

MEETING:	PLANNING COMMITTEE
DATE:	12 MARCH 2014
TITLE OF REPORT:	132141/F - ERECTION OF AGRICULTURAL WORKERS DWELLING WITH GARAGE AND NEW VEHICULAR ACCESS. AT LAND TO THE SOUTH OF EASTFIELDS FARM, OFF U94021, BODENHAM, HEREFORD, HR1 3HS For: Mr Pugh per Mr Bryan Thomas, The Malt House, Shobdon, Leominster, Herefordshire HR6 9NL
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132141

Date Received: 5 August 2013

Ward: Hampton Court Grid Ref: 354402,250085

Expiry Date: 30 September 2013

Local Member: Councillor JW Millar

1. Site Description and Proposal

- 1.1 This application proposes the erection of a dwelling to be occupied by an agricultural worker directly to the west of Eastfields Farm, Bodenham. The dwelling would be 7.2 metres in height, 11.2 metres wide and 5 metres deep with a projecting gable to the rear. The floorspace of the dwelling would be 120 square metres. A detached garage, gravelled turning area, drive and a moderately sized garden area would also be provided. The site would be bound by native species hedgerows with tree planting provided within the garden area. The dwelling and garage would be clad in facing brick under a clay tile roof.
- 1.2 The application site lies immediately adjacent to the settlement boundary of Bodenham Moor accessed off the U9402. Existing residential development is to the east and north of the site. To the east are large, brick houses which are a modern addition to the village, the closest of which is "The Hawthorns". The closest part of the proposed dwelling would be approximately 30 metres from 'The Hawthorns' with the associated garage approximately 12 metres away. Smaller bungalows and the main farm complex are to the north on the opposite side of the road. An entrance to the farm is located 70 metres west along the U9402. The site is currently of agricultural character being pasture land with a roadside hedge and field gate.

2. Policies

2.1 National Planning Policy Framework:

Chapters 1, 3, 6, 7 and 11 are referred to throughout this report.

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H1	-	Hereford and the Market Towns: Settlement Boundaries
H7	-	Housing in the Countryside and Outside Settlements
H8	-	Agricultural and Rural Workers Dwellings
H13	-	Sustainable Residential Design
LA2	-	Landscape Character and Areas Least Resilient to Change

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspx>

2.4 Herefordshire Local Plan Draft Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS6	-	Environmental Quality and Local Distinctiveness
SD1	-	Sustainable Design and Energy Efficiency
RA3	-	Herefordshire's Countryside
RA4	-	Agricultural, Forestry and Rural Enterprise Dwellings
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management Highway Safety and Promoting Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geo-Diversity

2.5 The Core Strategy was recently approved by Council and a number of objections have been lodged against the emerging housing policies. As such only minimal weight can be attributed to policies of the emerging Core Strategy in accordance with paragraph 216 of the National Planning Policy Framework.

3. Planning History

- 3.1 N98/0181/N: Detached house with garage and storage shed for use in connection with local business. Refused (appeal dismissed)
- 3.2 N98/0203/N: Detached house with garage and storage shed for use in connection with local business. Refused
- 3.3 97/0594/N: Detached house with integral garage and erection of storage shed. Refused
- 3.4 94/0657/N: Erection of 4-bed house with carport at gravel farm. Approved

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water did not object to the proposal but recommended that conditions be attached to any permission given to ensure that:

- a) foul and surface water is discharged separately from the site;
- b) surface water does not connect with the public sewerage system; and
- c) land drainage run-off is not permitted to discharge to the public sewerage system.

Internal Council Advice

4.2 The Transportation Manager did not object to the proposal but recommended that a condition be attached to any permission given ensuring that:

- a) The garage was at least 3 metres x 6 metres in plan form when measured internally

4.3 The County Land Agent supported the application stating that:

- a) I have no doubts about the quality and drive of the farming enterprise, the only drawback that I can see to the proposals is the siting of the business in the middle of the village, with all the problems that are normally encountered in these situations, bearing the proposals are to almost double the size of the stock numbers, however that is not the present problem.
- b) I agree that the dwelling for sale in Bodenham is unsuitable from its condition and position in that the road through the village floods giving access problems on occasions.
- c) Another point is the convenience, this would be greatly enhanced by being on site rather than some distance away, this is not a reason in itself, but for calving in particular with health and safety concerns, the need for 2 persons at each calving, is a material consideration. I would have no doubt that Mrs Pugh is perfectly capable of helping with the calving but as she said she lacks the physical strength necessary at times.
- d) I noted that there was a considerable amount of concrete that was in need of replacement before it creates a hazard to the cattle and a possible pollution seepage problem. Therefore the need for investment in those repairs is clearly there if the very high standards, of which they are justly proud, are to be maintained.
- e) Returning to the need, in my opinion the case for having a third dwelling can be justified, whether it would be for the son or a farm worker and as the herd increases the necessity will increase if the standards are to be maintained, and the obtaining of a suitable herdsman will be dependent on the positioning and quality of the dwelling offered. I do know the difficulties of obtaining a really good herd person are considerable, as discussed at the meeting on Monday. The replacing of the student with a fully skilled herdsman will ease the pressure on Messrs Pugh who have to do the milking themselves taking approx. 4 hours per day at present rising to 6 when the herd reaches the proposed numbers.

4.4 The Council's Landscape Officer did not object to the application stating that:

- The site is well related and connected to the farm opposite;
- That the dwelling would not significantly alter the landscape character or visual amenity of the site and surroundings; and
- The steep, curving scarp to the south west of the site is a significant landscape feature in the local area and will remain visible above and beyond the dwelling.

5. Representations

5.1 The Parish Council objected to the application "on the many grounds listed in the letters of objection from A B and K Clark and Mrs C Kirkpatrick" (listed below).

5.2 6 letters of representation were received, 1 in support and 5 objecting to the application. The following points of objections were made:

- The proposed dwelling is sited outside the settlement boundary
- Permission has already been refused on this site and dismissed at appeal
- There is no good reason why this proposed dwelling could not be sited on the same side of the lane as the rest of the farm.
- The hill to the rear of the plot is a landmark for some considerable distance and is appreciated by many people.
- A dwelling here would in future become the thin end of the wedge.
- There is sufficient agricultural workers' property on the farm already with one dwelling occupied by someone not connected to the farm.
- The size of the proposed dwelling is much larger than the adjacent properties and not in keeping being double fronted. It will dwarf the bungalows opposite.
- The dwelling would be within 400 metres of an open topped slurry tank contrary to National Planning Guidance (PPG7) (revised) Annex C para C.3
- The local sewerage is currently unable to deal with any further dwellings
- The farm has a mobile home recently installed without planning permission.
- In the last year or two, Eastfields has neglected to seek permission for numerous alterations to their working practice.
- A metal slurry pit within a very short distance of a cluster of houses
- A slurry lagoon with resulting damage to the local geology and archaeology
- Extended their buildings to provide intensive year-round housing for a large number of cattle despite having adequate land for the cattle to roam free in summer months.
- The farm very clearly has no sustainable method of dealing with the enormous increase in slurry that has resulted from the above
- Extra traffic in an already busy lane due to the farm tractors.
- The lane is frequently used and enjoyed by walkers and an additional dwelling would result in extra traffic using the lane therefore causing a highway safety issue
- Extra noise and disturbance resulting from use of extra dwelling
- If planning is agreed, what is to stop the applicant erecting further dwellings/farm buildings on what is at present a beautiful landscape
- The current farm is extremely noisy and at times very smelly and any extension to the farm in anyway will only exacerbate these problems
- As the planned property is an agricultural dwelling that agricultural vehicles and machinery would be used/stored on the site thus causing an ugly sight in a very garden loving neighbourhood
- Specific objections are made with regards to the neighbouring dwelling known as the Hawthorns:
 - The garden and property will be overlooked therefore causing a loss of privacy.
 - The proposed development would have a dominating impact on the dwelling and the quiet enjoyment of it.
 - Loss of light to my garden
 - The proposed dwelling right next to the Hawthorns would make The Hawthorns less attractive to any prospective buyer
 - Proposed driveway would be adjacent to current driveway at The Hawthorns potentially causing a problem for those existing the driveway.
 - The disruption to the property and occupiers lifestyle during construction of the proposed dwelling due to the noise and extra vehicles coming and going at all hours of the day

5.3 A letter of support was received stating that the use of Greenacres enabled the tenants to move closer to the area in which they grew up and that this development represents positive growth which creates employment in a rural area and should be encouraged.

5.4 The consultation responses can be viewed on the Council's website by using the following link:- <http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 Prior to the appraisal of the application it is necessary to establish exactly what is being applied for. There are currently four dwellings on land falling within the boundaries of Eastfields Farm:
- The Farmhouse – Occupied by Mr M & Mrs S Pugh
 - Greenacres Bungalow – Occupied by a part time worker
 - Mobile Home – Occupied by a student from Hartbury College
 - Former Farmhouse – Occupied by Mr M Pugh's mother
- 6.2 The farmhouse is owned by the agricultural business and occupied by the owners of the enterprise, Mr & Mrs Pugh. This dwelling is restricted to agricultural occupancy.
- 6.3 Greenacres is owned by the agricultural business and is currently let to a forestry worker not employed on the farm, although it is stated that he does help around the farm from time to time. It is proposed that the forestry worker will vacate the property in the near future and a herdsman solely employed at the farm will move in.
- 6.4 The mobile home does not have the benefit of planning permission and its removal will be sought regardless of the outcome of this application.
- 6.5 The former farmhouse requires more consideration. Within the farm appraisal accompanying this application it is stated that the former farmhouse does not belong to the farming enterprise. It is under Mr M Pugh's mother's ownership and does not belong to the farm. A previous permission (94/0657) which allowed the erection of the current farmhouse was conditioned so that the former farmhouse could not be sold separately from the new farmhouse. This was so that "the needs of the farming enterprise continued to be met". On this basis, the severance of the former farmhouse from the new farmhouse at Eastfields Farm appears contrary to conditions attached to permission 94/0657N. However, the transfer took place in 1999, 14 years ago. As the breach of condition took place over 10 years ago and has been continuous for that period of time, it is no longer enforceable and the ownership of the former farmhouse is rendered lawful through the passage of time. There are also doubts as to whether or not the condition was in fact breached as the former farmhouse was 'transferred' rather than sold.
- 6.6 It is therefore concluded that the former farmhouse is not a part of the agricultural enterprise at Eastfields Farm, nor is it available to the enterprise. As such this application is considered to be for the provision of a *third* agricultural workers dwelling at Eastfields Farm.

Policy and Principle

- 6.7 The proposal is for a dwelling within the open countryside and as such falls to be chiefly considered against UDP Policy H7. The intent of UDP Policy H7 is in line with the NPPF, having particular regards for paragraph 55. Both Policy H7 and paragraph 55 indicate that, save for in exceptional circumstances, housing outside of settlements will not be permitted. One such exception is for the provision of a dwelling clearly necessary in connection with agriculture on the proviso that the development accords with other relevant UDP policies, particularly H8. The application seeks to satisfy this criterion.

- 6.8 UDP Policy H8 requires proposals for agricultural workers dwellings to only be permitted where it can be demonstrated that a long term genuine need exists for the dwelling as an essential part of a financially viable business. The NPPF provides no further explicit guidance on the issue although paragraph 28 supports development which would aid the rural economy and the presumption in favour of sustainable development still presides.
- 6.9 The suitability of this proposal will therefore be determined by its ability to satisfy the aforementioned whilst being of a scale and mass commensurate to the established functional need. The detailed design and siting of the dwelling as well as potential landscape impacts also requires consideration.

Agricultural need and viability of business

- 6.10 The submitted accounts show good profits for 2010, 2011 and 2012, particularly over the last two years. Furthermore, information has been submitted regarding the proposed long term growth of the farm. It is the County Land Agent's belief that "the financial base is sound" and that its "long term future would seem to be as secure as that of any dairy farm and as the numbers increase the profitability should rise exponentially". As such, it is officers' opinion that the business to which the proposed dwelling relates is financially sound with every chance of remaining so in the future in accordance with UDP Policy H8.
- 6.11 In addition to the financial viability of the business, a long term genuine need for a dwelling in relation to the business must be demonstrated. Having consulted the County Land Agent it is considered that there is a need for a third dwelling at this site which will only increase as the herd sizes grow. To maintain standards, a herdsman is required and the obtaining of a suitable herdsman will be dependent on the provision of a third dwelling. The need is driven by the requirements of the farm principally regarding year round calving associated with herds of this size. Other farming activities, including 4-6 hours of milking per day, severely reduces the ability of existing farm workers to be readily available at all times. Furthermore, if one member of staff is away from the farm for any reason the provision of a third dwelling will ensure that there is ample human presence on the farm to deal with any calving emergencies.
- 6.12 Having established the needs of the enterprise, it is necessary to consider whether any properties are available for sale or rent which could meet the aforementioned need. A marketing report of the area was undertaken by the applicants and an independent search for properties has been carried out by the case officer.
- 6.13 The submitted marketing report concluded that the only property for sale capable of being within easy access of the farmyard is Brook House. This is located approximately 350 metres away with an advertised price of £460,000. In an email received from the agent on 24th October 2013 the following is stated of Brook House:
- "This house is very well located being adjacent to the farmyard entrance and in terms of location would be ideally placed to serve the needs of the business. I am sure any one of the partners would have liked to be in a position to spend between £425,000 and £460,000 on a property located opposite the farmyard."
- 6.14 One property which is listed in the marketing report but given no consideration is a three bed bungalow in Brockington Road, number 22. This property is approximately 800 metres from the farm yard on a residential street and listed for £189,950.
- 6.15 The property was viewed from the outside and the route to the farm driven by both the County Land Agent and the Case Officer. The description and images appear to indicate that little work would be required to be undertaken to the modern property and that it could be immediately occupied. The distance between the property and the cattle buildings is just 800 metres and one could drive between the bungalow and the farmyard in less than 2 minutes. It

is considered that this is close enough to the point of need considering that the need relates to the covering of emergencies where one of the two workers already residing on the farm was incapacitated for one reason or another.

- 6.16 Much is made of a third workers requirement to work unsociable hours. This is attributed minimal weight in the consideration of this application. It is the functional needs of the enterprise which are considered and whether or not the existing dwelling could meet them, not the possible inconvenience which the short trip may cause to the worker. Likewise, the hours worked by any prospective occupier of the dwelling would not be considered to have an undue impact on the amenity of neighbouring residents at Brockington Close. The farm is located close by and as such there would be no requirement to store machinery of large farm vehicles at the bungalow. The coming and going of a vehicle such as a Land Rover, even in the small hours of the morning would not in my opinion have an unacceptable impact.
- 6.17 Moving to the issue of affordability, it is claimed that the difference between the advertised price of 22 Brockington Road and the price which one could erect a dwelling for is approximately £40,000 - £50,000 and that this could be better invested elsewhere on the farm. The exceptional criteria of both local and national policy requires consideration of whether or not an available dwelling, able to meet the needs of the farming enterprise, is affordable to the enterprise so as not to threaten the viability of the enterprise. It is not for the planning authority to consider which option would be of greater financial benefit to the enterprise (a view substantiated at previous appeals e.g Ellesmere Port & Neston 20/11/1997). Given the substantial profits demonstrated at the farm, particularly in the 2 financial years preceding this application, the advertised price of £189,950 for 22 Brockington Road, Bodenham Moor would be affordable to Eastfields Farm without imperilling the viability of the enterprise.
- 6.18 The above appraisal was communicated to the applicants who arranged to visit the property. Their consideration of the property was verbally communicated to the case officer on site and supported by a floor plan and photos of the interior. Contrary to the estate agents particulars, photos appear to demonstrate that a large amount of cosmetic repair and functional alterations would be required to be undertaken. The front door opens into the living area of 22 Brockington Road and as such, to be suitable for habitation by an agricultural worker, an extension would be required to provide a boot/watching area. A further concern was communicated with regards to possible flooding of the C1121 which has been known to disconnect the northern element of the village from the southern element within which the farm is located. Furthermore evidence was submitted of similar properties in a good state of repair with a utility/boot room advertised at a price no less than £257,500. In light of this further information it is officer opinion that 22 Brockington Road is not of a specification which meets the needs of the enterprise being unaffordable (considering further works required) and unsuitably located in relation to the farmyard. As such, the previously established need to provide a third agricultural workers dwelling at Eastfields Farm cannot be met by the existing housing stock.
- 6.19 Notwithstanding the dismissal of inconvenience as a reason to disregarding 22 Brockington Road as a suitable property, it would be beneficial to the enterprise to have a third dwelling on site rather than remote from the farmyard, particularly with regards to calving where it is necessary to have two people available at each birth to meet health and safety requirements.
- 6.20 The final requirement of UDP Policy H8 is that the size of a proposed agricultural workers dwelling be commensurate to the needs of the enterprise. The proposed dwelling would have 120 square metres floorspace which is considered to reflect the established requirements of the enterprise. It is noted that Policy RA4 of the emerging Core Strategy looks to impose an upper floorspace limit of 100 square metres on such dwellings and that this application proposes a dwelling which breaches that limit, albeit it by just 20%. However, given the level of objection to the Core Strategy's housing policies and its early stage of preparation, having

recently been agreed at full Council, minimal weight can be attributed to Policy RA4 in accordance with paragraph 216 of the NPPF.

- 6.21 It is noted that a previous application was refused on the site in 1998 and subsequently dismissed at appeal. This was for the erection of a dwelling in relation to a local business, though not a farming enterprise. The Inspector held that there was no need for the dwelling in relation to that business and that it did not warrant the impact on the surrounding landscape. This application relates to a different business and the need for the dwelling in relation to that business is assessed in the paragraphs previous to this. Bespoke landscape comments are also provided below.
- 6.22 No weight is attributed to the personal circumstances of the potential occupier of the dwelling and the established requirement for an agricultural workers dwelling relates purely to the needs of the enterprise. Furthermore, the application is appraised on the existing state of the enterprise and not its possible growth.

The siting and design of the proposed dwelling

- 6.23 The proposed dwelling would be of modest proportions with a central porch, gable roof and projecting gable. The symmetry and uniformity of the principal, road fronting elevation is particularly reminiscent of rural dwellings and is thus respectful of its semi-rural/rural context whilst not being detrimental to the more suburban appearance of existing dwellings along this lane. Although not an exact match for the neighbouring dwellings, the proposed development is considered to represent betterment in terms of local design quality as required by paragraph 63 of the NPPF. It is officer opinion that the proposed dwelling would not dwarf neighbouring dwellings, a concern expressed within letters of representation. Its ridge height of 7.2 metres is relatively low for a two-storey dwelling. The dwelling would be orientated so that the well glazed south elevation can make the most of natural solar heating and light. The proposed garage is of a subservient and simple design which does not detract from the character of the proposed dwelling nor its context. The trees and hedgerows shown on the initial site plan are welcomed and the gravel parking would be suitable. The proposal is in accordance within UDP policies DR1 and H13.
- 6.24 Sample materials were submitted with the application. The dwelling would be constructed of 'Ibstock - Birtley Olde English Brick' (which is of a darkened, reclaimed appearance) under a 'Marley Eternit – Fired Sienna' clay plain tile (which is of a burnt, deep red colour). Although there is no prevalent material choice within the locality, the proposed materials would sit well against their context having particular regard for the immediately neighbouring dwelling – The Hawkins. Hedgerows which would enclose the site would be composed of native species which in conjunction with the provision of native trees within the plot would help assimilate the development with its rural context.
- 6.25 The proposed dwelling would be sited adjacent to the settlement boundary of Bodenham Moor as defined under UDP Policy H4. A number of representations state that permission should not be granted given that the dwelling is outside of this settlement boundary. However, the proposal seeks to provide an agricultural workers dwelling, the provision of which is acceptable within the open countryside as stated in criterion 1 of UDP Policy H7 (subject to satisfying the criteria laid out in UDP Policy H8). Furthermore, as has been raised a number of times at recent Planning Committees, the Council are currently failing to provide a 5 year housing land supply and as such its housing policies cannot be attributed full weight. However, this does not preclude the consideration of the suitability of the scheme in terms of its impact on its context.
- 6.26 The concerns of objectors are noted with regard to potential landscape impacts and the bespoke comments of the County's Landscape Officer were sought. It is considered that the application site is well related and connected to the farm opposite and the dwellings within its

immediate vicinity. The proposed dwelling could be accommodated without significantly altering the landscape character or visual amenity of the site and surroundings. The steep, curving scarp to the south west of the site is a significant landscape feature in the local area but will remain visible above and beyond the dwelling. As such, the proposal is not considered to unduly impact on the surrounding landscape character as required by UDP Policy LA2.

- 6.27 Furthermore, and relatively unusually for agricultural workers dwellings, the plot's location is such that it is within walking distance of a number of local facilities and services within Bodenham Moor including a shop, primary school, hairdressers, village hall and bus service to and from Hereford and Leominster. As such, the proposed development is considered to be sustainably located in accordance with the NPPF and UDP Policy S1.
- 6.28 The dwelling is located at the western end of the plot, away from 'The Hawthornes'. The proposed garage which is located 1.5 metres from the sites eastern boundary and 12 metres from The Hawthornes is 6.5 metres in height and would be partly screened by existing hedgerow along the east boundary. As such, the proposal is not considered to unduly impact on the privacy or amenity of this or any other neighbouring dwelling.

Other Matters

- 6.29 A number of other concerns were raised within the letters of representation many of which fall outside the remit of the planning process, such as property values and private views from properties. However, clarification is provided on the following issues.
- 6.30 There are no implications for highways safety. Suitable visual splay can be achieved whilst the road is capable of accommodating the proposed minimal increase in usage. Parking arrangements are acceptable and vehicles would be able to enter and leave the site in a forward gear.
- 6.31 The proposed dwelling is approximately 225 metres from an existing slurry tank and an Inspector previously commented that development of this site could give rise to flies and smell in the summer months. However, the proposed dwelling is for occupation by an agricultural worker in relation to the enterprise on whose land the slurry tank is located. As such, any future occupier would be aware of and would possibly expect to encounter such issues which may well preclude the site from being suitable for unrestricted residential development.
- 6.32 Concerns were raised that this will be "the thin end of the wedge" and that if this application were approved, it would set precedent for further development along the lane. However, each application is determined on its merits. Consideration can only be had for the submitted proposal and speculation regarding future development cannot be taken into account.

Conclusion

- 6.33 On balance and having regard for all issues detailed in this report, it is considered that an essential functional need exists for a third worker to permanently reside on site in relation to a viable agricultural enterprise in accordance with UDP policies H7 & H8. There is no undue landscape, design, privacy or amenity concerns. It is therefore recommended that the application be approved with the below conditions attached.

RECOMMENDATION

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. **F14 Removal of permitted development rights**
4. **F27 Agricultural occupancy**
5. **G12 Hedgerow planting**
6. **L01 Foul/surface water drainage**
7. **L02 No surface water to connect to public system**
8. **L03 No drainage run-off to public system**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **W01 Welsh Water Connection to PSS**

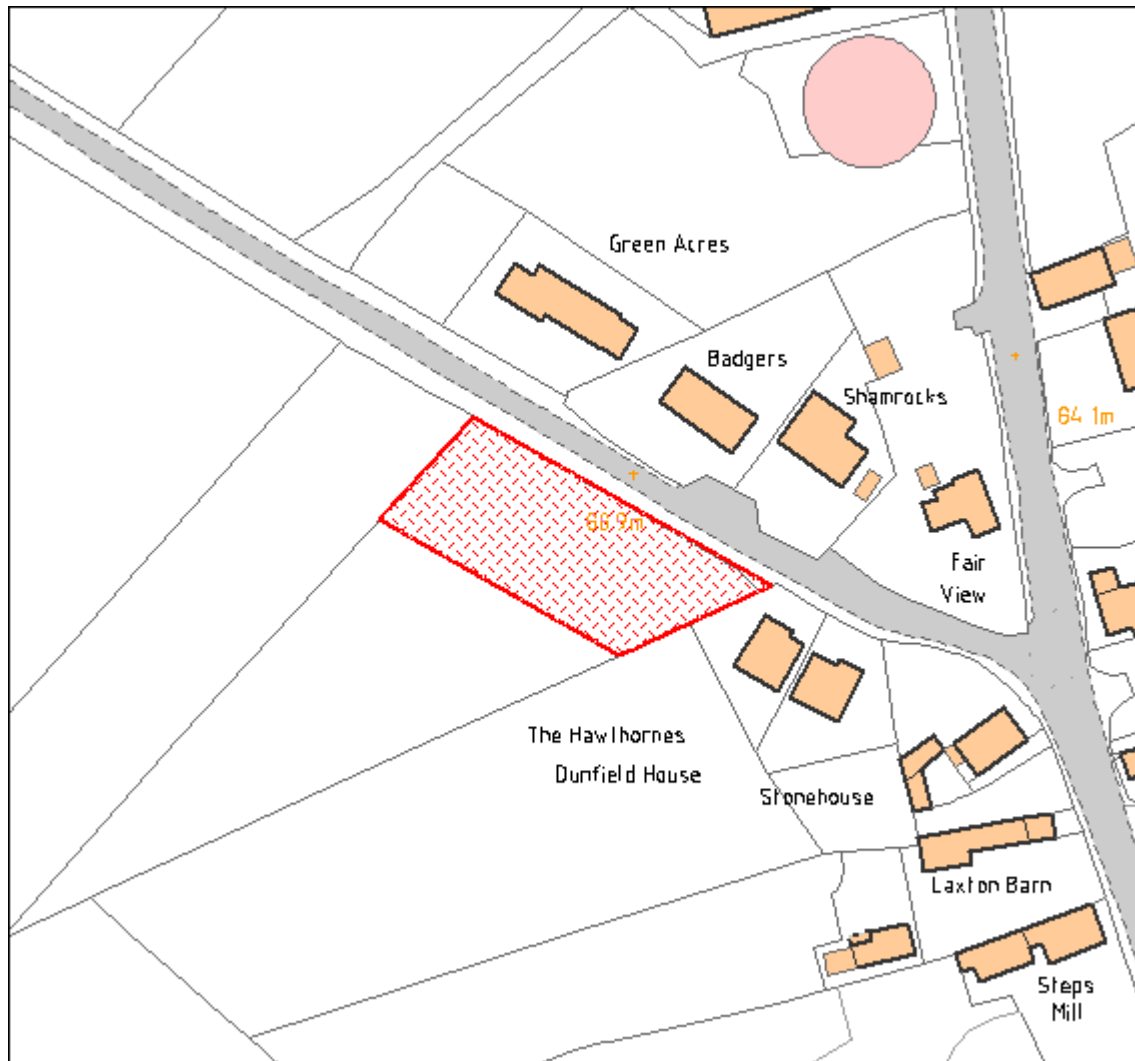
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132141/F

SITE ADDRESS : LAND TO THE SOUTH OF EASTFIELDS FARM, OFF U94021, BODENHAM, HEREFORD, HR1 3HS

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