

**Minutes of the meeting of Planning and regulatory committee held at Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP on Wednesday 9 February 2022 at 10.00 am**

**Present:** Councillor Terry James (chairperson)  
Councillor (vice-chairperson)

**Councillors:** Paul Andrews, Sebastian Bowen, Elizabeth Foxton, John Hardwick, Tony Johnson, Jeremy Milln, Felicity Norman, Tim Price, Probert, Paul Rone, John Stone, Yolande Watson and William Wilding

**In attendance:** Councillors John Harrington

**Officers:** Lead development manager and Senior planning, highways and regeneration lawyer

**46. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Polly Andrews, Graham Jones and Mark Millmore.

**47. NAMED SUBSTITUTES (IF ANY)**

Councillor Kevin Tillet acted as a substitute for Councillor Polly Andrews.  
Councillor Tim Price acted as a substitute for Councillor Graham Jones.  
Councillor Ann-Marie Probert acted as a substitute for Councillor Mark Millmore.

**48. DECLARATIONS OF INTEREST**

None.

**49. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 17 November 2021 be approved.

**50. 200995 - BARNS AT KINGSLAND, SOUTH OF LONGFORD, LEOMINSTER, HEREFORDSHIRE**

*Councillor Sebastian Bowen left the committee to act as the local Ward member.*

The senior planning officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Harris, Kingsland Parish Council, spoke on the application, Mrs Pothecray, local resident, spoke in objection to the application and Mr Hicks, the applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary he commented that the development was contrary to Kingsland's Neighbourhood Development Plan (NDP). The development would have an adverse impact on the conservation area as it did not preserve or enhance the conservation area. There was no

further need for housing in Kingsland. Flooding was a concern on the site. The impact of a power cut on the sewage treatment mound in the application was questioned. The location of the proposed development was not felt to be sustainable.

The committee discussed the application.

The local Ward member was given the opportunity to close the debate he explained that he feared the proposed development would lead to the urbanisation of the area.

A motion that planning permission be refused due to: the substantial reconstruction required to the existing barns and the impact of the proposal on the landscape (with reference to policies RA2, RA3, RA5, SS1, SS6, LD1 and LD4 of the core strategy and policies KNDP 1, 2, 4, 5, 6 and 14 of Kingsland's Neighbourhood Development Plan), was moved and was carried by a simple majority.

**RESOLVED: That planning permission be refused due to: the substantial reconstruction required to the existing barns and the impact of the proposal on the landscape (with reference to policies RA2, RA3, RA5, SS1, SS6, LD1 and LD4 of the core strategy and policies KNDP 1, 2, 4, 5, 6 and 14 of Kingsland's Neighbourhood Development Plan).**

*There was an adjournment at 11:10 a.m.; the meeting reconvened at 11:21 a.m.*

*Councillor Sebastian Bowen resumed his seat on the committee.*

**51. 204230 - PRIORY FARM, STOKE PRIOR, LEOMINSTER, HR6 0ND (Pages 7 - 10)**

The senior planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Mrs Pearson, the applicant, spoke in support of the application.

In accordance with the council's constitution the local Ward member spoke on the application. In summary he explained that the application had exceptional circumstances. The proposed development was not in the open countryside but was within the settlement boundary of Stoke Prior. An essential need for the development had been established and the proposed development provided job opportunities locally. There was significant local support and only one objection had been received to the proposal. It was requested that in the event the application was approved conditions relating to the landscaping and access to the site should be attached to the permission.

The committee discussed the application.

The local Ward member was given the opportunity to close the debate. He explained his support for the proposal and the need for conditioning of the site access in the event that the application was approved.

A motion was moved that the application be approved; the committee was content that the essential need for the development in its proposed location had been established.

An alteration to the motion was agreed by the proposer and seconder to provide: delegated authority to officers to apply conditions to the permission and approve a drainage strategy in consultation with the chairman of the planning committee and the local ward member.

The motion, as altered above, was put to the vote and was carried by a simple majority.

**RESOLVED: that planning permission be granted (the essential need for the development in its proposed location had been established) and delegated authority be provided to officers to apply conditions to the permission and approve a drainage strategy in consultation with the chairman of the planning committee and the local ward member.**

**52. 214230 - 33 BURDON DRIVE, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4DL**

*Councillor Paul Andrews left the committee to act as the local Ward member for the next application.*

The planning officer gave a presentation on the application.

In accordance with the council constitution the local ward member spoke on the application. In summary he outlined support of the application and the absence of any objections.

The committee discussed the application.

A motion that the application be approved was moved and was carried unanimously.

**RESOLVED: 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. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990. Time limit for commencement (full permission)**

2. **The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing no. JS/140/21/1 and JS/140/21/2 Rev. C) and the schedule of materials indicated thereon.**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

3. **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.**

**Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

4. **Prior to first use of the development approved under this planning permission, the RSPB bird box shown on the approved plans shall**

be installed on the east elevation. Hereafter, the bird box shall be maintained as approved unless otherwise agreed in writing by the local planning authority.

**Reasons:** To ensure Biodiversity Net Gain and species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006, and Herefordshire Local Plan - Core Strategy policies LD1 and LD2.

**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. 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.

*Councillor Paul Andrews resumed his seat on the committee.*

**53. 214263 - 13 THE CRAFT, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3BZ**

The planning officer provided a presentation on the application.

The committee discussed the application.

A motion that the application be approved was moved and was carried unanimously.

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

1. **Time limit for commencement (full permission)**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **Development in accordance with the approved plans**

The development shall be carried out strictly in accordance with the approved plans (drawing nos. 178-07; 178-06; 178-05B; 178-04; 178-03; 178-02; 178-01), except where otherwise stipulated by conditions attached to this permission.

**Reason.** To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies 1, 6 and 7 of the Sutton St Nicholas

## **Neighbourhood Development Plan and the National Planning Policy Framework**

### **INFORMATIVES:**

#### **1. Application Approved Without Amendment**

**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.**

The meeting ended at 12.19 pm

**Chairperson**



**204230 - PROPOSED ALTERATIONS AND DEVELOPMENT OF EXISTING EQUINE FACILITIES TO FORM A NEW INDOOR ARENA, STABLING AND AN ESSENTIAL WORKER'S DWELLING AT PRIORY FARM, STOKE PRIOR, LEOMINSTER, HR6 0ND.**

**For: Mr & Mrs Pearson per Mr Garry Thomas, Ring House Farm, Fownhope, Hereford, Herefordshire HR1 4PJ**

### **ADDITIONAL REPRESENTATIONS**

The following was submitted by the applicant's agent on 6 February 2022 and serves as a rebuttal to the published Committee Report.

#### *EXECUTIVE SUMMARY*

*The applicant has satisfied foul and surface water drainage matters and carried out the late staged technical investigations requested by the LPA. The reports conclude the proposal would not bring about any adverse effects to the environment, in fact the proposal would be an opportunity to improve site-run-off and sequester rainwater for longer periods to reduce the propensity for overland flooding in the wider area, and the existing foul treatment system at the site has sufficient capacity and would be improved by diverting storm water to a separate swale attenuation system.*

*All manure arising at the site is collected daily and is disposed off site via an ongoing contract with a farm in Worcestershire, which is outside the Lugg SAC area.*

*The applicant respectively draws the Committee's attention to case law, submitted in the application, which confirms a planning authority would be incorrect to suggest the applicant should sub-divide their current home in order to satisfy a need to house a rural worker. (Application reference: APP.6.2 Cussons and Sons V Sec. State for th Environment; App.6.3 Keen V Sec. State for Communities and Local Govmt.)*

*The applicant's son who now lives independently occupies the annexed dwelling at the farm and this is no longer available for farm workers.*

#### *DETAILED RESPONSE TO THE COMMITTEE REPORT*

*(Using committee report references)*

**Para 6.9 /** *The Appeal Inspector's decision for 183431/F dismissed a mobile home at the site based on its visual and detrimental impact within the wider landscape setting. The current application seeks to address this visual impact matter in the design to ensure the appearance of an agricultural building and not an appearance of a modern alien caravan or a contemporary sub-urban styled house.*

**Para 6.12 /** *It would appear the committee report overlooks the fundamental needs of the rural equine business. Need is material in the application, given the requirement for 24-hour onsite supervision of mares in foal, which cannot be satisfied by remote CCTV in order to meet the national animal welfare standards. Furthermore; the groom manager's existing*

*accommodation is not classed as a secure tenure as it amounts to nothing more than temporary 'sofa surfing' within a wood cabin adjacent to the site.*

**Para 6.14** / *The applicant respectively asserts there are two aspects to the equine business. Firstly; self-managed horse liveries where individual customers attend to their own horse, at location-A adjacent to Priory Farmhouse (Ref: App.7 – Location Map, Drawing reference 113); and secondly; an intensive equine business and stud at location B, where onsite accommodation is required. Therefore given the applicant's retirement from the equine business the committee report is incorrect to conclude that... 'there is suitable accommodation within the existing holding.'*

**Para 6.31 to 6.35** / *The applicant has commissioned technical reports which satisfies the Planning Officer's request for a 'professional drainage report'. The reports confirm there is capacity within the current drainage systems on site and there would be an overall improvement to the existing foul and surface water drainage regime as a result of the planning approval being implemented. Furthermore, the applicant confirms their willingness to enter into planning condition on drainage matters as suggested at Para 6.35.*

## **OFFICER COMMENTS**

With respect to the reference to case law (Application reference: APP.6.2 Cussons and Sons V Sec. State for th Environment; App.6.3 Keen V Sec. State for Communities and Local Govmt.), officers are not making a suggestion of subdividing a property to make way for a rural worker. Rather, the fact remains that the existing farmhouse benefits from an extant permission for its subdivision and indeed the second dwelling has been let on a short-term occupancy agreement. Critically, officers would note that in the period of time between the appeal decision and the submission of this application, the short-term occupancy agreement ceased and the applicant's son moved in. The Inspector at the time concluded that the use of the second dwelling could not easily be discounted given at the time, it was subject to a short-term agreement. As such, officers raise the question as to why this was not made available for the Groom Manager.

In terms of the rebuttal to paragraph 6.9, the Inspector concluded the following; *'the mobile home constitutes an isolated new home in the countryside and that an essential need for a dwelling to accommodate a rural worker to live at or near their place of work in the countryside has not been adequately demonstrated'*

With respect to the comments on Paragraph 6.12, the Planning Inspector in their decision for 183431/F was not convinced that suitable systems could not be put in place for monitoring purposes, also having regard to equine regulations and guidelines. No evidence or details have been supplied as to why CCTV would not suffice. Therefore and as set out within the Officer's Report, there are no significant changes in the nature and character of the enterprise which in this case lead officers towards a different conclusion on this matter.

The submission of the proposed foul and surface water drainage strategy as requested by the Local Planning Authority is too late to allow for a re-consultation with the relevant consultees before the scheduled committee meeting. As such, the applicant has agreed via email dated 7 February 2022 that these will not be considered, in order to allow for the item to progress to the committee meeting. As such, Reason for Refusal 1 as set out within the Committee Report stands as it cannot be concluded that the development would not have an adverse effect on the integrity of the Special Area of Conservation designated site.

### Further comments following Committee Site Visit

The Council's Public Right of Way Officer has confirmed that PROW SP1 is unaltered and officers have had sight of the definitive map.

According to the Herefordshire Council Agricultural Land Classification Map, the site is classified as Grade 2.

**NO CHANGE TO RECOMMENDATION**

