt, G Lucas, RI Matthews, JE Pemberton, AP Taylor, DC Taylor, PJ Watts and JD Woodward

In attendance: Councillors WLS Bowen and RH Smith

30. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H Davies and WJ Walling.

31. NAMED SUBSTITUTES (IF ANY)

There were no substitute members present at the meeting.

32. DECLARATIONS OF INTEREST

7. DMSW/100855/F - Land at or near Windmill Hill, Pencoyd Court & Trevase Farms, also Court Farm at Much Birch, Herefordshire, HR2.

Councillor DW Greenow, Personal, Acquaintance of the applicant.

8. DMS/101334/CD - Hampton Dene Primary School, Church Road, Hereford, Herefordshire, HR1 1RT.

Councillor JE Pemberton, Personal, Council appointed school governor.

33. MINUTES

RESOLVED: That the Minutes of the meeting held on 11 August 2010 be approved as a correct record and signed by the Chairman.

34. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced all of the Officers present at the meeting.

35. APPEALS

The Committee noted the report.

36. DMSW/100855/F - LAND AT OR NEAR WINDMILL HILL, PENCOYD COURT & TREVASE FARMS, ALSO COURT FARM AT MUCH BIRCH, HEREFORDSHIRE, HR2

Proposed erection of polytunnels (retrospective).

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Murphy, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RH Smith, the local ward member, commented on a number of issues, including:

- That the application was complex and sensitive and sought to ratify and formalize the current usage of the site.
- Work had commenced on the application 3 years ago, it had taken a considerable amount of time due to the complexity of the material considerations; the number of policies to be considered; the requirement for an Environmental Impact Assessment; and the applicants' intent to submit an acceptable application.
- Each of the eight principal planning issues had been met and addressed.
- Buffer zones around neighbouring residents' homes would address some concerns from the local people.
- The application would not result in increased traffic movements.
- The application should be approved as recommended by the Planning Officer.

The Committee noted the visual impact of the polytunnels but also discussed the essential role they played in the soft fruit growing process. The Committee noted the conditions and felt that compliance of the conditions would alleviate the concerns raised in respect of landscaping. They also requested that the Council's enforcement team monitor the site closely to ensure compliance.

Councillor Smith was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his opening statements in support of the application.

RESOLVED

It be recorded that the Environmental Statement and associated documents including the Statement of Community Consultation have been taken into account in making this recommendation.

That planning permission be granted subject to the following conditions:

- 1 No more than 20 hectares of Zone 1 shall be covered with polytunnels, or any part or parts thereof excepting the legs at any one time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage.**

Reason: In order to safeguard and maintain the the visual amenity of the area and to ensure that the development conforms with Policies DR1, LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan.

- 2 No more than 25 hectares of Zone 2 shall be covered with polytunnels, or any part or parts thereof excepting the legs, at any one time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage.**

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure the development conforms with Policies DR1, LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan 2007.

- 3 No more than 10 hectares of Zone 3 shall be covered with polytunnels, or any part or parts thereof excepting the legs, at any one time, for which**

purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure the development conforms with Policies DR1, LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan 2007

- 4 No polytunnel shall exceed 4 metres in height above existing ground level.**

Reason: To control the impact of the development within the landscape in accordance with Policy LA2 of Herefordshire Unitary Development Plan 2007.

- 5 No polytunnel shall be sited within 30 metres of the boundary of any residential curtilage of any dwellinghouse or within 50 metres of any dwellinghouse that lies outside the confines of the application site, but excluding property in the ownership of the applicants.**

Reason: To safeguard the amenities of the occupiers of dwelling houses in the immediate vicinity in accordance with policy DR1 of the Herefordshire Unitary Development Plan 2007

- 6 No later than 30 November in any calendar year, the applicant (or his successor in title to the parcel of land in question, as the case may be) shall apply in writing to the Local Planning Authority for its approval of a proposed scheme for the siting and rotation of polytunnels for the following year. The application shall be delivered to the Local Planning Authority. The scheme shall be implemented as approved or amended by the Local Planning Authority, save that where no approval or amendment to the proposed scheme is given in writing by the Local Planning Authority within eight weeks of its delivery, the scheme shall be implemented as proposed.**

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Herefordshire Unitary Development Plan Policies DR1, LA2, LA5, LA6 to enable the local planning authority to practically monitor the development.

- 7 All existing trees and hedgerows upon the land shall be retained unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that the development hereby permitted is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 8 In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnels which includes the supporting structures shall be removed from the application site within a period of twelve months.**

Reason: To ensure that the development hereby permitted is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 9 None of the polytunnels hereby permitted shall be covered in polythene from 30 November until 31 December in any calendar year nor during the**

month of January in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the majority of the polytunnels hereby permitted are not covered in polythene outside of the growing periods thus ensuring that the cumulative visual impact is lessened, in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 10 The recommendations for habitats, protected species and habitat management set out in the ecologist's submitted report dated 12 September 2009 should be followed unless otherwise agreed in writing with the local planning authority. The approved management scheme shall be implemented in full accordance with the stated timescales and maintained thereafter.

A full habitat creation, enhancement and management scheme based upon the FWAG report dated 12 September 2009 shall be submitted to the local planning authority within 3 months of the date of planning permission. This shall include large scale plans of the sites and shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the local planning authority.

An appropriately qualified and ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement works.

Reasons:-

- A) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, & C) Regulations 1994 (as amended) and policies NC1, NC5, NC6, and NC7 of the Herefordshire Unitary Development Plan 2007;
- B) To comply with Herefordshire Council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Bio-Diversity and to meet the requirements of Planning Policy Statement 9 'Biodiversity and Geological Conservation' and the NERC Act 2006.

- 11 Notwithstanding the submitted landscaping proposals, a fully detailed comprehensive landscaping plan detailing areas of reinforcement of shelter belt planting, planting of a woodland shelter belt(s) together with the identification of new cross-field hedgerows and a planting timetable and long term management plan shall be submitted within 3 months of the date of planning permission being granted.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of the Herefordshire Unitary Development Plan.

- 12 The landscaping scheme approved under condition 11 shall be carried out in the first planting season following the date of planning permission being granted. The landscaping shall be carried out in accordance with the approved plan and the long term management plan.

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of the Herefordshire Unitary Development Plan.

- 13 No polytunnels shall be sited within 2 metres of the centre line of any public right of way within or adjacent to the site.

Reason: To ensure that no public right of way is obstructed and to ensure that enjoyment is safeguarded in accordance with Policy T6 of the Herefordshire Unitary Development Plan 2007.

- 14 Within three months of the date of planning permission a detailed scheme for the provision of surface water drainage works (including a maintenance schedule) is to be submitted and approved in writing by the local planning authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal as recommended by the Environment Agency and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 15 Within three months of the date of planning permission a scheme to adequately treat the level of suspended soils in surface water is to be submitted and approved in writing by the local planning authority in consultation with the Environment Agency.

Reason: To prevent the increased risk of soil erosion and control of sedimentation to the Gamber and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 16 Within three months of the date of planning permission a Site Waste Management Plan is to be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the provisions of the approved plan.

Reason: In the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies S10 and DR4 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1 The reasons for granting planning permission in respect of the development are:-

It is recognised that the continued use of polytunnels upon the site creates benefits to the local rural economy and the proposal, including the enhanced landscaping requirements is considered to mitigate any harm caused to the character and appearance of the site and surrounding countryside. It is not considered that there are any other environmental reasons to justify refusal of the application. In forming this conclusion the Local Planning Authority have had full regard to the relevant Central Government advice, the policies of the Herefordshire Unitary Development Plan 2007, the guidance contained within Herefordshire Council's 'Polytunnels Supplementary Planning Document' and the extent to which the Environmental Statement addressed the environmental impacts associated with this retrospective proposal.

- 2 N11A Wildlife and Countryside Act 1981 (as amended) – Birds.

- 3 N11C General.

- 4 The applicant is advised to engage the services of a suitably qualified landscape consultant to supervise the implementation of the landscaping and its subsequent maintenance.**

[Councillor GW Dawe wished for it to be noted that he abstained from voting on this agenda item]

37. DMS/101334/CD - HAMPTON DENE PRIMARY SCHOOL, CHURCH ROAD, HEREFORD, HEREFORDSHIRE, HR1 1RT

Replace existing pre school nursery mobile accommodation with a new mobile in same location, and provide signage at pedestrian gate entrance.

The Principal Planning Officer gave a presentation on the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AP Taylor, one of the local ward members, advised the Committee that he was in support of the application.

In response to a question the Principal Planning Officer advised that a 5 year temporary permission was being sought in order to address some of the concerns raised by Sport England.

RESOLVED

- a) **That the Committee does not propose to refuse this application; and**
- b) **a consultation is undertaken with the Secretary of State, as required by the Town and Country Planning (Consultation) (England) Direction 2009; and**
- c) **subject to the Secretary of State notifying the Council that it is not intended to issue a direction in respect of the application the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the conditions as set out below, and any other conditions considered necessary.**

1 F18 Temporary permission.

2 B06 Implementation of one permission only.

3 B01 Development in accordance with the approved plans.

4 H30 Travel Plans.

INFORMATIVES:

1 N15 Reason(s) for the Grant of PP/LBC/CAC.

38. DMCE/100586/F- LAND AT WHITETHORN FARM, CAREY, HOARWITHY, HEREFORDSHIRE, HR2 6NG

Retention of two existing and siting of one further mobile home to be occupied by seasonal agricultural workers.

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were

provided; the schedule of committee updates is appended to these minutes. An additional email of objection had been received subsequent to the preparation of the updates sheet, the email was summarised for Members.

In accordance with the criteria for public speaking, Mr Soble, the applicant, had registered to speak in support of his application but was not present at the meeting.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor GFM Dawe, the local ward member, commented on a number of issues, including:

- That the site was home to a large agricultural complex which fell within the AONB.
- The impact of the application on the site and the surroundings warranted a Member site visit.

Councillor Dawe was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his opening statements in support of a site visit to the application site.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 F21 Temporary permission – ten years (mobile home/caravan). The caravans should also be removed from the site in the event that the existing business ceases.**
- 2 The occupation of the caravans shall be limited to persons employed in agriculture at Whitethorn Farm, Carey, HR2 6NG.**

Reason: The accommodation and associated development proposed under this application is only considered acceptable on the basis of the functional need associated with the growing of fruit and vegetables on the land surrounding the application site and to comply with Policy H8 of the Herefordshire Unitary Development Plan.

- 3 Within two months of the date of this permission, the colour including the BS number for all exterior surfaces of the mobile homes hereby permitted shall be submitted for approval in writing of the local planning authority. The existing mobile homes shall be coloured in accordance with the approved details within four months of the date of this permission and the additional mobile home coloured in accordance with the approved details prior to being occupied.**

Reason: To protect the visual amenities of the area and to ensure the development conforms with Policies LA1 and DR1 of the Herefordshire Unitary Development Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order with or without modification, no other caravans shall at any time be placed on the land identified in blue outlined on the plan titled 'Farm Regime' and dated May 2010.**

Reason: To prevent the further proliferation of mobile homes in order to safeguard the visual amenity of the area and to ensure the development

conforms with Policies LA1 and DR1 of the Herefordshire Unitary Development Plan.

5 F31 Static holiday caravan occupancy (November to March inclusive).

Informatives:

1 N19 Avoidance of doubt - Approved Plans.

2 N15 Reason(s) for the Grant of PP/LBC/CAC.

39. DMN/101785/F- OUTBUILDING AT HARBOUR HOUSE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SE

Conversion of outbuilding to residential dwelling.

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor WLS Bowen, the local ward member, commented on a number of issues, including:

- The officer's presentation addressed the application thoroughly
- The site was visible from the highway and was of importance to the village of Kingsland.
- The cider mill would be retained as a feature for the garden area.
- The dwelling would be occupied by local residents.
- The new dwelling would share an entrance from the highway with the existing dwelling.

Members discussed the application and felt that it would improve the existing building greatly. They thoroughly supported the application.

Councillor Bowen was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his support for the application and thanked the Committee for their comments.

RESOLVED

That planning permission be granted subject to the following conditions:

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

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to residential developments of five dwellings or less.

2 B01 Development in accordance with the approved plans.

3 C01 Samples of external materials.

4 C08 Amended Plans

- 5 D04 Details of window sections, eaves, verges and barge boards.
- 6 D05 Details of external joinery finishes.
- 7 D12 Repairs in situ.
- 8 Prior to the commencement of the development hereby approved a detailed schedule of the repairs to the timber frame shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the integrity of the building as one in a conservation area and of local interest is preserved and to ensure compliance with Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

- 9 Before the first occupation of the dwelling, the cider press shall be re-located to the position as shown on the approved plan and shall be thereafter retained in perpetuity unless first agreed in writing with the local planning authority.

Reason: To ensure that the integrity of the building as one in a conservation area and of local interest is preserved and to ensure compliance with Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

- 10 The truss and dwarf wall shown to be retained on the plans hereby approved shall be retained in perpetuity and shall not be removed or altered unless first agreed in writing with the local planning authority.

Reason: To ensure that the integrity of the building as one in a conservation area and of local interest is preserved and to ensure compliance with Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

- 11 F14 Removal of permitted development rights.
- 12 F16 No new windows in specified elevation.
- 13 H13 Access, turning area and parking.
- 14 K4 Nature Conservation – Implementation.
- 15 L01 Foul/surface water drainage.
- 16 L02 No surface water to connect to public system.
- 17 L03 No drainage run-off to public system.

INFORMATIVE:

- 1 N15 - Reason(s) for the Grant of Planning Permission.

40. DATE OF NEXT MEETING

Members noted that the meeting of the Planning Committee scheduled for 22 September 2010 had been cancelled.

The next meeting would therefore take place on 13 October 2010 with a training session scheduled at the conclusion of the meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 11.20 am

CHAIRMAN

PLANNING COMMITTEE

Date: 1 September 2010

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.

DMSW/100855/F - Proposed erection of polytunnels (retrospective) at Land at or near Windmill Hill, Pencoyd Court & Trevase Farms, also Court Farm at Much Birch, Herefordshire, HR2

For: A J & C I Snell per Mr Andrew Murphy, The Courtyard, 9 Timothy's Bridge Road, Stratford-Upon-Avon, Warwickshire, CV37 9NP

OFFICER COMMENTS

Paragraph 3.2 of the report should be deleted. This refers to another site and not the application site and was included inadvertently.

An additional condition should be attached regarding site waste management, which is consistent with advice received from the Environment Agency currently and for other approved sites for polytunnels. The proposed condition is set out below.

CHANGE TO RECOMMENDATION

Within three months of the date of planning permission development shall a Site Waste Management Plan is to be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the provisions of the approved Plan.

Reason: In the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies S10 and DR4 of Herefordshire Unitary Development Plan.

DMCE/100586/F- Retention of two existing and siting of one further mobile home to be occupied by seasonal agricultural workers at land at Whitethorn Farm, Carey, Hoarwithy, Herefordshire, HR2 6NG

For: Mr Soble per Mr Paul Smith, 12 Castle Street, Hereford, Herefordshire, HR1 2NL

ADDITIONAL REPRESENTATIONS

One further e-mail received from Mrs Drury. The main points raised are:

- The activities at the farm have had a detrimental change to the character and value of the AONB and cause noise and disturbance to neighbours.
- The applicant has a history of non-compliance with planning regulations
- UDP Policy H7 relating to new housing in the countryside is also relevant as it is linked with policy H8
- The application is contrary to the UDP as it has not been demonstrated there is a need for three mobile homes and the application should be deferred until this information is provided
- A condition should be imposed requiring the caravans be removed if the agricultural business ceases.

OFFICER COMMENTS

- The report does not identify landscape harm but does acknowledge an impact on the AONB
- Some of the additional comments made relate to the farm as a whole rather than specifically to the development applied for.
- The criteria in policy H7 relates more to permanent residential accommodation
- Sufficient information has been provided and gathered to demonstrate a need for three mobile homes.
- Condition 1 can be amended as suggested.

CHANGE TO RECOMMENDATION

Amend condition 1 to include a requirement the caravans are removed in the event the existing business ceases

DMN/101785/F - Conversion of outbuilding to residential dwelling at Outbuilding at Harbour House, Kingsland, Leominster, Herefordshire, HR6 9SE

For: Mr & Mrs G Schenke, Outbuilding at Harbour House, Kingsland, Leominster, Herefordshire, HR6 9SE

OFFICER COMMENTS

An additional condition is required to be imposed following the submission of amended plans. The amendments relate to the annotation of the plans and do not materially alter the nature of the scheme as a whole.

CHANGE TO RECOMMENDATION

Addition of condition C08 (amended plans)

MEETING:	PLANNING COMMITTEE
DATE:	13TH OCTOBER 2010
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. DMSE /100420/O

- The appeal was received on 13 August 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr T Egan
- The site is located at Land adjacent to Alton Business Park, Alton Road, Ross On Wye
- The development proposed is the erection of a 60 bed (maximum) care home for the elderly
- The appeal is to be heard by Written Representations

Case Officer: Mr D Thomas on 01432 261974

Application No. DMNC /101271/F

- The appeal was received on 24 August 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr C Probert
- The site is located at 22 Westfield Walk, Leominster
- The development proposed is proposed 2 No. dwellings & access (Resubmission of DMNC/100070/F).
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261795

Further information on the subject of this report is available from the relevant case officer

Application No. DMS /101200/O

- The appeal was received on 8 September 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr J Lane
- The site is located at The Nutshell, Symonds Yat West, Herefordshire, HR9 6HG
- The development proposed is residential development to replace existing garage with dependant
- The appeal is to be heard by Written Representations

Case Officer: Mr Duncan Thomas on 01432 261974

Application No. DMSE /100514/F

- The appeal was received on 10 September 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Tapsell
- The site is located at Holmes Grove, Upton Bishop, Ross on Wye, Herefordshire, HR9 7UQ
- The development proposed is the change of use of land - three log cabins for residential nomadic use
- The appeal is to be heard by Inquiry

Case Officer: Mr D Thomas on 01432 2601974

Application No. DMCE /093310/F

- The appeal was received on 13 September 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr R Lloyd
- The site is located at Priors Court Barns, Upper Dormington, Herefordshire, HR1 4EG
- The development proposed is a rural workshop
- The appeal is to be heard by Written Representations

Case Officer: Mr A Donaghey on 01432 261981

Application No. DMN /100813/O

- The appeal was received on 14 September 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr D Field
- The site is located at Land off Queens Court, Ledbury, Herefordshire, HR8 2AL
- The development proposed is the erection of one pair of semi detached 2 bedroomed houses
- The appeal is to be heard by Written Representations

Case Officer: Mr R Close on 01432 261803

Application No. DMSE/101260/F

- The appeal was received on 21 September 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr D Williams
- The site is located at Long Ridge, Linton, Ross On Wye, Herefordshire, HR9 7RS
- The development proposed is a proposed extension to holiday accommodation

Further information on the subject of this report is available from the relevant case officer

- The appeal is to be heard by Written Representations

Case Officer: Mr D Thomas on 01432 261974

Application No. DMN/090923/O

- The appeal was received on 22 September 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr B Gray
- The site is located at Land Adjacent To Bathfield, Hope-Under-Dinmore, Leominster, Herefordshire HR6 0PX
- The development proposed is the siting of a wooden cabin in connection with an established equine enterprise for training horses under rules and stud
- The appeal is to be heard by Hearing

Case Officer: Mr C Brace on 01432 261795

APPEALS DETERMINED

Application No. DCCE2009/0555/F

- The appeal was received on 15 October 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs C Jago
- The site is located at Tarrington Court, Tarrington
- The application was refused on 22 July 2009
- The development proposed was the retention of arch and rebuilding of wall. Conversion of existing hay loft to a flat in the Coach House
- The main issue is the effect of the proposed development on the setting of the listed buildings

Decision: The appeal was **ALLOWED** on 4 June 2010.

An application for the award of costs, made by the appellant against the Council, was **DISMISSED**.

Case Officer: Mr S Withers on 01432 260612

Application No. DCCE2009/0556/L

- The appeal was received on 15 October 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs C Jago
- The site is located at Tarrington Court, Tarrington
- The application was refused on 22 July 2009
- The development proposed was the retention of arch and rebuilding of wall. Conversion of existing hay loft to a flat in the Coach House
- The main issue is the effect of the proposed development on the setting of the listed buildings

Decision: The appeal was **ALLOWED** on 4 June 2010.

An application for the award of costs, made by the appellant against the Council, was **DISMISSED**.

Case Officer: Mr S Withers on 01432 260612

If members wish to see the full text of decision letters copies can be provided.



MEETING:	PLANNING COMMITTEE
DATE:	13 OCTOBER 2010
TITLE OF REPORT:	<p>DMSE/100966/F - APPLICATION (PART RETROSPECTIVE) TO ERECT, TAKE DOWN AND RE-ERECT POLYTUNNELS, ROTATED AROUND FIELDS AS REQUIRED BY THE CROPS UNDER CULTIVATION (SOFT FRUIT) AT PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX</p> <p>For: Mr NJ Cockburn per Antony Aspbury Associates, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</p>

Date Received: 26 April 2010

Ward: Old Gore

Grid Ref: 355972,228695

Expiry Date: 24 August 2010

Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 The application seeks a 10 year planning permission to enable the applicant to erect, take down and re-erect polytunnels rotated around fields as required by the soft fruit crops under cultivation at Pennoxstone Court Farm, Kings Caple, Herefordshire. The application also aims to regularise the currently unauthorised use of polytunnels on the holding in the context of earlier unsuccessful planning applications and enforcement notices.
- 1.2 The village of Kings Caple, with Pennoxstone Court Farm lying on its south-western fringe, is situated on a spur of land on the eastern side of the Wye Valley, overlooked by rising ground to the west and south. The six broad areas that comprise the application site are dispersed around the King's Caple spur, which falls within the landscape type Principal Settled Farmlands, as defined by Herefordshire Council's Landscape Character Assessment 2004 (updated 2009). The lower lying ground – the River Wye floodplain – is described as Riverside Meadows.
- 1.3 This part of the Lower Wye Valley is highly sensitive from landscape, historic building, archaeological and ecological perspectives and is within the Area of Outstanding Natural Beauty. The Kings Caple spur of land is particularly rich in terms of historic parks and gardens. Pennoxstone Court, Poulstone Court and Aramstone, which are all located on the Kings Caple spur, with Caradoc Court, located on a scarp to the south of the river, are historic parks of local interest. The Grade I listed St. John the Baptist's church, in Kings Caple and the Caple Tump Motte, a Scheduled Ancient Monument, are located on this highest point of the Kings Caple spur. The River Wye itself is designated as a Site of Special Scientific Interest and a Special

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

Area of Conservation (SAC). The site is also visible from a range of elevated public vantage points, including public rights of way to the west of the application site.

- 1.4 Soft fruit has been grown at Pennoxstone Court since the 1960s. Polytunnels have been employed since the 1990's but their use expanded significantly from 2001 in response to increased demand for British produce. The business specialises in the production of strawberries, raspberries and blueberries grown in the ground predominantly under Spanish polytunnels. Each polytunnel is about 3 metres high and between 6.5m – 7.5m wide; sufficient for tractor access and for workers to tend the crop and harvest the fruit under cover. The tunnels are linked together in blocks, and consist of metal legs mechanically wound into the ground, each with a Y-shaped attachment on top. The curved metal hoops are then added to the "Y" pole and thus connected in linked rows. Wires connect and stabilise the legs and hoops, and the polythene coverings are secured with ropes. In the winter the polythene is normally stripped back and stored on top of the "Y" attachments. The smaller French polytunnels also employed are not joined together in this fashion and are not as resistant to high winds.
- 1.5 An application for planning permission to regularise the tunnels then erected on part of the current application site (that is the area of the applicant's freehold ownership around Pennoxstone Court, together with the rented 'Top Ruxton', 'Windmill', and 'George Harris' fields) was submitted in October 2006 and withdrawn in December 2006. At the time, polytunnels were principally located on the west and south-west facing slopes of the Wye Valley meander (i.e. Front Meadow, Wetlands, Lower Fishpool and Garden Fields), but with three additional fields adjacent the farmstead (Nursery, Packhouse and Plum) and on two separate blocks of rented land; one to the north of Kings Caple Church (Windmill Field) and the other to the South-east at Poulstone Court (George Harris).
- 1.6 An Enforcement Notice was served on 26 February 2007 in relation to the polytunnels then erected on the site. An Appeal against the notice was heard at a Public Inquiry in November 2007. The Inspector confirmed the Tuesley Farm case by determining that polytunnels constitute development requiring planning permission and then considered the planning merits of the development encompassed by the 'deemed' planning application.
- 1.7 He found that a total of 9.86 hectares on Plum Field, Nursery Fields and parts of Lower Fishpool and Windmill Fields to be lawful through the passage of time i.e. they had been in place continuously for in excess of four years and had thus become immune from enforcement action.
- 1.8 Garden Field was not considered under the Appeal as there were no tunnels present at the time of the service of the Enforcement Notice.
- 1.9 The Inspector determined that, of the remaining fields, it was those on the Wye Valley sides that were the most sensitive in landscape terms and concluded that the tunnels then erected on these fields conflicted with the protection that ought to be afforded to the Area of Outstanding Natural Beauty and thus upheld the Notice in respect of Front Meadow, Wetland and Lower Fishpool Fields (excluding the 0.8 hectares of lawful tunnels) and in respect of the western half of George Harris Field because of the impact on the unregistered historic park and garden at Poulstone Court.
- 1.10 The Inspector granted temporary two-year permissions in relation to the tunnels on Packhouse Field and a block in the south-eastern corner of Windmill Field. Here the Inspector adjudged the visual impact of these specific areas to be slight in the context of the lawful areas adjoining them and considered the two-year period to be sufficient for the Council to review the case for the polytunnels on a rotational basis. This permission expired on 8 January 2010.

1.11 The need to remove polytunnels from the valley sides of the River Wye was thus apparent and two concurrent planning applications (DCSE2008/3036/F and DCSE2008/3040/F) were submitted in December 2008. The 'whole farm' application (DCSE2008/3036/F) was predicated upon the removal of tunnels from the valley sides (excepting Garden Field, which was the subject of DCSE2008/3040/F for a temporary 2 year period), with rotation, landscape mitigation and a commitment to a ceiling of 35 hectares of polythene coverage at any one time, the core themes of the strategy to overcome the refusal reason relating to the landscape and visual harm caused to the Area of Outstanding Natural Beauty. Both applications were refused under delegated powers by notice dated 17 September 2009. The refusal reasons for the 'whole farm' application were as follows:

1. *Having regard to Herefordshire Unitary Development Plan Policies LA1, LA2 and LA6 and Guidelines 2, 3, 4 and 5 of the Polyunnel Supplementary Planning Document the proposal is considered to be unacceptable. The proposed erection of polytunnels within the Wye Valley Area of Outstanding Natural Beauty is not considered to be small-scale, (and) will adversely affect the intrinsic natural beauty of the landscape. The detailed economic benefit of the proposal is not considered to outweigh the acknowledged harm to the Wye Valley Area of Outstanding Natural Beauty.*
2. *Having regard to Herefordshire Unitary Development Plan Policy LA4 and Guideline 8 of the Polyunnel Supplementary Planning Document, the proposal is considered to be unacceptable. The close proximity of the polytunnels to Poulstone Court, for a period of four years, will have an adverse effect on the character and setting of the unregistered parkland.*
3. *Having regard to Herefordshire Unitary Development Plan Policies DR2 and E13 and Guidelines 9, 10 and 12 of the Polyunnel Supplementary Planning Document the proposal is considered to be unacceptable. The proposed siting of polytunnels in relation to residential dwellings, the proposed landscape mitigation, the use of field accesses within buffer zones and the associated vehicle movements are considered to prejudice the amenity and continued use of adjoining land and buildings.*

The Proposal

1.12 The planning application includes all of the fields referred to previously, but with the addition of three extra fields that the applicant has rented; Ellen Field (to the north of the village), Forty Acre Field (to the north-east of the village), and Old Sward (situated at the eastern edge of the village). Thus the intention is now to rotate polytunnels around a wider area, which it is submitted will lead, together with additional soft landscaping, to a substantially reduced impact upon the landscape character and visual amenity of this section of the Lower Wye Valley Area of Outstanding Natural Beauty. The proposal is now to limit the total coverage of covered polytunnels to no more than 25 hectares at any one time, which would appear to amount to a contraction of the business against the predecessor application with its 35 hectare ceiling. However, the application explains that this is not the case in practice and that there would be no material change in the maximum area of polytunnels that would be covered at any one time. It is explained that the previously proposed 35 hectare ceiling was intended to allow "a greater margin of flexibility/more 'headroom' within the polytunnel rotation process and was not intended to imply a higher level of actual polytunnel coverage. It is submitted that with the current application (and indeed its predecessor), the 25 hectares maximum of covered tunnels at any one time will be spread around the total area available (83 hectares) for soft fruit cropping and will not be concentrated either all in one block or in contiguous blocks. The applicant is also willing to accede to a condition to restrict the area of uncovered frames to 12.5 hectares. The effect is that no more than 37.5 hectares could be covered with polytunnel frames at any one time. A plan is attached which identifies the fields which are subject of this application.

- 1.13 Thus the overall holding (i.e. the red lined application site area) is 153 hectares, of which 81.5 hectares are owned freehold by the applicant. The remainder is rented on Farm Business Tenancies. Of the 153 hectare total site area, some 70 hectares would constitute a 'polytunnel exclusion zone.' That is, an area where polytunnels would not be erected at any time. This exclusion zone, which includes most of the fields that lie on the Valley slopes and were previously considered inappropriate for tunnelling by the Appeal Inspector, leaves a net area of 83 hectares overall, within which it is proposed to rotate polytunnels from season to season and within seasons.
- 1.14 Further material submitted as part of the current application includes an indicative 10-year whole farm rotation plan explaining the full extent of coverage over the whole season (typically between 40 and 45 hectares), of which only 25 hectares would be covered with polythene at any one time – with the exception of the transitional periods as described above. It should be noted that these figures are inclusive of the 9.86 hectares of lawful tunnels. The application also includes plans across a representative sample of the 10-year rotation projections (Spring and Autumn 2012, 2017 and 2020) giving snapshots of how 25 hectares maximum covered polytunnel coverage might manifest itself in the context of the projected rotation. Rotation of polytunnels is accepted as a means of reducing visual impact, although it is clear that rotation of polytunnels has not been the norm at Pennoxstone. The applicant acknowledges that rotating covered polytunnels is significant in this context and can be achieved by the use of early and late season crops, dependent upon coverage at different times of the year. In addition to the rotation strategy the applicant is also willing to accept planning conditions to limit the coverage of polytunnels with polythene to not more than eight months in any one year and the complete removal of the tunnels should they become redundant.
- 1.15 As described above the Appeal Inspector concluded that the fields on the Wye Valley sides were inappropriate for polytunnel use. This notwithstanding, 1.1 hectares of polytunnels in these fields are lawful through the passage of time. The application asserts that the west and south facing slopes of the Wye Valley offer a particular localised combination of soils and micro-climate which are especially conducive to the production of very early-season fruit. The applicant is thus particularly keen to retain the ability to grow fruit under polythene on these slopes. It is proposed, therefore, to relocate the 1.1 hectares of lawful polytunnels in Lower Fishpool (0.8 hectare) and Nursery Field (0.29 hectare) into the south-west (lower-lying) end of the adjoining Garden Field. In return the application seeks permanent planning permission for 2.5 hectares of polytunnels in Garden Field, which it is contended is well screened, with the remainder of the area subject to the 10-year duration of the planning permission as per the rest of the application site.
- 1.16 The general approach to landscaping across the application site is to gap up and reinforce existing field hedgerow boundaries and plant new hedgerows and tree groups where appropriate, all with native tree and shrub planting as described on the Summary Planting Plan and in more detail on the specific field plans. The landscaping proposals have been subject of much negotiation in the context that the applicant is not the freeholder of all of the application site area and has thus had to seek agreement to in-field planting from the landowners in question.
- 1.17 Concern has been expressed at the continued presence of field accesses within the buffer zones as defined by the Polytunnel Supplementary Planning Document. This underpinned the third reason for refusal of the predecessor application DCSE2008/3036/F (see above). The response is to define the field access at the southwest corner of 'Forty Acre Field' as a secondary access with no use before 8am or after 8pm. The field access in the north corner of 'George Harris Field', which is in close proximity to a residential property and a severe bend in the highway, will not be used. It is also proposed to limit farm vehicle movements on the road through the village during school term time when children are arriving and departing, although in practice it is difficult to envisage how this arrangement could be adequately enforced.

- 1.18 In order to address issues not falling directly under the regulatory control of the planning system, the applicant is willing to accede to a condition requiring the formulation of a site management plan, the objectives of which would be to provide a framework for managing the conduct and behaviour of staff, littering, noise and general disturbance, the use and routing of operational vehicles and mechanisms for managing community relations.
- 1.19 The application was screened in accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. It was determined that the application is EIA development and that the submission of an Environmental Statement (ES) was a legal requirement. This has been undertaken and the ES is now deposited with the application. The ES is a comprehensive document identifying the key environmental impacts that would arise as a result of the development proposed. In addition to the ES, which encompasses the Landscape and Visual Impact Assessment, Traffic and Transport Statement, Hydrology, Archaeology and Ecology chapters, the application is also accompanied by an Economic Appraisal of the Soft Fruit Growing Enterprise at Pennoxstone Court. It is accepted that the benefit that soft fruit production under polytunnels can bring to the local economy, as well as reducing the need to import food from abroad, are matters to which significant weight should be afforded in the balance of considerations.
- 1.20 The application has been advertised as a departure from the Council's adopted planning policy in that it promotes large-scale development within the Area of Outstanding Natural Beauty which is, at face value, contrary to Policy LA1 of the Unitary Development Plan 2007.
- 1.21 In addition to the Environmental Statement, the application is also accompanied by the following documents:
- A Town Planning Statement (Antony Aspbury Associates); This assesses the proposal against the national, regional (now withdrawn) and local planning policy framework.
 - Drainage Appraisal Document (JDIH Envireau): This concludes that the polytunnel development at Pennoxstone Court will not have a detrimental impact upon drainage and flood risk provided that flow restrictors are placed within the polytunnel leg row channels and swales and buffer zones are located between the end of the polytunnel rows and the field boundaries. With active measures in place, the run-off rates from storm events will be equivalent to or less than the 'Greenfield' run-off rate.
 - An Economic Appraisal (James Standen, Farm Business Consultant). This assesses the contribution that Pennoxstone Court as a soft fruit enterprise makes to the local economy through direct and indirect expenditure.

2. Policies

2.1 National Planning Policy

PPS1	-	Delivering Sustainable Development
PPS4	-	Planning for Sustainable Economic Growth
PPS5	-	Planning for the Historic Environment
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan 2007

Part 1

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment

- S6 - Transport
- S7 - Natural and Historic Heritage
- S8 - Recreation, Sport and Tourism

Part 2

- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR6 - Water Resources
- DR7 - Flood Risk
- DR13 - Noise
- E11 - Employment in the Smaller Settlements and Open Countryside
- E12 - Farm Diversification
- E13 - Agricultural and Forestry Development
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA3 - Setting of Settlements
- LA4 - Protection of Historic Parks and Gardens
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC2 - Sites of International Importance
- NC3 - Sites of National Importance
- NC4 - Sites of Local Importance
- NC5 - European and Nationally Protected Species
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Fauna and Flora
- HBA4 - Setting of Listed Buildings
- ARCH1 - Archaeological Assessments and Field Evaluations
- ARCH6 - Recording of Archaeological Remains

2.3 Supplementary Planning Guidance/Documents

- SPG : Landscape Character Assessment (2004) (Updated 2009)
- SPG : SPD : Biodiversity (Interim; 2005)
- SPD : Polytunnels (2008)

2.4 Other Material Considerations

- The Wye Valley Area of Outstanding Natural Beauty Management Plan 2009-2014.
- Kings Caple Parish Plan

3. Planning History

- | | | |
|-----------------|--|------------------------|
| 2005 | - Enforcement Notice alleging the unauthorised erection of polytunnels. | - Appeal withdrawn |
| DCSE2006/3267/F | - Erection of (Spanish) polytunnels to be rotated around fields as required by crops under cultivation | - Withdrawn 19.12.2006 |

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

at Pennoxstone Court, Kings
Caple, HR1 4TX.

- | | | |
|--|---|--|
| EN2007/0002/22
APP/WI850/C/07/
2041603 | - Enforcement notice alleging the unauthorised erection of polytunnels. Enforcement appeal incorporating 'deemed' application for planning permission. | - Appeal allowed in part, but otherwise dismissed and the Enforcement Notice upheld with corrections and variations – 8 January 2008 |
| DCSE2008/3036/F | - Application (part retrospective) to erect, take down and re-erect Spanish polytunnels, rotated around fields as required by the crops under cultivation (soft fruit). | - Refused 17.09.2009 |
| DCSE2008/3040/F | - Application to erect, take down and re-erect (including covering and uncovering) Spanish polytunnels for a period of two years from the date of this application. | - Refused 17.09.2009 |

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage: Restates its previous advice that in considering the balance of public benefits involved in this proposal, full weight is given to its impact upon the Historic Environment. This includes assessment of the visual impact on the setting of 'Castle Tump' – a Scheduled Ancient Monument; and on listed historic buildings especially the Grade I listed Church of St John the Baptist, Kings Caple.
- 4.2 Environment Agency: The polytunnels have been located on higher ground away from the River Wye and outside the designated floodplain. The development is now located in Flood Zone 1, the low risk Flood Zone. A minimal portion of the development lies adjacent Flood Zone 2, which is addressed satisfactorily in the Drainage Appraisal Document. A condition is recommended to ensure that the surface water drainage scheme for the site accords with the submitted Drainage Appraisal.
- On the basis that trickle irrigation (relying on abstraction from the River Wye) has been in place since 1987, and that this proposal does not propose an increase of abstraction, the Environment Agency has no objections to the abstraction proposals.
- 4.3 Natural England: Has no objection to this proposal, apart from the continued use of Garden Field, which it advises should be excluded from this permission. Garden Field is on the Wye Valley slopes, an area deemed unsuitable for polytunnels by the Inspector's decision on this site. The Landscape and Visual Impact Assessment concludes that polytunnels in Garden Field, Lower Fishpool, Packhouse and Plum Fields result in a 'significant' negative impact on the character of the area of outstanding natural beauty, which is only reduced to 'low' after 10 years.

Natural England also notes the conclusion of the Habitat's Regulation Assessment Screening Report that the application would not result in likely significant effects upon the River Wye Special Area of Conservation.

- 4.4 Conservation Manger (Landscapes and Biodiversity): The comments of the Conservation Manager are reported in detail below.

This part of the Lower Wye Valley is highly sensitive from landscape, historic building, archaeological and ecological perspectives. The proposal, as it was in the previous application (DCSE2008/3036/F) is to restrict the area of polytunnels on the south-western facing slopes below Pennoxstone Court to Garden Field only (the existing lawful tunnelled area to the north west (Lower Fishpool) is to be relocated into Garden Field with the area vacated being thereafter excluded from polytunnel use), to maintain the use of Packhouse and Plum Field, Windmill Field/Top Ruxton and part of the George Harris field for polytunnels to bring three new fields into use for polytunnels: Ellen Field, which lies to the north of Kings Caple, Forty Acre Field, which lies to the north-east of the village and Old Sward, which lies on the eastern fringe of the village.

Response to the Environmental Statement: Landscape and Visual Impact Assessment Chapter

It is considered that the baseline landscape information is comprehensive and accurate, with the exception of the description and analysis of some of the historic landscape issues. This section of the ES does not fully describe the distinctive historic landscape character of the Kings Caple spur of land on which the application site is situated which is created by the full range of historic assets: the unregistered parklands, listed buildings, the Scheduled Ancient Monument and the historic hedgerow pattern, acting in combination. This is highlighted by the partial description of the historic assets in the vicinity. Whilst Caple Tump Scheduled Ancient Monument is mentioned there is no reference to either the Grade 1 listed building the Church of St. John the Baptist or the four local unregistered historic parks and gardens. Diagrammatic information does refer to the above, but explicit reference ought to have been made to these historic assets in the narrative describing them and their cultural value.

There is a general reference to the loss and decline of field boundary hedgerows during the twentieth century and the increasing openness of the landscape, although this is not made specific to the application site area. A comparison of the Tithe Map (1839) with contemporary aerial photographs shows that a total of 25 hedgerows within the fields forming the application site have been removed. However, it is stated in the baseline landscape assessment that the polytunnels are set 'within a framework of small/medium square fields.' This generalised description is not applicable to the fields identified above, which have increased in scale considerably, due to the loss of hedgerows. This is considered a significant point because the loss of hedgerows in these areas makes it more difficult for polytunnel development to be assimilated into the nationally important landscape.

Landscape and Visual Impact

The rotation plans are helpful in describing the complex rotation of polytunnels across the application site. Evaluating the visual impact of polytunnels involves assessing a number of interrelated issues: the visibility of polytunnel sites, the cumulative impact of the polytunnels, with reference to the timing and duration of the polytunnels on particular sites and the appropriateness and efficacy of the proposed mitigation measures.

Views into the site from the wider landscape

The topographical position and dispersal of polytunnel sites around the Kings Caple spur means that different sites, or combinations of sites, come into view when travelling around the land of the western side of the River Wye. Representative view points have been agreed with the applicant's consultants.

Views from the north: Altbough

From the minor road through Altbough, in the vicinity of Altbough Farm, there are glimpsed views of part of Packhouse, Windmill, Top Ruxton and Ellen Fields (LVIA viewpoint 15). There would be cumulative private views of these sites from upper, south-east facing windows of houses at Altbough. Adding Ellen Field to the range of fields used of polytunnels has increased the cumulative adverse impact of polytunnels on views from Altbough. The LVIA assesses the cumulative impact of polytunnels in relation to public vantage points on the road as moderate, which is considered reasonable, but it is considered that there would be a substantial adverse impact on the private views identified above.

Through reference to the rotation plans it is acknowledged that this cumulative adverse impact will be reduced by the relatively low use of Top Ruxton Field (used one year in three for part of the growing season), the intermittent use of Ellen Field and the fact that only half of Ellen Field would be covered in polytunnels over the course of a growing season.

One of the key landscape mitigation tools identified is the introduction of strategic hedges within the polytunnel sites, to break up the mass of polytunnels. However, the proposals for new internal hedgerows/tree belts are very limited – no new internal planting is proposed for Ellen Field (despite the fact that an internal hedgerow was lost from this field in the past) and the proposed cross field hedgerow planting in Windmill Field is limited and discontinuous.

Views from the east

Due to the topography of the surrounding area there are no long-distance views from the east.

Views from the south

Views from the south centre upon views from Sellack and Caradoc Hill.

Sellack: From the minor road to Sellack, adjacent to Sellack cemetery, which is in an elevated position on the slope below The Old School, polytunnels on the George Harris Field are prominent (LVIA viewpoint 19). Parts of Old Sward and Forty Acre Fields are also visible from this viewpoint. The boundary hedges of Ellen Field and Garden Field are also visible, but not the polytunnels on those two fields.

The viewpoint at Sellack Cemetery is elevated in relation to George Harris, Old Sward and Forty Acre Field with the effect that the proposed tree/hedgerow planting on the field boundaries will have limited effect. The proposed cross-field hedgerow in Forty Acre Field will have a limited contribution to screening because of its orientation (northwest - southeast).

Caradoc Hill: Elevated views from Caradoc Hill give more prominence to Garden Field than the lawful tunnels in Lower Fishpool. This is because of the angle of vision. From this viewpoint, polytunnels in Garden Field are seen in combination with the lawful polytunnels in Plum Field and those existing in Packhouse. The indicative rotation plans show that Garden Field will be under intensive polytunnel use with polytunnels occupying the entire field for at least half of the 10 year rotation. This means that landscape planting rather than rotation is proposed as the mitigation tool. Whilst the proposed screening belts to the south-east of Garden Field will, as they mature, partially screen the polytunnels when viewed from Caradoc Hill, they cannot fully screen the site because of its elevation relative to the site.

Views from the west

Redrail, public footpath HN9

The most significant cumulative impact of the polytunnels is experienced walking along this footpath, which traverses the east-facing, open slopes above the minor road between Hoarwithy

and Poolmill. There are open, elevated views of Garden Field and filtered views of Plum and Packhouse, Ellen Field, Forty Acre Field and Windmill/Top Ruxton in combination for an approximately 300 metres section of footpath HN9, which is part of the Circular Walk. Moving southwards along this section, Forty-Acre Field becomes more prominent. From the southern end of the footpath, where it crosses the top edge of the field above Redrail Farm, Ellen Field and Forty Acre Field remain prominent, being almost on the skyline. From vantage point along footpath HN9, polytunnels on Plum and Packhouse fields are relatively well-screened, so the proposed continuous use of these fields for polytunnels will only have a slight adverse visual impact.

The proposed rotation schedule would reduce the cumulative impact in relation to Ellen, Forty Acre and Top Ruxton fields, because polytunnel use on these fields would be intermittent. In relation to Garden Field this site is in a very sensitive, visually prominent position on the south-west facing slope below Pennoxstone Court. The proposal to relocate the adjacent area of lawful polytunnels into Garden Field would reduce the adverse impact slightly because they would be partially contained by the belt of mature trees along the south-western edge of Garden Field.

The topography of the Wye Valley will limit the efficacy of the proposed mitigation planting, because of the elevation of the middle section of public footpath HN9 relative to the polytunnel sites.

Short and medium distance views

The general findings of the LVIA with regard to medium and close views of the site from the Kings Caple spur of land are accepted. These are summarised below in relation to individual fields.

Garden Field: Due to the absence of public rights of way crossing the south-west facing slopes below Pennoxstone Court there are no views of Garden Field from the Kings Caple spur of land.

Packhouse and Plum Fields: Views into these fields are restricted by landform and the boundary hedgerows and trees.

Windmill Field and Top Ruxton: Close views are available from public footpath KC13, which descends from St. John the Baptist Church and along the eastern boundary of Windmill Field. There are further glimpsed views from gateways and occasional gaps in the roadside hedgerows along the lanes to the north and south of the fields. The officer maintains the view that the polytunnels on Windmill Field have a substantial adverse impact on close views to and from the Grade I listed church and those available from the lanes abutting the site. This impact will be significant because the indicative rotation schedule shows that a substantial area of Windmill Field will be used continuously for polytunnels. The native tree belt along the eastern boundary will help to screen views from properties and whilst the proposed new hedgerows within Windmill Field are welcomed, the efficacy of this mitigation will be limited due to the elevated nature of public views down onto the site.

Ellen Field: Close views into this field from public vantage points are mitigated by the mature field boundary hedgerow. There are, however, views into the site via the field gateways and from private dwellings.

Forty Acre Field: This is largely screened by field boundary hedgerows but there are views into the site through field gateways. There are potential views from properties on the north and eastern perimeters of Kings Caple but the proposed enhancement of the hedgerow to the west of this field will help to screen these views.

Old Sward: Views into the site from the lane which abuts the field to the east are screened by the dense roadside hedge. Polytunnels would, however, be visible from public footpath KC8, which runs between Kings Caple and Penault. This footpath passes through the north-western corner of Old Sward, which owes its current form to the historic removal of hedgerows. This has had the effect of severely degrading the historic hedgerow pattern. It is proposed to plant new native species hedgerows to replace those absent from the western and part of the north-western boundaries of Old Sward so as to prevent open views of polytunnels from the section of KC8 where it passes through Old Sward. However, it would take a minimum of five years for these hedgerows to mature sufficiently to contribute to screening, whereas any argument that the new hedgerow would restore historic landscape character is offset by the fact that in order to stand clear of the footpath, the new hedgerow would be further into the field than the Tithe Map suggests was the case historically. Current unmitigated views into Old Sward from the section of minor road along the southern field boundary, between the entrance to Poulstone Court and Poulstone Farm, will be screened by the proposed replacement hedgerow intended for this area.

George Harris Field: There are close views into this field from adjoining properties on the northern and western boundaries and from an access gate on the northern boundary. Maintaining a 30 metre standoff to property boundaries and locating the polytunnels in the south-east of the field will help to reduce the adverse visual impact.

The impacts on landscape character

All of the proposed polytunnel sites fall within the AONB this part of which is defined as Principal Settled Farmlands in the Landscape Character Assessment. Mixed farming land use and field boundary hedges are key characteristics of this landscape. As described previously, the landscape character of Windmill Field/Top Ruxton, Ellen Field, Forty Acre, Old Sward and George Harris field has been degraded by agricultural intensification over a long period of time which has resulted in the loss of field boundary hedgerows, the amalgamation of fields and consequent increase in the scale of field compartments. This more open landscape exacerbates the adverse impact of polytunnels because of the effect of visual coalescence.

The proposed planting strategy includes new copse planting, tree screening belts, enhancement of existing hedgerows, new hedgerow planting and the planting of groups of Willow and Alder. This is appropriate to the landscape character in the main and will help to reinforce the character of Principal Settled Farmlands, but concern remains around certain elements.

It is disappointing that no new cross field hedgerows are proposed for Ellen Field, Old Sward and George Harris Field. It is acknowledged that in respect of the rented fields it may be difficult to employ this form of mitigation, because of the need to obtain the owners' consent. However, it should be recognised that the application site is part of the Wye Valley Area of Outstanding Natural Beauty and thus the need to provide adequate mitigation is paramount. The additional cross-field hedgerow planting in Windmill and Forty Acre fields is acknowledged. However, this only partially addresses my concern at the degradation of landscape character that has occurred through the more substantial loss of historic hedgerows and increase in the scale of field patterns.

The impacts upon historic landscape character

The officer maintains that the polytunnels in Windmill Field have a substantial adverse impact on close views to and from the church. The proposed planting mitigation will assist in reducing the impact in views toward the church, but will have less effect in respect of views from the church because of its elevated position relative to Windmill Field.

The polytunnels in Garden Field and George Harris Field will also affect the Pennoxstone Court and Poulstone Court historic parklands. However, it is acknowledged that in relation to

Poulstone Court measures have been taken to reduce the area of polytunnels located in this field and move them further away from the boundary with the historic park. As a consequence the level of adverse impact is reduced.

Conclusions

The removal of the majority of polytunnels from the prominent south-west facing slopes below Pennoxstone Court is beneficial and reduces adverse visual impacts from the west.

However, the switch from sites on the south-west facing slopes below Pennoxstone Court to sites to the north and east of Kings Caple and the dispersal of polytunnels over six areas has some negative aspects. Ellen Field, Forty Acre and Old Sward are in prominent, quite elevated locations and are visible from various elevated viewpoints on the western side of the River Wye. The topography of the area, the location of the six sites on a convex spur of land, overlooked by rising ground on the western site of the Wye Valley, means that from certain viewpoints a number of the polytunnel sites are viewed in combination resulting in a cumulative adverse impact on the Wye Valley Area of Outstanding Natural Beauty.

The mitigation measures will reduce the cumulative impact to some degree but cannot fully mitigate the detrimental effect upon the landscape. Tree and hedgerow planting would take a minimum of five years to mature sufficiently enough to contribute towards screening.

With regard to visual impact it is concluded that the polytunnel development is visible from numerous viewpoints from the surrounding, elevated areas, all within the Wye Valley Area of Outstanding Natural Beauty and will remain visible, albeit with a reduced adverse impact, even if the proposed mitigation measures are implemented.

It is also concluded that the proposal would have an adverse impact upon the landscape character of the Wye Valley AONB. The proposed planting will offer a positive benefit in terms of restoring landscape character, albeit this will be a partial restoration of landscape character due largely to the limited proposals for new cross-field hedgerows to replace those lost historically. The proposal is thus considered contrary to Policy LA1 (Areas of Outstanding Natural Beauty) of the Herefordshire Unitary Development Plan 2007.

4.5 Traffic Manager: Has no objection subject to conditions.

The Traffic Manager expresses concern regarding the proposed polytunnels, though part retrospective, in terms of the transport movements associated with the intensification of farming and the potential for flooding due to the runoff of the surface water without proper management of the polytunnel area.

Concern is also expressed at how the Traffic Assessment has assessed congestion. The assessment should be whether the network can cope with the movements of HGV vehicles where the carriageway width in the most part can allow for 2 cars to pass, and at best, a car and lorry to pass. The route utilises the u71004, u71005, C1262, C1261 then back onto the C1262 to the A49. The C1262 / A49 junction is a Highways Agency Trunk Road Accident Cluster Site. This appears to be the only route available for the HGV movements but a full assessment of this network needs to be undertaken with turning movements at junctions such as Hoarwithy and the junction with the A49, any improvements required need to be agreed and undertaken as part of the development.

A Travel Plan needs to be conditioned as part of any planning consent. No assessment of how the agricultural workers for food or recreation has been undertaken and there is a minimal bus service to Hoarwithy that may not fit in with the workers hours which will lead to additional traffic on the network. Therefore a Travel Plan is required.

The Traffic Manager is unaware of highway flooding or silt being deposited onto the highway being associated with this area, the Drainage Appraisal states that fields A to E and J are retrospective, Area F and G rely on the highway and associated drainage system to deal with the surface water, the appraisal states through management of the system, the run-off will be limited to green field run-off. The methodology for assessing the run-off has been accepted by the EA and Natural England. The methodology of managing the surface water and maintaining the network is critical in maintaining the highway network and prevent localised flooding, this needs to be conditioned as part of any planning consent.

Conditions required

Routing Agreement, assessment of route and improvements undertaken as required at the developers expense.

CB2

Travel plan CB3

Managing and maintaining the drainage system

4.6 Conservation Manager (Building Conservation): The polytunnel development in Windmill Field, to the north of the church, has potentially the greatest impact upon the setting of the Grade I listed building. However, as a substantial proportion of the coverage here has been deemed lawful development, the additional areas proposed in this application are not likely to add significantly to its overall visual impact. Castle Tump, the scheduled motte, is located south of the church and is further screened by a ring of mature trees, so the polytunnel development in Windmill Field does not feature significantly in views of its setting. Pragmatically, given the presence of lawful polytunnel coverage in the vicinity of the church, no conservation objection to this application can, in my opinion, be sustained.

4.7 Ecologist: The Ecologist has visited the site in relation to previous applications and has received the Environmental Statement dated April 2010 including an ecological report dated August 2008. The officer has previously commented that the ecological maps that have been submitted are at a small scale, and not particularly informative and that the numbering system for target notes and field areas is confusing. The Pennoxstone Farm Watercourse Report by Dr Alison Strange (May 2009) contains no evidence of otter or white-clawed crayfish to be present. There are records of great crested newts in ponds on the site, but having discussed this issue with Natural England in the past, have agreed that they are unlikely to be affected by the development proposals.

A Habitats Regulations Assessment Screening for the site has been undertaken in consultation with Natural England. This concluded that there will be no likely significant effect upon the River Wye SAC; NE is in agreement with this conclusion.

The planting of new woodland copses, the strengthening of hedgerow corridors within the development site and the provision of 5m stand-off zone between polytunnels and hedgerows is welcomed. The planting details need some revision, for example, the use of alder would not be recommended except in association with wetland areas. The use of straw bales as visual screening misses an opportunity for further native-species planting and biodiversity enhancement.

A habitat enhancement and management scheme should include the floodplain and the banks of the River Wye, the traditional orchards and any ponds and smaller watercourses.

If this application is to be approved, as well as a suitable condition regarding drainage and surface water management, the officer also recommends the inclusion of the following condition for biodiversity:

The recommendations set out in the ecology section of the Environmental Statement dated August 2008 should be followed unless otherwise agreed in writing by the local planning authority.

Within 3 months of the granting of planning permission, a full habitat protection, enhancement and 10-year management scheme should be submitted to and be approved in writing by the local planning authority. This shall include large-scale plans of the sites and shall include a buffer strip along the banks of the River Wye where within the applicant's control. The work shall be implemented as approved and maintained thereafter.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.

Reasons:

To ensure that all species and habitats are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, PPS9 and Policies NC1, NC3, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's UDP Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006

4.8 PROW Manager: No objection.

4.9 Archaeology: No objection. The Archaeology Chapter of the Environmental Statement has satisfied outstanding archaeological concerns.

5. Representations

Given the planning history associated with the site many of the representations received offer detailed analysis of the main issues. The summaries below are intended to describe the points raised but are not exhaustive. The full text of these letters can be inspected at Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

5.1 Kings Cople Parish Council: Due to apologies and members having to declare interests, the Council were not able to gather a quorum of eligible people. They, therefore, defer the matter and decision to Herefordshire Council Planning or its Committee.

5.2 Hentland Parish Council. Hentland Parish includes the village of Hoarwithy which lies on the opposite side of the River Wye to Kings Cople and much of which overlooks some of the existing or proposed polytunnels. We would state our opposition to the siting of any polytunnels in the Area of Outstanding Natural Beauty. Their presence is not consistent with the status of the area and we believe that their presence is unwelcomed by the majority of Hentland Parish residents.

A summary of points raised is as follows:-

- There are houses in Hentland (and adjacent parishes) whose value and saleability will be adversely affected by polytunnels.
- The proposed screening measures will not provide adequate screening because of the time taken to reach maturity, and even then the nature of the landscape means that they will remain ineffective.
- The Hoarwithy area attracts a large number of visitors because of its unique Italianate Church, the River Wye and the surrounding countryside. We believe that the presence of

polytunnels within the Area of Outstanding Natural Beauty has a deleterious effect of the amenity for both residents and visitors who come to enjoy an unspoilt area for walks and touring. The polytunnels affect footpaths in Kings Caple and the surrounding area and because of the hilly nature of the surrounding area are visible from a considerable distance.

- The Parish Council is strongly opposed to the continued use of Garden Field, which would be contrary to the Appeal Inspector's findings in 2008.
- There is a considerable impact arising from articulated vehicles associated with the business. These pose a danger to and obstruct other road users.

5.3 Sellack Parish Council: No objection

5.4 As described above the use of Polytunnels at Pennoxstone Court dates back some time, with significant expansion from 2001. Subsequently there have been several planning applications and the Public Inquiry – all of which have entailed a significant degree of consultation with statutory bodies, Parish Councils, local residents and other interested parties. It is clear that the use of polytunnels at Pennoxstone Court is divisive locally, with large numbers of local residents opposed to the development, but equally strong levels of support from the growing fraternity and growers' representatives and those involved with the enterprise – specifically the workforce. With the current application there has been a similar level of representation, which is summarised below.

5.5 54 letters of objection have been received. A summary of the points raised is as follows:

- The proposal is on a scale that would dominate the village of Kings Caple and the Wye Valley AONB. Exceptions to Policy LA1 (Areas of Outstanding Natural Beauty) will only be permitted where all of the exceptions criteria have been met. Guideline 2 of the Polytunnel SPD is unequivocal in giving priority to the landscape in relation to marginal cases within the AONB;
- Pennoxstone fruit cannot be considered of greater national importance than the AONB;
- Screening in the spring and autumn months is ineffectual and the hoops left in over winter create an industrial landscape. Kings Caple is an AONB all year round and it is spurious to imply that trees and hedges are adequate mitigation;
- The application emphasises the amount of land to be left free of polytunnels as though that makes the proposal more acceptable. This is a facile way of diluting the application to achieve a low usage ratio;
- Has proper consideration been given to an examination of alternative sites that are far less prominent or outside the AONB?
- Self governance in relation to the 25 hectares coverage is not offered and enforcement by the Council would prove not only impractical but unrealistic. No public body could commit to enforcing such a regime;
- What happens when the 25 hectare ceiling is breached?
- How can the rotation regime work when the strawberries, raspberries and blueberries are long-term crops?
- The proximity of the polytunnel areas in relation to the village is such that the amenity of the residents is being prejudiced for the interests of one farm;
- Results of the Parish Plan consultation exercise indicated that 74% of respondents were concerned that polytunnels were causing harm to the landscape;
- Most letters of support are from people with a financial interest in the continuation of the polytunnel enterprise i.e. suppliers, other growers and transitory seasonal labour;
- The applicant has taken a unilateral decision to construct the business without planning permission. As a result the AONB is being subjected to an erosion of its natural and intrinsic natural beauty;
- The proposal is completely incompatible with the objectives of the AONB Management Plan 2009-2014.

- It is wrong to infer from the Inspector's decision that the sites away from the Wye are more appropriate for polytunnels. For example, it is clear that the temporary 2-year permission granted in Windmill Field was only on the basis that the immediate location was already harmed by the presence of lawful tunnels. Were it not for the ineffectiveness of enforcement action, which led to certain areas acquiring lawful status, then it is clear that the Inspector would have considered Windmill Field an inappropriate location for polytunnels too;
- If the polytunnels are to be rotated this would be a change in practice that is considered unrealistic. How otherwise did the applicant obtain lawful status over 9.86 hectares? It was certainly not by recognising the Council's then voluntary code of practice;
- The applicant has failed to abide by the conditions laid down by the Inspector in relation to the two year temporary planning permissions for the blocks in Windmill and Packhouse Field. Planting that should by now be established in relation to the former is non-existent.
- The new fields to the north and east of the village are elevated above the Wye and consequently any polytunnels on these fields will have a far greater impact on the wider landscape. These fields were not considered by the Inspector and no inference may be made as to his opinion on their suitability or otherwise;
- The Appeal Inspector acknowledged the monetary, employment and sustainable development value of growing fruit under polythene but did not refer to Pennoxstone specifically. It was a generic statement;
- Given the number of soft fruit enterprises operating outside the AONB there cannot be any overriding husbandry reason for having to operate within the AONB;
- It is for reasons of convenience that the grower insists on farming land within the AONB. There is no special reason why this business could not successfully operate sites elsewhere and still provide the economic benefits;
- Tourism development is critical to Herefordshire and the Wye Valley is the jewel in the crown. Has anybody assessed the detrimental impact that continued polytunnel development will have upon the tourism sector? It would appear that the interests of one person are being placed above those of all the small, local businesses that depend upon tourism. The applicant's alleged 'precarious position' should not be given undue weight in this context and particularly as he has chosen to develop the business at his own risk;
- The application states that no more than 25 hectares will be covered at any one time. The agent's covering letter admits that the polythene coverage will extend beyond this for up to four weeks at a time and that this situation will arise periodically. Therefore it would appear that the application could amount to a free hand in the amount of polythene used provided it returns to 25 hectares at least once every four weeks;
- The application provides no assurance that uncovered hoops will be removed during the growing season. On past experience these hoops, which are harmful to visual amenity in themselves, will remain in the fields;
- The application site is at the heart of the Wye Valley AONB and represent a devastating intrusion into the landscape contrary to UDP Policies LA1, LA2 and LA6 as well as Guidelines 1, 2 and 5 of the Polytunnels SPD;
- The proposed development is also contrary to Kings Caple Parish Plan, which has been adopted as Supplementary Planning Guidance and is therefore a material consideration;
- The AONB is a national designation and the economic benefit derived from the polytunnel business should demonstrably outweigh the manifest damage caused to this protected landscape. The economic benefit simply cannot outweigh the purpose of the landscape designation;
- In the case of Pennoxstone the claimed economic benefit is not particularly significant and represents only a small percentage of the Herefordshire soft fruit industry. As such it is extremely likely that were Pennoxstone to be refused planning permission, the loss of production would be absorbed elsewhere in Herefordshire and other growing areas at no net loss to the local or national economy;
- The continued use of Windmill Field will continue to have a devastating effect upon the setting of the Grade I listed Church of St. John the Baptist;

- The use of field access points within the buffer zones prescribed by the SPD continues;
- The business case is ambiguous in relation to the profitability of the enterprise were it to rely solely upon the 9.86 hectares of lawful polytunnels;
- Polytunnels do not cease to be polytunnels when the polythene is rolled back. Uncovered polytunnels, at any time of year and particularly in the winter, have a devastating effect upon the AONB. The hoops and legs are not removed in practice and the 25 hectare maximum insofar as it relates to covered polytunnels is ambiguous and inaccurate;
- Job creation for locals is non-existent. The workforce comprises eastern European workers. Pennoxstone Court contributes nothing to village life;
- The traffic assessment is misleading. Vehicular movements associated with Pennoxstone fruit start at 5am and continue into the evening;
- There is no baseline ecology survey from before the first erection of polytunnels;
- What are the economic benefits to the residents who have to live with the increased nuisance and visual impact of polytunnels as well as decreased property prices?
- Delivery/collection vehicles are numerous and ill-directed.

5.6 There have been 109 letters of support for the proposal. 64 come from seasonal workers resident at Pennoxstone Court Farm. A 303 signature petition in support has also been received (130 signatories' resident at Pennoxstone Court). The content is summarised as follows:

- The success of businesses that service the British soft fruit growers is dependent to a large extent upon the ability to use polytunnels;
- Polytunnels enable the provision of a controlled environment to enable protection from rain damage and less reliance upon pesticide and fungal sprays;
- Polytunnels allow predator populations to thrive, which in turn maximises quality production and minimises wastage and 'grade outs' – those fruits deemed unfit for supermarkets;
- Polytunnels also allow an environment that extends the natural growing season which allows a greater, more consistent supply to the food chain thus reducing the requirement to import fruit;
- The reduction in the percentage of imported soft fruit has the effect of reducing the carbon footprint associated with the importation of soft fruit from abroad;
- The business at Pennoxstone also underpins local employment and a seasonal workforce that all spend wages locally;
- The diversification into polytunnels is reflective of changing customer demands and the questionable viability of traditional farming methods;
- The loss of this business would be detrimental to the local economy through the losses incurred by suppliers to the business;
- The environmental consequences of using polytunnels in Britain is minimal compared to that caused by importing produce;
- Herefordshire is an agricultural county and ventures such as this deserve support for the benefit they bring to the local economy and the reputation that the county obtains as a home to world class locally produced soft fruit;
- Polytunnels are, by now, an accepted part of the working rural landscape. They are rotated and leave no discernible impacts in the long-term. The visual impact can be adequately mitigated.

5.7 A summary of further representations received from other organisations is presented below:

5.8 The Wye Valley Area of Outstanding Natural Beauty Joint Advisory Committee:

Objection.

The site of the proposed development lies within the boundary of the Wye Valley AONB, which is an area designated for its national landscape importance. The application is objected to on

the grounds that it will have a negative impact on the character and appearance of the landscape. Under S.85 of the Countryside and Rights of Way Act 2000 the local planning authority is under a duty to have regard to the purpose of the designation of the Wye Valley as an AONB. The primary purpose of the AONB designation is to conserve and enhance natural beauty. It is acknowledged that the use of polytunnels for soft fruit growing has agricultural and economic benefits. It is clear, however, that polytunnels do not conserve and enhance the environment, which makes their use contrary to the guiding principles of the Wye Valley AONB Management Plan 2009 – 2014. The production of the Management Plan is a statutory requirement and the Polytunnels Supplementary Planning Document refers to the requirement to take the Management Plan into account when determining planning applications.

The application has suggested that some of the farming policies within the Management Plan support the proposal, but the Management Plan makes clear in section 4.5 that the primary purpose of the AONB i.e. to conserve and enhance natural beauty, must take precedence where there is any potential conflict with strategic objectives.

Paragraph 4.5.3 of the Management Plan states as follows:

“Where there may be more than one possible interpretation of a Strategic Objective, the one which reflects the aim behind the Strategic Objective (*which will always be to conserve and enhance the natural beauty of the AONB*) must be applied.”

Protection of the landscape is the primary purpose of AONB designation and should therefore take precedence over economic benefits unless those benefits can be shown to outweigh the harm to the landscape and be in the national interest. The proposed development is not of national significance and therefore the landscape should take precedence.

Concern is expressed in relation to the topography and visibility of some of the ‘new’ fields and the continued use of Garden Field, which could set a precedent for the reintroduction of polytunnels within an area previously deemed unacceptable by the Appeal Inspector. The AONB Joint Advisory Committee concludes that none of the proposed sites are suitable for polytunnel development due to their negative impact on the character and appearance of the AONB. If the Council was minded to approve the development it should insist on frames being removed when not covered by polythene as uncovered tunnels would continue to have an impact upon the landscape.

- 5.9 The Ramblers’ Association: No objection subject to the imposition of conditions in relation to landscaping, the polytunnel exclusion area, no more than eight months coverage in any one year and a requirement that redundant tunnels be removed. A landscape and biodiversity management plan should also be required by condition.
- 5.10 Country Land and Business Association: The applicant has run a long-established soft fruit business and the Herefordshire Soft Fruit industry is a success story for British Agriculture. Polytunnels make many positive contributions in enabling the production of increased quantities and qualities of soft fruit, the sustainability of reducing food miles and the impact upon the local community. Much effort is being made by the business to minimise the visual impact of polytunnels. Farmers should not have their businesses unfairly restricted because they farm in Areas of Outstanding Natural Beauty.
- 5.11 National Farmers’ Union (National Union and Ledbury and Ross-on-Wye Branch): The British soft fruit industry has been highly successful in producing a range of fruit over a longer growing period. Polytunnel use has resulted in decreased pesticide use and an increase in yields and quality – 90% of soft fruit produced in England under polytunnels is Grade 1 as opposed to 50% beforehand. Herefordshire growers contribute significantly to the local agricultural economy and maintain the countryside. Demand would otherwise be met by foreign produce and polytunnels are the only option for a viable business. Without polytunnels the business would cease to exist.

5.12 Campaign to Protect Rural England: The CPRE objects to the proposal in principle as it contravenes UDP Policy LA1 which seeks to prioritise the protection and enhancement of Area of Outstanding Natural Beauty and is also contrary to paragraphs 21 and 22 of Planning Policy Statement 7: Sustainable Development in Rural Areas. The CPRE makes specific comment on each of the fields within the application site noting that several are elevated above the village and the river valley with the effect that they will be prominent in long distance views. The setting of the village and the church are also considered. Notwithstanding the detailed mitigation proposals the CPRE considers that none of the proposed sites are suitable for polytunnel development due to their negative impact on the character and appearance of the AONB.

5.13 Antony Aspbury Associates Ltd. (Agent): A supplement to the original Town Planning Statement and comment upon the representations by the Wye Valley AONB Manager has been received. This is a detailed rebuttal of the objection to the development by the Wye Valley AONB, the full text of which is available for inspection as described above. The key points are as follows:

- The scale of the proposal is small in relation to the actual coverage of the AONB designation. The 25 hectares covered at any one time amounts to 0.076% of the AONB area;
- It is perceived that the objection from the Wye Valley AONB is based upon the historic position in relation to polytunnels and does not take account of the strategies that the applicant is employing in order to reduce and mitigate visual and landscape harm;
- It has been acknowledged by the Appeal Inspector that a blanket ban on polytunnels within the AONB would not be feasible;
- The impact upon the AONB would not be persistent or dominant. Polytunnels will be dispersed over a wide area and Pennoxstone Court is not within the same visual envelope as the two other known farm-scale polytunnels operations within the Wye Valley AONB – Homme Farm and How Caple;
- The comments of the Wye Valley AONB fail to observe the other material considerations to which significant weight ought to be attached, including the reduction in food miles, demonstrable and sizeable and direct benefits to the local economy and the impact upon the local economy were the business to fail;
- The applicant maintains that the proposal is not manifestly contrary to the overriding objective of the AONB Management Plan, but includes positive management of landscape assets and the restoration of the degraded landscape by significant new planting. Thus the proposal contributes to the restoration of key landscape elements and also contributes to the enhancement of biodiversity;
- Insofar as there is some limited, localised, short-term transitory adverse impact on the visual amenity of the AONB, this is outweighed by other material considerations telling in favour of the development and is significantly mitigated through positive measures set out in the application. There is, in our view, therefore, no material conflict with the provisions of the Wye Valley AONB Management Plan.

6. Officer's Appraisal

6.1 This application is the third farm-scale application seeking to regularise the use of polytunnels at Pennoxstone Court Farm. Polytunnel developments of any scale give rise to many material considerations as is evidenced by the number of planning policies that are of direct relevance to the proposal. In this case the impact of the proposal upon the natural beauty of the AONB is a significant material consideration, but against this it is also necessary to assess the positive contribution that the use of polytunnels can have in terms of reducing the need to import food, assisting in the production of soft fruit of increased quality *and* quantity and the provision of direct, positive economic benefits to the local economy. There are other issues to be addressed and these involve the impact of the proposal upon the setting of the Church of St. John the Baptist, surface water drainage, flooding, residential amenity and the impact of polytunnel development upon the setting of Kings Caple, and traffic and transport.

- 6.2 The application results from pre-application consultation and ongoing negotiation with officers in an attempt to address the issues identified by the Appeal Inspector. This is in the context of the inherent difficulties that the applicant faces insofar as his holding is located in the AONB and, due to practical issues, is within a comparatively concentrated area. It should also be noted that at Paragraph 105 of his decision, the Appeal Inspector concluded that it would not be “a realistic option” for the appellant to completely relocate soft fruit production out of the AONB.
- 6.3 The above notwithstanding, it is considered that the main issues in this case are:
- (i) The effect of polytunnels on the natural beauty of the landscape and the countryside of the Wye Valley Area of Outstanding Natural Beauty (AONB);
 - (ii) The weight to be attached to the benefits of the polytunnels in terms of the quantity and quality of the soft fruit produced, the contribution made to the rural economy and the substitution of locally grown fruit for imported fruit.

Effect on the Wye Valley AONB: Visual and landscape character impact

- 6.4 The application site is within the Wye Valley Area of Outstanding Natural Beauty, an area which must be afforded the highest level of landscape protection. This landscape is regarded as one of the finest lowland landscapes in Britain. The river is the centrepiece. Kings Caple is located on a spur in the centre of a large river meander, and the church spire at the highest point is a landmark visible over a wide area. The primary purpose of the AONB designation is to conserve and enhance natural beauty. AONBs share equal status with National Parks in terms of their scenic beauty and landscape protection that they should be afforded. National planning policy in Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) states that “The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.”
- 6.5 Of particular relevance, therefore, is Herefordshire Unitary Development Plan Policy LA1 concerning development in AONBs. This gives priority to the protection and enhancement of the natural beauty and amenity of the area in the national interest, in accordance with a management plan. Only small scale development is to be permitted, and only where it can be shown that the natural beauty of the landscape is not adversely affected and where the development is necessary for the economic and social well-being of the area. Exceptions will only be permitted where:
- (i) the development is of greater national interest than the purpose of the AONB;
 - (ii) there is unlikely to be any adverse impact upon the local economy;
 - (iii) no alternative site is available, including outside the AONB; and
 - (iv) any detrimental effect upon the landscape, biodiversity and historic assets can be mitigated adequately, and where appropriate, compensatory measures provided.

It is important to note that all of the exceptions criteria must be satisfied in order for development to be permitted.

- 6.6 Further detailed guidance in relation to Polytunnel development has been produced in the form of the adopted Polytunnels Supplementary Planning Document (2008) (The SPD). The SPD was produced in consultation with a wide range of interested parties, including the enterprise concerned. The guidance takes the form of a detailed narrative punctuated with a series of Guidelines that cover a range of topics. It is Guidelines 1 and 2 that are of most relevance to the determination of this application. Guideline 1 (Economic Benefits) states that the benefits of polytunnels in enabling the production of increased quantities and qualities of soft fruit, the sustainability benefits of reducing food miles and the positive contribution to the rural economy are all matters to which considerable weight will be accorded in the balance of considerations.

- 6.7 Guideline 2 (Areas of Outstanding Natural Beauty) states that within AONBs, in marginal cases where economic benefits are being weighed against landscape impact priority will be afforded to the landscape *over all other planning considerations*. (Case officer's emphasis). Thus, whilst economic benefits must be afforded considerable weight, in marginal cases where there is demonstrable harm to the landscape and visual character of an AONB, Guideline 2 indicates that economic benefits are not capable of overriding such harm. This is consistent with Policy LA1 (above), which explains that large-scale developments within the AONB will not be permitted unless (amongst other things) it can be demonstrated that the development is in the greater national interest than the purpose of the designation.
- 6.8 In his decision letter the Appeal Inspector commented that the recent development of large-scale polytunnel use has "brought into stark opposition the aims of protecting the landscape, whilst supporting a viable farming industry." This is an apposite summary of the key issues identified above. The contention of the applicant is that the soft fruit enterprise is simply unviable without the large-scale use of polytunnels, whereas the principal purpose of the designation is to conserve and enhance the natural beauty of the area. On the face of it these two objectives appear contradictory.
- 6.9 In recognition of the findings of the Appeal Inspector in relation to the polytunnels originally located on the Wye Valley sides (upon the applicant's freehold land), the applicant has sought to locate alternative sites in an attempt to disperse the visual impact of the polytunnels and take advantage of the topography of the wider site area so that the entire site is not visible from one, single public vantage point. This has led to additional rented land being taken on, across which polytunnels will be rotated as required by the early/late season crops. Thus whilst rotation has not been the norm at Pennoxstone Court it is now accepted that rotation, in addition to limitations upon coverage or both skinned polytunnels and uncovered hoops is a means of addressing visual impact. These measures accord with Guideline 3 (Limits to Polytunnel Coverage) and Guideline 6 (Polytunnel Removal) of the SPD. Although the rotation plans submitted are indicative, the applicant is also prepared to accede to a further condition limiting the coverage of polytunnels (both covered and uncovered) in a single or two adjoining fields to not more than 20 hectares, of which no more than 12.5 hectares would be covered with polythene at any one time.
- 6.10 The application also proposes more substantial landscaping than has been the case historically. This has included the introduction of cross-field hedgerows in Windmill and Forty-Acre Field. Accordingly, officers acknowledge and recognise the substantive efforts that have been made in order to mitigate the adverse impact that polytunnel development can have upon the intrinsic natural beauty of the AONB.
- 6.11 However, the Landscape Officer has identified that although, with the exception of Garden Field, polytunnels have been removed from the west facing slopes of the Wye Valley, the dispersal of the polytunnels over a wider area does have some negative impacts and concludes that Ellen, Forty Acre and Old Sward fields are in prominent, quite elevated locations, visible from various viewpoints on the western side of the River Wye. The topography of the area, the location of the sites on a convex spur of land overlooked by rising ground on the western side of the Wye Valley, means that from certain vantage points, a number of the proposed sites are viewed in combination which results in a cumulative adverse impact on the Wye Valley AONB.
- 6.12 It is concluded, therefore, that notwithstanding the substantial efforts of the applicant to address the adverse impact of polytunnels upon the visual and landscape character of the AONB, the proposal is unacceptable. The proposed mitigation measures will reduce the cumulative impact to some degree, but cannot fully mitigate the detrimental impact upon the landscape. Tree and hedgerow planting would take a minimum of five years to mature sufficiently enough to contribute to screening. Moreover, the restoration of the degraded landscape that will result from hedgerow and tree belt planting is not sufficient to override the identified harm.

Consequently, on the first main issue, the proposal is considered contrary to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan 2007.

The Economic Case

- 6.13 It is accepted that the use of polytunnels has many benefits in assisting with the production of top quality soft fruit for the British market over an extended growing season. The Economic Appraisal submitted with the application (“The Appraisal”) explains that the main outlet for Pennoxstone fruit is the national supermarkets, which “drive the market and set the minimum standards for fruit quality and quality control procedures.” The Appraisal also sets out the staffing levels at Pennoxstone which equates to 12 full time equivalents throughout the year (eleven of which reside upon the holding), with a further 6 full time staff taken on during the picking season. At peak picking times up to 140 staff will be taken on for picking and packing.
- 6.14 The Appraisal also sets out the increased soft fruit production in the UK over the last decade. In 2001 soft fruits represented 10% of fresh produce value; in 2008 it represented 20%. The report recognises that the UK is likely to remain a net importer of soft fruit, but considers that this only emphasises the importance of polytunnels to the UK sector. This is underpinned by figures that demonstrate the increased yields attained since the introduction of polytunnels in the 1990’s, with the other benefits including improvements in quality, decreased pesticide use and import substitution.
- 6.15 The Appraisal goes on to examine the business at Pennoxstone in the context of demonstrating the break even position and relating that to the requisite level of polytunnel coverage to achieve a net farm income capable of covering all costs, paying a wage to the two partners (an assumed £26,000 each) with a level of contingency to cover exceptional costs or a poor harvest. It is stated that a 5% fall in the price of strawberries would reduce the Net Farm Income by around £30,000, bringing the farm back to breakeven. It is thus concluded that the business would not be capable of meeting the breakeven position were it reduced to using the 9.86 hectares of lawful tunnels or indeed if arable production was considered.
- 6.16 The Appraisal also quantifies the businesses’ total contribution to the local economy both directly and extrapolated to include the wider effects of the expenditure using the Local Multiplier 3 (LM3). LM3 enables individual businesses to measure their economic impact by measuring spend within a region. In the year 2006/07 it is calculated that the business spent over £1 million purchasing goods and services of which 57% was spent within Herefordshire. LM3 estimates that for every £1 of output the business puts £1.86 into the local rural economy. The LM3 calculations are adjusted to give the level of contribution to the local economy for the proposed 25 hectares of polytunnels, the contribution were only the lawful 9.86 hectares used and the position were an arable rotation reverted to.

	Using a maximum of 25 ha polytunnels	Using a maximum of 9.86 ha of lawful polytunnels	Alternative Enterprise - Arable
LM3 Calculation			
Business Turnover	1, 542, 815	669, 435	85, 698
Local Spend – Estimated	799,224	358,332	44,877

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

LM3 Multiplier	1.86	1.86	1.86
LM3 Contribution to the local economy	£2, 869, 636	£1, 245, 149	£159, 398

- 6.17 As one would expect, the level of contribution to the local economy is larger with the use of 25 hectares of polytunnels versus 9.86 hectares. Moreover the Appraisal concludes that the business will only remain viable with the use of at least 25 hectares of covered polytunnels at any one time. The table suggests that were the business only allowed to continue with the lawful tunnels, over £1.6 million pounds would be lost to the local economy each year.
- 6.18 As described above, in the weighing up of all of the competing issues, the economic benefit to the local economy must be afforded considerable weight. As acknowledged by the Appeal Inspector, the inability to operate at a certain level of coverage would have severe financial consequences for the business at Pennoxstone Court. However, the Inspector also acknowledged that the contribution of Pennoxstone fruit to the overall value of import substitution (£110 million in 2007), must be a small and given the number of soft fruit businesses operating successfully outside the AONB it is not inconceivable that any decrease in production at Pennoxstone (and thus loss to the local Herefordshire economy) will be offset by increased production elsewhere.
- 6.19 The business model proposed (i.e. 25 hectares of coverage) will allow the business to remain viable. It is stated that this is the minimum level of coverage required to maintain the business at a level where provision can be made to cover normal and abnormal costs and capital re-investment. Whilst the economic benefit to the Herefordshire economy is considerable it must, in accordance with SPD Guideline 2, be weighed against the landscape impact. On the second main issue it is the view of officers that on balance the harm to the visual amenity and landscape character of the Wye Valley AONB should, in this case, take precedence. On balance, therefore, whilst the acknowledged benefits accruing from the use of polytunnels are substantial, they are not considered to override the harm caused to the nationally important landscape, which is contrary to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan 2007 and Guideline 2 of the Poly tunnels SPD.

Other matters

- 6.20 The Environment Agency has confirmed that it is satisfied with the arrangements made at Pennoxstone Court for water abstraction from the River Wye for the trickle irrigation systems and for the management of surface water in accordance with the submitted Drainage Appraisal Document.
- 6.21 The Transportation Manager has raised a number of concerns in relation to the capability of the local road network to cater for the HGV movements associated with the continued operation of the enterprise and suggests the potential for off-site improvements, a routing plan and a Travel Plan to achieve the safest outcome in the event that permission is granted. It is considered that it would be reasonable to seek to achieve appropriate commitments from the applicant in this respect but it must be accepted that vehicular activity would be a feature of the site with or without polytunnels and since there is no actual change of use of land involved this matter would need to be negotiated carefully. It is considered that these requirements could be achieved through conditions.

With regard to the concerns raised about drainage, these are addressed satisfactorily within the submitted Drainage Appraisal, which has been agreed with the Environment Agency. Subject to conditional control over the surface-water run-off management, it is considered that any impact upon the local road network will be minimised.

- 6.22 The application has satisfactorily addressed the biodiversity implications of the polytunnel operation and indeed attracts an endorsement in relation to the proposed new woodland copses, the strengthening of hedgerow corridors and the stand-off zones between polytunnel development and hedgerows. It is recommended that the habitat enhancement scheme would need further minor revisions in the light of the comments of the Ecologist but it is considered that this could be secured by an appropriate condition. In relation to the impact on protected species and biodiversity value it is concluded that the proposal satisfies the requirements of Policies NC1, NC3, NC6 and NC7 of the Herefordshire Unitary Development Plan and SPD Guidelines 20 and 21.
- 6.23 A significant number of objection letters have commented upon the impact that large-scale polytunnel development would have upon residential amenity in certain locations. This is a consequence of the intended use of fields that are more closely related to the village than the applicant's own fields to the south-west of Pennoxstone Court. Windmill, Ellen, Forty Acre and Old Sward are fields immediately adjacent the settlement. Policy DR2 seeks to ensure that development respects the amenities of existing neighbouring uses and SPD Guideline 9 refers to the need to ensure that residential properties are afforded adequate protection through the use of 'buffer zones' that act to prevent the presence of polytunnels or associated development (works, storage, servicing accesses, toilets etc) shall be sited within a minimum distance of 30 metres of the boundary of any residential curtilage and 50 metres of any dwelling, whichever distance is the greater. Furthermore, in the wider context, Policy LA3 of the Unitary Development Plan 2007 (Setting of settlements) seeks to resist development that would have an adverse effect upon the setting of the settlement concerned.
- 6.24 It is clear that the majority of the field specific plans submitted with the application meet the buffer zone requirement. There are exceptions at the south-west corner of Forty Acre Field and a secondary access into Windmill Field. The use of the access to the northeast corner of George Harris, which passes in very close proximity to Hill Cottage is no longer intended for use, with two alternative accesses into this field. On balance, and having regard to the intended rotation of polytunnels, the impact of the development upon individual residential properties and the wider setting of Kings Caple is not considered so significant as to warrant refusal under Policies DR2 and LA3.
- 6.25 With regard to the impact of the proposal upon the known heritage assets that characterise the site and its locality, and with particular reference to the setting of the Grade I listed Church and the Scheduled Ancient, it is considered that development in Windmill Field has the most significant bearing. On balance, and notwithstanding the increased coverage proposed within Windmill Field, it is considered that the presence of the lawful tunnels must be accorded significant weight. In this context, the continued use of those elements granted temporary permission by virtue of the deemed permission granted by the Inspector and the parts of Windmill Field that are further from the heritage assets than the lawful tunnels is such that the setting of these features would not be adversely affected. The proposal therefore accords with Policies HBA4 and ARCH3 of the Herefordshire Unitary Development Plan and Guideline 7 of the SPD.

Conclusion

- 6.26 Notwithstanding the fact that the scale of polytunnel development now proposed would be limited to 37.5 hectares (25 hectares covered; 12.5 hectares of hoops) at any one time, the proposed sites are not considered acceptable, particularly given the statutory duty to have regard to the purpose of the AONB designation i.e. to conserve and enhance natural beauty.

Officers acknowledge that significant progress has been made by the applicant in an attempt to mitigate the identified harm and indeed two of the previous reasons for refusal have been addressed. However it is concluded that notwithstanding the economic benefits derived from their use, the polytunnels would constitute large-scale and discordant development within a landscape of national significance, contrary to the purpose of the designation. For this reason the application is recommended for refusal as being contrary to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan and Guideline 2 of the Poly tunnel Supplementary Planning Document.

RECOMMENDATION

It is recorded that the Environmental Statement and associated documents have been taken into account in making this recommendation.

That planning permission be refused for the following reason:

- 1 Having regard to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan 2007, and Guideline 2 of the Poly tunnel Supplementary Planning Document 2008, the proposal is considered unacceptable. The proposed erection of polytunnels on this scale within this part of the Wye Valley Area of Outstanding Natural Beauty will adversely affect the intrinsic natural beauty of the landscape and run contrary to the primary purpose of the designation. The acknowledged contribution of the business to the local economy is not considered to outweigh the harm to the Wye Valley Area of Outstanding Natural Beauty.**

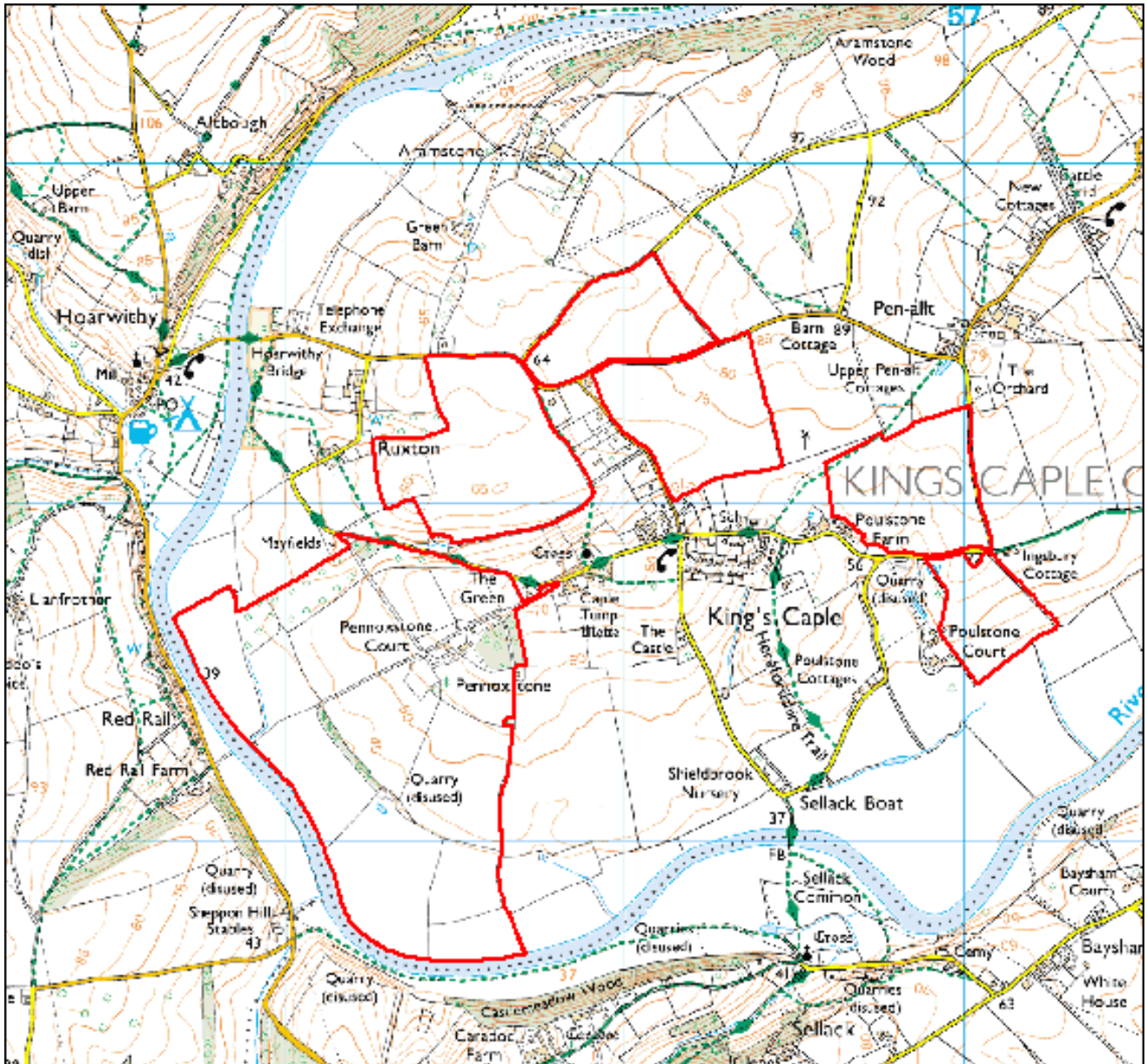
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMSE/100966/F

SITE ADDRESS : PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

KEY



Application Boundary
(Whole Farm)



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 Landscape architects & environmental planners
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 General Enquiry Line No. 0333 22 7171

Client	Neil J. Coddum
Project	Pennonstone Farm
Drawing Title	Application Site Plan
Scale	1:12500
Date	Oct 08
Drawn	TMS
Checked	GB
Reviewed	KL
Revision	B





MEETING:	PLANNING COMMITTEE
DATE:	13 OCTOBER 2010
TITLE OF REPORT:	<p>DMNW/100435/F - RETROSPECTIVE RE-APPLICATION FOR CHANGE OF USE OF LAND FROM AGRICULTURAL TO ONE FAMILY TRAVELLERS SITE INCLUDING STATIONING OF ONE CARAVAN, SHED AND ANCILLARY STRUCTURE AT LOWER FIELD AT ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ</p> <p>For: Ms Cleverly per Ms Alison Cleverly, C/O 23 Ford Street, Wigmore, Herefordshire, HR6 9UW</p>

Date Received: 3 March 2010

Ward: Mortimer

Grid Ref: 340948,268860

Expiry Date: 28 April 2010

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The application site is located in open countryside under one mile (570 metres) from the main village of Wigmore, on an elevated position on the north-east facing side of a stream valley. The site is on the northern side of Barnet Lane, an unclassified road.
- 1.2 Wigmore Castle, which is a Scheduled Ancient Monument and a Grade 1 listed building occupies a knoll on the opposite side of the stream valley, at a lower elevation than the application site. The historic core of Wigmore is a Conservation Area.
- 1.3 The application site and the mid and lower part of the stream valley comprise pastoral land, with areas of dense woodland occupying the higher ground. This area is described as the landscape type Principal Wooded Hills in the Landscape Character Assessment. Key characteristics of this landscape type include varied topography, ancient wooded character, wooded land use with occasional pasture, field boundary hedgerows, linked woodland pattern, medium-framed views and scattered settlement pattern.
- 1.4 The application site, (which adjoins another proposed Traveller site, application NW/100558/F and is approximately 200 metres apart, at either end of a strip of fields) is parallel to Barnet Lane, with the land sloping down from the lane, towards the north-east. There is a tall hedgerow along the Barnet Lane frontage and around the perimeter of the strip of fields.
- 1.5 The site is square in shape and the western third of the site has been fenced off as a paddock. The caravan is located in the north-eastern, lowest corner of the site, with a vegetable area

Further information on the subject of this report is available from Mr C Brace on 01432 261795

adjacent to it. New planting which has been undertaken includes scattered tree planting in the larger, eastern part of the site, some deciduous trees and non-native conifers along the paddock fence and non-native conifers to the rear of the caravan

- 1.6 The proposal is the change of use from agricultural land to one family traveller site to include the stationing of one living vehicle, storage boxes, and shed.

2. Policies

2.1 National Planning Guidance:

Planning Policy Statement 7: Sustainable Development in Rural Areas

Local Authorities and Gypsies and Travellers: A Guide to Responsibilities and Powers, DCLG, 2007

Designing Gypsy and Traveller Sites, Good Practice Guide, DCLG, 2008

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable development
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H7	-	Housing in the countryside outside settlements
H12	-	Gypsy and other Travellers
H13	-	Sustainable residential design
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change

Other Material:

Herefordshire Council Travellers' Policy, 2008

Gypsy & Traveller Accommodation Assessment Shropshire, Herefordshire, Telford & Wrekin and Powys Revised Final Report, July 2008

3. Planning History

- | | | | | | |
|-----|-------------|---|---|---|---|
| 3.1 | NW08/1807/F | - | Retrospective application for change of use of land from agricultural to one family traveller site | - | Refused |
| | NW06/0205/F | - | Change of use from agricultural land to one family Travellers site, including stationing of two dwelling vehicles and storage space (retrospective application) | - | Refused - Planning Appeal dismissed but a three year temporary permission granted |
| | NW05/0851/F | - | Retention of caravan for residential use | - | Refused |

4. Consultation Summary

Internal Council Advice

- 4.1 The Transportation Manager has no objection.
- 4.2 The Gypsy Officer has not responded.

Further information on the subject of this report is available from Mr C Brace on 01432 261795

- 4.3 The Planning Policy Manager confirmed that there are vacancies on the Council's sites.
- 4.4 The Environmental Protection Manager makes no objection to the proposal and notes the proposed use has no inherent noisy activities.
- 4.5 The Landscape and Biodiversity Team Leader Object to the proposal as it would adversely affect the character of the rural landscape.
- 4.6 The Head of Strategic Housing states that a total of 83 additional Gypsy and Traveller pitches are required in the period 2007 – 2012. It is emphasised that vacancies on Council owned pitches does not indicate a lack of demand in the same way a 'hard to let' affordable housing unit does not indicate a lack of demand for affordable housing. It is confirmed that there are difficulties in securing exception sites in rural locations.

5. Representations

- 5.1 The applicant's agent makes reference to the lack of planning permissions granted in respect of new Traveller sites within Herefordshire, and the failure of the Council to prepare a list of acceptable sites as per the recommendation of the Appeal Inspector. This issue is detailed below. The supporting statement also goes on to evaluate the proposal against local and national policies in a favourable manner. Reference is then made to the personal circumstances of the applicant, including her status as a Traveller, and the family stability residing at this location has afforded the family unit following the separation from her previous partner, in particular the care, welfare, and education at the local school, of her son. It is noted that the applicant has obtained employment in Wigmore and is an active member of the community.
- 5.2 Four letters of support have been received from local residents, which include comments regarding the good character of the applicant, and the sustainability of her lifestyle.
- 5.3 A petition of 99 signatories, with addresses, supporting the application has been submitted.
- 5.4 Wigmore Parish Council objects to the application, issues raised are summarised as –
- The temporary permission has lapsed and the conditions should be adhered with
 - Public disturbance and anti social behaviour from the applicant at this site occurs
 - If permitted a precedent is set
 - Proposal is visible from the castle
 - Impact on the castle, countryside, and conservation area of Wigmore
 - Objections from previous application maintained
- 5.5 Nineteen letters of objection have been received from local residents, the summarised issues are as follows –
- Impact on the countryside
 - In a prominent position
 - creates a precedent
 - applicant is not a traveller
 - Impact on setting of Wigmore Castle
 - Antisocial behaviour on the site
 - Provision exists in the county
 - Alternative accommodation exists
 - Village services cannot cope
 - Concern regarding business use from the site

- Concern over local road network
- The applicant's lifestyle is not sustainable or low carbon
- The Appeal Decision APP/W1850/A/06/2018079 should be upheld
- Potential of intensification of the site
- Drainage and waste disposal

5.6 The Campaign to Protect Rural England objects to the proposal on the following summarised grounds –

- If permitted concern over who is responsible for the site
- The applicant can no longer be considered a Traveller
- A dwellinghouse would not be permitted in this location
- The proposal conflicts with UDP housing policies
- Loss of a Greenfield site
- No EIA has been submitted
- Permission would set a precedent

The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 Introduction

The land subject of this application has previously been subject to an enforcement investigation regarding the unauthorised Traveller accommodation on this land. An Enforcement Notice was served on the applicant 5th February 2009, requiring the use to cease by 7 March 2010. This reflected the timescale set by the Inspector in regards the vacation of the adjoining site. The Notice was not complied with but further action has been held in abeyance given this application.

The applicant is still residing on the site, with various improvements made to the tidiness, appearance, and maintenance of the land holding since the refusal of DCNW2008/1807/F.

An Appeal Decision (APP/W1850/A/06/2018079) on adjacent land granted a three year temporary permission for the change of use from agricultural land to a family traveller site on which the applicant previously resided. The temporary permission was granted in order to allow the appellant opportunity to find alternative accommodation as per their rights, protected under Article 8 of The Human Rights Act and the Council to provide a list of sites which would be suitable and acceptable not only in regards the applicant, but also other Traveller families. The Council indicated at the inquiry that they were moving forward with identifying such sites. For personal reasons the applicant moved from the aforementioned site to reside on the land subject of this application.

6.2 Need

A Gypsy & Traveller Accommodation Assessment for Herefordshire was completed in July 2008. This report identified a shortfall in provision for 2007 – 2011 of 83 Gypsy and Traveller pitches within the county. Herefordshire has no Gypsy and Traveller site allocations within the UDP and instead uses the criteria based approach of UDP policy H12, along with the National guidance contained in Circular 1/2006. Notwithstanding the vacant pitches on Council sites, National guidance indicates that small private pitches have a significant roll in reducing shortfall.

6.3 Legislative context

The Local Planning Authority is mindful of the guidance set out in Circular 1/2006 on the European Convention on Human Rights, and its obligations under the Race Relations Amendment Act 2000. It is noted that the Government intends to revoke this Circular.

The Housing Act 2004 requires Local Authorities to include the accommodation needs of Gypsies and Travellers in their Local Housing Assessments.

6.4 The applicant

The applicant is considered to meet the definition of a Gypsy or Traveller as defined in Circular 1/2006. This point was confirmed in the above mentioned appeal by the Inspector.

The family unit comprises the applicant and her son of whom joint care and responsibility is shared with the child's father who, also a Traveller, resides on an adjacent plot, which is subject to planning application DMNW/100558/F.

It is considered on the basis of the size of the immediate family unit that one number static caravan is appropriate and acceptable subject to other material planning considerations, set out in this report.

6.5 Sustainability

Despite the previous refusal reason and the view of the Appeal Inspector on the adjacent site, who considered that site 'not within reasonable distance of Wigmore and its services' and 'that such visit would likely involve the use of a car' this site is close to Wigmore. It is within easy walking distance of less than a mile to the village core, from either the unclassified road which runs down to opposite the school – a distance of 570 metres, or by public right of way into the village via Castle Street – a distance of 478 metres, or other public access routes, onto various sections of the village fronting the A4110.

Wigmore is a main village with a range of facilities and services, including but not limited to school, two number public houses, shop, and public transport links. Given that the site does not directly adjoin other residential properties, thus minimising amenity impact to negligible, to be so close to a main village, with such a range of services, on reflection, despite the previous decision of the Inspector, and the refusal reasons on application DCNW2008/1807/F, it is considered that the site is sustainable and readily accessible on foot to services and facilities provided in Wigmore. It is considered that the proposal in respect of its location and sustainability satisfies PPS7, and policies S1, H7 and H12 of the Herefordshire UDP.

6.6 Highways

The site is accessed from an unclassified road which in turn leads in less than a mile to the main village of Wigmore, at the junction with the A4110 south of the school. The Transportation Manager notes the 'light traffic movements' and 'slow speeds' on this road, along with the 'low level vehicular activity associated with the proposal'. In this regard, UDP policies DR3 and T8 are satisfied.

6.7 Landscape and Visual Impact

Views into the site from Barnett Lane are restricted by the tall roadside hedgerow. There are views into the sites from the gateways which serve as access to the sites and there are occasional glimpsed views through the roadside hedgerow. The close proximity of this application site and that of application NW/100558/F means that there is a degree of cumulative impact – travelling either up or down Barnett Lane, there are successive views through the two

field gateways of development which is domestic, not agricultural, in character. However, it is considered that the proposal does not have an undue impact on the setting of Wigmore, given the distance, topography, and natural screening.

When viewed from Wigmore Castle and from the footpaths within the stream valley – footpath WQ4, which runs between Barnett Lane and Wigmore Castle, to the north-west of the application site and footpath WQ6, which runs between Barnett Lane and the stream, to the east of the application site, the proposal is screened by the perimeter hedgerows and does not create an undue intrusive impact. The Inspector, in his decision, also considered as per the Landscape Officer's opinions, that the proposal does not have a harmful impact upon the Scheduled Ancient Monument Wigmore Castle.

Notwithstanding the above, the Inspector considered in respect of the adjoining site that the principle of such a proposal fails to protect the landscape and harms the countryside due to its very presence.

The Landscape & Biodiversity Team Leader notes that the application site is in a very isolated position and that there is no other housing development adjacent to Barnett Lane in the vicinity. This isolation is considered to increase the proposals prominence in the rural landscape, with the presence of living vehicles/caravans, cars, storage structures, toilets, vegetable plots and other domestic items changing the character of the site from open pastoral fields, which were wholly agricultural in character to a domestic site. The loss of pastoral character is considered to erode the character of this Principal Wooded Hills area and cause harm to the intrinsic character of the rural landscape.

Taking into account the above, the impact of this proposal on the landscape is considered significantly less than that of application DCNW/100558/F, given the location and siting of the caravan and ancillary structures, the topography of the site, and the natural screening provided. The concern over cumulative impact in this area is negated as application DCNW/100558/F is recommended for a temporary time period only. Specific landscaping conditions, along with restrictions of land use, activity, and further development are considered in this instance to be able to control, minimise impact, and integrate the proposal into the landscape. It should also be noted that landscape impact was not specified as a refusal reason by Members to the previous application (DCNW2008/1807/F) on this site. It is considered that the proposal in this location does not conflict with policy LA2, and as such it is considered that such a refusal reason is unsustainable.

6.8 Drainage

A composting and soakaway system is proposed in order to deal with foul and surface water drainage. Given the family unit is small; there is no reason that this drainage solution is not acceptable. A condition requiring the submission of and approval by the Local Planning Authority, and subsequent implementation of this arrangement within a specified time period is recommended.

6.9 Conclusion

The UDP supports the development of sites for Gypsies and other travellers through a criteria based approach set out in policy H12. This application is considered to meet those criteria, along with the policies regarding sustainability, highways, and amenity.

The Council acknowledges that there is a shortfall in the provision of Gypsy and Traveller sites within the county and individual, suitable private pitches can help meet that need. Furthermore the Council also recognises that it has not in period since the temporary permission was granted on the adjoining site, prepared a list available of acceptable sites, not only in regards the applicant, but also other Traveller families, as required.

It is considered that a conditional approval would not conflict with UDP Policies DR1, DR2, DR3, H7, H13, T8 and LA2, whilst also honouring the Council's responsibilities towards the applicant in regards Article 8 of The Human Rights Act.

A condition restricting the occupancy of the caravan to a family with defined dependants, i.e. children and or grandparents of the owner, is recommended to also prevent the expansion of the site whilst being reasonable to potential changes in the immediate family. This condition addresses local concerns over future expansion of the site however given the sites considered suitability, allows for the sale of or the use of the land by another Traveller family if the applicant was to move.

To further allay the concerns of local residents and to protect the character, appearance, and amenity of the area, restrictive conditions regarding land use, storage, fires, and the erection of other buildings have been recommended.

In addition, the proposal is considered to meet the guidance and criteria set out at national level in Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites, Local Authorities and Gypsies and Travellers: A Guide to Responsibilities and Powers, DCLG, 2007, and Designing Gypsy and Traveller Sites, Good Practice Guide, DCLG, 2008

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 B02 Development in accordance with approved plans and materials**
- 2 H01 Single access - no footway**
- 3 H05 Access gates**
- 4 H13 Access, turning area and parking**
- 5 I03 Restriction on specified activities**
- 6 I45 Restriction of open storage**
- 7 I43 No burning of material/substances**
- 8 The hereby permitted Gypsy and Traveller accommodation is restricted to one of either the owner or tenant of the pitch, and their partner and immediate family, defined as children and parents.**

Reason: To restrict the pitch to one family unit, in order to protect the locality, amenity and quality of provision in accordance with Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites, Designing Gypsy and Traveller Sites, Good Practice Guide, DCLG, 2008 and Herefordshire Unitary Development Plan policies DR1, DR2, H7, H12 and LA2.

- 9 The siting of the hereby permitted static caravan is limited to the area hatched red on the attached plan titled 'Annex A' and one number static caravan only.**

Reason: To allow flexibility in the siting of the static caravan whilst protecting the character and appearance of the open countryside in accordance with PPS7, Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites and Herefordshire Unitary Development Plan policies DR1, DR2, H12 and LA2.

Further information on the subject of this report is available from Mr C Brace on 01432 261795

- 10 **G10 Landscaping scheme**
- 11 **G11 Landscaping scheme - implementation**
- 12 **F06 Restriction on Use**
- 13 **L01 Foul/surface water drainage**
- 14 **M01 Surface water drainage works to be agreed**

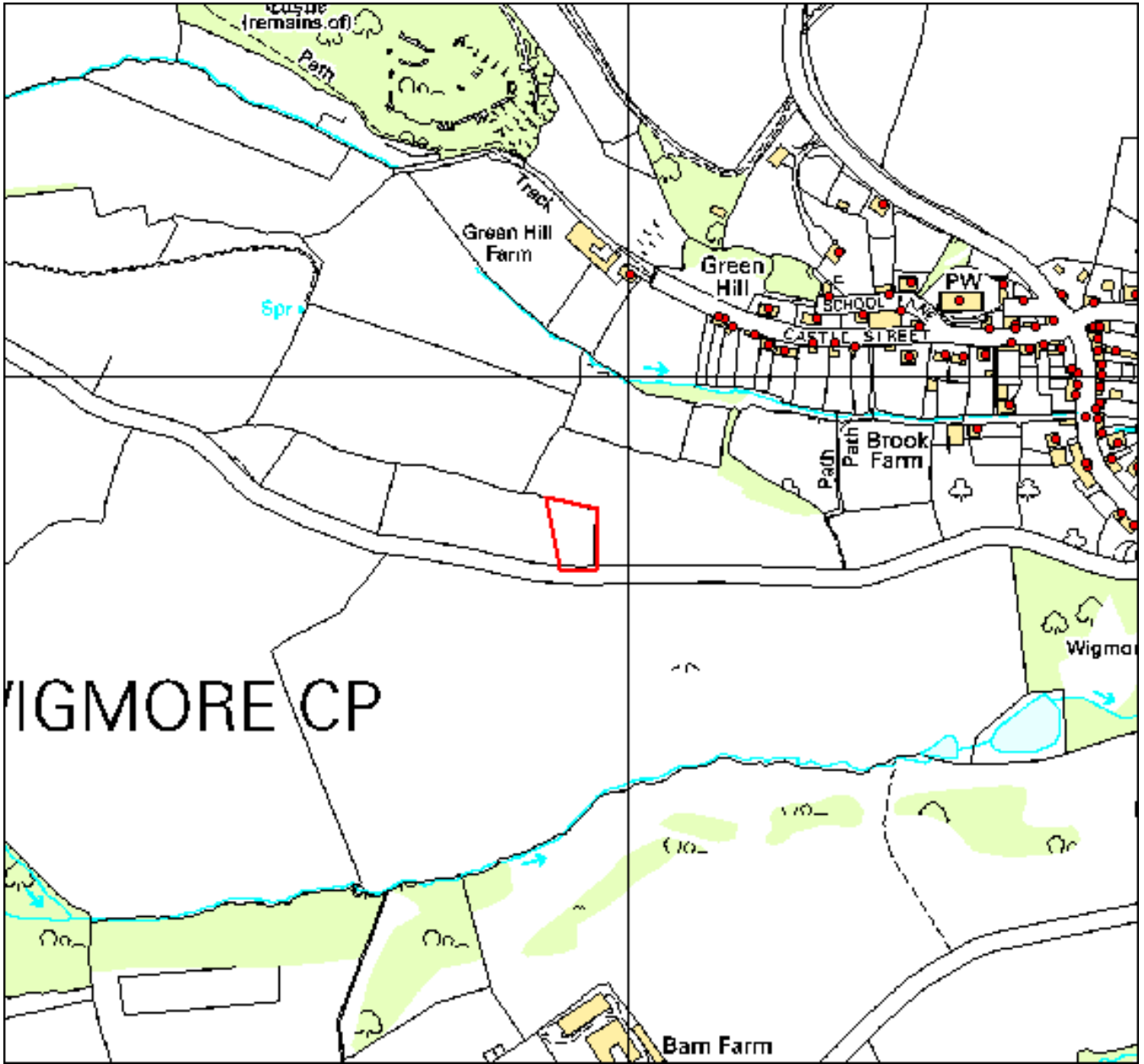
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNW/100435/F

SITE ADDRESS : LOWER FIELD AT ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ

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Further information on the subject of this report is available from Mr C Brace on 01432 261795



MEETING:	PLANNING COMMITTEE
DATE:	13 OCTOBER 2010
TITLE OF REPORT:	<p>DMNW/100558/F - CHANGE OF USE FROM AGRICULTURAL LAND TO ONE FAMILY TRAVELLER SITE TO INCLUDE THE STATIONING OF ONE LIVING VEHICLE, STORAGE BOXES & SHED AT ASHFIELD BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ</p> <p>For: Mr Wells per Mr Richard Wells, Ashfield Barnett Lane, Wigmore, Herefordshire, HR6 9UJ</p>

Date Received: 10 March 2010

Ward: Mortimer

Grid Ref: 340663,268928

Expiry Date: 18 May 2010

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The application site is located in open countryside under one mile (860 metres) from the main village of Wigmore, in an elevated position on the north-east facing side of a stream valley. The site is on the northern side of Barnett Lane, an unclassified road.
- 1.2 Wigmore Castle, which is a Scheduled Ancient Monument and a Grade 1 listed building occupies a knoll on the opposite side of the stream valley, at a lower elevation than the application site. The historic core of Wigmore is a Conservation Area.
- 1.3 The application site and the mid and lower part of the stream valley comprise pastoral land, with areas of dense woodland occupying the higher ground. This area is described as the landscape type Principal Wooded Hills in the Landscape Character Assessment. Key characteristics of this landscape type include varied topography, ancient wooded character, wooded land use with occasional pasture, field boundary hedgerows, linked woodland pattern, medium-framed views and scattered settlement pattern.
- 1.4 The application site, (which adjoins another proposed Traveller site, application NW/100435/F and is approximately 200 metres apart, at either end of a strip of fields) is parallel to Barnett Lane, with the land sloping down from the lane, towards the north-east. There is a tall hedgerow along the Barnett Lane frontage and around the perimeter of the strip of fields.
- 1.5 The proposal is the retrospective and for change of use from agricultural land to one family traveller site to include the stationing of one living vehicle, storage boxes, and shed.

Further information on the subject of this report is available from Mr C Brace on 01432 261795

1.6 The site is triangular in shape, with the storage boxes sited parallel to the roadside hedge, the living vehicle sited in the western corner and the shed and compost toilet sited in the eastern corner. The eastern boundary of the site comprises a stock proof fence. New planting which has been undertaken includes some hedgerow shrubs along the fence line, a group of deciduous trees near the site entrance and some non-native conifers near the living vehicle.

2. Policies

2.1 National Planning Guidance:

Planning Policy Statement 7: Sustainable Development in Rural Areas

Local Authorities and Gypsies and Travellers: A Guide to Responsibilities and Powers, DCLG, 2007

Designing Gypsy and Traveller Sites, Good Practice Guide, DCLG, 2008

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable development
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H7	-	Housing in the countryside outside settlements
H12	-	Gypsy and other Travellers
H13	-	Sustainable residential design
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change

Other Material:

Herefordshire Council Travellers' Policy, 2008

Gypsy & Traveller Accommodation Assessment Shropshire, Herefordshire, Telford & Wrekin and Powys Revised Final Report, July 2008

3. Planning History

3.1

NW08/1807/F	-	Retrospective application for change of use of land from agricultural to one family traveller site	-	Refused
NW06/0205/F	-	Change of use from agricultural land to one family Travellers site, including stationing of two dwelling vehicles and storage space (retrospective application)	-	Refused - Planning Appeal Dismissed but a three year temporary permission granted
NW05/0851/F	-	Retention of caravan for residential use	-	Refused

4. Consultation Summary

Internal Council advice

4.1 The Transportation Manager makes no objection to the Proposal.

4.2 The Gypsy Officer did not respond.

- 4.3 The Planning Policy Manager confirmed Herefordshire Council has a number of Traveller sites, on which there are vacancies.
- 4.4 The Environmental Protection Manager did not respond
- 4.5 The Landscape and Biodiversity Team Leader Objects to the proposal as it would adversely affect the character of the rural landscape.
- 4.6 The Head of Strategic Housing states that a total of 83 additional Gypsy and Traveller pitches are required in the period 2007 – 2012. It is emphasised that vacancies on Council owned pitches does not indicate a lack of demand in the same way a 'hard to let' affordable housing unit does not indicate a lack of demand for affordable housing. It is confirmed that there are difficulties in securing exception sites in rural locations.

5. Representations

- 5.1 The applicant's agent makes reference to the lack of planning permissions granted in respect of new Traveller sites within Herefordshire, and the failure of the Council to prepare a list of acceptable sites as per the recommendation of the Appeal Inspector. This issue is detailed below. The supporting statement also goes on to evaluate the proposal against local and national policies in a favourable manner.

Reference is then made to the personal circumstances of the applicant, including his status as a Traveller, and the family stability residing at this location has afforded the family unit, in particular the care, welfare, and education at the local school, of the applicant's son.

The applicant and his agent have also detailed efforts to secure alternative land and traveller accommodation which included a private site at Richard's Castle, however it is reported all 10 pitches are taken up. Other land which the applicant has claimed to have pursued have sold at prices beyond his financial means.

- 5.2 Wigmore Parish Council objects to the application, issues raised are summarised as:-
 - The temporary permission has lapsed and the conditions should be adhered with
 - Public disturbance and anti social behaviour from the applicant at this site occurs
 - If permitted a precedent is set
 - Proposal is visible from the castle
 - Impact on the castle, countryside, and conservation area of Wigmore
 - Objections from previous application maintained
- 5.3 Eleven letters of objection have been received from local residents, the summarised issues are as follows
 - Impact on the countryside
 - In a prominent position
 - creates a precedent
 - applicant is not a Traveller
 - Impact on setting of Wigmore Castle
 - Antisocial behaviour on the site
 - Provision exists in the county
 - Alternative accommodation exists
 - Village services cannot cope
 - Concern regarding business use from the site
 - Concern over local road network

The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 Introduction

The land subject of this application has benefited from a temporary permission granted at appeal following the Council's refusal of planning application DCNW2006/0205/F. This expired on 7 March 2010. Formal enforcement action has been held in abeyance given this subsequent application.

The application Appeal Decision APP/W1850/A/06/2018079 granted a three year temporary permission for the change of use from agricultural land to a family traveller site. The temporary permission was granted in order to allow the appellant opportunity to find alternative accommodation as per their rights, protected under Article 8 of The Human Rights Act and the Council to provide a list of sites which would be suitable and acceptable not only in regards the applicant, but also other Traveller families. The Council indicated at the inquiry that they were moving forward with identifying such sites.

The applicant is still residing on the site, with various improvements made to the tidiness, appearance, and maintenance of the land holding.

Whilst the Inspector allowed the appeal for a temporary period, he concluded that the proposal was contrary to local planning policies through its unsustainable location, and adverse landscape impact. It is on these two planning issues, and the availability of alternative accommodation against which this application is assessed.

6.2 Need

A Gypsy & Traveller Accommodation Assessment for Herefordshire was completed in July 2008. This report identified a shortfall in provision for 2007 – 2011 of 83 Gypsy and Traveller pitches within the county.

Herefordshire has no Gypsy and Traveller site allocations within the UDP and instead uses the criteria based approach of UDP policy H12, along with the National guidance contained in Circular 1/2006. It is noted that the Government intends to revoke this circular.

Notwithstanding the vacant pitches on Council sites, National guidance indicates that small private pitches have a significant roll in reducing shortfall.

6.3 Legislative context

The Local Planning Authority is mindful of the guidance set out in Circular 1/2006 on the European Convention on Human Rights, and its obligations under the Race Relations Amendment Act 2000.

The Housing Act 2004 requires Local Authorities to include the accommodation needs of Gypsies and Travellers in their Local Housing Assessments.

6.4 The applicant

The applicant is considered to meet the definition of a Gypsy or Traveller as defined in Circular 1/2006. This point was confirmed in the above mentioned appeal by the Inspector.

The family unit comprises the applicant, his partner, and his son of whom joint care and responsibility is shared with the child's mother who, also a Traveller, resides on an adjacent plot, which is subject to planning application DMNW/100435/F.

It is considered on the basis of the size of the immediate family unit that one number static caravan is appropriate and acceptable subject to other material planning considerations, set out in this report.

A condition restricting the occupancy of the caravan to a family with defined dependants, i.e. children and or grandparents of the owner, is recommended to also prevent the expansion of the site whilst being reasonable to potential changes in the immediate family. This condition addresses local concerns over future expansion of the site for use by other Gypsies or Travellers outside of the applicant and his immediate family.

6.5 Sustainability

Despite the previous refusal reason and the view of the Appeal Inspector, who considered the site 'not within reasonable distance of Wigmore and its services' and 'that such visit would likely involve the use of a car' the site is within easy walking distance of less than a mile to the village core, from either the unclassified road which runs down to opposite the school – a distance of 860 metres, or by public right of way into the village via Castle Street – a distance of 790 metres, or other public access routes, onto various sections of the village fronting the A4110.

Wigmore is a main village with a range of facilities and services, including but not limited to primary and secondary school, two number public houses, shop, and public transport links. Given that the site does not directly adjoin other residential properties, thus minimising amenity impact to negligible, to be so close to a main village, with such a range of services.

On reflection, despite the previous decision of the Inspector, it is considered that the site is sustainable and readily accessible on foot to services and facilities provided in Wigmore. It is considered that the proposal in respect of its location and sustainability satisfies PPS7, and policies S1, H7 and H12 of the Herefordshire UDP.

6.6 Highways

The site is accessed from an unclassified road which in turn leads to the main village of Wigmore, forming a junction with the A4110 south of the school. The Transportation Manager makes reference to previous comments regarding applications for a Traveller site here, and notes the 'light traffic movements' and 'slow speeds' on this road, along with the 'low level vehicular activity associated with the proposal'. In this regard, UDP policies DR3 and T8 are satisfied.

6.7 Landscape and Visual Impact

Views into the site from Barnet Lane are restricted by the tall roadside hedgerow. There are views into the site from the gateways which serve as access to the site and there are occasional glimpsed views through the roadside hedgerow. These views are very restricted when the hedgerow is in leaf; but would be slightly less restricted when the hedgerows are not in leaf, in the winter. The close proximity of this application site and that of application NW/100435/F means that there is a degree of cumulative impact – travelling either up or down Barnet Lane, there are successive views through the two field gateways of development which is domestic, not agricultural, in character. However it is still considered, as also per the Appeal Inspector's comments, that the proposal does not have an undue impact on the setting of Wigmore, given the distance and natural screening.

When viewed from Wigmore Castle and from the footpaths within the stream valley – footpath WQ4, which runs between Barnet Lane and Wigmore Castle, to the north-west of the application site and footpath WQ6, which runs between Barnet Lane and the stream, to the east of the application site, the proposal is screened by the perimeter hedgerows and does not create an undue intrusive impact. The Inspector, in his decision, also considered as per Landscape Officer’s opinions, that the proposal does not have a harmful impact upon the Scheduled Ancient Monument Wigmore Castle.

Notwithstanding the above, the Inspector considered that the principle and presence of the proposal failed to protect the landscape and harms the countryside due to its prominence. This opinion is reflected in the detail assessment of the proposal by the Council’s Landscape Officer:

“The application site is in a very isolated position; there is no other housing development adjacent to Barnet Lane in the vicinity. The absence of housing development may be due to the unfavourable north-east facing orientation of the slope and the steepness of the ground. The isolation of the site increases its prominence in the rural landscape. The presence of living vehicles/caravans, cars, storage structures, toilets, vegetable plots and other domestic items have changed the character of the sites - from open pastoral fields, which were wholly agricultural in character to domestic sites. The planting of non-native conifers has exacerbated the harm. The loss of pastoral character erodes the character of Principal Wooded Hills; it causes harm to the intrinsic character of the rural landscape. It is considered that no amount of additional screening could overcome this adverse impact which is the fundamental change to the appearance and character of the countryside. “

6.8 Conclusion

Whilst it is considered the principle and very presence of the proposal creates a landscape impact and conflicts with UDP policy LA2 and has a detrimental impact on the character of the countryside, and full approval would, as the Appeal Inspector stated ‘make it very difficult to refuse similar applications, which cumulatively have a very adverse impact on the character and beauty of the countryside, diversity of landscapes, heritage and wildlife that can be enjoyed by all’, given that the proposal is considered to not harm the setting of Wigmore Castle, or the village itself, the recommended temporary permission, is considered to be acceptable in the short term. This approach ensures the Council’s compliance with the Human Rights Act, and the long term protection of the countryside, whilst the Council establishes a list of acceptable Traveller sites.

The Council acknowledges that there is a shortfall in the provision of Gypsy and Traveller sites within the county and individual, suitable private pitches can help meet that need. Furthermore the Council also recognises that it has not in period since the temporary permission was granted on this site, prepared a list available of acceptable sites, not only in regards the applicant, but also other Traveller families, as required.

To further allay the concerns of local residents and to protect the character, appearance, and amenity of the area, restrictive conditions regarding land use, storage, fires, and the erection of other buildings have been recommended. The temporary use proposed for approval is restricted to residential use only.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 F22 Temporary permission & reinstatement of land (mobile home/caravan) – 3 years**
- 2 H01 Single access - no footway**

Further information on the subject of this report is available from Mr C Brace on 01432 261795

- 3 **H05 Access gates**
- 4 **H13 Access, turning area and parking**
- 5 **I03 Restriction on specified activities – limited to residential use only**
- 6 **I45 Restriction of open storage**
- 7 **I43 No burning of material/substances**
- 8 **The hereby permitted Gypsy and Traveller accommodation is restricted to Mr Richard Wells, currently of Ashfield, BARNETTS Lane, Wigmore, Herefordshire, HR6 9UJ only and his partner and immediate family, defined as the child known as Clee.**

Reason: To restrict the pitch to the above named person and dependants only as this is a temporary permission granted to uphold the Human Rights of the named person and dependants, and in order to protect the locality and amenity in accordance with Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites, Designing Gypsy and Traveller Sites, Good Practice Guide, DCLG, 2008 and Herefordshire Unitary Development Plan policies DR1, DR2, H7, H12 and LA2.

- 9 **The siting of the hereby permitted static caravan is limited to the area hatched red on the attached plan titled 'Annex A' and one number static caravan only.**

Reason: To allow flexibility in the siting of the static caravan whilst protecting the character and appearance of the open countryside in accordance with PPS7, Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites and Herefordshire Unitary Development Plan policies DR1, DR2, H12 and LA2.

- 10 **G10 Landscaping scheme**
- 11 **G11 Landscaping scheme - implementation**
- 12 **F06 Restriction on Use**

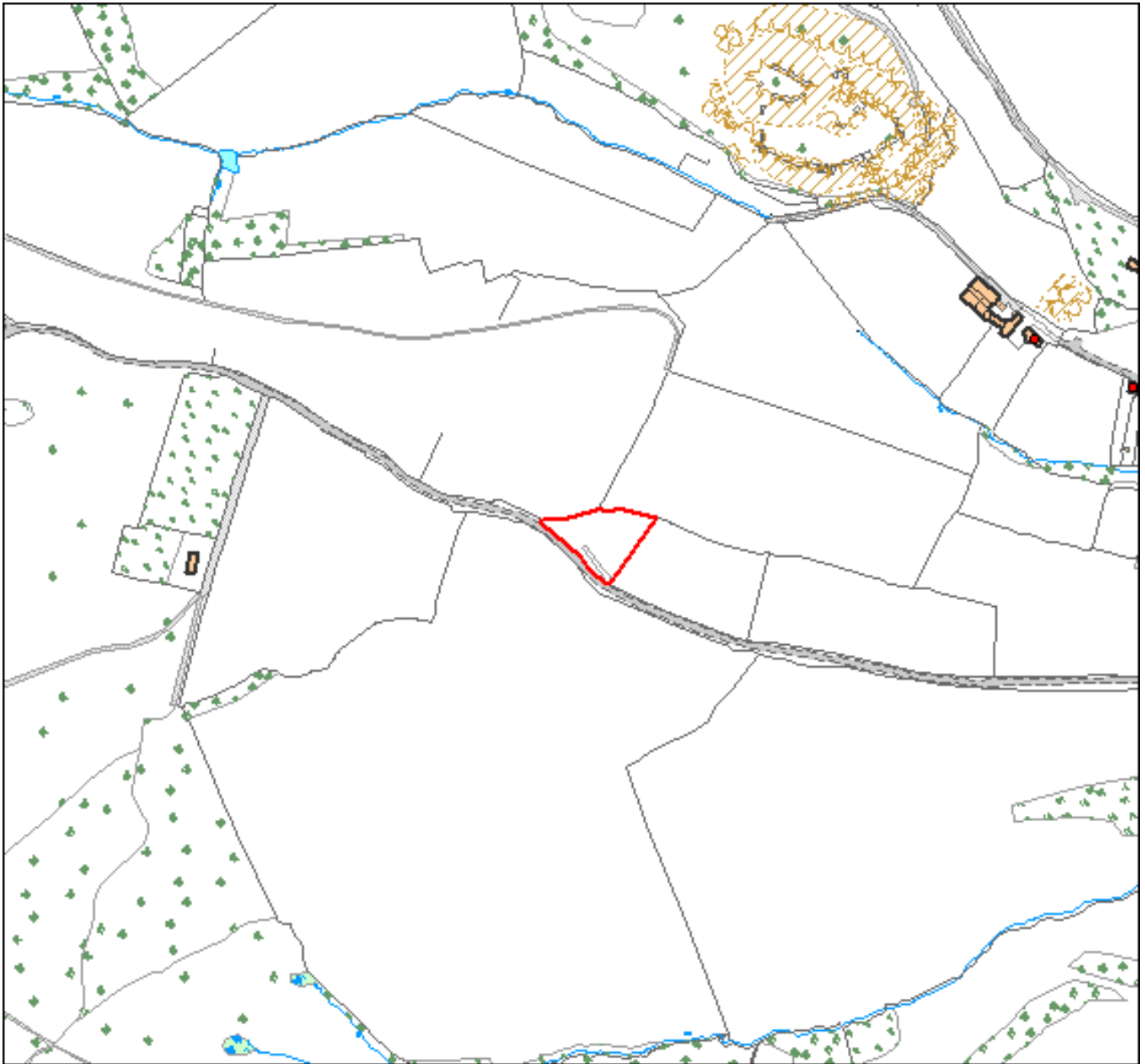
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNW/100558/F

SITE ADDRESS : ASHFIELD, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ

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Further information on the subject of this report is available from Mr C Brace on 01432 261795



MEETING:	PLANNING COMMITTEE
DATE:	13 OCTOBER 2010
TITLE OF REPORT:	<p>DMNC/091832/F - CHANGE OF USE OF LAND FOR STATIONING OF CARAVANS TO PROVIDE 1 NO. RESIDENTIAL MOBILE HOME FOR AGRICULTURAL WORKERS EMPLOYED IN FREE RANGE EGG PRODUCTION AT LEDWYCHE FARM, BLEATHWOOD, LITTLE HEREFORD, HEREFORDSHIRE, SY8 4LF</p> <p>For: Mr Willis per Mr Matthew Green, 3a High Street, Much Wenlock, Shropshire, TF13 6AA</p>

Date Received: 30 July 2009

Ward: Upton

Grid Ref: 354956,271221

Expiry Date: 30 March 2010

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 The site lies in open countryside in an area characterised by an undulating landscape and field boundaries demarcated by hedgerows and belts of trees. Accordingly the area is described in the Council's Landscape Character Assessment as one of Principal Timbered Farmlands. It is accessed via a stoned roadway directly off the C1054.
- 1.2 More specifically, the site occupies a raised position within the landscape with the land generally falling to the south and east and levelling north. The farm holding amounts to an area of land slightly in excess of 5 hectares. A group of buildings provide an element of storage for the agricultural use of the land. A single storey brick range has been converted to holiday accommodation and a free range egg production building erected approximately 150 metres to the north-west of the application site.
- 1.3 The application is retrospective in that it seeks to retain one of two mobile homes sited on the land. It is supported by an agricultural appraisal that seeks to demonstrate that there is a need for accommodation on the land to support an emerging free range egg production enterprise.
- 1.4 The appraisal identifies a three year development plan for the business, after which the laying flock will number 5,000. The unit will operate a 60 week cycle and birds will be allowed to graze the land during daylight hours. The need for accommodation on the site is based principally on animal welfare issues, but the appraisal also makes reference to labour intensive nature of the business, particularly a need to collect eggs by hand. This is a conscious decision made by the applicant to minimise energy use, but also as mechanisation would not be cost effective due to the relatively modest scale of the enterprise.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

- 1.5 The appraisal goes on to advise that the building is fully automated. Ventilation systems will control temperature between pre-set limits and the building is alarmed for excessively high and low temperature and power failure. Similarly feeding and drinking systems are fully automated, but need to be checked regularly to ensure that they are functioning properly.
- 1.6 The appraisal concludes that there is a functional need for on site accommodation due to animal welfare issues and because the nature of the business requires a worker to be on site for significant periods of the day. There are no other dwellings on the holding and none in the locality which are either available or would meet the functional need of the business (to be in sight and sound of the buildings that are intended to be served).
- 1.7 Further information submitted by the applicant's agent includes a letter from an egg distributor. This confirms that he is willing to take all of the applicant's eggs subject to market price for distribution to approximately 250 retailers and restaurants in Shropshire and Cheshire and surrounding areas.

2. Policies

2.1 Herefordshire Unitary Development Plan

- | | | |
|------|---|--|
| E11 | - | Employment in the Countryside |
| E13 | - | Agricultural and forestry development |
| LA2 | - | Landscape character and areas least resilient to change |
| H7 | - | Housing in the countryside outside settlements |
| H8 | - | Agricultural and forestry dwellings and dwellings associated with rural businesses |
| H11 | - | Residential caravans |
| PPS7 | - | Sustainable Development in Rural Areas |

3. Planning History

3.1

- | | | | | |
|-----------------|---|--|---|--|
| DCNC2007/3086/F | - | Retention of mobile home to provide agricultural workers accommodation | - | Refused 26/11/07 |
| EN2007/0078/ZZ | - | Enforcement Notice served on 11th July 2007 to require the removal of 2 mobile homes and lorry containers from the land. The Notice was appealed on the basis that the mobile homes were required to provide accommodation in connection with an emerging pig farrowing and free-range egg production enterprise | - | The appeal was dismissed and the Notice upheld on 24/04/08 |
| EN2007/0024/ZZ | - | Breach of Condition Enforcement Notice served on 19/03/07 for the breach of condition 4 of DCNC2001/1502/F – The building converted under the terms of this permission as holiday accommodation being used for residential use by the owner of the land and his family | - | |
| DCNC2007/0336/F | - | Proposed removal of condition 4 of planning permission DCNC2001/1502/F for use of holiday accommodation as an agricultural dwelling | - | Refused 08/03/07 |
| DCNC2007/0234/S | - | Proposed pig farrowing house | - | Refused 22/02/07 and dismissed on appeal |

DCNC2006/3934/S	- Erection of a free range poultry building	- Prior approval not required 05/01/07
DCNC2001/1502/F	- Conversion of farm buildings into 2 holiday houses	- Approved 27/09/01
DCNC1999/1739/O	- Siting of a mobile home to oversee the establishment of a new free-range egg and pig production unit	- Approved 29/09/99

4. Consultation Summary

4.1 Transportation Manager – No objections

4.2 County Land Agent – Accepts that there is an essential need for on site accommodation to oversee a free-range egg production enterprise of the scale capable of being implemented on the land.

5. Representations

5.1 Brimfield & Little Hereford Parish Council – Object to the application as they do not feel that the proposal is justified.

5.2 Six letters of objection have been received from local residents and landowners. In summary the points raised are as follows:

- The poultry building that has been erected is below standard and the land cannot be farmed efficiently.
- The enterprise relies on solar and wind power. The reliance of this is questioned when the enterprise will require a significant power supply.
- The applicant's do not have legal access to their land.
- The use of a mobile home as a permanent residence is not suitable for the area.
- The proposal does not accord with the requirements of PPS7 as it diminishes the character and appearance of the area and does not promote a sustainable pattern of development.
- The site lacks accessibility and will result in additional traffic movements, compromising highway safety.
- The proposal is detrimental to nearby residential amenity.
- The proposal is purely speculative.
- The applicant's have continued to flout planning regulations and ignore the requirements of enforcement notices.

The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The starting point is to assess the proposal against national policy advice in PPS7 where guidance on agricultural and forestry development is set out in Annex A. Paragraph 1 reminds both authorities and applicants that it will often be as convenient and more sustainable for workers to live in nearby towns and villages, or existing dwellings, so as to avoid new and potentially obtrusive development in the countryside. Paragraph 2 states that it is essential to scrutinise applications in order to identify speculative proposals that attempt to abuse the concessions that the planning system makes for new occupational dwellings in the countryside. The policy statement also stresses the importance of establishing that the stated intentions are genuine, that they are reasonably likely to materialise and that they are capable of being sustained for a reasonable period of time. It is also important to establish that the needs of the enterprise require one or more people engaged in it to live nearby. These points

Further information on the subject of this report is available from Mr A Banks on 01432 383085

are also the fundamental basis for the Council's own policy under H8 of the Unitary Development Plan.

- 6.2 In the case of temporary accommodation, the guidance lists five criteria that must be satisfied, and these are as follows:
- There is clear evidence of a firm intention and ability to develop the enterprise
 - There is a functional need
 - That the enterprise has been planned on a sound financial basis
 - That the functional need could not be satisfied by another existing dwelling on the unit or any other existing accommodation in the area which is suitable and available, and;
 - Other normal planning considerations are satisfied
- 6.3 Your Officers understand that the applicant purchased the land in 2003 and subsequently implemented the planning permission for the conversion of the buildings into holiday accommodation (NC2001/1502/F), completing the work himself. It is clear from the planning history outlined above that a number of enforcement issues have arisen during this time, most obviously the unauthorised residential occupation of the land, and latterly the holiday accommodation. However, it is also clear that the applicant has implemented the permissions that have been granted. The poultry building has been completed and it is understood that it has been operating since the early summer of this year. Correspondence submitted on behalf of the applicant from an egg distributor indicates that he has a ready outlet for the eggs that are produced and, in your Officers opinion, this is a clear indication of the applicant's intention and ability to develop the enterprise. The first point is considered to be satisfied.
- 6.4 In dismissing the Enforcement Appeal in 2008, the Inspector expressed the view that it would be desirable for someone to be close to livestock at all times if the development of an egg production unit occurred. His view was based on the 'low technology background' of the enterprise, particularly the applicant's intention to rely on renewable energy sources. He therefore concluded that this would constitute a functional requirement for the purposes of PPS7.
- 6.5 The Inspector's view is endorsed in respect of this current application by the County Land Agent. Originally he had expressed some reservations about the enterprise, particularly the low technological basis of the enterprise, the poor quality and questions about the availability of access to the site and the contractual arrangements that the applicant had made for the sale of eggs.
- 6.6 The last of these points has already been discussed. In respect of the first two, the applicant's agent has provided additional information including trade details of the ventilation system that has been installed in the poultry building, a detailed energy assessment from an independent organisation, and a letter from the applicant's solicitor confirming their right of access to their land.
- 6.7 The County Land Agent is satisfied that the details provided address the points originally raised. He also confirms that the Egg Board are happy with the standard of the building and that there is sufficient land to support the 5,000 birds proposed for the third year of the business plan. He concludes that it will be necessary for someone to live on site due to the combined facts that the enterprise is some distance from a public road and that there are no houses available to buy or rent in the locality. He also makes it clear that the applicant will need to provide detailed, audited accounts should he apply in the future for permanent accommodation on the land.
- 6.8 It is therefore concluded that the functional requirement for accommodation on the land is met, that this need cannot be satisfied elsewhere and that the financial projections submitted on behalf of the applicant are not unreasonable based on the number of birds proposed over a

three year period. The proposal is therefore considered to accord with Policy H8 of the Unitary Development Plan, and with Annex A of PPS7.

- 6.9 It therefore falls to consider any other material planning considerations that might influence the determination of this application, and the primary issue is considered to be that of visual impact.
- 6.10 There can be no doubt that there have been a number of concerns about the appearance of the holding over a considerable period of time. The stationing of lorry backs on the land was addressed by the Enforcement Notice issued in July 2007. These do remain on the land but are being used for agricultural purposes, and as such are considered as chattels for which planning permission is not required. The general appearance of the land is not however, reason to refuse this application, it is simply the appearance and impact of a mobile home that must be assessed.
- 6.11 As stated at the beginning of this report, the application is effectively retrospective as accommodation already exists on the land. It is positioned immediately adjacent to the original range of farm buildings serving the land, including the building which has been converted to holiday accommodation. At the time that the site was visited, two co-joined mobile homes were positioned on the land. They are quite discretely sited and any view of them is seen against the backdrop of the buildings. Their visual impact is considered to be very limited, and not sufficient to warrant the refusal of the application.
- 6.12 The applicant's agent has confirmed that the intention is to retain a mobile home for residential use as defined by the Caravan Sites and Control of Development Act 1960, and the Caravan Site Act 1968. Although they have not been explicit, your Officers have taken their reference to both Acts to mean that it is the intention of the applicant to retain both as a single unit. It is recommended that this is addressed through the imposition of an appropriately worded condition should planning permission be forthcoming.
- 6.12 On balance it does appear that the criteria set out by Policy H8 of the Unitary Development Plan and PPS7 are met and the application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 F22 Temporary permission & reinstatement of land (mobile home/caravan) – 3 years**
- 2 F27 Agricultural occupancy**
- 3 The permission hereby granted is specifically for the siting of two co-joined units as defined by Section 13(1) of the Caravan Site Act 1968.**

Reason: In order to define the terms of this permission and to comply with Policies H8 and H11 of the Herefordshire Unitary Development Plan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr A Banks on 01432 383085



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APPLICATION NO: DMNC/091832/F

SITE ADDRESS : LEDWYCHE FARM, BLEATHWOOD, LITTLE HEREFORD, HEREFORDSHIRE, SY8 4LF

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MEETING:	PLANNING COMMITTEE
DATE:	13 OCTOBER 2010
TITLE OF REPORT:	<p>DMS/101741/O - ERECTION OF 2 DWELLINGS, CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT MOREBOROUGH, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BE</p> <p>For: Mr and Mrs Davis per Mr Paul Smith, 12 Castle Street, Hereford, HR1 2NL</p>

Date Received: 12 July 2010

Ward: Ross-on-Wye East

Grid Ref: 360486,224957

Expiry Date: 6 September 2010

Local Members: Councillors PGH Cutter and AE Gray

1. Site Description and Proposal

- 1.1 The application site comprises part of the large, mature rear garden of Moreborough. The property has a frontage onto Ledbury Road but the rear of the site has a boundary onto Court Road. The area of the site accommodates a detached double garage and associated hardstanding with access road from Court Road. The site is elevated above the level of the carriageway and is located on the inside of a sweeping bend into the residential estate. To the immediate north-east of the site is Meadow View a modern detached dwelling and opposite are further modern dwellings and a residential mobile home park.
- 1.2 Outline planning permission is sought for the erection of two dwellings on the site incorporating the construction of a new access and parking. The application seeks approval for the access and layout with appearance, landscaping and scale being reserved for future consideration. In addition to the 2 dwellings, the proposal also includes details relating to the alteration of the access and a parking area for 2 cars serving Moreborough from Ledbury Road.
- 1.3 The proposed site plan identifies a staggered semi-detached arrangement for the dwellings which would be set back behind the front elevation of Meadow View with a combined frontage of 12 metres. Set out in front of the proposed dwellings would be the new access, which includes 4 parking spaces and associated turning space.
- 1.4 The Design and Access Statement advises that the proposal is for two bedroomed dwellings that would each be 6 metres wide, 8 metres deep with eaves and ridge heights of 5 metres and 8 metres respectively. The proposed garden areas have been extended through negotiation and would be between 6-8 metres in length.
- 1.5 The application is a resubmission following the refusal of a previous application (DMSE/100293/O) on the grounds that inadequate access and parking arrangements had been proposed and that there was no undertaking to enter into the necessary Section 106 Agreement.

Further information on the subject of this report is available from Mrs A Tyler on 01432 260372

2. Policies

2.1 National Guidance

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR3	-	Movement
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car Parking
T8	-	Road Hierarchy
T11	-	Parking Provision

2.3 Supplementary Planning Documents

Planning Obligations

3. Planning History

3.1 DMSE/100293/O Proposed erection of 2 starter homes. Refused 5 May 2010.

4. Consultation Summary

4.1 Welsh Water: No objection subject to conditions

4.2 Traffic Manager: Comments awaited on revised plans.

5. Representations

5.1 Ross Town Council: The Committee would ask the planning officers to pay particular attention to the design of the access and egress of the site onto Court Road as it is considered to be a dangerous junction.

5.2 Six letters of objection have been received from Mr and Mrs McLachlan, Meadow View, Court Road; Mr and Mrs Constance, 2 Court Road; Mrs Carter, 17 Cottage Park; Messrs Dixon, Haslemere, Ledbury Road, Simon Clarke, Tara, Court Road and S Smith, 20 Cottage Park.

5.3 The objections raised can be summarised as follows:-

- Dangerous access with poor visibility.
- Road is busy and is also a bus route.
- Long established pond at rear of Moreborough with active wildlife (frogs migrate to our garden).
- Development of 2 dwellings would impinge upon the use and enjoyment of our garden.
- Loss of green space, undesirable garden grabbing.

Further information on the subject of this report is available from Mrs A Tyler on 01432 260372

- Conflict with school pick up point.
- Completely out of character, cramming of site.
- A larger single dwelling would be more appropriate and in keeping with the character of the area.
- Additional traffic will increase the risk of accidents.

5.4 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The site lies within the settlement boundary of Ross-on-Wye and an established residential area and accordingly, it is considered that the principle of residential development within the application site is acceptable in policy terms. The main issues for consideration in the determination of this application are as follows:-

- (a) the impact of the development on highway safety;
- (b) the impact of the development on the character and appearance of the site and surrounding area and;
- (c) the impact of the development on the residential amenity of neighbouring occupiers.

Highway Safety

6.2 It is clear from responses received that this issue remains of particular concern to local residents. Since the refusal of the previous proposal, the applicant has sought to revise the parking and access arrangements to the site and demonstrate that the necessary four vehicles can enter and leave the site in an acceptable manner.

6.3 The revised arrangement for the two dwellings identifies the appropriate number of spaces per dwelling and subject to conditions, acceptable turning space within the site and visibility splays to enable vehicle to enter and leave without detriment to highway safety. There remains a need to demonstrate that this elevated part of the site can be provided with a driveway of a sufficiently shallow gradient and revised plans are awaited such that the recommendation set out below reserves judgment on this issue pending the receipt of further comments from the Traffic Manager.

6.4 In all other respects, the Traffic Manager is satisfied that parking and access arrangements for the site are acceptable and accordingly, notwithstanding the concerns raised locally, it is considered that the proposal complies with Policies DR1, DR3, H13 and H16 of the Herefordshire Unitary Development Plan and as such a refusal on the grounds of highway safety could not be sustained.

Character and Appearance

6.5 The proposal in terms of its scale and layout is identical to the previous scheme although the applicant has extended the garden curtilages available to the proposed dwellings. It is considered that the footprint of development can be accommodated without unacceptable cramming of the site and at a density that is appropriate to the general grain of development within the surrounding residential estate. A key consideration for any future reserved matters application would be the relative height of the dwellings in relation to the immediate neighbouring property given its elevated and prominent location. In this respect, subject to a detailed design, appropriate materials, eaves and ridge height, it is considered that the two staggered dwellings could be constructed in a manner that would respect the character and appearance of this established residential area. Consideration has been given to the concerns raised in relation to "garden grabbing" and with particular reference to the recent revised PPS3: Housing. It is concluded that the form of development would be an acceptable one

within the established residential character of the area and having regard to the garden space provided for both the new development and that retained by Moreborough there is no conflict with national guidance. Furthermore it is considered that subject to careful control over any future reserved matters application relating to the scale and appearance of the dwellings, the proposal satisfies Policies DR1, H13 and H14 of the Herefordshire Development Plan.

Residential Amenity

- 6.6 Having regard to the relative distance and orientation of the site to existing dwellings in the locality, it is considered that the only property materially affected by the proposed development is Meadow View to the immediate north-east of the site. The site layout, which forms part of this application, envisages a staggered semi-detached arrangement which would be set back 3 metres from the rear elevation of Meadow View and some 2.5 metres from its flank elevation. The relative distance between the proposed and existing properties is similar to the relationship that Meadow View has with its existing neighbour (Tara) and in this respect it is not considered that there would be any material harm caused by overlooking since the same level of overlooking is already possible.
- 6.7 The main issue is therefore the degree of overbearing and loss of sunlight/daylight. It is acknowledged that the introduction of new dwellings on this open site will result in a greater impact upon the occupants of Meadow View. However the garden area is already largely overshadowed by reason of its north facing orientation and it not considered that there would be sufficient harm to warrant refusal. This is consistent with the approach taken to the refused application, which was limited to the highway safety implications of the development

Other Matters

- 6.8 The application is accompanied by a Heads of Terms for a Section 106 Agreement (appended to the report), which is consistent with the requirements of the adopted SPD and secures contributions towards improved sustainable transport infrastructure, educational facilities, recreation open spaces, libraries and recycling/refuse facilities.
- 6.9 One objection refers to the potential habitat value of an existing garden pond. It refers to the migration of frogs into a neighbouring garden. There is no specific mention of any protected species and no evidence of such has been identified on site. Accordingly it is not considered that the loss of the garden pond would impact unacceptably upon the habitat value of the site or its locality.

RECOMMENDATION

That subject to confirmation that the Traffic Manager is satisfied with the access arrangements, planning permission be granted subject to the following conditions:

- 1 A02 Time limit for submission of reserved matters (outline permission)**
- 2 A03 Time limit for commencement (outline permission)**
- 3 A04 Approval of reserved matters (appearance, landscape and scale)**
- 4 A05 Plans and particulars of reserved matters (appearance, landscape and scale)**
- 5 B01 Development in accordance with approved plans**
- 6 B07 Section 106 Agreement**
- 7 C97 Landscaping scheme - implementation**

- 8 CAL Access, turning area and parking
- 9 CAP Junction improvement/off site works
- 10. CBK Restriction of hours of construction
- 11 CD3 Foul/surface water drainage
- 12 CD4 No surface water to connect to public system
- 13 CD5 No drainage run-off to public system

Informatives:

- 1 I13
- 2 I21
- 3 I34 (visual and residential amenity and highway safety)

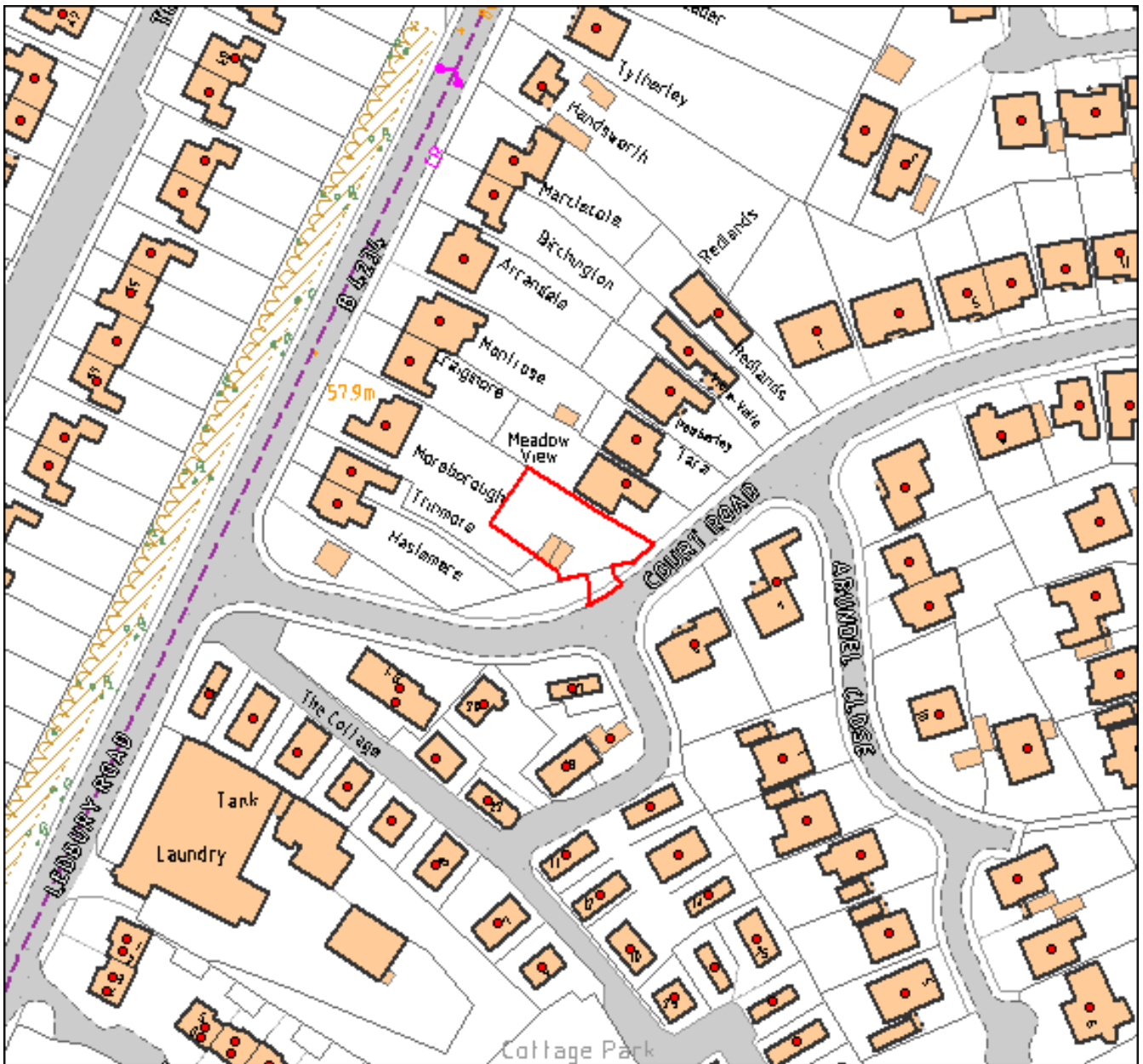
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/101741/O

SITE ADDRESS : MOREBOROUGH, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BE

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Further information on the subject of this report is available from Mrs A Tyler on 01432 260372

Draft Heads of Terms

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Erection of Two Dwellings

Land at 'Moreborough', Ledbury Road, Ross-on-Wye,
Herefordshire, HR9 7BE

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3440 towards the provision for sustainable transport infrastructure. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £9800 towards the provision for enhanced educational facilities. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1932 towards the provision for enhanced formal or informal recreational or public open space. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £292 towards the provision of enhanced library facilities. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £240 towards the provision of enhanced recycling and refuse facilities. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
6. In the event that Herefordshire Council does not for any reason use the sum referred to paragraphs above, for the purposes specified in the agreement within 5 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
7. The sum referred to in paragraphs 1,2,3,4 and 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sum is paid to the Council.
8. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of development.
9. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
10. The developer shall complete the Agreement by (date to be agreed) otherwise the application will be registered as deemed refused.

July 2010



MEETING:	PLANNING COMMITTEE
DATE:	13 OCTOBER 2010
TITLE OF REPORT:	<p>DMS/101822/FH- PROPOSED SINGLE STOREY EXTENSION AND ALTERATIONS TO CAR PARKING ARRANGEMENTS AT STONE LEA, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU</p> <p>For: Mr Watts per Mr Stephen Potter, Pomona Office Kings Acre Road, Hereford, , HR4 0SN</p>

Date Received: 19 July 2010

Ward: Backbury

Grid Ref: 355558,238299

Expiry Date: 6 October 2010

Local Member: Councillor JE Pemberton

1. Site Description and Proposal

- 1.1 This application is reported to Committee because the applicant is an employee of Herefordshire Council and holds a politically restricted post.
- 1.2 Stone Lea is a link detached bungalow on the southern side of Rectory Lane, Hampton Bishop. The bungalow is of facing stone and brick construction with a tiled roof. The site lies within the Hampton Bishop Conservation Area and a Grade II Listed Building, Box Tree Cottage, is situated to the northeast. The site is within a level 2 and 3 Flood Zone. Levels are relatively flat within the site, with residential development either side of the property and an orchard to the rear.
- 1.3 The proposed development comprises two components. Firstly, the removal of the existing flat roofed, covered yard/passage way, garage and utility room to the western, side elevation of the dwelling and replacement with an extension of a 'L' shaped footprint, wrapping around the rear elevation. The proposed extension would provide a kitchen/dining/living area and bedroom with en-suite facilities. The extension would have a width of 3.1 metres, from the front elevation, and would project some 2.6 metres beyond the existing rear elevation. The roof height would be some 4.1 metres, which is the same height as the existing. Matching materials are proposed.
- 1.4 The second element of the proposal is to extend the existing hardstanding, to the front of the property, to provide an enlarged parking/turning area. A gravelled and concrete surface is proposed. There is an existing hedgerow and a tree alongside and parallel with the lane.

2. Policies

- 2.1 Department of Environment:

Further information on the subject of this report is available from C L Atkins (Mrs) on 01432 260536

- PPS5 - Planning for the Historic Environment
- PPS25 - Development and Flood Risk

2.2 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S2 - Development Requirements
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR7 - Flood Risk
- H7 - Housing in the Countryside Outside Settlements
- H18 - Alterations and Extensions
- HBA6 - New Development within Conservation Areas
- LA5 - Protection of trees, woodlands and hedgerows

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultees

4.1 None.

Internal Council Advice

4.2 Traffic Manager: Recommends conditions.

4.3 Conservation Manager: Removal of garage and erection of extension is acceptable in principle. Materials should match the existing. Careful consideration should be given to ensuring the enlarged parking/turning area surfacing would not be harmful to the tree.

5. Representations

5.1 Hampton Bishop Parish Council: No comments received at time of report.

5.2 A Flood Risk Assessment was submitted with the application. In summary this states:

- The applicant is aware that the property lies in flood zones 2 and 3, as family members have lived in the property for over 20 years.
- Although there is a history of flooding in the area, the dwelling is well elevated from the roadway and surrounding ground, such that no flood waters have ever entered the property to date.
- Proposed floor level will match the existing and therefore there will be no greater risk of the flooding of the extension than the dwelling.
- Extension will increase roof area by approximately 3.6 square metres, which would not unduly affect the volume of rainwater to be disposed of. Rainwater would be directed into soakaways within the site.
- Extended parking/turning area would have a permeable surface for rainwater to soak through.
- Applicant has been advised to study the Environment Agency's document 'Prepare Your Property for Flooding' and also to sign up for their flood warnings.

- 5.3 The notification period does not elapse until 6 October 2010. Any representations received after this report was produced will be summarised in the update sheet.
- 5.4 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.
- 6. Officer's Appraisal**
- 6.1 The main considerations in the determination of this application are the impact of the development on the neighbouring property, the character and appearance of the Conservation Area, flooding and highway safety.
- 6.2 Policy H18 of the HUDP sets out the requirements for extensions to dwellings and buildings incidental to the use of the dwellinghouse. The policy requires that the original dwelling remains the dominant feature and that the new development is in keeping with the character of the existing dwelling in terms of scale, mass, siting, detailed design and materials, amongst other criteria. With regards the proposed extension, it would be small in scale and would predominantly represent a replacement in terms of floor area. The extension would be read as a modest, subservient addition. The pitched roof would complement the existing property, as would the overall design and materials. In respect of the impact upon the neighbour, the extension would only project 2.6 metres beyond the rear elevation. The neighbours' property has a similar element to the rear, albeit of a flat roofed design. The extension would be to the east of the neighbour. By virtue of this orientation and the minimal height of the extension it is considered that the proposal would not adversely affect their residential amenity.
- 6.3 PPS5 Planning for the Historic Environment and policy HBA6 of the Herefordshire Unitary Development Plan set out the criteria for development in Conservations Areas. It is required that developments either preserve or enhance the character and appearance of the Conservation Area. The proposed extension is small in scale and in keeping with the character and appearance of the existing property. It would not be prominent in the Conservation Area, being set back from the lane. As such the extension would preserve the existing character and appearance of the Conservation Area. With regards the proposed area of hardstanding for parking/turning, this would be largely obscured by the existing hedgerow, particularly when approaching the site from the east. With regards the existing tree, the Conservation Manager considers that it makes a valuable contribution to the character and appearance of the Conservation Area. To ensure its retention a condition controlling this and the submission of details of the consolidation, surfacing and drainage of the parking/turning area is recommended.
- 6.4 PPS25 Development and Flood Risk and policy DR7 of the Herefordshire Unitary Development Plan set out the criteria for development in flood risk areas. The proposal provides for the floor area of the extension to be the same as the existing. By virtue of this and due to the extension predominantly being a replacement of an existing part of the property it is considered that the extension would not increase the flood risk of the site. With regards the parking/turning area, this would be finished with a permeable gravel materials. A condition requiring detailed construction and surfacing materials, to ensure that there is no surface run off from the site would satisfactorily control the matter.
- 6.5 The proposal would result in the loss of a garage, but would provide an enlarged parking/turning area. This would reduce the need for on-road parking on Rectory Lane, which is relatively narrow. The Traffic Manager has no objection to the proposal, subject to a condition regarding the laying out of the area.
- 6.6 In conclusion, the proposal is considered to accord with both national and local planning policies and there are no material planning considerations to suggest a decision to the contrary should be made.

RECOMMENDATION

Provided that no representations are received that raise material planning considerations that planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 B02 Development in accordance with approved plans and materials**
- 3 H13 Access, turning area and parking**
- 4 G02 Retention of trees and hedgerows**

INFORMATIVES:

- 1 N15 Reason(s) for the Grant of PP/LBC/CAC**

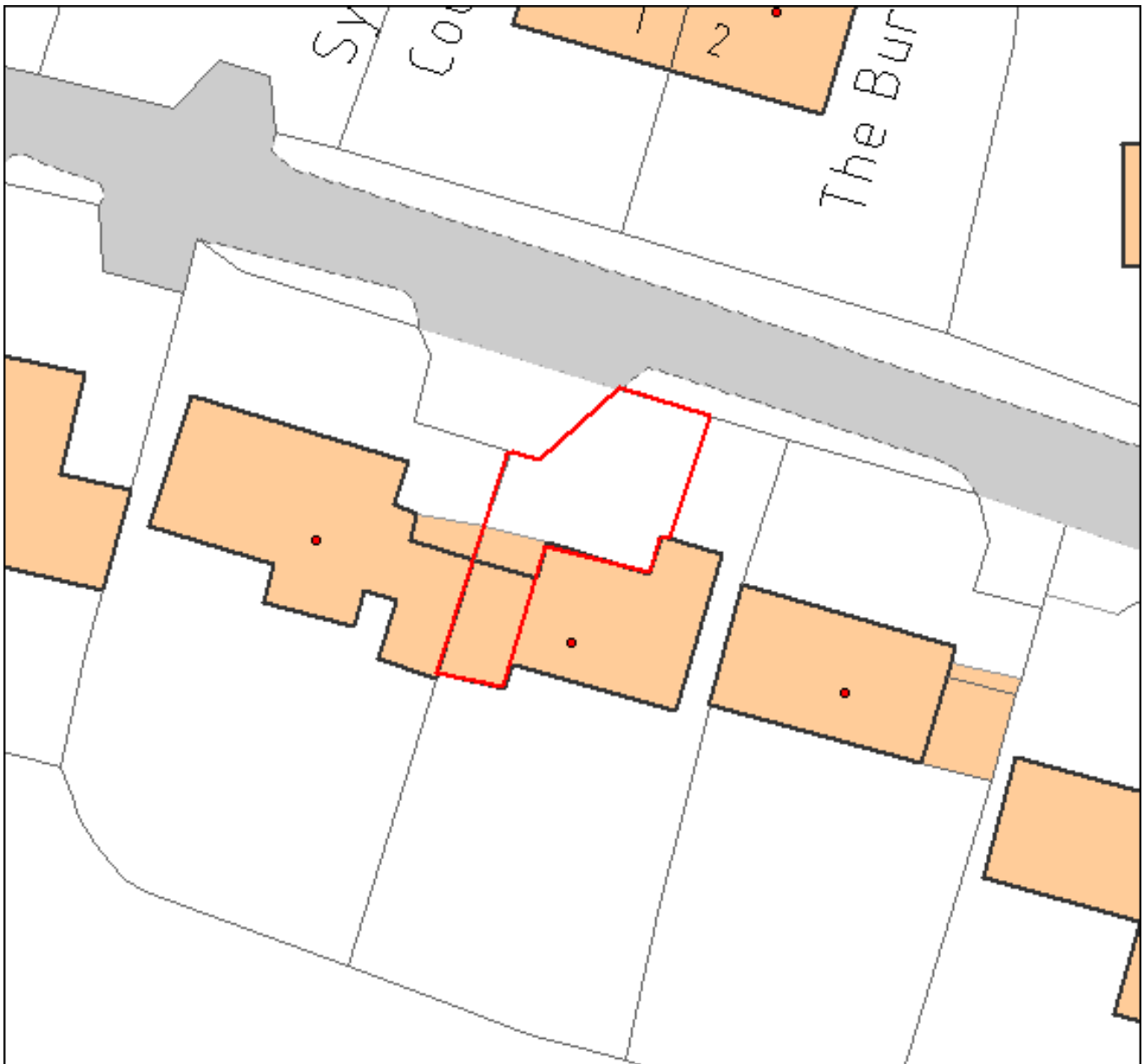
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/101822/FH

SITE ADDRESS : STONE LEA, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU

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