

**DCNW2007/3633/F - CHANGE OF USE FROM  
AGRICULTURAL LAND TO 6 HOLIDAY LODGES  
(LODGE STYLE CARAVANS) AT PARK GATE FARM,  
LYONSHALL, HEREFORDSHIRE, HR5 3HY**

**For: B J Layton & Co, John Lambe Associates, Bryn  
Cynan Fawr, Pontllyfni, Caernarfon, Gwynedd.  
LL54 5EE**

**Date Received:**  
21st November 2007

**Ward:**  
Pembridge &  
Lyonshall with Titley

**Grid Ref:**  
33285, 57106

**Expiry Date:**  
16th January 2008

Local Member: Councillor R. J. Phillips

#### Introduction

This application was considered by the Northern Area Planning Sub-Committee at its meeting on 16<sup>th</sup> January 2008 when Members resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 16<sup>th</sup> January 2008 the Northern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

- 1. The proposed development, by virtue of its scale, nature and siting would be an inappropriate form of development that would have a detrimental impact on the landscape and character of the immediate area and on the unregistered park contrary to polices DR2, LA2, E12, RS14 and LA4 of the Herefordshire Unitary Development Plan 2007. The proposed development by virtue of its scale and siting would be an unsustainable form of development contrary to policies S1, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan as well as the objectives of PPS7, Sustainable Development in Rural Areas.**

In the debate the Members of the Area Sub-Committee gave weight to the relatively secluded nature of the site which would limit the impact of the proposed lodges in the wider landscape. They also felt that the nature of this type of tourism was car based anyway and, consequently, the argument against the development on grounds of its likely encouragement of the use of private transport was not appropriate. They did not feel that the presence of the unregistered park carried significant weight. Overall, they felt that the scheme would help to boost tourism. They also noted that the current scheme for 6 lodges had been scaled down from the initial proposal for 12 lodges

It was resolved to grant planning permission subject to conditions to secure full disabled access to all the lodges and to restrict the length of stay in them (to prevent them becoming permanent residential units).

The application raises the following issues:

1. The site is outside any identified settlement boundary and remote from services and facilities. On those grounds alone the development is in conflict with Unitary Development Plan policies designed to discourage development which would itself encourage the use of private transport
2. Unitary Development Plan Policy RST.14 deals specifically with proposed caravan and chalet parks and requires that such proposals must not damage the landscape qualities of the site and surroundings. In this case the change from an open paddock to a caravan park will have a directly detrimental effect, domesticating an otherwise undeveloped open field.
3. There is no support for the scheme from the Council's own tourism advisor and neither does it represent farm diversification in the ordinary way.
4. The proposal is in an unregistered park and would change its character to its detriment.
5. The requirement suggested by members to require disabled access may well have practical consequences for the layout of the site (which is not level). The provision of level access to all the units would require ground level changes and ramps which would increase the impact of the development on the appearance of the site and further "domesticate" the character of this otherwise open field.
6. In these circumstances an approval would be contrary to the Council's policies to exercise strict control over proposals for new development in the open countryside.

In conclusion it can be seen that the proposal conflicts with the development plan policies which seek to restrict development in the open countryside without special justification. Consequently the application is referred to this meeting for further consideration.

The original report to the Northern Area Planning Sub-Committee follows, updated as appropriate to take account of further representations which have been received since the meeting in January

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

1. The application site comprises a secluded parcel of land approximately 1.65 hectares in size. The site is accessed from the C1027 that leads from the A44 north towards the B4355 (Titley to Presteigne) utilising an existing access point. The site itself is grassland, sloping to the South towards an existing lake. The Site is surrounded on three sides by mature woodland and is barely visible from public view. The land has been described as having a parkland feel, although it is understood that the lake was created 13 years ago and the land recreated by the applicant since this time. The site is an unregistered historic park.
2. The proposal is described as being a farm diversification project for the change of use of the land for the siting of 6 lodges. From the detail made available within the application, these lodges are caravans (including a static caravan) as defined within section 13 of the Caravan Sites Act 1968. The lodges would be timber construction with shallow pitch roofs. The application submission also shows decking and steps surrounding these lodges. One of these units would be adapted for disabled use. The six units would be sited along the lower contours of the site to the plateau area nearer the lake. An access track and parking constructed of hardcore (crushed stone) is proposed to the south of the line of units and a cycle rack is proposed next to each

unit. Informal scattered groups of planting are also proposed. Access to the site would be from the existing access with some improvements to visibility splays and surfacing.

3. The use of the 'lodges' is proposed to be for both letting and owner occupation (purely for holiday purposes).
4. The application was accompanied by an ecological habitat Survey Report, Topographical survey, Scaled layout drawing, including landscaping, site photographs and examples of the types of lodges that would be sited.

## **2. Policies**

### Unitary Development Plan (2007)

S1 - sustainable development  
S7 - Natural and historic heritage  
S8 - Recreation, Sport and Tourism  
DR2 - Land use and activity  
DR3 - Movement  
E12 - Farm Diversification  
LA2 - Landscape character and areas least resilient to change  
LA4 - Protection of historic paths and gardens  
LA6 - Landscaping Schemes  
NC1 - Biodiversity and development  
NC5 - European and nationally protected species  
NC6 - Biodiversity Action Plan priority habitats and species  
NC7 - Compensation for loss of Biodiversity  
NC8 - Habitat creation, restoration  
NC9 - Management of features of the landscape important for fauna and flora  
RST12 - Visitor Accommodation  
RST13 - Rural and farm tourism development  
RST14 - Static Caravans, chalets, camping and touring caravan sites

### National Planning Policy:

PPS1 - Delivering Sustainable Development  
PPS 7 - Sustainable Development in Rural Areas  
PPG13 - Transport

Good Practice Guide on Planning and Tourism

## **3. Planning History**

- 3.1 NW2007/2478/F - Change of use from agricultural land to Holiday lets (12 lodges) - withdrawn
- 3.2 NW2006/2856/F - proposed storage building for game keepers equipment in connection with Lyonshall shoot.- Approved with conditions

#### 4. Consultation Summary

##### Statutory Consultations

4.1 The Forestry Commission notes that the application is within 500m of semi-natural woodland, bordering Lyonshall wood. However, the scale of the proposals is such that there will be no effect on the woodland and consequently we have no comments to make.

4.2 Hereford and Worcester Gardens Trust make the following comments:  
As the enclosures with this application indicate, this is an especially beautiful corner of Herefordshire, which would be spoilt by the development of 6 lodge-style caravans immediately in front of the lake. We can appreciate that certain types of quiet tourism would benefit herefordshire but here the visitors will spoil the very beauty they come to admire. We would suggest that the lodges should be built within the hamlet of Nextend, perhaps adjacent to the existing farm buildings at Parkgate Farm.

As with so many of the other fine landscapes in Herefordshire, the wood-pasture character of this site, to the west of Lyonshall Castle, derives its special qualities from its earlier history as a deer park, which provided venison and pleasure for the aristocratic owners of the castle. The history of the park is set out briefly in D. Whitehead, *A Survey of the Historic Parks and Gardens of Herefordshire* (2001), p. 259. History, and past agricultural practice, as well as the sensitivity of recent owners, have given us something valuable here, which should be preserved. With all the present pressures upon the Herefordshire countryside there is an urgent need to protect the remaining areas with outstanding landscape value. They often come in isolated pockets, like Lyonshall deer park. The Trust would urge the Council to ask the applicant to think again.

##### Internal Council Advice

4.3 The Conservation Manager makes the following comments:

Landscape Officer – Despite the reduction from 12 to 6 units my original comments remain relevant to this proposal which are as follows:

The previous comments made on application number NW2007/2478/F were as follows:

In brief, I have serious reservations about the potential impact of the proposal on both the quality and character of the landscape and would recommend the application be refused as contrary to policies LA2 and LA4, amongst others, of the UDP. The particular issues that concern me are as follows:

- The site is located within the '*Wooded Estatelands*' landscape type as defined in the Herefordshire Landscape Character Assessment. This landscape is described as primarily defined by "large, discrete blocks of woodland" and a number of secondary characteristics. The description of this landscape goes on to point out the impact that agricultural intensification has had in recent years, fragmenting and deteriorating the defining elements in the landscape and concludes that even the "...introduction of small scale elements does as much harm to the character as the loss of the inherent features".

Whilst it is acknowledged that the proposal is not in a visually prominent location and, in fact, could be barely seen from the public domain, it is also worth noting that the 'experience' of a landscape is also to be appreciated as a tourist. Any development that does not make a positive contribution to the character and quality of a landscape devalues both the experience of that landscape and ultimately its aesthetic and economic value: the very reason for seeking to locate holiday chalets.

- One possible area of weakness in the Herefordshire LCA is a failure to fully acknowledge the depth of history that influences our modern landscape. Interestingly, the description of this landscape type does allude to the influence of historic and principally mediaeval emparkment. The site in question would appear to lie at the eastern boundary of a 13<sup>th</sup> century park, referred to in 'A Survey of Historic Parks and Gardens in Herefordshire' (Whitehead, 2001) as "*Lyonshall deer-park*". The park would appear to extend north from the site of the 12<sup>th</sup>/13<sup>th</sup> century castle (site of) just north of the A44, ultimately bounded to the west and north by the river Arrow. It is likely that little remains of the original park pale to the east, destroyed through agricultural improvement and the construction of a railway branch-line, although it may be reasonable to assume that the park did not extend beyond the line of the current minor road from Lyonshall to Titley Mill. The name, Parkgate Farm, clearly alludes to the presence of a park boundary although this does not appear until the 1840 tithe map, suggesting that the boundary was still acknowledged, if not fully defined at this time. Although pure supposition, it is possible that the western boundary of the park utilised the *Offa's Dyke* bank and ditch system, reducing the costs of establishing new park boundaries, again lost to the construction of the railway line.

Early nineteenth century enclosure introduced regular field boundaries into an otherwise sinuous landscape, although more recent removal of these boundary lines has inadvertently reinstated a 'parkland' character, particularly to the application site. Given the backdrop of mixed broadleaf woodland, individual standard trees and the large body of water the site could easily be mistaken for a designed parkland landscape.

Whilst I appreciate the need for diversification in farm enterprise and the potential that tourism has in this area, I am concerned this application does not draw on either the current character of the landscape, the topography of the site and the defining elements in the landscape, but also fails to acknowledge and respond to the cultural and historic significance of the site. It is worth noting that the existence of an eight hundred year old 'designed' landscape can still be traced.

A proposal for fewer chalets, more sympathetically distributed throughout the site with a well-considered landscaping scheme, acknowledging and enhancing the parkland character of the site may be considered acceptable.

### Ecology

I note that the extended Phase I survey was carried out in March, which is not an ideal time to assess vegetation. Some of the pond species were missed such as water mint, lesser spearwort and water forget-me-not. I also noted that one of the mature trees in the field had fallen over during the recent wet weather. However, the location of the holiday chalets is within the improved pasture area dominated by perennial rye grass and white clover. I accept the findings of the report regarding the potential impact on

the adjacent Special Wildlife Site. There should be no direct drainage from the chalets into the lake and provided that the drainage/disposal of foul water issues are clarified prior to determination, I do not foresee an ecological impact as a result of this development. The planning ecologist should be consulted on any proposals for a reed bed system.

I have no objection to approval of this application subject to the inclusion of the following non-standard conditions:

The proposals set out in the Recommendations section of the ecologist's report should be followed in relation to nature conservation and wildlife enhancement.

A habitat enhancement scheme based upon the recommendations of the of the ecologist's report should be specified in a method statement for submission to Herefordshire Council and implemented as approved in order to enhance the habitats on the site."

Reason: To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity, and to meet the requirements of PPS9 Biodiversity and Geological Conservation.

4.4 The Transportation Manager makes the following comments:

No objection, but with following comments;

Visibility adequate for estimated speeds on road.

Site not very sustainable - remote from services, implying reliance on private motor vehicles for transport.

On balance, unreasonable to refuse on highway grounds.

4.5 The Tourism Officer makes the following comments:

Due to the large number of planning applications for the change of use, conversion and build of self catering accommodation, it was deemed appropriate to conduct an assessment of trends of self catering establishments. It was found that the occupancies for self catering had fallen by 4%, with new starts fairing worst.

We believe that we are reaching tipping point for the "standard" self catering establishments, however, there is still scope in the consideration of planning applications. The development would need to be fully compliant with wheelchair access to comply higher than level 1 or level 2 of the National Accessibility Scheme.

4.6 The Public Rights of Way raises no objection to the application

## 5. Representations

5.1 Lyonshall Parish Council make the following comments:

The Council recognise that there have been substantial moves to meet the previous objections. It therefore, supports the application but believes that the following conditions should be imposed:

1. Tight specification should be made for the quality of the chalets. An example was given from a separate approval where the planning department had laid down a requirement that the chalets should be at least equal in quality to a trio of named types.
  2. There should be a restriction on the number of months of the year when the chalets could be occupied
  3. The lodges should be for holiday lets and should not be residential
  4. The local roads, including the drainage of the roads should be improved
  5. 6 lodges seem appropriate so there is likely to be opposition to any future developments on this site
- 5.2 Letters of representation have been received from Mr Allan Carter, Nextend cottage, Nicola Reynolds, The Stagg Inn Titley, Evelyn Bradley, Litfield Bank, Lyonshall, Nigel Layton, Primavera, Lyonshall. These letters can be summarised as follows:
- No objection to the application,
  - Support the application, as it would be good for the local economy with the increase in Tourists to the area
  - Mr Laytons scheme should prove to be successful method of increasing visitors to the area where there is plenty of space, hopefully benefiting local businesses at the same time.
  - Would like to see family friendly accommodation and also some disabled accommodation as this is lacking locally.
- A further letter has been received since the application was reported to the Northern Area Planning Sub Committee. This letter from Mrs Hilditch, Whittern Farms, Lyonshall. This letter notes that they support the details of the officers report and suggests that a site nearer the farm may be more appropriate.
- 5.3 A letter from Animal Funeral Services, Litfield House, Lyonshall has also been received which can be summarised as follows:
- I have no objection to the proposed increase in tourist accommodation in the area as this would help underpin the local rural economy but doubt that Parkgate Farm is a suitable location for such accommodation.
  - The business operates as an animal carcass incinerator from Litfield House.
  - Whilst the business operates under a variety of legislation and causes no harm to the locality; I doubt that a site in close proximity is suitable for provision of tourist accommodation.
  - Concern that the use would impinge upon the lawful use of the incineration business and may restrict its operation in time.
- 5.4 The application submission also includes a supporting document that details the history of the site and withdrawal of the previous application and reduction of the number of units for 12 to 6 in order to address issues of landscape impact and highway network capacity.

The submission also details the proximity of Lyonshall, which has a post office, public house and farm shop. It states that these can be accessed via a public footpath from

the site, lying one mile away. It also notes the proximity to The Stag Inn at Titley (1 mile) and The New Inn at Pembridge (3 miles). It notes that a bus stop is approximately half a mile away which runs to Hereford and Llandrindod Wells (via Kington). The site is also near a designated on road National Cycle network between Kington and Presteigne. The nearest railway station is at Leominster (10 miles). Kington lies 3 miles from the site which has a range of facilities.

The holiday park would be managed and operated from Park Gate Farm and that the units would be both letting and owner occupied (purely for holiday purposes)

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

## 6. Officer's Appraisal

- 6.1 The main issues for consideration in the appraisal of this proposal are:

- The policies and principle of the change of use of land from agriculture to a holiday lodge / chalet park
- Sustainability of location
- Farm Diversification
- Economic Benefits
- Landscape Impact in relation to scale and character
- Ecology

### Policies and principles

- 6.2 There are policies of the UDP which are broadly supportive of such proposals and these chalet / caravans parks can be successful tourism based facilities within the County where of an appropriate scale and in a suitable location.
- 6.3 Policy RST14 of the Unitary Development Plans deals explicitly with the creation of new chalet and caravan sites. In particular new parks will not be permitted where they would cause harm to the character and appearance of the countryside. In other locations the success of proposals will depend on a number of criteria. Amongst others these include requirement that the site is well screened, or capable of being screened, from roads viewpoints and other public places. The proposal would also need to be of a scale, which relates sensitively to its location, is well laid out, designed and landscaped. Traffic generated must be safely accommodated on the local highway network and arrangements must be made to ensure that the units are retained for holiday use.
- 6.4 Policy E12 makes allowances for farm diversification to generate income for the businesses as long as the proposal is consistent in scale with its rural location, serving to retain the open character of the countryside and use is made on existing buildings in accordance with policies HBA12 and HBA13 and developed areas wherever possible, with and new development of a scale and design which is appropriate to its rural surroundings.
- 6.5 Planning Policy Statement 7 sets out the governments specific objectives to promote sustainable patterns of development in rural areas. It recognises that diversification into non-agricultural activities is vital to the continued viability of many farm enterprises and suggests that local authorities should be supportive of well conceived farm diversification that contribute to sustainable development objectives and help to



sustain the agricultural enterprise. It also notes that a supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside.

#### Sustainable Location

- 6.6 Unitary Development Plan Policies S1, S6, DR2 and DR3 aim to ensure that new developments be sited in locations which are located and designed so as to facilitate a genuine choice of mode of travel, including public transport, cycling and walking as alternative to the private car. The Good Practice Guide on Planning for Tourism also make reference to the siting of parks where local services may be accessed by means other than by car. Paragraph 35 of PPS7 also where new or additional facilities are required these should normally be provided in, or close to, service centres or villages.
- 6.7 The application submission makes reference to the proximity to facilities in the village of Lyonshall and town of Kington. Whilst it may be possible to walk to the bus stop or village along the Public Right of Way, realistically the predominant mode of transport will be the private motor car. The scale of development also then become relevant where there will be additional car movement for 6 units (potentially 3/4 bed). This is considered inappropriate and a level of development which would increase traffic movements to the detriment of the environment and locality.
- 6.8 Notwithstanding the above, the Transportation Manager raises no objection in terms of highway safety. The access to the site can be adapted to provide a suitable and safe access.

#### Farm Diversification

- 6.9 The application makes reference to this being a farm diversification project. Policy can support such schemes subject to the criteria discussed above. This application submission divulges little information regarding the way in which this would support the farm or the thought behind this. Nor does it offer any exploration of any other projects that may have been explored such as barn conversions or sites for lodges immediately adjacent to the farm. On this basis little weight can be given to this argument.

#### Economic Benefits

- 6.10 It is accepted that the there these new units may support rural businesses nearby. Equally, if a proportion of these are sold off (application states both letting and owner occupied) as second homes, then the units may be empty for large parts of the year and not contribute much at all to the local economy. Households that own a unit as a second home might be less inclined to re-visit local attractions since they will be familiar with them from earlier visits. Given the lack of public transport in the immediate vicinity, they will inevitably be car borne and may bring much of their food and household supplies with them. As such the economic benefits of the proposal do not outweigh the harm of the change to the landscape character and the unsustainable location.

#### Landscape Impact and Scale and Character of Development

- 6.11 The application site itself is secluded and well screened from the public vantage points. However, the scale of the development would have an impact on the rural character of this area. These units would inevitably acquire a clutter of domestic

paraphernalia such as decking, washing lines, parasols and outside seating, barbeques and vehicles parking. The introduction of six units (shown on the submitted plan to be 13m by 6m) would unavoidably make this site more assertive in the landscape, not least because of the sheer presence of 6 households in terms of movement or people and vehicles. The intensification of activity and density would have a more urban nature and would change the character of the area, eroding its extremely quite and rural qualities. The 6 new buildings and their domestic clutter would be tightly grouped development compared to the typical scattered development hereabouts. It cannot help but have an urban manicured nature which would fundamentally change the character of the rural area. Given the containment of the site, in the folds of the landscape and the proposed further planting it is accepted that the proposal would not have any far reaching landscape impact. As such the proposal is considered to be contrary to policies DR2, LA2, E12 and RST14 of the Unitary Development Plan (2007).

#### Ecology

- 6.12 An ecological survey has been submitted and although there may be ecological implications, this is a matter which could be controlled with an appropriate condition.
- 6.13 It remains a central tenet of government policy to protect the countryside for its own sake. The fact that development may be well screened is not justification for that development.

#### Historic Park and Garden

- 6.14 The site lies within an unregistered historic park, where Policy LA4 applies.

Development which would destroy, damage or otherwise adversely affect the historic structure, character, appearance, features or setting (including the designed rural envelope) of a registered park or garden will not be permitted.

The policy advises that such proposals should be accompanied by a historic landscape appraisal report and restoration scheme. No such report was received with this application.

The policy concludes by advising that unregistered parks and gardens will be afforded similar protection.

- 6.15 The concerns expressed by the Hereford & Worcester Gardens Trust are shared by your officer, consequently the proposal is considered to be contrary to Policy LA4.

#### Conclusion

- 6.16 Whilst policies are generally supportive of chalet / caravans parks in appropriate locations, the proposed siting of six holiday lodges on a site which is considered remote from services and facilities is considered contrary to policies S1, S6, DR2 and DR3 as well as the principle and aims of PPS7 and the Good Practice Guide for Tourism. Whilst it is accepted that the proposal would not have a far-reaching landscape impact the development of this scale, would, by its nature, change the character of the locality to the detriment of the landscape quality. As such it is considered to be contrary to policies DR2, LA2, E12 and RST14 of the UDP (2007). There may be benefits locally and to the continuation of the farm, but these, on the

basis of the information provided, do not outweigh the objections on the grounds outlined above. As such the application is recommended for refusal.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

**The proposed development , by virtue of its scale, nature and siting would be an inappropriate form of development that would have a detrimental impact on the landscape and character of the immediate area and on the unregistered park contrary to polices DR2, LA2, E12 RST 14 and LA4 of the Unitary Development Plan 2007. The proposed development, by virtue of its scale and siting would be an unsustainable form of development contrary to policies S1, S6, DR2 and DR3 of the Unitary Development Plan as well as the objectives of PPS7 Sustainable Development in Rural Areas.**

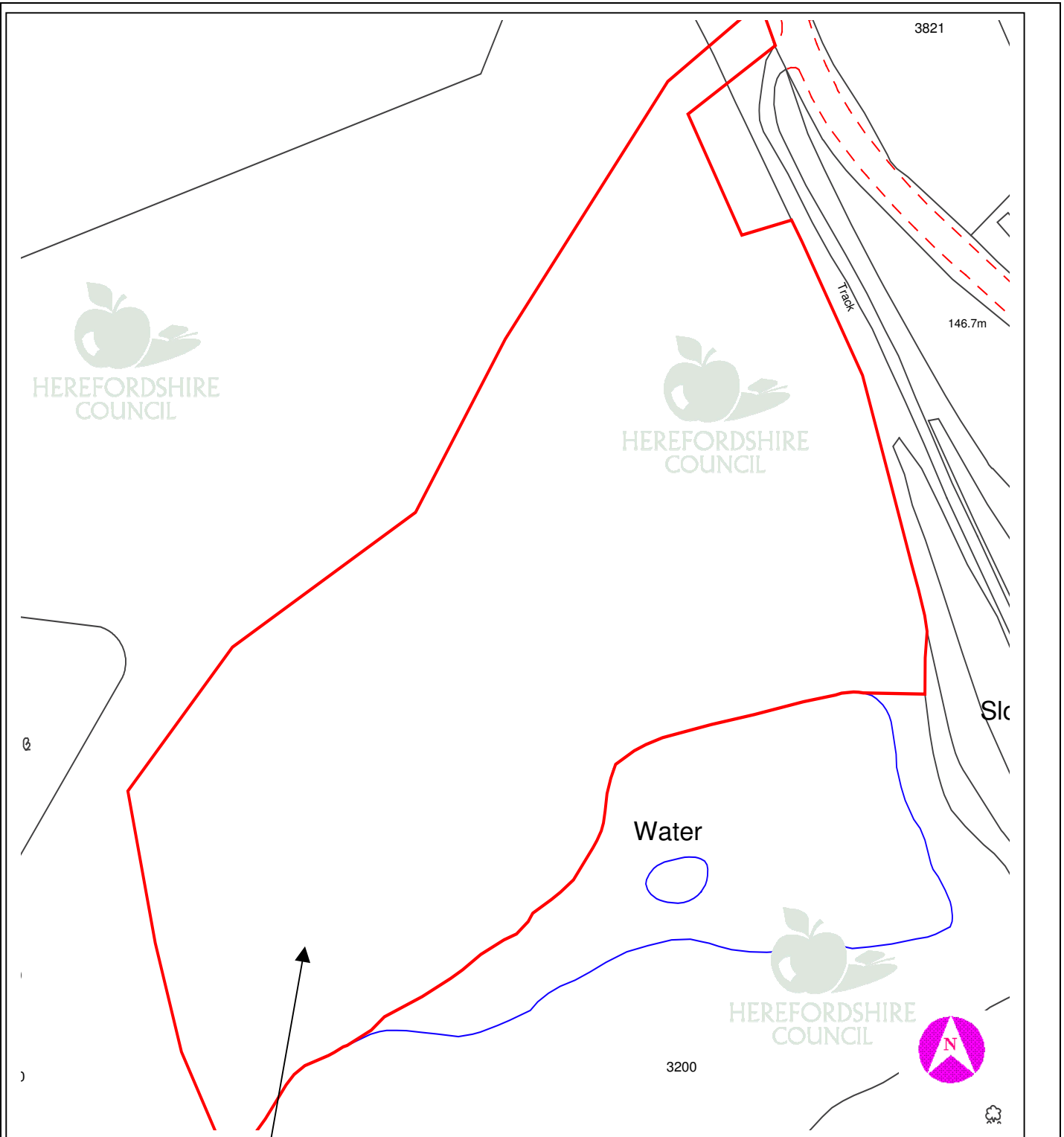
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2007/3633/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Park Gate Farm, Lyonshall, Herefordshire, HR5 3HY

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