

|  |   |
|--|---|
| <b>MEETING:</b>  | <b>PLANNING COMMITTEE</b>   |
| <b>DATE:</b>   | <b>15 JUNE 2016</b>   |
| <b>TITLE OF REPORT:</b>  | <b>152759 - PROPOSED NEW BUILD PART EARTH-SHELTERED DWELLING TO INCLUDE SUBMERGED INTEGRAL GARAGE AT LAND ADJACENT TO CUCKHORN FARM, STOKE LACY, HEREFORDSHIRE, HR7 4HE</b><br><br><b>For: Mr &amp; Mrs White per Mr Oliver Steels, RRA Architects Ltd., The Watershed, Wye Street, Hereford, HR2 7RB</b> |
| <b>WEBSITE LINK:</b>   | <a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152759&amp;search=152759">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152759&amp;search=152759</a>   |
| <b>Reason Application submitted to Committee - Redirection</b> |   |

**Date Received: 10 September 2015    Ward: Three Crosses    Grid Ref: 362538,250568**

**Expiry Date: 17 June 2016**

Local Member: Councillor JG Lester

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

- 1.1 The application site comprises agricultural land east of the C1116 road on land falling in a northerly direction from the A465 (Hereford-Bromyard) road to the general south. There is an earth bund (motte) in the field covered with trees. To the east lies Cuckhorn Farm (220 metres) while The Oast House lies to the north-west (140metres) on the opposite side of the lane along with Hall Place Farm. This site lies approximately 4.5 km south-west of Bromyard town.
- 1.2 The 'undefined 'edge' of Stoke Lacy settlement lies approximately 90 metres to the south-west.
- 1.3 Amended plans show a relocated position for the dwelling along with an Archaeological Assessment and revised Design and Access Statement.
- 1.4 The proposal is for a single dwelling (4 bedrooms) with six parking spaces. This is L shaped in floor plan and has a north-west aspect (described by the applicants as part earth sheltered dwelling with submerged integral garage in a NPPF Paragraph 55 design).
- 1.5 A new access is proposed off the C1116 road at the point of an existing field entrance.
- 1.6 A sedum/ wildflower roof is detailed, with buff bricks/ steel panels to elevations, and black brick to garage undercroft. Resin bonded gravel is specified for the access and hardstanding areas.

---

Further information on the subject of this report is available from Mr Fernando Barber-Martinez on 01432 383674

- 1.7 SUDS drainage and a package sewage treatment system is being proposed.
- 1.8 A Grade II listed building (named Hall Place Farm) lies to the north west, on lower ground, on the opposite side of the C1116 road.

## **2. Policies**

### 2.1 Herefordshire Local Plan: Core Strategy

- SS1 - Presumption in Favour of Sustainable Development;
- SS2 - Delivering New Homes;
- SS6 - Environmental Quality and Local Distinctiveness;
- RA2 - Housing Outside Settlements Hereford and the Market Towns (Stoke Cross/ Stoke Lacy);
- RA3 - Herefordshire's Countryside;
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel;
- LD1 - Landscape and Townscape;
- LD2 - Biodiversity and Geodiversity;
- LD4 - Historic Environment and Heritage Assets;
- SD1 - Sustainable Design and Energy Efficiency;
- SD4 - Waste Water Treatment and River Water Quality;

### 2.2 National Planning Policy Guidance:

- Chapter 6: Delivering a Wide Choice of High Quality Homes;
- Chapter 7: Requiring Good Design;
- Paragraph 14: Presumption in Favour of Sustainable Development;
- Paragraph 49: 5 Year Housing Land Supply;
- Paragraph 55: New Housing in the Countryside.

### 2.3 National Planning Practice Guidance:

- Use of Planning Conditions (ID21a);
- Planning Obligations (ID23b);
- Design (ID26): Form, Scale, Details, Materials.

### 2.4 Neighbourhood Plan

No Neighbourhood Development Plan for Stoke Lacy is in preparation

### 2.5 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**

### 4.1 Statutory Consultations

None.

## 4.2 Internal Council Consultations

Transportation Manager: No response.

Conservation Manager (Ecology): Thank you for consulting me on the above application. I have read the ecological report submitted in support of the application and generally agree with its findings. I believe there will be a minimal risk to any protected species provided any clearance of vegetation and excavations are carried out judiciously and at the correct time of year. I would note that the proposal encroaches upon a feature of archaeological interest which does not appear to be notified on the Sites and Monuments Record (SMR). I have notified the LPA's archaeological adviser. I would advise attaching the following non-standard compliance condition to any approval (see online for text).

Conservation Manager (Historic Buildings): The application site lies to the south of Hall Place, a grade II listed farmhouse dating from about 1600. The farm complex consists of several barns, a hop kiln and a curved enclosing wall, all of which are individually listed grade II. In addition the mound within the application site appears to be a motte, according to the SMR, though I will leave consideration of this element to my archaeology colleagues.

Hall Place sits to the west of a country lane whilst the application site sits to the east. The two sites are on the north-facing slope of a relatively steep valley with the application site at the higher level of the two.

There is likely to be inter-visibility between the sites however not to the extent that would be considered detrimental to the enjoyment of the historic buildings from within the curtilage. However the application site would be within the setting of the listed buildings and, it is considered, would adversely impact on this aspect of the historic environment.

The proposed dwelling takes the form of a "v" on plan which is set into the motte. This allows the views of the building to be minimal from the south, the motte hiding the sunken courtyard and a green roof flowing on from the surrounding field. The north-facing elevations however are prominent, even though only single storey, and would be particularly so when internal lights were in use due to the large window expanse.

The neighbouring properties are largely painted brick or render in a light colour and therefore the proposed light brick seems a reasonable suggestion, but the existing properties all have traditional features of pitched roofs and small windows which serve to soften the harshness of the walling material. The proposed dwelling has a green roof but this will not be seen from most viewpoints.

As it stands I am unable to support the scheme however I believe that there could be a successful scheme to be had here, as far as the historic environment is concerned

Archaeological Officer: No objection to revised proposal.

- The application as originally submitted raised significant concerns, involving as it did a direct and unwarranted impact on a feature of potential archaeological interest (a recorded 'motte' of likely medieval origin, ref HER 6664).
- Since the making of the application, an archaeological assessment and evaluation of the site and its environs has taken place. Whilst this has to some extent confirmed the interest of the motte, it has also indicated that interest to be confined to the evident mound and ditch of this feature, no remains being indicated further out.
- Also, a subsequent re-design has resulted in the location of the proposed house being moved off the motte site altogether.

- As a consequence of these things, I now regard the proposal as acceptable, and am withdrawing my former objection.

Planning Obligations Manager: No response.

## 5. Representations

- 5.1 Re-consultations on the revised footprint took place on 1/4/2016.
- 5.2 Stoke Lacy Parish Council: No objection. Bricks should match those found in the locality. No objection to revised scheme.
- 5.3 To date 6 representations have been received, of which 5 are in support and 1 raises an objection. The points raised are as follows:
- Oast House would be visually affected/ extra traffic;
  - Eco friendly design, well thought out design and sits well in landscape;
  - Does not impact on Local Area;
  - Local Family.

- 5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152759&search=152759>

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

General Principles

- 6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

- 6.2 Here, the Herefordshire Local Plan ('HLP') is the development plan. The Core Strategy (CS) is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.
- 6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon, although still retain weight.
- 6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development with proportionate growth of sustainable rural settlements, which are exhaustively listed at figures 4.14 and 4.15, also supported. Stoke Lacy is one of those settlements.

- 6.5 In terms of rural settlements, CS Policy RA2 firstly requires that proposals accord with the relevant Neighbourhood Development Plan ('NDP') or where there is no NDP with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a 'settlement boundary'. The application site is within the Parish of Stoke Lacy who are not producing a neighbourhood plan, and consequently there is no settlement boundary as such.
- 6.6 The site is not immediately adjacent to the settlement of Stoke Lacy, therefore cannot be considered to be within or adjacent to an identified settlement and is consequently contrary to Policy RA2. Accordingly the site is considered to be in open countryside where RA3 is the appropriate policy.
- 6.7 At the time of writing of writing this report this Council does not have a 5 year housing land supply, as per paragraph 49 of the NPPF, and consequently less weight is given to Policies SS2, SS3 and RA3 of the Local Plan in respect of new housing supply.
- 6.8 This is following recent appeal decisions at Leintwardine and Ledbury. A recent Court of Appeal judgment amongst other points came to the view that 'out of date' policies because of the housing land supply being under 5 years do not become irrelevant, it is simply that the weight is for the decision maker. The decision overall is one of planning judgment and balance, which includes the weight properly attributable to the NPPF and the shortfall and all other relevant policies and facts.
- 6.9 New housing development is directed to Hereford City, Market Towns and rural settlements identified for proportionate growth. The proposal is located outside of such areas in Herefordshire's countryside where Policy RA3 is relevant in respect of new housing. While the proposal is not locally distinctive it is a subjective consideration as to whether the proposed design is 'exceptional or innovative'. The proposal does not fully satisfy any of the criteria (1-7) in that Policy that would allow for such development at this rural location namely:
- Meets and agricultural or forestry need or farm diversification enterprise;
  - Is for a rural enterprise;
  - Is a replacement dwelling;
  - Sustainable reuse of redundant or disused building in association with Policy RA5 [This proposal does not involve the re-use of an existing building];
  - Is rural exception housing (Policy H2);
  - Exceptional or innovative design;
  - Site for Needs of gypsies or travellers.
- 6.10 Nor does this proposal satisfy Policy H2 (rural exceptions sites) which allows for affordable housing schemes where:
- This assists in meeting a proven local need;
  - Affordable housing is made available and retained in perpetuity for local people in need of affordable housing; and
  - The site respect the characteristics of its surroundings, demonstrates good design; and offers reasonable access to a range of services and facilities normally identified in a Policy RA2 settlement.
- 6.11 The National Planning Policy Framework- with its three dimensions to sustainable development (namely economic, social and environmental role) in paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development, as defined in paragraphs 18 to 219 of the NPPF.

- 6.12 This is in an open countryside location and on balance not considered to be a sustainable location for new private market housing which does not satisfy any exception in Policy RA3 which would allow for such development, or that defined in Paragraph 55 of the NPPF.

#### Accessibility

- 6.13 The C1116 is a single width lane at this point with no pedestrian path, and at the point of access into the field there appears to be a relatively straight section of road. An existing field access will be upgraded for this proposal. This is considered acceptable in terms of highway safety.

#### Ecology

- 6.14 As the proposal is a green field, there are no adverse ecological implications from the siting and construction of the dwelling and access road.

#### Historic Environment/ Heritage Assets

- 6.15 The separation distance from Hall Place Farm is such that the immediate setting of that building would be preserved. The impact on the adjacent motte (earth mound) raises no objection with this Council's Conservation Manager.

#### Waste Water

- 6.16 A package sewage treatment unit would be provided which would provide capacity to deal with waste water from the proposed dwelling. There is sufficient room within the site for the installation of underground soakaway pipes.

#### Conclusion

- 6.17 As the Council has been found unable to demonstrate an NPPF compliant housing land supply at appeal, paragraph 49 thereof requires that applications are considered for their ability to represent sustainable development rather than for their inherent conformity with the Local Plan. However, and for the reasons explained within this report, the CS is considered to accord with the aims and objectives on the NPPF in this instance and the housing supply policies of the CS, Policy SS2 and the housing supply dimensions of Policies RA1, RA2 and RA3 in particular here, are considered to retain significant weight.
- 6.18 The site is located in a rural location - sufficiently separate from Stoke Lacy settlement so as not to be Policy RA2 compliant.
- 6.19 Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal is not locally distinctive, and it is a subjective judgment as to whether the proposal is in fact innovative or of exceptional design, which would otherwise allow for such a proposal at this location as per the exceptions in Policy RA3.

## RECOMMENDATION

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

- 1. The proposal would be contrary to Policy SS1, SS6, RA2 and RA3 of the Herefordshire Local Plan: Core Strategy (adopted October 2016) which seeks to achieve sustainable development, as outlined in paragraphs 18 to 219 of the National Planning Policy Framework 2012.**

**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 by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

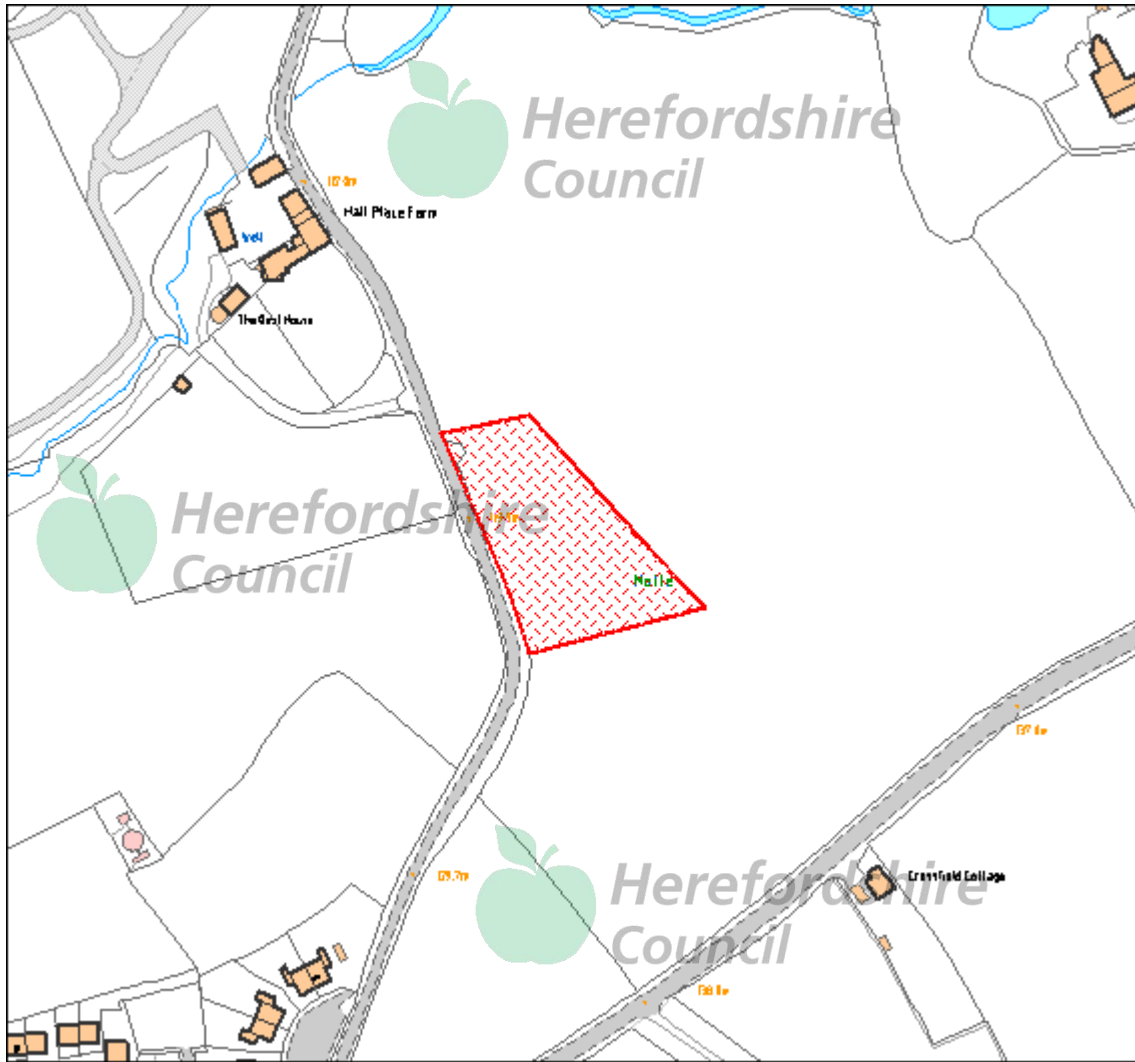
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 152759

**SITE ADDRESS :** LAND ADJACENT TO CUCKHORN FARM, STOKE LACY, HEREFORDSHIRE, HR7 4HE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005