

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>3 FEBRUARY 2016</b>
<b>TITLE OF REPORT:</b>	<b>153174 - PROPOSED NEW SINGLE STOREY DWELLING AND DETACHED GARAGE AT THE THREE HORSESHOES INN, LITTLE COWARNE, HEREFORD, HR7 4RQ</b>  <b>For: Mr Whittall per Lett &amp; Sweetland Architects, 58 London Road, Worcester, Worcestershire, WR5 2DS</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=153174&amp;search=153174">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=153174&amp;search=153174</a>
<b>Reason Application submitted to Committee – Re-Direction</b>	

**Date Received: 22 October 2015**

**Ward: Hampton**

**Grid Ref: 360382,250832**

**Expiry Date: 18 December 2015**

Local Member: Councillor BA Baker

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

- 1.1 The application site is a paddock associated with the Three Horseshoes Inn on the western side of the C1117 road that links Little Cowarne with the A465 road to the south east and Pencombe further to the north. It is almost equidistant between these two points of reference.
- 1.2 The proposal is for the applicants to vacate the living accommodation in the Public House for a manager to occupy and the applicants to live in a new dwelling in the paddock. This would allow the owners to semi-retire but still be involved in the management of the premises.
- 1.3 The paddock has a use as a certificated touring caravan site and is screened by hedgerow apart from the boundary shared with the Public House car-park which will be closed off by a new hedgerow. A new vehicular access will be formed for the new dwelling. The proposed dwelling will be configured in a 'L' shape and will provide two bedrooms. External finish will be timber cladding and brick. It is stated that the single-storey dwelling covered by a low rise sedum roof would be well insulated and airtight to 'Passivhaus' standards and that it would not impinge upon the landscape. It is also proposed to erect a double garage with log store. It will have an asymmetrical roof profile and will have the same pallet of finishes as the dwelling and sited to the north-east of the dwelling.
- 1.4 There is an existing sewerage treatment plant to the rear of the car-park that has the capacity to take the foul drainage from the new dwelling.
- 1.5 The application was accompanied by fully detailed plans, a supporting statement from the applicants and a Design and Access Statement.

## **2. Policies**

### 2.1 The Herefordshire Local Plan-Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental quality and local distinctiveness
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
RA3	-	Herefordshire's Countryside
RA4	-	Agricultural, Forestry and Rural Enterprise Dwellings
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-Diversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources

### 2.2 National Planning Policy Framework

The following chapters are of particular relevance to this proposal:

Introduction - Achieving sustainable development  
Section 4 - Promoting sustainable transport  
Section 6 - Delivering a wide choice of high quality homes  
Section 7 - Requiring good design  
Section 8 - Promoting healthy communities  
Section 11 - Conserving and enhancing the natural environment

### 2.3 Neighbourhood Plan

There is no Neighbourhood Plan for this area.

### 2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

## **3. Planning History**

### 3.1 None

## **4. Consultation Summary**

Statutory Consultations

### 4.1 None

Internal Council Consultations

### 4.2 Transportation Manager has not responded

#### 4.3 Public Rights of Way Manager:

Access to the new dwelling will be via public bridleway LC1, which is only maintainable to bridleway status. No objection, although if construction traffic is likely to endanger horse riders, a temporary closure must be applied for.

### 5. Representations

#### 5.1 Pencombe Parish Council

Writing on behalf of Pencombe Group Parish Council in the capacity of Parish Clerk, the Parish Council is of the opinion that, although it would have been preferable to have an independent sewage system, the planning application is fully supported.

#### 5.2 Two letters of support received, summarised as follows:

- Building retirement accommodation on understanding business continues could be a lifesaver for country pubs
- Complies with Paragraphs 6, 7 and 9 of NPPF; meets criteria of Policy RA3 of Core Strategy i.e accompanies and is necessary for growth of rural enterprise
- Also of exceptional quality and innovative 'passivhaus' design to meet requirements of Paragraph 55 of NPPF.
- Freeing up accommodation in existing building for manger to live-in will enable it to flourish and owners to progress to full retirement.
- Also approval will allow for retention of self-catering tourist accommodation

#### 5.3 A petition appended by 137 signatures has also been received in support of the application.

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:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

### 6. Officer's Appraisal

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require local planning authorities to determine applications in line with provisions of the local development plan unless material considerations dictate otherwise.

6.2 In this instance the Development Plan is the recently adopted Herefordshire Local Plan Core Strategy. CS Policy SS1 enforces what is at the heart of the Governments National Planning Policy Framework in its '*presumption in favour of sustainable development*'. This policy states:

*When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.*

*Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether:*

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) specific elements of national policy indicate that development should be restricted*

- 6.3 Policy SS2 (Delivering new homes) of the Core Strategy (CS) sets out clearly the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the Local Plan the Council will need to continue to support housing growth by granting planning permissions where the developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans).
- 6.4 The main issue is the principle of erecting this dwelling, on this particular site in open countryside; this is given that the proposal site is not within or indeed adjoining a settlement boundary. Little Cowarne is not identified as a settlement in the Herefordshire Local Plan-Core Strategy. There is a presumption against new residential development set out within Policy RA3 of Core Strategy and as set out in Paragraph 55 of the National Planning Policy Framework. Development may be permitted only in exceptional circumstances such as when a case has been substantiated for a dwelling serving an established rural enterprise, as in this case.
- 6.5 This proposal is for a semi-retirement dwelling. This will in time result in the erection of a dwelling that will not have any association with the public house, a community facility. Therefore, one of the issues that needs to be addressed is whether or not there is sufficient justification for setting aside policies controlling the erection of dwellings in open countryside, as in this instance, given that there is already accommodation available for a live-in manager. This proposal is for a second dwelling to serve the needs of the enterprise, it is considered no substantive case has been advanced for providing such accommodation as would be required for example in agricultural enterprises. Therefore given that such a case has not been advanced, notwithstanding the support for this principle, this proposal does not satisfy the requirements of Policies RA3 and RA5 of the Core Strategy.

### **Transport**

- 6.6 Notwithstanding that at the time of drafting this report, the formal response of the Transportation Manager had not been received, it is considered that the new access onto the bridleway will not have an adverse impact on highway safety.

### **Foul and surface water drainage**

- 6.7 An existing sewage treatment plant will be utilised as it has sufficient capacity. There is also sufficient land for surface water drainage by use of a soakaway..

### **Summary and Conclusions**

- 6.8 This application needs to be determined on its merits and with particular regard to Policy RA3 of Core Strategy that requires that proposals meet a need for a worker to live permanently at or near their place of work and further in Policy RA4, it is a requirement that *there is a sustained essential functional need for the dwelling and it forms an essential part of a financially sustainable business*. There is also a further proviso that it be demonstrated *that the accommodation could not be provided in existing building(s)*. It is evident that this proposal

falls outside the remit of such fundamental policy requirements and as such constitutes development that falls outside the remit of policy for new enterprise dwellings and therefore is contrary to policies in the Core Strategy and the provisions of Paragraph 55 of the National Planning Policy Framework.

- 6.9 Additional traffic can be accommodated on the road network without an adverse impact on highway safety.
- 6.10 Foul and surface water drainage can be provided without consequences for flooding or pollution of the local environment
- 6.11 Officers conclude that there are no overriding grounds for not refusing the erection of a dwelling on this site, notwithstanding the support advanced. This proposal constitutes development in the open countryside contrary to policies in the Herefordshire Local Plan-Core Strategy.

**RECOMMENDATION**

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

- 1. The proposal represents unjustified unsustainable development in the open countryside, failing to satisfy exception criteria for new dwellings in the Herefordshire Local Plan-Core Strategy under policies SS1, SS6, RA3 and RA4 .**

**INFORMATIVE.**

**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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

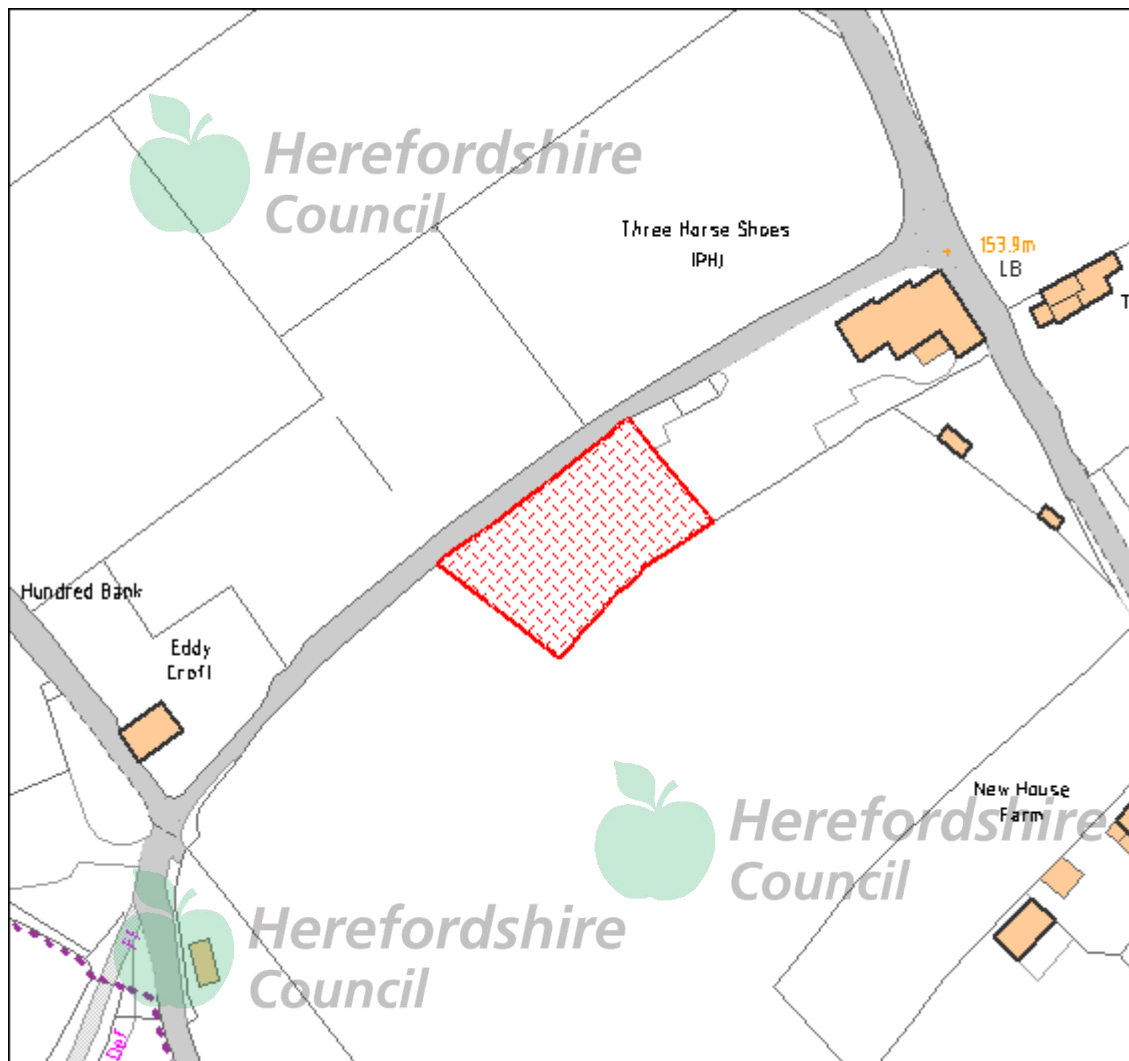
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 153174

**SITE ADDRESS :** THE THREE HORSESHOES INN, LITTLE COWARNE, HEREFORD, HEREFORDSHIRE, HR7 4RQ

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Further information on the subject of this report is available from Mr A Prior on 01432 261932