

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>17 NOVEMBER 2021</b>
<b>TITLE OF REPORT:</b>	<b>201962 - PROPOSED ERECTION OF THREE SUSTAINABLE HOLIDAY LODGES AT HOPEFIELD COTTAGE, HAYNALL, LITTLE HEREFORD, LUDLOW, SY8 4BG</b>  <b>For: Mrs Fletcher per Mr Jim Hicks, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201962&amp;search-term=201962">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201962&amp;search-term=201962</a>
<b>Reason Application submitted to Committee - Redirection</b>	

**Date Received: 23 June 2020**

**Ward: Leominster  
North & Rural**

**Grid Ref: 354344,267493**

**Expiry Date: 11 January 2021**

Local Members: Cllr John Stone

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

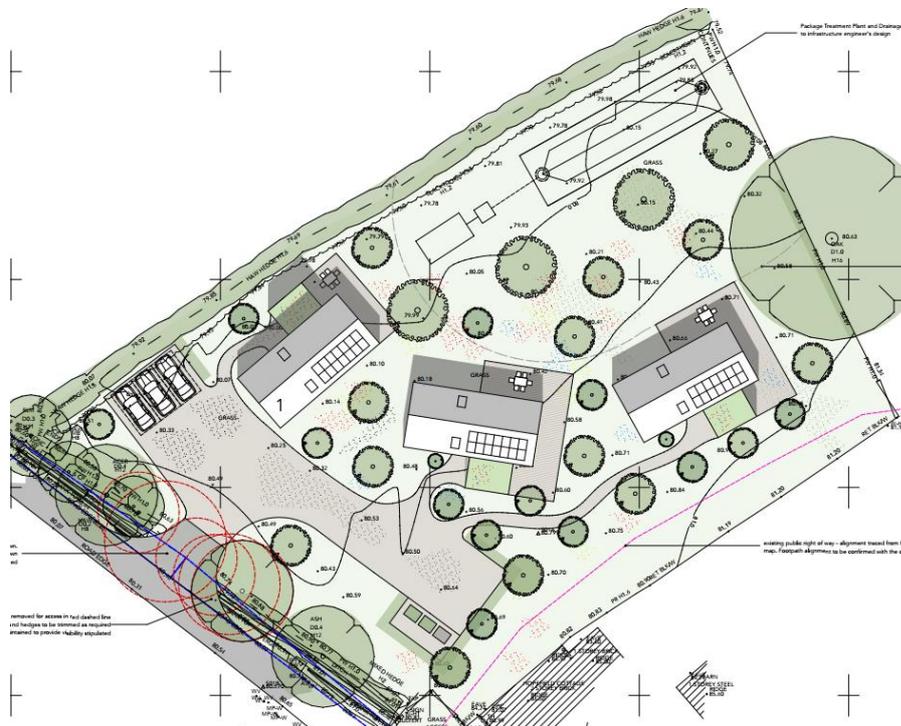
- 1.1 The application site contains a small, rectangular parcel of land located to the immediate north of Hopefield Cottage and accessed via a field gate off the C1051, known as Haynall Lane; connecting the A456 with the small hamlet of Haynall and Leysters beyond. The A456 connects the site to surrounding services and villages, such as the market town of Tenbury Wells, located approximately 2 miles away. Ludlow is also accessible via the A456 and A49, located approximately 6 miles away.
- 1.2 The site is found within open-countryside although Haynall Lane is characterised by a scattering of modest sized, wayside dwellings and farmsteads. The site is essentially level but with some increased elevation, allows for views northwards across the Teme Valley towards Clee Hill. To the north and western roadside, the site is bound by mature hedgerows and to the east, the site is delineated from the adjacent field by way of a post and wire fence and gateway with a mature tree also located here. The residential curtilage of Hopefield Cottage extends along the entirety of the southern boundary, separated by the wooden fence; although the land to the south of the site sits above and overlooks the field. Public Right of Way BF13 runs along the southern boundary of the site, close to Hopefield Cottage.
- 1.3 The proposal seeks planning permission for the erection of the three holiday units. Identical in their appearance but sited in an ad-hoc arrangement within the site, the units would be rectangular in footprint, clad in horizontal timber boarding with a dual-pitched sedum roof. They would benefit from living and kitchen space with two bedrooms each and a covered addition for cycle storage. The proposal would include a new access taken from the C1051 with parking to the front and access via footways to the units. The scheme also includes the provision of additional landscaping throughout the site. Foul water from the units would be dealt with by way

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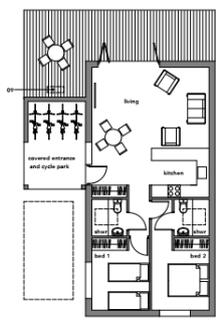
Further information on the subject of this report is available from Mr A Banks on 01432 383085

of package treatment plants with outfall to a single drainage mound to the north-eastern portion of the site. A copy of the amended site plan, floor plan and elevations of the units are shown below:

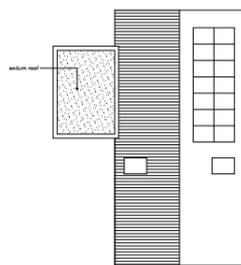
Site Plan



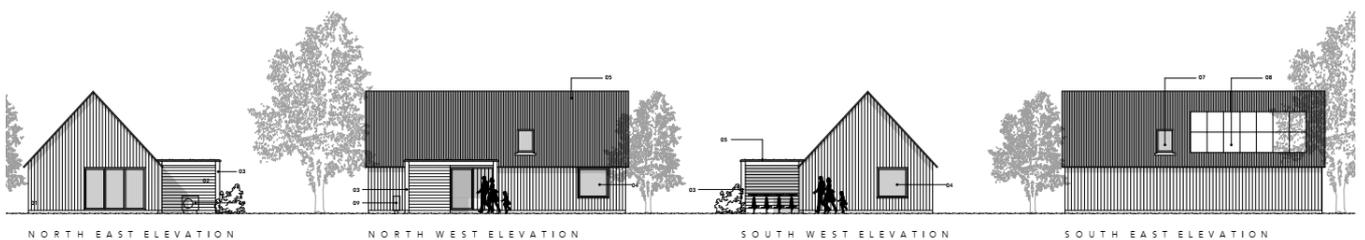
Floor Plan and Elevations



GROUND FLOOR



ROOF PLAN



## **2. Policies**

### **2.1 Herefordshire Local Plan – Core Strategy (CS)**

**SS1** Presumption in favour of sustainable development  
**SS4** Movement and transportation  
**SS6** Environmental quality and local distinctiveness  
**RA3** Herefordshire's countryside  
**RA6** Rural economy  
**MT1** Traffic management, highway safety and active travel  
**E4** Tourism  
**LD1** Landscape and townscape  
**LD2** Biodiversity and geodiversity  
**LD3** Green infrastructure  
**SD1** Sustainable design and energy efficiency  
**SD3** Sustainable water management and water resources  
**SD4** Waste water treatment and river water quality

### **2.2 Brimfield and Little Hereford Neighbourhood Development Plan (BLHNDP)**

**BLH8** Building design principles  
**BLH9** Landscape design principles  
**BLH12** Water management  
**BLH13** Criteria for assessing the suitability of future potential development sites  
**BLH15** Design for flood resilience and resistance  
**BLH16** Design to reduce surface water run off  
**BLH18** Developments supporting rural enterprise

### **2.3 National Planning Policy Framework (NPPF)**

**Chapter 2** Achieving sustainable development  
**Chapter 4** Decision-making  
**Chapter 6** Building a strong competitive economy  
**Chapter 11** Making effective use of land  
**Chapter 12** Achieving well-designed places  
**Chapter 15** Conserving and enhancing the natural environment

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

2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on the 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

### 3. Planning History

3.1 The following planning history is considered to be of relevance to this application:

061397/O	New workshop for packaging and light assembly	Refused - 2006
060430/O	Site for new workshop for packaging and light assembly	Refused - 2006
930357/F	Erection of new house	Refused - 1993

### 4. Consultation Summary

Statutory Consultations

#### 4.1 Severn Trent Water

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

#### 4.2 Welsh Water

We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

#### 4.3 Natural England

No comment

Internal Council Consultations

#### 4.4 Transportation Manager

16 July 2020 - The proposal submitted includes an access to serve multiple dwellings. The following observations are a summary of the highways impacts of the development:

Any amendments required to form the access will require separate permission from the local highway authority. This is likely to be in the form of a Section 184 Licence.

The access proposed meets the visibility requirements and the associated rationale is acceptable in demonstrating the access amendments will not result in an unacceptable impact on road safety. The access meets the highway in a perpendicular fashion. This maximises visibility and ensures that turning movements can happen efficiently. The details of the way in which the access drains is not included in the proposal. It is not acceptable for water to shed from accesses onto the public highway as a result condition CAE should be attached to any permission granted to ensure that this is addressed prior to construction.

The proposed access specification is not shown. As with all other details of the access arrangements it is recommended that condition CAE is applied to ensure that the correct specification is included.

The vehicle turning area is adequate for the scale of the dwelling. The length of the shared private drive is short enough for the minimum width of 3.7m to be appropriate and the dimension of the access meets this requirement.

The parking provided equals or exceeds one 2.4m x 4.8m space per bedroom to a maximum of 3 spaces. This element of the proposal is acceptable. It is unclear from the submission if cycle parking is to be included. This is a requirement for all new developments and would enable guests to make travel decisions when visiting the site. Condition CB2 should be applied to ensure its delivery.

There are no highways objections to the proposals, subject to the recommended conditions being included with any permission granted.

24 November 2020 - The amended drawings set out alterations to the layout of the site. This has not altered the access arrangements and the layout remains capable of accommodating all the vehicle considerations associated to a development of this nature. The conditions on the previous highways response remain appropriate in the event that permission is granted.

#### 4.5 Ecology

The site is within 1km of the River Teme SSSI and is within an identified Impact Risk Zone in relation to 'discharges of water and liquids'. The LPA has a duty of care to consider this trigger aspect within the planning process. Natural England should be a statutory consultee on this application and return a 'no objection' response prior to any grant of planning consent.

The following are noted by the LPA (and raised for Natural England to review) as part of the required SSSI considerations.

- The drainage report by Spring Design dated June 2020 is noted.
- A 'shared' private package treatment plant (PTP) is proposed to serve the three holiday lodges.
- Percolation results have indicated a traditional soakaway outfall cannot be achieved.
- In line with best practice and Core Strategy SD4 a 'mound' soakaway system can be achieved on land under the applicants control to manage all outfall from the PTP.
- No phosphate or nutrient pathways in to the River Teme SSSI hydrological catchment are identified.
- A Sustainable Drainage Scheme (Rain Gardens) are proposed to manage all additional surface water created by the development.
- No discharge of any foul water outfall or additional surface water in to any local watercourse or culvert is proposed
- The agreed drainage scheme (foul and surface water) can be secured by condition on any planning consent granted.

Based on the proposed scheme being secured the LPA is satisfied that all 'Likely Significant Effects' on the River Teme SSSI from the proposed development can be considered as fully mitigated.

Suggested condition:

##### River Teme SSSI – Foul and Surface Water Drainage Strategy

As detailed in the drainage report and plans by Spring Design dated June 2020 all foul water from the development shall discharge to a private foul water treatment system with final outfall to a mound soakaway drainage field on land under the applicant's control; and all surface water will be managed through an appropriate onsite Sustainable Drainage Scheme; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2, SD3 and SD4

Additional ecology comments:

The ecology report by Star Ecology dated June 2020 is noted and appears relevant and appropriate. The recommendations in the report including ecological working methods, risk avoidance measures, and detailed biodiversity net gain enhancements should be secured for implementation in full through a condition on any planning consent granted.

Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by Star Ecology dated June 2020 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

#### 4.6 Tree Officer

Having now read the tree report and visited the site I am satisfied that the proposed erection of three holiday lodges does not pose significant constraints to retained trees.

At the rear of the site is a mature Oak tree where all three units and associated infrastructure have little impact.

The access requires the removal of trees but I am satisfied that these losses can be mitigated for with new planting. I would recommend that the new trees included field maple as these are the prominent species lost to the access.

The current landscape plan doesn't provide enough detail. We need to know what species going to be used, what nursery size they'll be and how they shall be protected and managed.

An amendment to the landscape scheme can be submitted via pre commencement condition.

#### 4.7 Land Drainage Engineer

##### Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA).

##### Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding.

##### Other Considerations and Sources of Flood Risk

Local residents and the Parish Council have provided comments in line with the drainage report produced with the pre-app and also submitted with this application that the site is not suitable to accept infiltration techniques to remove surface water as the ground is often extremely boggy.

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

### Surface Water Drainage

The Applicant's proposed surface water drainage strategy shows surface water being managed by rainwater harvesting, green roof installations and by way of rain gardens with any exceedance during storm events being allowed to naturally evaporate or run overland to the far western corner of the plot and beyond to the agricultural fields outside of the plot.

### Foul Water Drainage

The Applicant proposes the use of a pumped wastewater treatment plant and drainage mound serving the three holiday lodges.

The applicant provides the results of percolation testing undertaken at ground level indicating a Vp rate of 52.1s/mm. Taken alongside the deeper percolation tests detailed in the first iteration of the Drainage Strategy Note, this indicates that there is a layer of available topsoil into which the soaking effluent from the drainage mound could percolate.

The drainage strategy states that the pumps rely on a holding capacity of 6hrs, this is not compliant with the guidelines in the Building Regulations, Part H Drainage and Waste Disposal (in case of pump failure 24hrs storage capacity is needed). This comment was made in the first iteration of the drainage strategy and has not been addressed.

### Overall Comment

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

- A detailed foul water drainage strategy showing how foul water from the development will be disposed of, including final drainage mound and pump design

#### 4.8 Public Rights of Way Officer

Public footpath BF8 would not appear to be obstructed by the lodges. No objection. If work is likely to endanger footpath users a temporary closure must be applied for.

## **5. Representations**

### 5.1 Brimfield and Little Hereford Parish Council

4 August 2020 -The Parish Council strongly object to this application for the following reason;

Drainage – we have concerns regarding the drainage of surface and foul water given that this field is extremely boggy, the application actually states that holes tested for drainage did not drain away and ditches run level with water. We understand that previous application have been refused due to drainage issues, nothing has changed.

The application does not accord with policy E4 of the Core Strategy which discourages lodges where local infrastructure does not sustain it.

It does not accord with BLH18 of the Neighbourhood Plan as it will have a detrimental affect on the rural landscape and neighbouring properties, privacy will be affected. The local road network will be affected with more using Haynall Lane on a regular basis as holidaymakers changeover.

Despite the traffic survey done, which is not representative of the times and speeds local traffic use the lane, it is used as a 'rat run' and in the past we have highlighted the dangerous junction at Brimfield Cross.

The proposed lodges are not in keeping with the surroundings, they are larger than the adjacent property and do not use traditional or reclaimed materials that minimise the impact on general amenity, as such they are no aesthetically pleasing. As such, it does not accord with policy BLH8. We consider that the application due to its controversial nature should be heard/determined by the Planning Committee and not by delegated powers.

15 December 2020 - The Parish Council still strongly object to this application, our previous comments stand. Additionally regarding drainage, we have concerns that correct tests should have been carried out as previous applications have been refused on this site for drainage reasons. This piece of land is extremely boggy and unsuitable for development. We also have concerns about additional sewerage and the disposal of filtered water through the site increasing the drainage and potential environmental issues. There are also two neighbour rights of access issues which will need to be resolved should the application be approved and these should form a condition of planning. We note the lodges have been repositioned, the new positions impact more on neighbours privacy extending to the whole length of their property. The car parking area is directly outside their property, further raising concerns of noise and light pollution. Furthermore, the lodges have not been changed and remain out of keeping with the surrounding properties. Haynall Lane is a local rat run as previously advised, the additional traffic of potentially 12 vehicles a week and changeovers of holidaymakers will increase this dangerous local road and junction with the A456. For the reasons previously submitted and in addition to those above this application should be rejected, it does not conform to policy E4 of the Core Strategy and Policies BLH8 and BLH18 of the neighbourhood plan. We further request that this application is determined by Committee.

## 5.2 Herefordshire Ramblers

I note that the site includes public right of way footpath BF8. This does not appear to be affected by the proposal and provided the right of way is respected during and after construction of the lodges, and not obstructed or redirected without permission, Herefordshire Ramblers has no objection to this planning proposal.

## 5.3 Eleven letters of objection have been received from six neighbouring properties. The comments can be summarised as follows; -

- There would be a reliance on the private car to access local services
- Ditch is not within the control of the applicant and access should not be obstructed
- Unsure as how the site would be drained given that the site has previously failed to demonstrate a solution.
- Impact on water supply
- Noise impact
- Increased traffic
- Poor design of buildings
- Impact on privacy – overlooking
- Impact on wider ecology and protected species

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=201962&search-term=201962](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201962&search-term=201962)

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 Section 38 (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 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Brimfield and Little Hereford Neighbourhood Development Plan (BLHNDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The CS was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the CS was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the relevant policies to the determination of this planning application are considered consistent with the NPPF and therefore can be attributed significant weight.

6.4 Policy RA6 of the CS states that employment generating development proposals which help diversify the rural economy such as business diversification projects will be supported in cases where they;

- Support and strengthen local food and drink production
- Support and/or protect the vitality and viability of commercial facilities of an appropriate type and scale
- Involve the small scale extension of existing businesses
- Promote sustainable tourism proposals where in accordance with CS Policy E4
- Support the retention and/or diversification of existing agricultural businesses

6.5 With reference to diversification schemes, the policy proceeds to state that such development proposals can be supported where they;

- Ensure that development is of a scale which is commensurate with its location and setting;
- Do not cause unacceptable adverse impacts to the amenity of neighbouring residents (i.e – noise, dust, lighting smell etc)
- Does not generate traffic movements which the local highway network cannot accommodate
- Does not undermine the achievement of water quality targets as set out in CS Policy SD3/SS4

6.6 Following the above policy commentary, CS Policy E4 provides the framework as to the criterion for the support of development proposals which relate to tourism in Herefordshire. It is stated that the county will be promoted as a destination for sustainable tourism. Development proposals would be supported where;

- It is ensured that there is no detrimental impact on the county's varied natural and heritage assets and the overall character and quality of the environment
  - there would be new accommodation and attractions throughout Herefordshire which would diversify the tourist provision and extend the tourist season and increase the number of visitors staying overnight.
  - Regards are had to the visual amenity of public/cycling routes such as Public Rights of Way (PRoW).
- 6.7 At the local level, policy BLH18 of the BLHNDP sets out a presumption in favour of supporting rural enterprise, securing opportunities for local employment. It proceeds to state that proposal will be supported where they meet a number of criteria. One such criteria is that it would benefit the local economy through the provision of local employment and opportunities for the improvement of local service provision. Further, it states that where feasible, development should involve the re-use of existing buildings or would be part of a farm-diversification.
- 6.8 Notwithstanding the above policy requirements and objectives, the CS policies collectively seek, amongst other things, to ensure that development is suitably sited in accordance with the settlement strategy for Herefordshire. The NPPF similarly seek to ensure residential development in the countryside locations, including tourism development which may support the rural economy, are appropriately located to support settlements and are of a scale and design which respect the sensitive landscape character and setting of the surrounding area.
- 6.9 The application site is found off Haynall Lane; a minor road running southeast from the A456 to its junction with Lynch Lane which together, are characterised by sporadic dwellings and small farmsteads which form Haynall, a small, un-serviced hamlet. It is not a settlement identified by CS Policy RA2 as a sustainable settlement appropriate for proportionate residential development, nor is it defined with a settlement boundary by the BLHNDP. With this in mind the site occupies a location within open-countryside. It is observed that the site is located 1 mile to the south of Little Hereford; the nearest identified settlement within the CS identified by Policy RA2, and approximately 1.5 miles from Brimfield. The site does not benefit from safe pedestrian access and therefore, it would be unreasonable to expect future occupiers to walk to reach facilities in either village. They are both within reasonable cycling distance. Tenbury and Ludlow are the nearest service centres and realistically offer the range of services required for day-to-day living. Both necessitate a reliance on the private-car. The site can therefore not be considered sustainable in a locational sense. However, with the provision of holiday accommodation of this nature comes a certain expectation of rural living, and it has been widely accepted through the granting of numerous permissions across the county that applications for tourist accommodation will not necessarily be in the same sustainable locations as one might expect for permanent domestic dwellings.
- 6.10 Officers are mindful of potential benefits of UK residents holidaying at home, instead of flying to continental Europe or further on account of the ongoing health-crisis and uncertainty over post Brexit travel and people being more conscious to avoid unnecessary flights and personal CO2 emissions. The provision of three units would deliver some economic benefits to local services and amenities.
- 6.11 On the basis of the above it is considered that the proposals are broadly compliant with the development plan, particularly CS policies E4 and RA6 and policy BLH18 of the BLHNDP.

### Design and appearance

- 6.12 CS policy SD1 requires that new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative

design. At the local level, policy BLH8 of the BLHNDP states that all new development proposals will be required to demonstrate how they have taken account of an extensive list of criteria.

- 6.13 The chalets would be of a simple rectangular form with a steep-pitch corrugate roof, clad in vertical timber boarding stained grey. The units would also benefit from a flat, sedum-roof cycle cover. The design is contemporary and generally responds to the mix of buildings found within the local area, noting there is not one prevailing architectural lead. Whilst larger than the typical chalet as a result of the prominent ridge-lines, the scale and overall massing of the units would not be considered such that they would be read as out-of-scale in context of surrounding development. Furthermore, they would be orientated as to benefit from the use of solar-panels and passive solar gain by virtue of the inclusion of a south-facing aspect, generally according with the objectives of CS policy SS7 in this regard and representing an environmental benefit when assessing the development as a whole in terms of its sustainable credentials.
- 6.14 On balance, the individual design of the units is considered acceptable, according with the requirements of policy SD1 and SS7 of the CS and policy BLH8 of the BLHNDP.

#### Impact on the amenity of neighbouring properties

- 6.15 Policy BLH8 of the BLHNDP states that proposals should minimise the impact on amenity of neighbours. Likewise, policy SD1 and RA6 of the CS looks to ensure that development proposals are commensurate with their setting and would not cause any undue harms. Although it is accepted that the right to a private view does not form a material planning consideration; Hopefield Cottage abuts the southern boundary of the site with its north elevation overlooking the site and served by two ground floor windows. The proposed planting would likely hinder any direct overlooking however, there are some concerns relating to the general disturbance which would likely emanate from the use of the site, together with the direct alignment of car headlights which would align with the ground floor openings of Hopefield Cottage. However, whilst the proposed planting in front of Hopefield Cottage would restrict outlook somewhat, it would limit the impact of headlights on the ground floor windows. The changes to the existing residential relationship that Hopefield Cottage would be notable however, not so adverse to the extent which any harm could not be mitigated.

#### Impact on wider landscape

- 6.16 In landscape terms, policy LD1 of the CS sets out that development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings. Policy BLH18 of the BLHNDP states that proposal for small scale local rural enterprise should not have a detrimental effect on the distinct character of the rural landscape and settlements.
- 6.17 The site is readily visible from public vantage points, namely from the C1051 Haynall Lane when travelling in either direction. Public Right of Way BF8 also passes through the southern portion of the site on an east/west axis. The site sits at slight elevation relative to the land to the north. The site forms an undeveloped parcel of pasture which is presently in an unkempt state, given its apparent absence of an active agricultural use. Nonetheless, it contributes to the principal settled farmlands landscape character of mixed farming land uses and field sizes which are inter-woven with mature species hedgerows and scattered dwelling and farmsteads.

- 6.18 The proposal would introduce three holiday chalets of a contemporary design, served by a single centrally positioned access taken off Haynall Lane. The layout is an improvement on the originally submitted linear layout, which would have appeared suburban in its form by virtue of the siting of the units around the hardstanding parking and turning area. The revised proposal will undoubtedly change the appearance of the site, but in the context of the existing sporadic development along Haynall Lane this is not considered to be so significant to fundamentally alter the established landscape character. It is therefore concluded that the development is acceptable with regard to CS policies LD1 and SD1, policies BLH8, 9 and 18 of the BLHNDP and landscape aims and objectives of the NPPF.

#### Impact on trees

- 6.19 Notwithstanding the above, policy LD1 also sets out that development proposals should maintain and extend tree cover by either planting new trees or through their retention, especially those that are considered important. Further to this, Policy LD3 states that development proposals should retain valued landscapes including trees, hedgerows and woodlands. At the local level, policy BLH9 of the BLHNDP at criteria 4 sets out that mature and established trees must be protected and incorporated into landscaping schemes wherever possible. At the rear of the site is a mature Oak tree and the application has been supported by a Tree Report undertaken by Star Ecology. The Council's Tree Officer has reviewed the submission and is satisfied that the proposal would not undermine the integrity of the tree. Furthermore, whilst it is acknowledged that the proposal would necessitate the removal of the roadside trees and hedgerows for the insertion of the new access, a full landscaping scheme would be conditioned to any approval, demonstrating how any loss would be suitably replaced and mitigated for.

#### Impact on highway safety

- 6.20 Policy BLH18 of the BLHNDP sets out that new development supporting rural enterprise within Brimfield and Little Hereford should not adversely affect the surrounding infrastructure – particularly local road networks. Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe' (NPPF para. 109).
- 6.21 The existing gated field access off Haynall Lane and immediately opposite Hopefield Cottage would be blocked up and replaced by hedgerow planting. A new, centrally positioned point of access would be formed, serving all three units and providing commensurate on-site parking and turning facilities; together with secure bicycle storage.
- 6.22 The new access would be taken perpendicular to the highway and noting its central position, the requisite visibility splays can be met. The vehicular uplift which would likely arise from the three units is considered to not be such which would fail to be accommodate within the local highway network, despite local concerns over traffic along this route and its use as a rat-run.
- 6.23 Subject to safeguarding conditions, it is considered that the proposal would accord with the relevant policies as contained within the CS and the BLHNDP, together with the overarching principles embodied within the NPPF at Chapter 9.

#### Drainage

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

- 6.24 The site is not located within a flood zone and therefore there is no known or recorded risk of any form of flooding at the site. Policy BLH16 of the BLHNDP echoes the tenets of policy SD3 of the CS by setting out that new development should be designed to maximise the retention of surface water on the development site and therefore, minimising run off. It goes on to state that water attenuation features such as lagoons, ponds and swales should be provided within the development site, wherever possible. The application looks to deal with surface water by way of rainwater harvesting, green-roof installations and rain gardens. The Council's Land Drainage Engineer has reviewed these details as part of the submitted surface water drainage strategy and considers them to be acceptable. As such, the application demonstrates that there is a sustainable solution for dealing with surface water and there would not be an increased risk of flooding elsewhere, according with the requirements of policy SD3 of the CS and policy BLH16 of the BLHNDP.
- 6.25 In terms of foul water, in accordance with the hierarchy for dealing with foul water as set out at policy SD4 of the CS, the proposal seeks to connect to utilise a private treatment method noting there is no mains connection available. The application proposes the installation of a private package treatment plant discharging to a single drainage mound to the north-eastern portion of the site. The applicant has undertaken percolation testing which demonstrates there to be a layer of topsoil required for soaking effluent from the drainage mound to percolate. Subject to a condition requiring details of the final drainage mound design and pump design, the proposed foul drainage strategy is accepted in principle, according with policy SD4 of the CS.

### Ecology

- 6.26 In terms of ecology, Policy LD2 is of direct pertinence. This generally requires that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species. At the local level, Policy BLH9 sets out that local habitats and wildlife must be preserved and enhanced. The application is accompanied by an Ecology Report and the Planning Ecologist considers that the recommendations contained within are appropriate for securing through conditions appended to any approval.
- 6.27 The site is located within 1 km of the River Teme SSSI and therefore foul and surface water strategies are recommended to be secured by condition to ensure mitigation to the identified likely significant effect from additional foul water flows generated. Natural England have been consulted and do not raise any explicit objection to the application. The proposal, subject to conditions is therefore considered acceptable, according with policy LD2, SD4 and SS6 of the CS and the relevant policies contained within the BLHNDP.

### Other matters

- 6.28 It is noted that a letter of objection disputes the land ownership extent and thus, argues that part of the site, the ditch, is outside the control of the application. From the information supplied by the applicant and available to the Local Planning Authority at the time of writing, it is considered that there is sufficient demonstration that the application site falls within the title of the applicant.

### Conclusion

- 6.29 The application proposes a rural tourism development in an open-countryside location. Whilst this might not be considered to be sustainable in a purely locational sense, it must be accepted that the rural character and nature of the area is the draw for tourists and consequently rural tourism development will be located in such areas. This is reflected by CS Policy E4. When assessing the proposal against the three themes of sustainability it is considered that the proposal would result in some modest economic benefits through increased local expenditure and job creation through the servicing of the units. Social benefits are considered to be neutral, and any harms in an environmental sense; most notably through the creation of a new access, can be

mitigated through the implementation of a landscaping scheme. The land currently has limited biodiversity value and it is considered that the development of the site does represent an opportunity to enhance this.

- 6.30 Matters raised with respect to highway safety, drainage and the impact that the development may have on trees can either be addressed through the imposition of conditions, or have been through revisions to the scheme throughout the application process. It therefore concluded that the proposal accords with the principal determining criteria of the Herefordshire Local Plan – Core Strategy and the Brimfield and Little Hereford Neighbourhood Development Plan together with the overarching principles of the National Planning Policy Framework, and the application is therefore recommended for approval.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

1. **C01**
2. **C06**
3. **CAB - Visibility Splay Required (2.4m x 56m to the Southeast and 59m to the Northwest)**
4. **CAE - Access Construction Specification**
5. **As detailed in the drainage report and plans by Spring Design dated June 2020 all foul water from the development shall discharge to a private foul water treatment system with final outfall to a mound soakaway drainage field on land under the applicant's control; and all surface water will be managed through an appropriate on site Sustainable Drainage Scheme; unless otherwise agreed in writing by the Local Planning Authority. Full details of the foul and surface water drainage scheme shall be submitted to and approved in writing by the local planning authority before the development hereby approved is first brought into use. The approved scheme shall be implemented before the first occupation of any of the units hereby permitted.**

**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, BLH12 and BLH16 of the Brimfield and Little Hereford Neighbourhood Development Plan and the National Planning Policy Framework.**

6. **The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by Star Ecology dated June 2020 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006**

7. **At no time shall any external lighting except in relation to safe use of the approved development be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of the Local Planning Authority. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.**

**Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3**

8. **The development hereby permitted shall only be used for holiday purposes by tourists. No person or group of persons shall occupy the accommodation for more than 28 days consecutive days at a time and no same person or group of persons shall occupy the accommodation for more than 156 days in any one calendar year. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation and of their main home address (i.e. place of residence) and shall make this information available at all reasonable times to the Local Planning Authority.**

**Reason: To ensure that the development hereby permitted is used for the specific use applied for and to prevent the proliferation of uncontrolled residential uses in the open countryside in accordance with polices SS4, SS7, RA6, E4 and RA3 of the Herefordshire Local Plan Core Strategy, polices .....Neighbourhood Development Plan and the principles set out in the National Planning Policy Framework**

9. **CA1 – Landscape Scheme**
10. **CA3 – Landscape Monitoring**

#### **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. **I11 - Mud on Highway**
3. **The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, Badgers and other wildlife that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant**

**working methods prior to work commencing. If in any doubt it advised that further advice from a local professional ecology consultant is obtained.**

**4. I18 – Rights of Way**

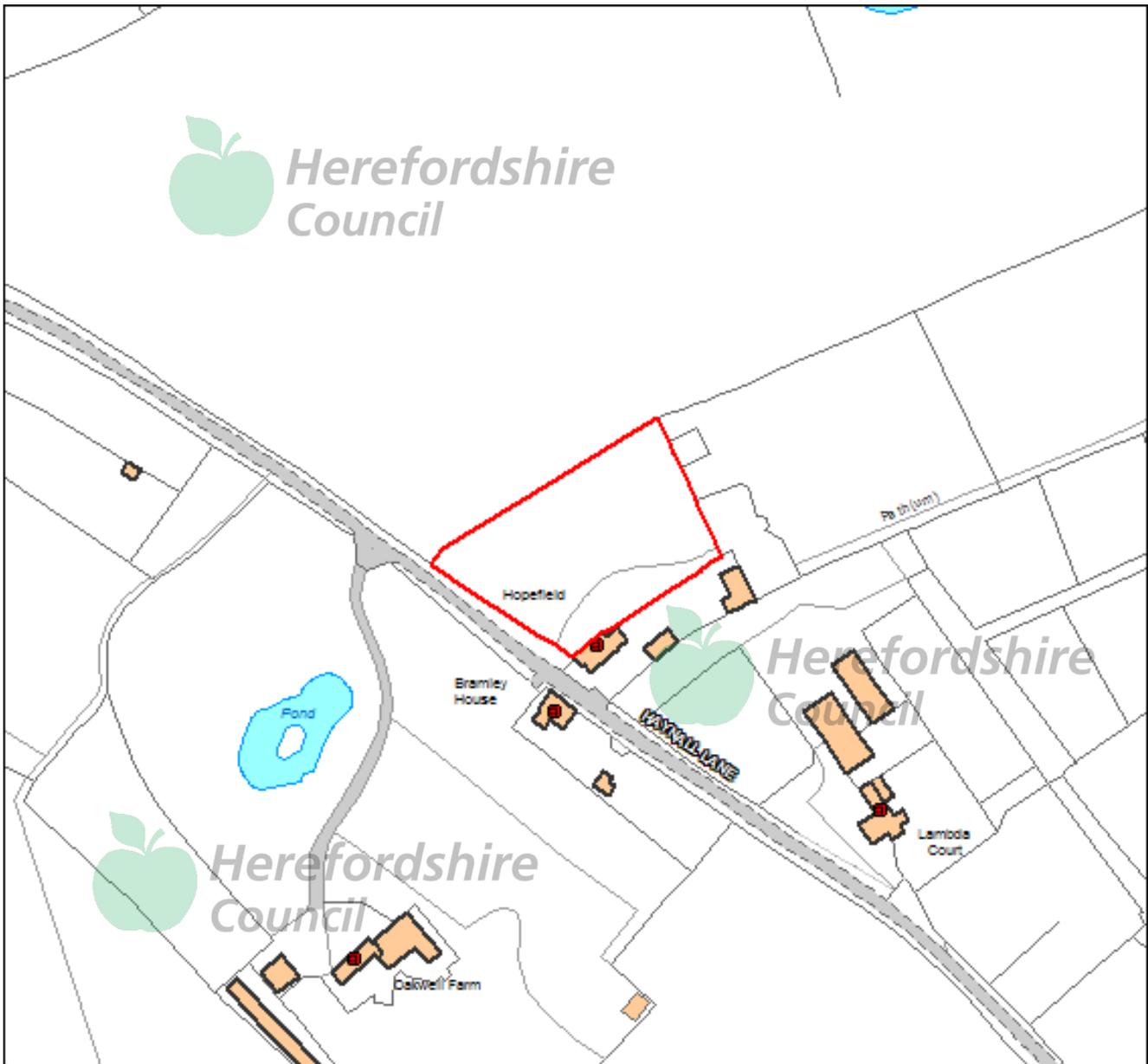
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 201962

**SITE ADDRESS :** HOPEFIELD COTTAGE, HAYNALL, LITTLE HEREFORD, LUDLOW, HEREFORD, SY8 4BG

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