

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 DECEMBER 2018</b>
<b>TITLE OF REPORT:</b>	<b>181347 - OUTLINE APPLICATION FOR THE ERECTION OF DWELLING AND GARAGE. CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT TWYFORD BROOK BARN, TWYFORD COMMON ROAD, TWYFORD, HEREFORDSHIRE, HR2 8AD</b>  <b>For: Mr &amp; Mrs Reed per Mr Paul Smith, 1a Mill Street, Hereford, Herefordshire, HR1 2NX</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181347&amp;search=181347">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181347&amp;search=181347</a>
<b>Reason Application submitted to Committee - Redirection</b>	

**Date Received: 11 April 2018**      **Ward: Wormside**      **Grid Ref: 350966,235287**  
**Expiry Date: 16 July 2018 (extension of time agreed to 18 December 2018)**  
Local Member: Councillor JF Johnson

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

- 1.1 The application site comprises a rectangular 0.19 hectare plot forming part of the large garden curtilage of Twyford Brook Barn, a converted barn located adjacent to Brook Farm, a Grade II listed property which lies to the south. To the west of the site and on elevated land is a reservoir and pumping station. The plot is well screened from the roadside and the existing property to the north (Uplands) by established hedgerows and trees.
- 1.2 Twyford Common is identified as a settlement/location for appropriate housing development in both the Herefordshire Local Plan Core Strategy and the Callow and Haywood Neighbourhood Development Plan
- 1.3 There are a number of other properties in this residential cluster, including Ivy Cottage and Cartref which lie on the opposite side of the Twyford Common Road (U71616) which links the C1261 to the north and the A49T to the south.
- 1.4 Outline planning permission is sought for the erection of a dwelling and garage with approval for the access and layout requiring formal consideration under the terms of this application. Appearance, landscaping and scale would accordingly be separate reserved matters.
- 1.5 The application is accompanied by an Ecological Assessment and latterly a Heritage Statement which was submitted following the recommendation of the Principal Conservation Officer and the submission of the most recent amended site layout plan

## 2. Policies

2.1 The Herefordshire Local Plan Core Strategy (CS) was adopted in October 2015 and the following policies are considered relevant:-

- 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 - Housing in Settlements Outside Hereford and the Market Towns
- RA3 - Herefordshire's Countryside
- H3 - Ensuring an appropriate range and mix of housing
- 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
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

2.2 The Callow and Haywood Neighbourhood Development Plan (CHNDP) was made on 1 December 2016 and accordingly it forms part of the Development Plan and can be afforded full weight. The following policies are considered relevant:-

- CH1 - Protecting and enhancing the rural landscape
- CH2 - Building and transport design principles
- CH9 - Housing

2.3 National Planning Policy Framework (NPPF 2018)

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
12. Achieving well design places
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

2.4 The Core Strategy and Neighbourhood Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following links:-

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

[https://www.herefordshire.gov.uk/download/downloads/id/8712/neighbourhood\\_development\\_plan\\_september\\_2016.pdf](https://www.herefordshire.gov.uk/download/downloads/id/8712/neighbourhood_development_plan_september_2016.pdf)

## 3. Planning History

3.1 SH990307PF Proposed conversion of a redundant barn to form a single dwelling. Approved 29.9.99

## 4. Consultation Summary

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

## Statutory Consultations

4.1 None

## Internal Council Consultations

4.2 Conservation Manager (Built Heritage)

### Response to original consultation

We would not object to the principle of development on the site on heritage grounds. A full application would enable a clear understanding of the wider impact of the detail of the proposals on the surroundings and would be preferred. For any application for reserved matters we would recommend that consideration is given to the agrarian context of the site and the character of vernacular buildings in the area. This should consider not just those characteristics such as roof pitch, massing, materials, solid to void and span/depth ratios etc. but also the positioning and orientation upon the site. We would recommend reference to the Historic England/Kent AONB Design Guide and the Cork County Council Rural Design Guide; which provide guidance on the principles of designing new buildings in the context of traditional farmsteads and in rural areas respectively.

We would recommend that the site layout considered placing the building to the N of the site, with screening or a buffer to the E. A full planning application would be preferred but is not essential.

### **Background to Recommendations:**

Brook Farmhouse is situated approx. 60m to the South of the proposed site and is listed at grade 2 (ref 1166841). To the immediate South of the site lies a converted barn.

The query has been raised as to whether the converted barn is curtilage listed. Ordinarily in this situation the detachment of the barn from the farmhouse and the difference in planning use at the time of listing (a barn being an agricultural use and a farmhouse domestic use) would mean that the barn would not be considered curtilage listed. However in this instance, at the time of listing (1952) there is a degree of vagueness over the use of the farmhouse, the list description (which is used to identify the property only, it is not a full description of the property or its importance) states that part of the property was a granary. For this reason, for the avoidance of doubt and the purposes of this consultation, we would consider that the barn is considered curtilage listed.

### Comments:

When considering the setting of heritage assets we would follow the methodology in Historic England GPA3 on the setting of heritage assets. This looks at the significance of the asset, how it is experienced (its setting) and what aspects of the setting contribute to the significance.

In this instance the heritage asset is a C17/C18 stone and timber framed farm house/granary with detached barn to the N, all arranged in a scattered linear arrangement. The ground rises to the W. The significance of the building is that it provides evidence of the agricultural use of the site in the past and is set within a settlement of scattered buildings. Placing the property to the N and W of the site would allow for a soakaway (if required) and also a buffer between the property and the road, avoiding an overly domestic character to the boundary.

## Response to consultation on revised plans

We would have no objections to the proposals on the basis of policies to do with historic buildings. It is felt that the proposal for a dwelling in this location would not adversely affect the setting of the listed buildings nearby.

Any application for reserved matters would need to consider landscaping, boundary treatments as well as the design of the property in order to satisfy policy.

### **Background to Recommendations:**

To the south of the site lies Brook Farm, a grade 2 listed part timber framed, C17/18 farmhouse with attached former granary.

The barn to the north of the site would not normally be considered curtilage listed due to its different planning use (agricultural vs domestic) and separation, however as part of the listed building is a granary, it is considered curtilage listed for the avoidance of doubt.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: “ In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” This indicates great weight given in planning considerations to the desirability of conservation of the setting of listed buildings.

The setting of listed buildings is defined in the NPPF Glossary as: “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

Section 189 of the NPPF requires applicants to describe the significance of heritage assets and the impact of proposals upon this.

Section 193 of the NPPF states that great weight should be given to an assets conservation.

The method used for assessing ‘setting’ is that outlined in the Historic England GPA3: The Setting of Heritage Assets. This is a multi-stage approach which is as follows:

1. Identify which heritage assets and their settings are affected.
2. Assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s).
3. Assess the effects of the proposed development, whether beneficial or harmful, on that significance.
4. Explore the way to maximise enhancement and avoid or minimise harm.
5. Make and document the decision and monitor outcomes.

Following the Historic England & NPPF glossary approach, the setting of the listed building, for planning decisions, is those aspects of the way in which the listed building is experienced which contribute to its significance.

The significance of a building is the sum of those attributes which make it worthy of listing, these attributes are broken down into evidential, historic, aesthetic and symbolic value.

Comments:

The farmhouse is currently experienced as the edge of the scattered, dispersed settlement of Twyford Common, with farmland sloping down to the E to a small stream and rising to the W.

The positioning of a building to the N of the farmhouse and curtilage listed building would alter the way in which the building is experienced, however it is not felt that this would sufficiently change those aspects of the setting which contribute to its significance. The farmhouse would still remain on the outskirts of a scattered settlement with clear agricultural context.

By positioning the building to the North West of the site, sight lines of the barn and farmhouse are maintained, allowing the visual experience to remain broadly similar.

There is an argument that the development could eventually lead to coalescence of the settlement from being scattered and dispersed into one which is denser in its development pattern. This would affect the character of the wider area, however in this instance it is not felt that the development sufficiently alters the rural setting of the listed building and curtilage listed building to harm their significance.

#### Response in relation to the submission of the Heritage Assessment

Further details are provided in previous comments, however we would have no objections to the proposals on the basis of policies to do with historic buildings. It is felt that the proposal for a dwelling in this location would not adversely affect the setting of the listed buildings nearby.

Any application for reserved matters would need to consider landscaping, boundary treatments as well as the design of the property in order to satisfy policy. Given the rural context of the site we would be seeking to understand how any proposed building relates to this context in its design as part of any reserved matters application.

The Heritage Statement supplied would meet the requirements of NPPF section 189 which requires an applicant to describe the significance of Heritage Assets affected by the proposals. It also follows the staged approach to setting put forward by Historic England.

#### 4.3 Neighbourhood Planning Manager (original comments)

The Callow and Haywood NDP was made/adopted on 1 December 2016.

The plan does not contain any settlement boundaries but describes the locations of the settlements included within the Core Strategy as the focus for proportionate growth.

Twyford Common is described within the plan (4.5.1) as the 'area of land inside the circular unadopted road around the old common'

Policy CH9 indicates housing proposals within Twyford common area will only be considered where is clearly adjacent or close to existing built form and has suitable access..

This site is on the edge of the neighbourhood area. It does not fall within the description of land inside the unadopted roads around the common but it could be considered to be adjacent or closely linked to the existing built form especially given the dispersed nature of the settlement.

The proportional growth within the parish is 14 and as at April 2017, 10 had been built and 6 committed. Therefore the proportional growth targets have been reached

However, as the NDP does not contain any site allocations and the LPA can not demonstrate a five year land supply, therefore the ministerial statement does not apply in this case.

Given the above and the dispersed nature of Tywford Common is it considered that the location would be in accordance with Policy CH9

Neighbourhood Planning Manager (Updated Comments post NPPF 2018)

With regards to NPPF para 14;

14a - The Callow and Haywood NDP was adopted on the 1 December 2016 and in line with the NPPF transitional arrangements the implementation of the 2 year timescale includes plans made for more than two years prior to 11 December 2018

14b – the NDP does not contain any site allocations but does contain policies which can ensure the housing requirement is achievable. In April 2018, there were 14 built and 4 commitments which indicated that the proportional growth requirements for the parish have been met.

14 c – we have a 4.55yr supply

14d – Information supplied by Strategic Planning Team Leader

The NDP should still be seen as having significant weight after the 11 December 2018 unless material considerations indicate otherwise.

Transportation Manager

Proposal acceptable, subject to the following conditions and / or informatives:-

The provision of one dwelling would not pose a severe impact on the highway therefore there are no highway objections. Conditions recommended

#### 4.4 Conservation Manager (Ecology)

##### Response to original consultation

As identified at Pre-application, the site lies within the River R Wye SSSI/SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer”. I note the applicant has indicated the use of Package Treatment Plant but under Habitat Regulations and in line with NPPF, NERC Act and Core Strategy SD4/LD2 this authority has a duty of care to ensure all relevant ‘Likely Significant Effects’ are fully mitigated. The identified LSE is the phosphate loading (not removed through standard PTP installations) in the final outfall, to mitigate this **confirmation from the applicant that the PTP will discharge to a soakaway drainage field is requested**. Direct discharge in to any local watercourse, stream or culvert would not be acceptable.

Subject to this soakaway discharge being confirmed and subject to implementation as part of the approved plans then I can not see any unmitigated LSE on the River Wye SSSI/SAC from this proposed development.

I note the supplied ecological report and recommendations and specifications for biodiversity enhancements it includes. These recommendations should be subject to a relevant implementation condition.

##### **Nature Conservation – Ecology Protection, Mitigation and Enhancement**

*The ecological protection, mitigation, compensation and working methods scheme including the detailed Biodiversity enhancement features, as recommended in the reports by Wilder Ecology dated March 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. The Biodiversity enhancements shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority.*

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

#### Response to consultation on revised plans

The amended plan indicating foul water final outfall to a soakaway drainage field is noted and should form part of any plans granted planning consent.

Previous ecology comment and suggested Condition still relevant.

Conservation Manager (Trees)

No objection

Land Drainage

Surface Water Drainage

No information has been provided in regards to the disposal of surface water runoff management.

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Note that in February 2016 the EA updated their advice on the potential effects of climate change a that a range of allowances should be considered to understand the implications: <https://wndww.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

All new drainage systems for new and redeveloped sites must, as far as practicable, meet the Non-Statutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council).

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should be restricted to the pre-development Greenfield values as far as practicable. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes.

On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events.

It should be noted that soakaways should be designed for a minimum 1 in 30 year design standard, be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels, and must have a half drain time of no greater than 24 hours.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635:

Designing for exceedance in urban drainage: Good practice.

The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system. The Drainage Layout plan should reflect the ownership of the respective drainage components.

#### Foul Water Drainage

The drainage plan demonstrates that a drainage field is to be located to the rear of the property. This is uphill of the proposed dwelling. This should be re-designed to ensure that the foul water drainage is gravity fed.

The land on which the package treatment plant and drainage field are located should be owned by the homeowner.

The Applicant has not provided percolation testing results.

The Applicant should demonstrate that alternative proposals are compliant with the general Binding Rules and are in accordance with the Building Regulations Part H Drainage and Waste Disposal.

The Applicant should undertake percolation tests in accordance with BS6297 to determine whether infiltration techniques are a viable option for managing treated effluent (see Section 1.32 of Building Regulations Part H Drainage and Waste Disposal).

If infiltration testing results prove soakage is viable, the following must be adhered to for Package Treatment Plants:

The drainage field should be located a minimum of 10m from any watercourse, 15m from any building, 50m from an abstraction point of any groundwater supply and not in any Zone 1 groundwater protection zone. The drainage field should be sufficiently far from any other drainage field, to ensure that overall soakage capacity of the ground is not exceeded.

Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.

Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds.

## Overall Comment

In principle we do not object to the proposals, however we recommend that the following information provided within suitably worded planning conditions:

Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;

A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;

Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;

Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;

A detailed foul water drainage strategy showing how foul water from the development will be disposed of.

## 5. Representations

### 5.1 Callow and Haywood Group Parish Council objects to the application:

#### Response to original consultation

The Callow & Haywood Group Parish Council is minded to object to the above application for the following reasons:

1. The site is not within the Twyford Common area and is therefore not suitable for development under any Core Strategy policies.
2. Equally it is not supported, for the same reason, by "Policy CH9 - Housing" in the Callow and Haywood Neighbourhood Plan 2011-2031 i.e. it is not in the Twyford Common area.
3. If the Planning Authority is minded to approve the application, then as the site is in the setting of a listed building, an outline application would not normally be considered suitable and a Full Application should be required.

The Parish Council recommends that the application should be refused.

#### Response to consultation on revised plans/Heritage Assessment

Callow and Haywood Parish Council has looked at the amended proposals within this application and wish to reiterate the objection made previously. There have been no changes

made to the proposal to alter the opinion of the PC and the objection to this project still stands on the points made when first considered, as below.

"The Callow & Haywood Group Parish Council is minded to object to the above application for the following reasons: 1. The site is not within the Twyford Common area and is therefore not suitable for development under any Core Strategy policies. 2. Equally it is not supported, for the same reason, by "Policy CH9 - Housing" in the Callow and Haywood Neighbourhood Plan 2011-2031 i.e. it is not in the Twyford Common area. 3. If the Planning Authority is minded to approve the application, then as the site is in the setting of a listed building, an outline application would not normally be considered suitable and a Full Application should be required.

The Parish Council recommends that the application should be refused"

## 5.2 Lower Bullingham Parish Council objects to the application:

Object to the application for the following reasons The application does not comply with the following core strategy policies : SS1- Sustainable development - The proposed dwelling is in open countryside RA2,RA3 &RA6 - which related to Housing settlements outside Hereford and the market towns. MT1 Traffic management highway safety and promoting active travel. Finally the application is not compliant with Lower Bullingham NDP policy LB2c

## 5.3 The application has been the subject of two consultations and for the purposes of clarity one objector has appointed independent planning consultancy, Counsel and heritage advice, which are embodied with the summary. The comments received can be summarised as follows:

### Responses to original consultation

A total of 21 objections were received:

- Site in open countryside and outside the Twyford Common settlement boundary
- The development of the site will have a detrimental impact on the character of the landscape and the setting of Twyford Brook Farm
- Site is prone to repeated flooding
- Concern that a precedent for unwarranted development of small plots will result in gradual urbanisation of the open countryside
- The location is not sustainable with no services or facilities available and with entire reliance on the private car
- Adverse impact on visual amenity of the valley
- The size of the proposed dwelling is unaffordable
- Inconceivable that no protected species identified on the site
- Access is via a single lane track that cannot safely accommodate additional cars, oil/LPG/waste water tanker deliveries and will result in further damage to the highway
- Proposed point of access is on a dangerous bend
- Concern regarding impact of surface water run off from proposed new access and driveway
- Heritage Assessment required to assess potential impact
- Loss of hedgerow to create access contrary to landscape character
- Lack of detailed accompanying the application is a concern
- Harmful impacts of the proposed development outweigh the benefits

1 letter of support was received:

- Proposal comprises modest infill on a large plot adjacent to the settlement boundary
- Conditions could be attached to control scale and appearance of the development
- More residents would make the community more sustainable

## Responses to consultation on revised plans/Heritage Assessment

A total of 16 objections were received. In the majority of cases, these reiterate previous objections but a number of additional concerns were raised:

- In light of large scale expansion proposals to the south of Hereford there is no need for further growth of hamlets in the open countryside
- Repositioning of the dwelling will impact upon the overflow drainage ditch behind the proposed property
- Insufficient information to assess drainage system
- Assessment of “no harm” contained in the Heritage Assessment is not accepted
- Landscape impact of engineered access and creation of level site is understated

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=181347&search=181347](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181347&search=181347)

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**

### Policy context and Principle of Development

6.1 The interpretation of policy and the weight that it should be afforded is fundamental to the assessment of this application and this will be apparent in the following section. However the legal framework is established by Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which 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 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Callow and Haywood Neighbourhood Development Plan (CHNDP) which was made on 1 December 2016. The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 CS Policy RA2 defines Twyford Common as an *other settlement*, recognising its importance in terms of delivering the Council’s required housing growth but that it will not be a main focus for this. The policy acknowledges that growth within or adjacent to such settlements will be supported and there is a need to have particular regard to the form, layout, character and setting of development in these smaller settlements. Specifically Policy RA2 identifies that Neighbourhood Development Plans will allocate housing or otherwise demonstrate that housing delivery within the respective Neighbourhood Area meets the proportionate target identified.

6.4 Turning to the CHNDP, it is clear in the text that its authors were unhappy with the allocation of Twyford Common in the CS and Policy CH9 promotes the encouragement of growth at Grafton. Nevertheless, Twyford Common is recognised in the CHNDP and the supporting text explains that this will be regarded as *that area of land inside the circular un-adopted road around the old common land at Twyford*. The formal wording of Policy CH9 goes on to state that *new housing sites within the Twyford Common area will only be considered acceptable where it is*

*clearly demonstrated that proposals are adjacent to or closely linked to existing built form and suitable access is provided.*

- 6.5 The application site lies outside but immediately on the opposite side of the un-adopted road but is considered to be very closely linked to existing built form, which in this case comprises Uplands (a dwelling dating from the late 1990s) and older properties, namely Twyford Brook Barn and Twyford Brook Farm on the western side of the road and Ivy Cottage and Cartef on the eastern side.
- 6.6 In these particular circumstances, the proposed dwelling can reasonably be described as an infill plot between existing dwellings, so whilst it lies outside the road which defines the Twyford Common area described in the CHNDP, it will not be isolated; it is closely linked to the existing built form and it will not extend development beyond the existing form.
- 6.7 Turning to the approach to decision-making prescribed in the NPPF, the starting point is set out at paragraph 11, and it is an established position that in light of the Council's continued lack of a 5 year housing land supply (most recently published to be a 4.55 year supply, April 2018) and since there is no formal position in relation to the new Housing Delivery Test, those CS and NDP policies that relate to housing delivery are to be considered out-of-date. The decision-maker is then directed by paragraph 11d to approve development that accords with policy unless the application falls within one of the protected areas or assets that provides a clear reason for refusal (further consideration will be given to this below) or where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.8 To add further nuance to the status of local policies, where the tilted balance set out paragraph 11d is invoked, the NPPF paragraph 14 deals very specifically with situations where there is perceived conflict with NDP policy. It states that determining an application which is in conflict with an NDP will be regarded as an adverse impact that is likely to outweigh any benefits. This provision will apply where all 4 identified criteria are met. In this case, the NDP will not meet criteria 14a) since it was 2 years old on the prescribed 11 December 2018 date. As such, whilst the NDP can continue to be attributed significant weight, any conflict in relation to its policies relating to housing delivery cannot in its own right be treated as an adverse impact that would specifically direct refusal of planning permission.

#### Heritage Impacts

- 6.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the Council's statutory duty to pay special attention to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. This is underpinned by CS policy LD4 and CHNDP policy CH1 which encourage new development proposals to protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance
- 6.10 Additionally Chapter 16 of the NPPF sets out the approach to assessing heritage impacts.
- 6.11 Reference to the level of objection, and the commissioning of independent heritage advice by a local resident provides a clear indication of the strength of local views in respect of this issue.
- 6.12 Through the course of the application process, the proposed layout has been amended following the specific advice of the Conservation Manager and as recommended the applicant has latterly submitted a Heritage Statement in line with NPPF guidance and methodology.
- 6.13 Having regard to the advice provided by the Conservation Manager, whilst the heritage status of Twyford Brook Barn was initially questioned, and is still a matter for interpretation, during the course of determining the application it has been accepted that the converted barn does form part of the curtilage of the Grade II listed Twyford Brook Farm. This assessment derives

from the historic association with the farmhouse and the significance arises from its former agricultural use and its position within, and contribution to, the loose scattering of development alongside the road.

- 6.14 The heritage assessment commissioned by an objector considers that there will be considerable harm to the setting of the curtilage listed Twyford Brook Barn and by extension the Grade II listed farmhouse. It is suggested that this results from the intrusion into the open space within which the barn is located and the creation of the new access which erodes the uninterrupted rural nature of the lane. This assessment does not actually use NPPF terminology so it is unclear whether the magnitude of this impact is significant or less than significant.
- 6.15 Conversely, the Conservation Manager considers that the position of the site to the north of the barn is such that the impact of its development would not adversely affect its setting or the farmhouse as they would both continue to be experienced as being at the edge of a sporadic linear settlement and within a distinctly agrarian context. Furthermore the positioning of the proposed dwelling further back into the site is such that the existing views of the barn and farmhouse from the north would remain uninterrupted.
- 6.16 In the context of this advice, it is considered that the proposed development of the site, subject to an appropriately designed and scaled dwelling being presented with any future Reserved Matters submission, would not result in harm or any loss of significance of the setting of the Grade II listed farmhouse or the applicants converted barn. Accordingly there is no requirement to consider the heritage impact test prescribed in paragraphs 195-197 of the NPPF. The preservation of the setting would satisfy the Council's statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and accords with CS policy LD4 and the relevant criteria of CHNDP policies CH1 and CH2.

#### Visual and Landscape Impact

- 6.17 CS Policies LD1 and SD1 combined with CHNDP policies CH1 and CH2 seek to ensure that development proposals respect and are informed by the landscape considerations, with particular reference in the CHNDP to maintaining the sense of tranquility and key features that contribute to the character of the locality. The site lies partly within Landscape Character Areas Principal Settled Farmland and Forest Smallholdings and Dwelling as characterised in the Council's Landscape Character Assessment. These areas are primarily (but not exclusively) defined by the presence of established hedgerows and tree cover; the field patterns and wayside development. In the context of the site being closely related to a cluster of existing dwellings, it is considered that the introduction of a further appropriately designed dwelling will not be out of keeping with these characteristics.
- 6.18 In this case, the most obvious visual impact will be the removal of a section of the roadside boundary hedge (approximately 9 metres) to form the proposed new access into the site. The loss and associated formation of the access, driveway and parking area will undoubtedly have a localised impact but this will only be experienced in the immediate vicinity of the site which is in part characterised by the driveways serving existing properties and in this context it is not considered that the additional access at this location would be out of keeping or result in any visual harm that would warrant the refusal of planning permission.
- 6.19 The proposed dwelling itself would occupy a set back position in the plot, such that with the substantial retention of the roadside boundary hedge and the well established hedgerow defining the northern boundary of the application site, the presence of the new dwelling will be largely obscured from wider view, with the only impact being appreciated from immediately in front of the site. There is also the potential for replacement hedging.
- 6.20 Whilst recognising that there will be some change to the established character of this rural lane, it is not considered that this would result in an uncharacteristic form of development or harm

that could reasonably justify the refusal of permission. Clearly the design approach adopted in any future reserved matters application (which would have to consider scale, appearance and landscaping) would be critical to the successful development of the site, but in terms of the proposed means of access and the layout, it is considered that the proposal complies with the requirements of CS policies LD1 and SD1 and the relevant criteria set out in CHNDP policy CH1.

#### Biodiversity and Drainage

- 6.21 CS policy LD2 and CHNDP policies CH1 and CH2 promote development that conserves, restores and enhances the biodiversity and secures the appropriate protection and safeguarding of designated assets. CS policies SD3 and SD4 deal more specifically with drainage requirements and the impact of discharges and are linked in relation to the need to assess the impacts of new development upon the River Wye Special Area of Conservation (SAC). In relation to the Ecological Assessment that accompanies the application, the Conservation Manager confirms that this provides a satisfactory basis for the recommended condition securing mitigation, compensation and enhancement in accordance with CS policy LD2.
- 6.22 The drainage strategy envisages a private package treatment system discharging to a secondary drainage field within the application site. It is anticipated that this approach provides sufficient comfort that there will be no likely significant effects upon the River Wye SAC and the Conservation Manager has carried out a screening assessment under the Habitat Regulations to this effect. At the time of writing this assessment has been submitted to Natural England for confirmation that this is acceptable. An update will be provided in the Schedule of Updates or verbally and the recommendation set out below reflects the requirement to await the consultation response from Natural England.
- 6.23 The more precise details of the foul and surface water drainage solution would be the subject of a condition, as recommended by the Land Drainage Consultant.
- 6.24 Subject to the advice of Natural England and appropriate conditions, it is considered that the site can be developed in conformity with CS policies LD2, SD3 and SD4 and CHNDP policies CH1 and CH2.

#### Access and Highway Safety

- 6.25 A number of objections refer to the capacity of the local road network to accommodate any additional traffic and the unsafe nature of the access. The concerns are acknowledged given the settled nature of Twyford Common. However, whilst recognising that there would be a modest uplift in traffic movements, there is no tangible evidence to indicate any severe implications in relation to the capacity of the highway network.
- 6.26 The access itself has been designed to meet the requirements of the Transportation Manager and subject to conditions securing visibility, secure cycle storage and parking provision during the construction phase, there is considered to be no conflict with CS policy MT1.

#### Conclusion and Planning Balance

- 6.27 At present the Council cannot demonstrate a five year housing land supply (published figure of 4.55 years April 2018), and as such the policies which are most important for determining the application are to be considered as being out of date (paragraph 11d) footnote 7 of the NPPF).
- 6.28 In such circumstances paragraph 11 continues that in decision-taking this means 'granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,

when assessed against the policies in this Framework taken as a whole.’ ‘Assets’ includes designated heritage assets and the policies are as referred to in the NPPF and not the Development Plan (footnote 6).

- 6.29 With regards paragraph 11d) i there are no policies in the NPPF that protect areas or assets of particular importance or an NDP that is less than 2 years old and thus there is no clear reason for refusing the development proposed. As a result it is necessary to turn to the familiar tilted planning balance test from the NPPF.
- 6.30 Whilst the NPPF supports growth, it is fundamental that this is ‘sustainable’. Sustainability is assessed under three headings, economic, social and environmental objectives.
- 6.31 It is acknowledged that the construction of a dwelling would contribute to the housing supply and the local economy through the employment of trades and purchase of materials. In social terms an additional dwelling would increase the residents in the area, which may help to sustain the services locally and in other settlements in surrounding parishes. Nevertheless, for a single dwelling it must be acknowledged that these would only be moderate.
- 6.32 In environmental terms, due to the site’s location, it is physically and visually related to the built form of Twyford Common and the provision of a well designed dwelling in the set back position proposed would retain the loose knit development along the lane and would not harm the setting of the heritage assets identified. It is worth noting that in respect of paragraphs 77 to 79 of the NPPF which provide the Government’s position on rural housing objectives, policies and decisions should be responsive to local circumstances and reflect local needs. The application proposes a 4+ bed dwelling, which in regard to this application is not considered in itself to justify a reason to refuse permission, even though there is a greater demand for 2 and 3 bed dwellings in the area.
- 6.33 Overall it is considered that the locational sustainability of the site weighs heavily in favour of the application. The conflict with the NDP in terms of the precise location is acknowledged but in these circumstances where the site is so well related to existing residential development and does not result in harm of sufficient gravity to significantly and demonstrably outweigh the benefits, it is considered that the proposal is acceptable and it is recommended that outline permission is granted, subject to no objection from Natural England.

## **RECOMMENDATION**

**That subject to receipt of confirmation that Natural England do not object to the Habitat Regulations Appropriate Assessment undertaken by Herefordshire Council, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

- 1. A03 Time limit for commencement (outline permission)**
- 2. A04 Approval of reserved matters**
- 3. A05 Plans and particulars of reserved matters**
- 4. G11 Landscaping scheme – implementation**

5. **H03 Visibility splays (2.4 X 70M south and 2.4 x 90m north)**
6. **H09 Driveway gradient**
7. **H27 Parking for site operatives**
8. **H29 Secure covered cycle parking provision**
9. **I16 Restriction of hours during construction**
10. **CE6 Efficient use of water**
11. **Prior to the commencement of the development hereby approved, a detailed drainage strategy in accordance with the following requirements shall be submitted to and approved in writing by the local planning authority:**

**Provision of evidence demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;**

**A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;**

**Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**

**Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;**

**A detailed foul water drainage strategy showing how foul water from the development will be disposed of.**

**Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

12. **The ecological protection, mitigation, compensation and working methods scheme including the detailed Biodiversity enhancement features, as recommended in the reports by Wilder Ecology dated March 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. The biodiversity enhancements shall be maintained thereafter as approved unless**

otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

**INFORMATIVES:**

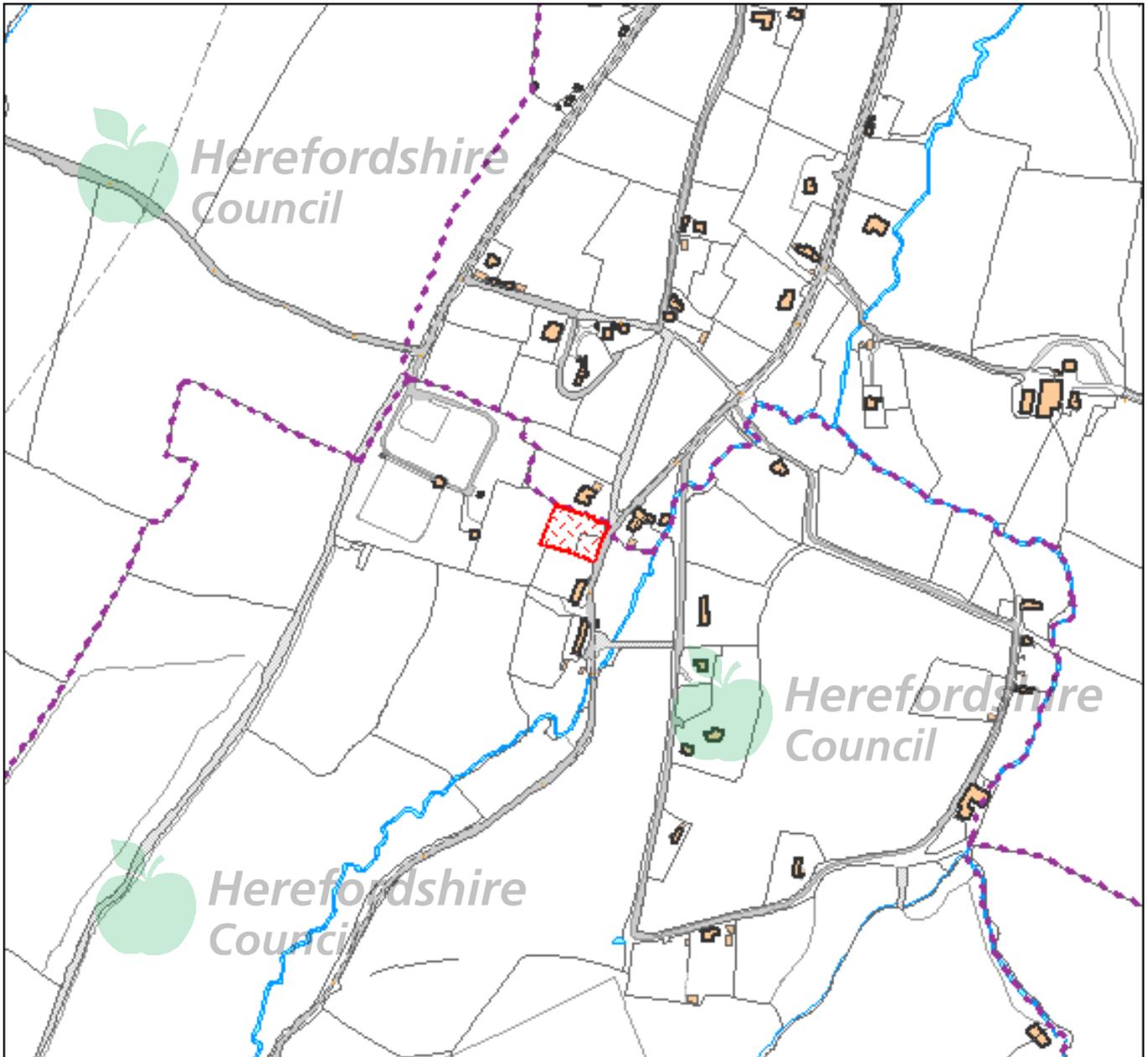
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. **HN01 Mud on highway**
3. **HN04 Private apparatus within highway**
4. **HN05 Works within the highway**
5. **HN10 No drainage to discharge to highway**
6. **HN24 Drainage other than via highway system**
7. **N11C General**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 181347

**SITE ADDRESS :** TWYFORD BROOK BARN, TWYFORD COMMON ROAD, TWYFORD, HEREFORDSHIRE, HR2 8AD

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612