

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>28 SEPTEMBER 2022</b>
<b>TITLE OF REPORT:</b>	<b>214270 - PROPOSED SINGLE STOREY DWELLING ('PIPPIN GRANGE') AND ANCILLARY OUTBUILDINGS. TO INCLUDE RENEWABLE TECHNOLOGIES, REINSTATEMENT OF HERITAGE ORCHARD AND BIODIVERSITY ENHANCEMENTS AT LAND SOUTH WEST OF ROMAN BYRE, HEREFORDSHIRE,</b>  <b>For: Mr &amp; Mrs Sharp per Miss Rebecca Jenkins, 4-5 High Town, Hereford, Herefordshire, HR1 2AA</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214270&amp;search-term=214270">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214270&amp;search-term=214270</a>
<b>Reason Application submitted to Committee - Redirection</b>	

Date Received: 19 November 2021

Ward: Wormside

Grid Ref: 348348,236486

Expiry Date: 2 February 2022

Local Members: Cllr C Bolderson

## 1. Site Description and Proposal

- 1.1 The application site is located approximately 3 miles to the south west of Hereford City Centre and 1.5 miles to the south of Belmont. The site is to the west of the C1226 travelling from Belmont to Grafton on land associated with Roman Byre, one of a number of converted barns traditionally associated with Haywood Lodge, a Grade II\* listed building to the south. The site itself is former orchard land and is currently undeveloped.
- 1.2 The topography of the site gradually slopes from north-west to south-east. Surrounding dwellings are located east of the site with a closer relationship to the road and are separated from the site bounded by hedgerows.
- 1.3 The proposal includes the construction of a single storey dwelling in the western portion of the site, a workshop and garage along the north boundary and associated driveway extending from the previously approved vehicular access under application P204053/F.

## 2. Policies

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

- 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

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- RA3 - Herefordshire's countryside
- MT1 - Traffic Management, highway safety and promoting active travel
- 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

The Herefordshire Local Plan 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)

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 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 policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

## 2.2 Callow and Haywood Neighbourhood Development Plan

- Policy CH1 – Protecting and Enhancing the Rural Landscape
- Policy CH2 – Building and Transport Design Principles
- Policy CH4 – Protecting the Sensitive Landscapes Assets in the Urban Fringe
- Policy CH9 – Housing

The Callow and Haywood Group Neighbourhood Development Plan was made on 1 December 2016. It now forms part of the Development Plan for Herefordshire and is afforded full weight. This can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/directory-record/3043/callow-and-haywood-group-neighbourhood-development-plan-made-1-december-2016>

## 2.3 National Planning Policy Framework (NPPF)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 15: Conserving and enhancing the natural environment

### **3. Planning History**

- 3.1 P204053/F - Proposed new vehicular access – Approved with conditions  
P191142/F - Proposed new vehicular access – Refused and dismissed on appeal

### **4. Consultation Summary**

#### Statutory Consultations

##### **4.1 Natural England**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

##### **4.2 Welsh Water**

Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

With respect to the disposal of surface water flows from the proposed development, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000'. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority, Natural England and/or the Environment Agency.

#### **Advisory Notes:**

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

##### **4.3 Historic England**

The application site is located in a former orchard associated with Haywood Lodge and Haywood Farm. Haywood Lodge is listed Grade II\* and, despite the historic loss of its upper storey, is an elegant early C18 house that faces the road behind a fine Grade II listed wrought iron gateway. The building's setting is one of open countryside which, as C18 and C19 landscape paintings reveal, remains almost as open as when the house was built. The comparatively recent removal of large C20 agricultural buildings once erected between the house and Haywood Farm to the north helped restore this setting and enhance the significance of the house.

As an historically undeveloped field parcel that preserves elements of historic field boundaries and has been used since at least 1888 as an orchard, the application site forms part of this setting and contributes to the historical interest of Haywood Lodge. It also contributes to its artistic interest being part of a lightly wooded backdrop that helps settle the house into its wider rural landscape and provides gentle visual separation from the farm to emphasize the higher architectural and social status of the house.

The proposal to erect a new dwelling with a design referencing the form and mass of a modern agricultural shed, served by two outbuildings, access drive, turning areas, solar array and residential amenity including a patio would diminish the open character of the setting of Haywood Lodge. This is a change that would lessen the way the site contributes to the historical and aesthetic interest of Haywood Lodge and is therefore harmful to significance.

In accordance with paragraph 199 of the NPPF, the Grade II\* listing of the house requires very great weight to be given to its conservation as it is amongst the rarest and most important of designated heritage assets. Paragraphs 200 and 202 of the NPPF are clear that any harm to its significance requires a clear and convincing justification based around the public benefits of the proposal. In this case, although the level of harm is limited, we can identify no public heritage benefits associated with the proposal that might justify it.

**Recommendation:**

Historic England has concerns regarding the application on heritage grounds. We urge you to give careful consideration and, in accordance with section 16 of the NPPF, appropriate weight to these as you draw the planning balance between any other public benefit the application may offer and the harm we have identified.

**Internal Council Consultations**

**4.4 Area Engineer**

The proposal submitted includes an access to serve a single dwelling. The following observations are a summary of the highways impacts of the development:

The trip generation associated to a single dwelling is low and will not result in a cumulative impact that could be classed as severe in this location.

The access proposed relies on the access arrangements set out in application number 204053. The comments for this application are detailed and the design of that access is compliant for the highway standards appropriate to the provision of accesses for residential use, shared or otherwise. As a result the access point is considered acceptable.

Vehicular accesses over 45m in length from the highway boundary to the face of a building should be referred to a Building Regulation Approved Inspector. In these circumstances, access and turning for emergency vehicles may be required, refer to Section 6.7 of Manual for Streets. The dimensions of the driveway are adequate for the scale of the development, however the driveway is long so the arrangement should be passed to waste management for comment on the waste strategy for the site.

The parking provided is acceptable for the nature and scale of the proposed dwelling. The cycle parking required can be adequately accommodated in the outbuildings for the development without unduly reducing other parking for vehicles.

For any works within the extent of the highway permission from the LHA will be required. Details of obtaining this permission can be found at:

[https://www.herefordshire.gov.uk/downloads/download/368/dropped\\_kerb\\_documents](https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents)

There are no highways objections to the proposed dwelling.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

[www.herefordshire.gov.uk/directory\\_record/1992/street\\_works\\_licence](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

#### 4.5 Land Drainage

##### 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

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

We understand that infiltration testing was undertaken at the site whereby one trial hole was excavated however the test area was found to be impermeable and fail testing. We note that a groundwater level assessment was performed at the site. A hole was excavated to 2.5mBGL and no groundwater was encountered.

Due to the failure of testing, we note proposals for the surface water to be discharged off-site. The roof area of the proposed dwelling is 218.Sm<sup>2</sup>; this has been used in conjunction with rainfall map data to calculate the site run-off rate as 3.0591/s which is less than the greenfield run-off rate of 51/s. The roof water is proposed to be discharged to a local pond located at the front of the Roman Byre property found east of the site. A gravity drain is proposed to be laid underneath the access driveway from the proposed development to the pond which is said to be located to the east of the site. This should be achievable due to a change in topographic slope for the proposed access driveway sloping west to east. It is stated that the pond has an overflow located at the head of the Withy Brook.

In an effort to reduce the potential flow, a rainwater harvester is to be installed for usage in washing machines and irrigation etc.

We note that the discharge drain is to be laid as perforated piping laid on a bed of 40mm drainage stone to facilitate roof water infiltration when the soil conditions allow.

With regard to the additional hardstanding driveways and pathways, we note proposals for permeable paving to be used despite the failure of infiltration tests. This is due to shallow percolation testing proving some permeability.

A surface water drainage layout drawing has not been provided to clarify the pipework from the proposed dwelling to the discharge pond. The Location Plan shows three nearby ponds in addition to a drainage ditch, but it is unclear of the direct discharge route. We request clarification of the pond location and the proposed pipework layout in a drainage design drawing.

##### Foul Water Drainage

We understand that percolation testing in accordance with BS 6297 was undertaken at the site. Six trial pits were excavated to depths ranging between 150mm and 1000mm, and three tests were conducted at each pit. Test pits A and B failed to drain at depths of 1000mm and 600mm. Test pit C was 500mm deep and had a Vp of 83.6s/mm and test pit D was 450mm deep with a Vp of 108.15. Test pits E and F were both 150mm deep and had the better Vp rates of 68.4 and

54.8s/mm which suggests that percolation is viable at shallow depths. The average V<sub>p</sub> excluding pits A and B is 78.74s/mm.

Pits B and C showed much different results despite being close together. The trial pit for the surface water soakaway test showed the presence of clay soil.

A package treatment plant is proposed to treat the foul water from the proposed development which will then discharge to a drainage field. Based on our review of the ground conditions only the upper strata are permeable. A drainage field is not suitable at this site, a drainage mound is required.

The area downhill of the drainage mound is likely to be waterlogged and so we suggest that the area is left as garden.

While the location of the drainage field is referred to in the Design & Access Statement, all drainage features will need to be clearly presented in the site plan. We note the comments that the drainage layout will utilise the contours of the site for the drainage mound positioning. We request clarification of the drainage mound location, to ensure that a gravity discharge is accommodated, in the form of a foul drainage system drawing. We understand that this should present the proposed drainage mound to be positioned in line with the contour lines on the site.

#### Overall Comment

We recommend that the following information is provided prior to the Council granting planning permission;

- Submission of a surface water drainage layout drawing, clarifying the pipework and outfall to the pond.
- Submission of a foul water drainage layout drawing to clarify the location of the proposed drainage mound in line with the site contour lines and to ensure a gravity drainage is accommodated. The mound should have an upper area of 8m x 9m and should have sides graded at 1/3, as shown in BS 6297

#### **4.6 Environmental Health Officer (Private Water Supply)**

I wanted to note that the property next to the above site is served by a private water supply (PWS) which is close to the site boundary. I would ask that the location of the proposed new drainage is not a risk to the existing water supply. If the new site is also to be connected to this existing PWS then the Private water regulations 2016 (as amended) apply and sampling and risk assessment may be required.

#### **4.7 Trees/Landscape Officer**

Referring to drawing Proposed Site Plan, 3871, September 2021; Orchard Restoration and Management Plan, 24/07/2021; and DAS report, Rev A, November 221, the applicant proposes to protect the remnant traditional orchard veteran trees; plant new apple trees to restore the orchard; provide additional trees as visual mitigation; and plant a wildflower meadow as part of the orchard habitat. I am satisfied that the development enhances the landscape, biodiversity and green infrastructure in accordance with Local Plan LD1, LD2 and LD3.

Note, on the Proposed Site Plan, 3871, it appears that the access track is within close proximity to existing trees, therefore it is recommended that the roots of these trees are protected.

I recommend that conditions are implemented to ensure that the intent of the development is documented on a soft landscape plan, with associated written specification material, together with a management plan, and maintenance schedule. Include a tree protection information to ensure that existing trees are not compromised as a result of the development.

Conditions:

Tree proposal and maintenance

Provide a soft landscape plan, showing all existing, retained, removed and proposed trees; and planting accompanied with a written specification setting out; species, size, quantity, density with cultivation details.

Existing trees to be retain, shall set out measures for their protection during construction, in accordance with BS5837:2012.

Provide a landscape management plan, and maintenance schedule for a period of 10 years.

Reason: To safeguard and enhance the character and amenity of the area, enhance biodiversity and green infrastructure in order to conform with policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

Protection during Construction

Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

#### 4.8 **Ecologist**

The site is within the River Wye SAC catchment; and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

Sufficient and detailed information will be required to be submitted with any future outline or full applications to allow the authority to assess the proposal through its Duty of Care under NERC Act and Habitat Regulations. Natural England will also need to be a statutory consultee and will require sufficient information, like ourselves, to formally undertake a Screening Assessment for 'Likely Significant Effects' and then subsequently undertake a relevant Appropriate Assessment to determine and recommend relevant and appropriate Conditions to secure that the development(s) will have NO 'likely significant adverse effects' on the relevant SAC.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

Notes in respect of HRA

- The proposal is for a single dwelling with associated foul water and surface water flows created.
- There are no mains sewer connections available at this location.
- The proposal is to manage all foul water through a new private treatment system.

- The supplied drainage report and associated plans confirm that due to local percolation considerations a mound style drainage field is required to manage outfalls from a new Package Treatment Plant.
- The supplied reports confirm that a mound system compliant with BS6297 and General Binding Rules can be achieved at this location.
- The additional surface water will be managed through an appropriately designed Sustainable Drainage System with attenuated flows discharging in to the local watercourse under the applicant's control.
- The agreed foul water and surface water management systems can be secured by condition on any planning permission finally granted.

*Nature Conservation (River Wye SAC) – Foul Drainage Strategy:*

Unless otherwise agreed in writing by the Local Planning Authority all foul water from the approved development shall discharge through a new package treatment plant discharging to a drainage mound located on land under the applicant's ownership.

Reason: In order to comply with 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'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

*Nature Conservation (River Wye SAC) – Surface Water:*

Unless otherwise agreed in writing by the Local Planning Authority all surface water from the approved development shall be managed through a suitably designed Sustainable Drainage System with attenuated outfall to a local watercourse.

Reason: In order to comply with 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'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

Other ecology comments:

From the available information, including supplied ecology report by Pure Ecology dated November 2021 are no immediate ecology related concerns with this proposal. There are potential opportunistic and transitory presence of protected species and other wildlife. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However a relevant information note is requested:

*Wildlife Protection Informative:*

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, Badgers, Great Crested Newts, , Otters, Dormice, Crayfish and reptile species 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 advice from a local professional ecology consultant is obtained.

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance (“Net Gain”) the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:

*To obtain Biodiversity Net Gain:*

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a minimum total of TWO 'permanent' Bat roosting boxes (or similar roosting features) and THREE bird nesting boxes (mixed types), ONE Hedgehog home and refugia for reptiles and amphibians should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981,), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3

*Traditional Orchard Restoration and Management:*

Unless otherwise agreed in writing by the local planning authority The Traditional Orchard Management Plan by 'Tom the Apple Man' dated July 2021 shall be implemented in full with all fruit trees planted grown on fully vigorous rootstocks and managed as full 'standard' trees; and hereafter be managed and maintained as approved.

Reason: To ensure that all protected species are considered and habitats enhanced 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 and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation, including nocturnal protected species present in the wider locality. A condition to ensure all external lighting is kept to the essential minimum and any systems installed compliant with current best practice is requested:

*Protected Species and Dark Skies:*

At no time shall any external lighting, except low power (under 550 Lumens/5 watts and <3000 Kelvin), 'warm' LED lighting in directional down-lighting luminaires on motion operated and time-limited switches 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 this local planning authority.

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.

#### 4.9 Building Conservation Officer

Recommendation:

The proposed scheme attracts a heritage objection as the introduction of residential development to the site would fail to preserve aspects of setting which contribute positively to the significance of adjacent heritage assets, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policy LD4 of the Herefordshire Core Strategy.

In addition, it is considered the prevailing landscape characteristics have not positively influenced the site choice, which would result in a failure to conserve and enhance the attributes of setting which contribute to the county's distinctiveness in this region, as required by Policies LD1 and SS6 of the Core Strategy.

As per Paragraph 199 of the National Planning Policy Framework, the level of harm identified is considered less than substantial, which represents a substantial objection in planning terms, and should be afforded very great weight in the planning balance.

In addition, Paragraph 200 states any harm from development within the setting of designated heritage assets should require clear and convincing justification - which this proposed scheme has not provided - and cautions that harm to assets of the highest significance should be wholly exceptional (GDI & GDII\*).

For clarity, case law has established that less than substantial harm as a definition has no sub-categories, and that, outside of substantial harm or no harm, it includes all levels of harm no matter how limited, negligible or minor. (James Hall & Co. Ltd. v Bradford Metropolitan District Council, [2019] EWHC 2899)

Although strongly recommended in Paragraph 30 of the NPPF, pre-application advice was not sought prior to this submission.

Heritage Background:

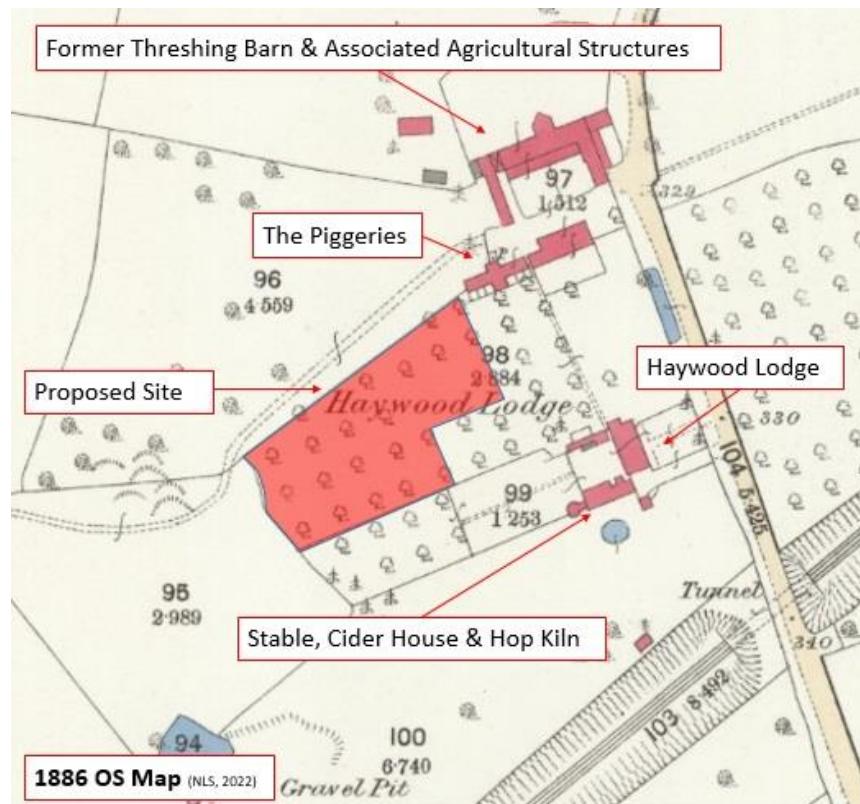
The following heritage assets are located within close proximity to the proposed site:

- Haywood Lodge, Grade II\* (c.45m);
- Cider House, Stable & Hop Kiln, Grade II (c.50m);
- Gates, Gate Piers, Railings & Walls, Grade II (c.65m);
- Pig Sties, Grade II (c.5m);
- Roman Byre, Non-Designated Heritage Asset (c.40m);
- Oak View, Non-Designated Heritage Asset (c.55m);
- The Granary, Non-Designated Heritage Asset (c.80m);
- Haywood Lodge Cottages, Non-Designated Heritage Assets (c.200m);

The development site is situated on a parcel of land formerly associated with Haywood Lodge, an early-18th century villa, with c.16th century origins.

Directly to the south-west of the lodge is a late 18th century cider house and stabling range, with a mid-19th century hop kiln.

To the north of the lodge (c.70m) is a former piggery, which is a remnant of a larger, earlier, agricultural building group, which consisted of a threshing barn, with attached engine house, dairy, shelter sheds and associated structures.



#### Significance:

#### Haywood Lodge & Gates, Piers, Walling:

The Lodge, which is a fine and prominent example of an early-18th century villa in a rural agrarian context, is believed to date from c.1710, and its architectural form and material detailing largely support this supposition.

Its primary significance relates to its architectural and aesthetic merits, articulated in its designed character, and its historical associations; aspects of its setting which relate to how the Lodge was intended to be experienced contribute to this significance.

In addition, its elevational treatment provides insight into how the surrounding agrarian landscape was intended to be appreciated from within the property, with equal importance being afforded to its eastern and western elevations in design terms, and a matching degree of fenestration employed to enable this, and facilitate far reaching views towards Hay Bluff and the Black Mountains.



Whilst the eastern elevation fronted the roadside, and provided the formal entrance to the Lodge, with its associated wrought iron gates and railings etc., the western elevation mirrored its three-bay form, and the characteristic 2-3-2 window arrangement at 1st floor level, albeit with three windows infilled at a later date.

The southern elevation was also heavily fenestrated but all of these openings have now been infilled; possibly an intervention motivated by the arrival of the railway line in the mid-19th century.

Throughout its history, the Lodge appears to have been the sole domestic building within the Haywood Lodge estate until the construction of two farmworkers cottages in the 19th century, and the domestic conversion of the agricultural buildings, and construction of a farmhouse, in the late-20th century.

#### Cider House, Stables, Hop Kiln & Pig Sties:

This building group was both ancillary and agricultural in its functionality, and the significance of its constituent parts relate to their architectural, archaeological and historical values, which evidence the vernacular craftsmanship and constructional techniques employed during the late-18th and 19th centuries, the socio-economic functioning of a minor rural estate, and the pre-mechanisation farming practices prevalent within this region.

As with the Lodge, aspects of their setting which evidence how the buildings functioned contribute to their significance, and this includes the fieldscape which supported that functionality, the degree of detachment between the Pig Sties and the Lodge, and the siting of the other buildings to the south-west of the Lodge.

#### Roman Byre, Oak View, The Granary, Haywood Lodge Cottages:

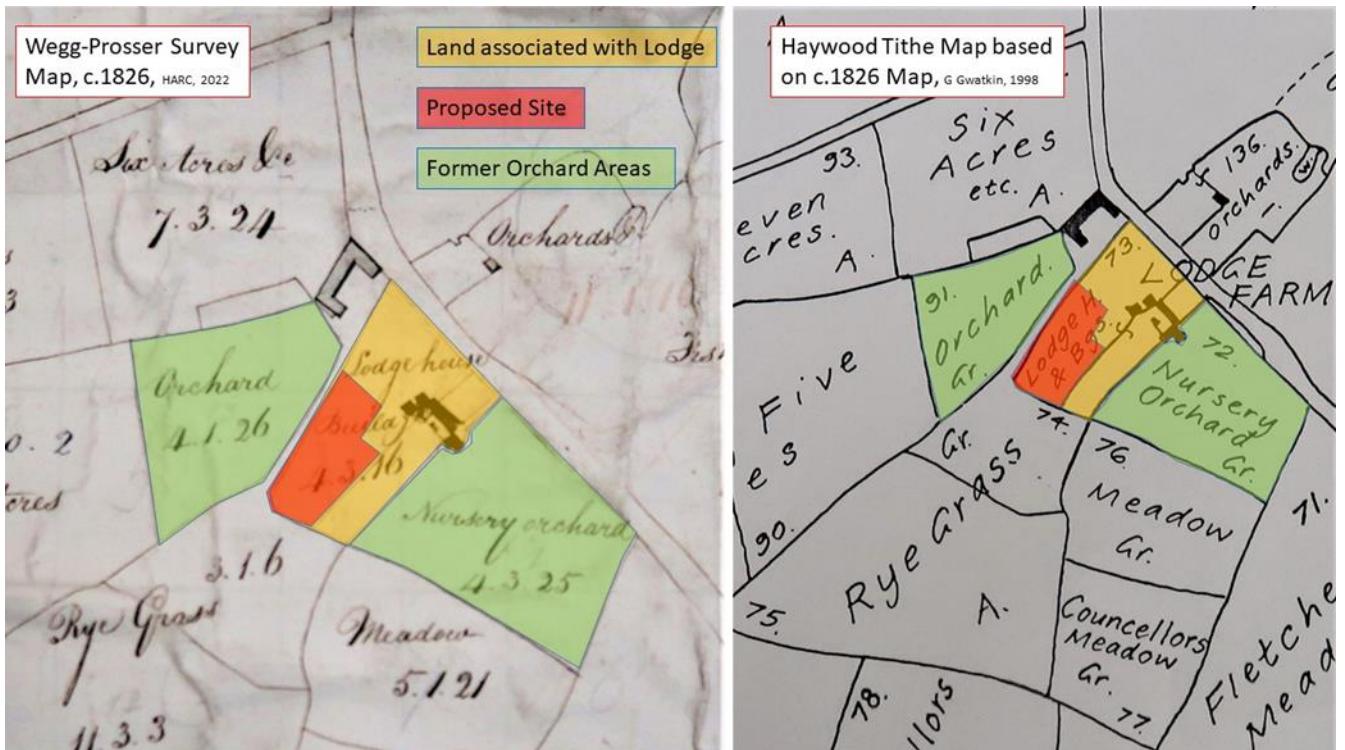
As surviving remnants of the historic farm building group these converted buildings and cottages are of sufficient age, architectural merit, and associational importance to warrant NDHA status, and they contribute to the significance of the Lodge by virtue of their evidential value.

## Setting:

The earliest detailed mapping of the lodge and its environs identified thus far is believed to date from c.1826, and was commissioned/surveyed when Rev. Richard Wegg-Prosser purchased a number of estate lands from John Matthews; it is this map which formed the basis for the Haywood tithe map which exists today.

The map was also accompanied by a series of coloured plans which detailed individual farm holdings which were part of the wider estate, including Haywood Lodge.

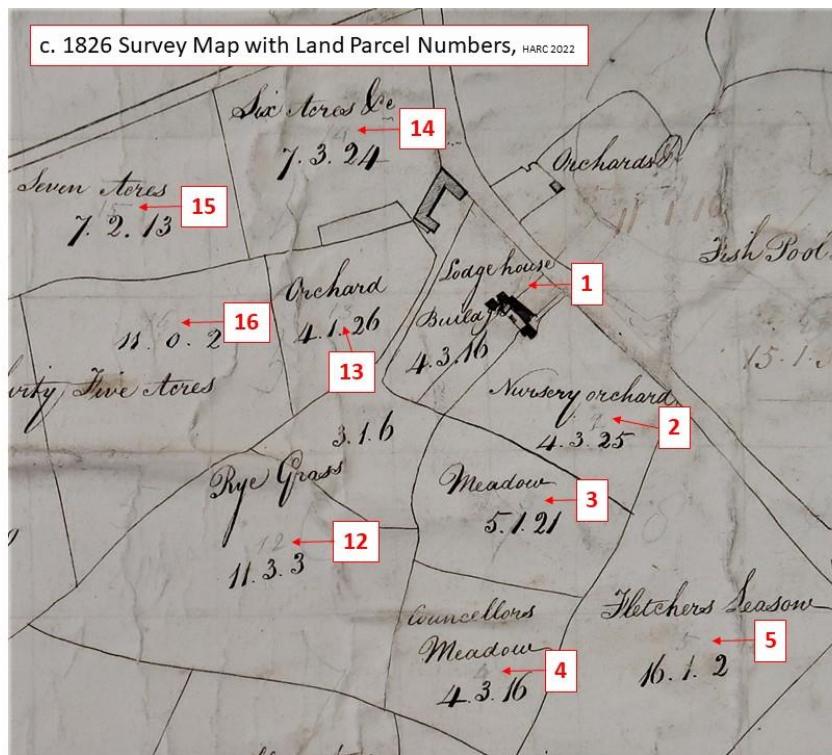
Allowing for a degree of variation in scale and accuracy, both survey and tithe maps highlight the proposed site within the context of Haywood Lodge, and the surrounding fieldscape.



The proposed site is identified as being part of the Lodge House & Buildings group's immediate curtilage, which formed part of a single parcel separated from the surrounding field arrangements, and separated from the agricultural buildings by track access to the arable field parcels detailed as Rye Grass.

It is not clear what function the conjoined structures to the north-west of the Lodge performed, but given the remains of an earlier structure within that end of the Lodge, these may have been related to the earlier hunting lodge; this may be why the curtilage extended out beyond and around them in the manner illustrated.

In addition to how this arrangement is illustrated on both maps, each land parcel on the survey map was assigned a specific number, and the Lodge and proposed site were included within one parcel detailed as No. 1; further evidencing the site's historic connection to the Lodge.



This mapping also highlights that the introduction of orchard to the proposed site was a comparatively late development; which was likely a reaction to the expansion of the Hereford tram road to accommodate the arrival of the Newport, Abergavenny & Hereford Railway line in 1853, whose shortened tunnel and lengthened cuttings dissected the Nursery Orchard (Parcel No.2).

The loss of this acreage may have been somewhat compensated for by its introduction onto the proposed site and other land associated with Parcel No. 1, but this site's relatively short period of use as an orchard does not reflect the importance of its contribution to the Lodge's significance during its primary era - the 18th century – and so there would be very limited heritage benefit from re-introducing the orchard aspect.

The presence of hedge and tree planting within the setting does contribute positively to it, but as a feature of setting it can be highly temporal in nature and susceptible to loss through disease, weather events, or human intervention; as a result, its permanence cannot be relied upon and is likely to be less than that of a permanent dwelling.

#### Impact on Significance & Setting:

As the open, verdant, and historically undeveloped nature of the site contributes to the significance of the Lodge – both as a part of its former curtilage and as a facet of its landscape setting intended to be experienced from within it as an agrarian scenic component – domestic development of the site would result in harm to its significance and setting, and re-introduction of orchard could not mitigate this harm.

Whilst there have been changes to setting experienced within the last century - development at Haywood Lodge Farmhouse, whose permission was associated with an agricultural dwelling need, and two modern agricultural structures now utilised for commercial purposes - these have been primarily influenced by modern farming practices, and have taken place outside the historic building group.

Changes within the group have been largely sympathetic, and given the farm's origins as a single entity it is considered the setting's capacity for domestic change was reached when former agricultural buildings were converted.

The erection of a new dwelling would negatively alter the spatial characteristics of the site, present a development bridge between the building groups, erode the bucolic character which exists between and around them, interrupt longer ranging views from the Lodge towards Hay Bluff and the Black Mountains, and introduce a land use type which would increase movement and noise, and impact on the degree of tranquillity which the Lodge and its setting has historically experienced.

Where it can be demonstrated the principle of development is acceptable mitigation measures can be important factors, however, in this instance, it is considered no level of mitigation would neutralise the harms identified, as any form of dwelling would be incongruous in this setting.

#### Additional Heritage Comments:

Unfortunately the submitted heritage statement did not identify a key component of the Lodge's significance – its western elevational treatment – and, having correctly established that setting does not necessarily depend on viewpoints, chose to focus on a series of selective views and viewpoints despite acknowledging the site as having, 'an open, pastoral visual amenity to the wider setting of Haywood Lodge and Roman Byre', and having rightly identifying the present setting as enabling, 'the house...to be understood and appreciated much as it was intended to be when re-modelled as the striking lodge in the 18th century'.

In addition, its conclusions, which supported development, were primarily based on the presence of tree/hedge planting to downplay any visual impact the proposed development might have, and a reliance on orchard re-instatement providing strong mitigation benefits – although any benefit to setting would be better gained in areas outside the proposed site, such as Nursery Orchard or the former orchard to the north-west (Parcel No.13), as these locations make a greater contribution to the Lodge's significance as orchards.

Images of limited viewpoints from within the proposed site towards the Lodge were provided, but no consideration was given to how the site would be experienced from the Lodge itself, the adjacent buildings, or within and around the context of the group as a whole.

Reliance was on some heritage benefit being realised from the re-instatement of orchard planting within the proposed site, but, given its historic evolution, any benefit to setting would be better gained in areas outside the proposed site – such as Nursery Orchard or the former orchard to the north-west.

#### 4.10 Neighbourhood Planning Manager

There are issues with the wording of the policies of the Callow and Haywood NDP which make it unclear as to which areas the plan focuses development to.

Policy CH1 indicates 'THROUGH SMALL-SCALE DEVELOPMENTS ADJOINING OR WITHIN THE SMALL VILLAGES AND HAMLETS'. These are not defined on a map within the NDP and are considered to be in addition to the RA2 list of settlement in the Core Strategy (which are not defined as 'smaller villages or hamlets') and Policy CH1 does not refer specifically to those settlements named within RA2 – mainly Twyford Common. Without formal settlement boundaries or lists this is therefore open to interpretation.

Policy CH9 indicates 'NEW HOUSING SHOULD BE LOCATED ON SMALL INFILL PLOTS WITHIN OR ADJACENT TO EXISTING CLUSTERS OF BUILDINGS OR BUILT UP AREAS OF GRAFTON WHEREVER POSSIBLE' – it is considered that this policy applied to the area which is defined (in description and shown on the policies map) as 'Grafton' only.

In para 4.1.12 of the NDP, Portway, Grafton, Bullinghope and Merryhill are referred to as a ‘small settlement’. Therefore the conclusion is that these make the definition in Policy CH1 of a ‘smaller village or hamlet’ and the smaller settlement of Grafton (referred to in CH9) is around the former Graftonbury Hotel however there is a wider description within para 4.5.1 of Grafton being the parish area – which adds to this confusion. There is no description of the location referred to as ‘Merryhill’

The recent application commented upon for Portway (211933) indicated that this was in conformity with Policy CH1 as Portway was described within 4.1.12 and included that location. The description of Grafton within 4.1.12 is not the location subject to this application (214270). Therefore could be argued that the intention of the NDP within Policy CH1 and CH9 is not including the area subject to this application. Therefore this is subject to RA3 of the Core Strategy.

It is the balance between the intention of the NPPF and policy RA3 to avoid isolated dwellings within the open countryside and the locally defined Policy CH1 and CH9 in the adopted development plan (Callow and Haywood NDP). It was not the intention of the NDP to promote scattered development within a significant number of small clusters of buildings throughout the parish and nor is that the intention of the NPPF or the Core Strategy policy RA2. Although the wording of the NDP is not clear, the interpretation of the objective of the NDP is to direct development to Portway, Grafton, Bullinghope and Merryhill as ‘smaller settlements and hamlets’. The location of this application is not within the ‘Grafton’ described within para 4.1.12.

## 5. Representations

### 5.1 Parish Council

The Callow and Haywood Group Parish Council supported this application. The Councillors felt that the applicants had made every effort to ensure that all ecological aspects of the build have been considered. The Parish Councillors considered the effect of the build on its neighbours and were comfortable that its location should not have a negative impact on them.

### 5.2 In response to the public consultation a total of 23 supporting comments and 11 objecting comments including 2 further comments, the objections detailed the following points:

- Contrary to adopted planning policies for development in open countryside including RA3
- Design would not meet the exemption tests including ‘truly outstanding architectural design’ in paragraph 80 of the NPPF and policy RA3
- Contrary to Callow and Haywood NDP policies which directs local housing to ‘within or close to’ the second tier settlement of Grafton
- Proposal would be detrimental to setting and perceived history and character of grade II\* listed Haywood Lodge, harm would not be outweighed by an benefits as per Historic England comments
- Development would change landscape character and historic contribution of the orchard site
- Submitted details do not demonstrate the proposals would achieve the sustainable standards of design and construction required by RA3
- Road notorious for speeding traffic, increased use of the site poses risk, 4 bedroom dwelling can generate considerable number of cars
- Concern for discharge from treatment plan to flood into Haywood Lodge

The supporting comments are summarised as follows:

- Incorporated full range of low carbon, renewable energy systems
- Agricultural design fits into surroundings in keeping in rural landscape, replicating farm buildings
- Exceptional quality design

- Tree and orchard planting supported increasing biodiversity of the area, ecology report justified benefits of developing site
- Single storey nature and siting will not be visible within the cluster
- Site currently not used and would benefit from development
- No adverse amenity impacts on other homes
- SLR flyover negatively impacted Haywood Lodge, this application would not cause such harm
- Heritage should be protected but not stop new development

5.3 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=214270&search-term=214270](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214270&search-term=214270)

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' Callow and Haywood Neighbourhood Development Plan (NDP). The National Planning Policy Framework 2021 is a significant material consideration but does not hold the statutory presumption of a development plan
- 6.3 The NPPF requires that local planning authorities should identify and update annually a supply of housing sites sufficient to provide five years' worth of housing against their housing requirements. Where the existence of a five year land supply cannot be demonstrated, there is a presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. Other factors in this respect can include sites or areas protected as a result of their wider environmental importance or land at risk of flooding.
- 6.4 Following this year's survey work, the LPA can confirm that the Housing Land Supply for 2022 is 6.19 years and the 2021 delivery test is 103%, as the result is more than 95% delivery rate, there is no requirement to undertake a Housing Delivery Test action plan for 2022. Effectively this means that the housing policies in the adopted Core Strategy and made Neighbourhood Development Plans can be considered to be up-to-date and given full weight in decision making. Para 11d of the National Planning Policy Framework (NPPF) is not engaged, as the development plan policies are not deemed 'out of date'. As a result paragraph 14 of the NPPF is not engaged.
- 6.5 In the first instance, as set out in the CS, the spatial strategy for housing distribution within the county is set at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (p. 109 - 110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate. There are 119 'main' villages (figure 4.14) and 98 'other'

settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Where the application site is located is not allocated under RA2 as a settlement that is appropriate for housing growth.

- 6.6 Moving on, Policy RA3 is relevant for residential development in 'open-countryside' and it states that residential development will be limited to exceptional proposals. No such exception has been offered under this application and I do not consider it to meet any of the exceptional circumstances, noting that self-build dwellings are not included in the list of exceptional circumstances. Whilst the site is considered to be in the open countryside, it is not considered to be an isolated site in the truest sense of the word, in that it adjoins a cluster of other dwellings.
- 6.7 Notwithstanding the above summary it is recognised that the NDP is the more recent document in the development plan and the CS defers to NDPs to allocate housing growth. At its heart, the NDP seeks to direct development to the settlement of Grafton over Twyford Common, as set out in Policy CH9:

*"New housing proposals which contribute to the provision of at least 7 additional units will be supported in principle within or adjacent to the settlement of Grafton. Schemes should be small in scale (up to 5 units) and include a mix of accommodation to meet the needs of different groups of people such as starter homes (up to 2 bedrooms), and / or housing designed to accommodate the needs of Older people such as lifetime homes standard."*

*New housing should be located on small infill plots within or adjacent to existing clusters of buildings or built up areas of Grafton wherever possible. Proposals will be required to demonstrate consideration of the form, layout, character and setting of the site and development should contribute towards or be essential to the social wellbeing of Grafton.*

*New housing proposals for sites in 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." ...*

- 6.8 Policy CH9 seeks to enable the development of at least 7 units through this policy, all of which should be located in the settlement of Grafton. It then goes on to provide additional provision, within the second paragraph, which gain "in principle" support, stating that such proposals should be located on small infill plots within or adjacent to existing clusters of buildings or built up areas of Grafton.
- 6.9 The first paragraph of policy CH9 is clear that housing development is to be directed to the settlement of Grafton, which the application site lies approximately 1 mile west of. The second paragraph then goes onto define the form of development that will be supported in Grafton. Officers have previously interpreted that this should be read as a qualifying addition to the support offered in Grafton settlement, although it is recognised that the wording of the NDP could rationally be interpreted to define Grafton as the whole Parish (see comments from the Neighbourhood Planning Manager). The applicant's Planning Statement has preferred this latter interpretation, therefore suggesting that the policy also enables development within or adjacent to existing clusters of buildings or built up areas across the whole Parish of Grafton. In your officers view, this would run contrary to the established spatial strategy of the Core Strategy. At paragraph 4.8.21 of the CS a flexible approach is outlined for NDPs to apportion housing growth between identified settlements (and the NDP does refer to such locations including references to Portway, Grafton, Bullinghope and Merryhill) ; however this does not provide the latitude of allocating new settlements, in this instance Haywood. Further to this, the application site is located within the Parish of Callow, and so does not fall within the Parish of Grafton where the NDP might be interpreted to support appropriate new build.

- 6.10 The definition of Grafton contained at paragraph 4.5.1 is taken from an earlier paragraph (4.1.11) and is a definition of the parish of Grafton rather than the settlement. It is a fact that the Parish has not been identified in the CS as appropriate for housing growth and it therefore has no bearing, in my view, on the interpretation of CH9. Furthermore, the settlements contained within Grafton Parish are discussed and defined at paragraph 4.1.12 of the NDP, which includes Bullinghope, Portway, Grafton and Merryhill – none of which are subject of this application. Policy CH9 makes no reference to this list of settlements. However, Policy CH1 of the NDP at point 3 states:

*3. New residential development in line with the Herefordshire Local Plan Core Strategy Policies RA1, RA2, RA3 and RA4) should protect the area's historic settlement pattern, through small-scale developments adjoining or within the small villages and hamlets...*

- 6.11 Having reviewed the Planning Statement submitted in support of the application I am satisfied that there is logic in interpreting policy CH9 which aligns with the Neighbourhood Planning Manager's comments.

- 6.12 To add further to the matter of principle during the consideration of this application, it has become apparent that the Parish Council discussed the interpretation of CH9 providing a Statement of Clarification as follows:

*It is believed that NDP Policy CH9 has caused confusion in the determination of planning applications in the area. The Parish Council's interpretation of this policy is that it applies to all areas within the parishes and not just Grafton. Removing the words "of Grafton" in paragraph 1 and 2 when reading clarifies this. Likewise in paragraph 3, the first sentence should be read as "and Grafton" following "Twyford Common Area". Although the wording is legally unable to be changed, if the policy is read with the above interpretation in mind, it is believed that a more consistent approach to planning application determinations can be applied.*

- 6.14 Firstly, whilst the interpretation is appreciated is it not adopted policy and neither does it align with the advice provided by the Neighbourhood Planning Manager and would therefore not lead to sound decision making. Secondly, the removal of the words 'of Grafton' in paragraphs 1 and 2 would essentially allow residential development within or adjacent to any existing cluster of buildings across the entire Neighbourhood Plan area regardless of facilities, services or public/active transport. This would not lead to sustainable development and be contrary to the aims of both the Core Strategy and the NPPF.

- 6.15 Furthermore, the Parish Council have since confirmed that consultation on the interpretation has not been undertaken in the Neighbourhood Area following recognition that the wording could not be legally changed, instead intending to focus attention on drafting a new NDP through the standard process. In the light of this, whilst officers can identify with the intention to enable some additional development in certain locations, it is not accepted that this would extend to Callow Parish within which this site is located.

- 6.16 I am aware that according to the latest available information, the Neighbourhood Area has exceeded its estimated growth target and in these circumstances I continue to consider the scheme to be in conflict with CH1, CH9, RA2 and RA3. The following sections consider the scheme against other matters and policies and the principle of development will be returned to in the planning balance.

## **Sustainability**

- 6.17 Paragraph 80 of the Framework seeks to avoid new isolated homes in the countryside. The term 'isolated' is not defined in the Framework but in the context of paragraph 79 and 80 it is reasonable to understand it as meaning isolated from any existing settlement. Indeed the Braintree DC v SSCLG Court of Appeal Decision noted that in the context of paragraph 55 (now paragraphs 79 and 80) of the Framework, isolation related to the distinction between rural communities, settlements and villages on the one hand and the countryside on the other, implying that 'isolated homes in the countryside' are homes that are not in communities and settlements. I do not consider the application site to be isolated in the true sense and the site has a degree of connection to a cluster of dwellings, a number of which have undergone conversion from agricultural buildings.
- 6.18 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD2 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.19 All development proposals are considered by the Council to need to help redress the climate emergency and the unsustainable location of the development in this instance is considered unfavourably in this regard as there will be a need for occupants to travel for everyday services. This heightens the need of any proposal to include measures to support low-carbon ways of living & sustainable transport modes. The Planning Statement includes reference to nearby bus stops, the closest being at A465 approximately 1 mile from the application site, the road C1226 having no pavement or street lighting making it unsafe for pedestrians. To the east of the site, there is a public footpath that links to the fringes of the city over 1 mile away. Whilst this would offer a form of active travel, this is an informal pathway which has limited accessibility, for example being unsuitable for those with limited mobility or pushchairs. Occupants would, in my view, be reliant on motor vehicles for everyday services and facilities. Notwithstanding the nature of the sites connection to Hereford or Belmont paragraph 15 of the NPPF states that the planning system is to be genuinely plan-led and its isolation from identified settlement at Grafton will feed into the overall planning balance.
- 6.20 The proposal has taken consideration to achieve energy efficiency through building orientation and solar gains whilst making use of materials to ensure high thermal performance. Renewable energy sources have been incorporated into the scheme which are supported at local and national level. However, these commitments are not considered to outweigh the unsustainable location of development that is principally unsupported by NDP and Core Strategy policies.

## **Visual Impact and Design**

- 6.21 Policy SD1 of the CS seeks to ensure the proposals successfully integrate into the existing built and natural environment. The policy proceeds to place an emphasis on the requirement for development proposals to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting the scale, height, proportions and massing of surrounding existing development. Policy LD1 of the CS required development proposals to demonstrate that the character of the landscape and townscape has positively influenced the design and scale of the proposal.

- 6.22 Further to the above the NDP contains policy CH1 which states that development proposals will be required to maintain the areas sense of tranquillity, avoid adverse effects on the natural environment, support local species and protect mature and established trees along with suitable new planting.
- 6.23 The proposed dwelling would be set back from the road and existing built form, accessed via a newly constructed driveway between Haywood Lodge and the converted traditional barns to the north. The dwelling would be sited to the north west of the site with ancillary buildings to the northern boundary and the reinstated orchard planting would be located at the south and east sections of the site. Policy CH9 only supports residential development on infill plots which seeks to prevent this type of development creep and the associated visual impacts.
- 6.24 The proposed dwelling takes reference from a modern agricultural shed style architecture, utilising a simple rectangular form. The outbuildings including workshop and garage are proposed in similar utilitarian style constructed of metal profile cladding to match the host dwelling. The single storey and siting ensures the dwelling would not overbear the neighbouring dwellings, however this is not exhaustive in reducing visual impact in the context of the surrounding character, the volume of the building being akin to a large agricultural shed.
- 6.25 As the planning application relates to land within the setting of a Listed Building, The Local Planning Authority must 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, as per Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.26 Policy LD4 states that development proposals affecting heritage assets and the wider historic environment should protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and design. Furthermore, Policy SS6 states that development proposals should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets.
- 6.27 As previously highlighted the application site is a former orchard in the past associated with Grade II\* Haywood Lodge and a number of listed and non-designated heritage assets adjacent to the site. As noted by both Historic Building Officer and Historic England, the open and undeveloped nature of the site continues to contribute to the significance of Haywood Lodge and the character of the wider historic unit. The open space creates a visual separation around Haywood Lodge to emphasise its significance and status. Furthermore, the modern agricultural shed with associated outbuildings would diminish not only the open character of the setting, but also the historical and aesthetic interest of Haywood Lodge by virtue of its design approach. The Planning Statement states that the scheme can be regarded as exceptional quality and innovative design in accordance with Paragraph 80 of the NPPF and the exception criterion of RA3, however this route allows development in isolated locations where the scheme has been demonstrated by independent assessment that the design is outstanding or innovative and architecturally worthy. The application has not sought to demonstrate this and runs contrary to the Planning Statement's insistence that it is not an isolated and sustainable location.
- 6.28 Whilst the reinstating of orchard planting does contribute positively, as a feature it can be temporary in nature and susceptible to loss, and is therefore considered unreliable in relation to the permanence of the introduction of inappropriate built form on the site.

In accordance with paragraph 199 of the NPPF, the Grade II\* listing of the house requires very great weight to be given to its conservation as it is amongst most important of designated heritage assets. In this case, though the level of harm is considered less than substantial, given the status of the neighbouring listed building and number of nearby assets, this is afforded great weight in planning balance. Paragraphs 200 and 202 of the NPPF are clear that any harm to its significance requires a clear and convincing justification based around the public benefits of the proposal. In

the context of having a 5 Year Housing Land Supply and the limited benefits of a single dwelling, there is not considered to be clear or convincing public benefit to outweigh the harm identified.

### **Residential Amenity**

- 6.29 Policy SD1 of the CS states that development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is.
- 6.30 The application site is set back from the road and existing dwellings, the siting of the proposed dwelling being sufficiently distanced from neighbouring properties so to alleviate concerns with regards to overlooking and overbearing as a single storey dwelling. There would inevitably be some impact on the amenity of these dwellings during the construction but it would be short-term and could be conditioned within acceptable working hours.

### **Highways**

- 6.31 The NPPF sets out at paragraph 110 that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Policy MT1 of the Core Strategy is reflective of this approach, as it seeks to promote active travel and development that without adversely affecting the safe and effective flow of traffic on the highway network. Further at paragraph 111 the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 6.32 The proposal would look to utilise the access as approved under previous application P204053, directly off the C1226. The Area Engineer has raised no objection to the scheme, the road network having capacity to take the increased movements and the dimensions of the driveway being adequate for the scale of development. The proposed parking and turning spaces are sufficient with secure cycle parking being provided in the proposed outbuildings.

### **Drainage**

- 6.33 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.34 The proposal seeks to utilise sustainable drainage system to manage surface water and package treatment plant for foul sewage. Drainage Engineers have reviewed the submitted drainage strategy who require further clarification of pond locations, proposed pipework layout and discharge routes with regards to surface water management. Furthermore, based on the review of the ground conditions a drainage field is not suitable at the site and drainage mound is required, further submission to this effect would be required.

- 6.35 As such, the consultation response from Drainage Engineers and lacking information undermines the viability of the drainage strategy and it does not appear possible to deliver the infrastructure as proposed. I therefore find the proposal to be in conflict with Policy SD3 and SD4 of the CS as it does not make adequate provisions for the disposal of foul and surface water.

### **Habitat Regulations Assessment**

- 6.36 The site is within the Lower Wye sub-catchment of the River Wye Special Area of Conservation (SAC); and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' has been formally completed and sent to Natural England for consultation who raised no objections to the conclusions.

### **Ecology**

- 6.37 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. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.
- 6.38 The application has been supported by a Preliminary Ecological Assessment and Biodiversity Enhancement Plan prepared by Pure Ecology dated November 2021. The Ecologist has had sight of this, the report is considered appropriate and relevant to the proposed development and adequate protection, avoidance, mitigation and enhancement measures could be secured by condition.

### **Conclusion and balance**

- 6.39 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Policy SS1 of the Herefordshire Local Plan Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF. At paragraph 11, the NPPF states that the presumption in favour of sustainable development means "approving development proposals that accord with an up-to-date development plan without delay". Although paragraph 12 affirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. At this time the Development Plan comprises the CS and NDP.
- 6.40 The planning balance is typically assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives.
- 6.41 In regards to benefits the proposal would contribute to local housing supply which has benefits in both the economic and social objectives; as there would be support to the local economy during the construction phase, as a result of the new homes bonus and through the spend of proposed residents; and in regards to the social objective as it is of a scale that can support the growth of a local community. I attribute limited weight to these matters given the scale of the development would not make a significant contribution economically and in regards to the social objective Haywood is devoid of community infrastructure such that the proposed dwelling would do little to help build or sustain the community.
- 6.42 The proposal would include additional planting and reinstatement of orchard which would increase the biodiversity and habitat value of the site.

- 6.43 The proposal to include renewable energy technology and high standards of energy efficiency are supported, however they do not outweigh the unsustainability associated with the reliance on motor vehicles for daily activity.
- 6.44 The proposal would go some way to addressing this undersupply of plots for self and custom building. I attribute only limited weight to this however as this type of development is not an exception, set out in the development plan, to the spatial strategy for residential development.
- 6.45 Whilst recognising that there is a wider interpretation of the locations where new housing development might be supported in the Parish of Grafton, the proposed development does not accord with the spatial strategy for residential development as set out in the CS and NDP. The location of the site is not one supported by either RA2 or CH9 and would undermine the spatial strategy at a time when it can be demonstrated that at both a County and Parish level housing supply is exceeding target growth. The conflict with the NDP's spatial strategy is somewhat undermined by Policy CH1 which could be interpreted to infer support for residential development in small settlements and hamlets in Grafton Parish. However this site lies outside those small settlements and hamlets that are actually named. As such to allow residential development at this site would undermine the settlement strategy.
- 6.46 As per Paragraph 199 of the National Planning Policy Framework, the level of harm identified is considered less than substantial and should be afforded very great weight in the planning balance given the status of Haywood Lodge and other nearby assets. The application has failed to provide clear and convincing justification to address the harm from the development, in accordance with paragraph 200 of the NPPF.
- 6.47 The proposed drainage strategy has not been demonstrated to be technically achievable and therefore in conflict with SD3 and SD4 given a workable strategy has not been proposed.
- 6.48 Therefore, the proposed development would derive limited benefits in the social, economic and environmental objectives while contributing to the undersupply of self and custom build plots. However the adverse impacts of the scheme far outweigh the limited benefits with clear conflict with the adopted development plans. As such, it is recommended for refusal.

## **RECOMMENDATION**

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

- 1. The application site lies outside of any settlement formally identified as being appropriate for residential development and therefore development of the site would undermine the spatial strategy of the development plan at a time when the Council can demonstrate a sufficient supply of housing land and at a Parish level when it can be demonstrated that housing delivery is exceeding growth targets. Accordingly the scheme is contrary to Herefordshire Local Plan – Core Strategy Policies RA2 and RA3 and Callow and Haywood Neighbourhood Development Plan Policy CH9.**
- 2. In the absence of sufficient information with regards to how the proposed drainage arrangements would be delivered, the local planning authority is unable to establish if there is a suitable policy compliant sustainable foul and surface water drainage solution. As such the proposal fails to protect the integrity of the SAC and does not comply with Policies SD3, SD4 or LD2 of the Herefordshire Local Plan - Core Strategy.**
- 3. Development of the site has been demonstrated to fail to preserve aspects of setting which contribute positively to the significance of adjacent heritage assets, without clear and convincing justification for the identified harm. The proposal does not preserve or enhance positive local character and distinctiveness; does not preserve or enhance heritage assets and is not influenced by the historic and existing character**

**and townscape, contrary to the Herefordshire Local Plan Core Strategy policies SS1, SS6, RA2, LD1 and LD4, Callow and Haywood Neighbourhood Development Plan Policy CH1 and the heritage aims and objectives in Chapter 15 of the National Planning Policy Framework.**

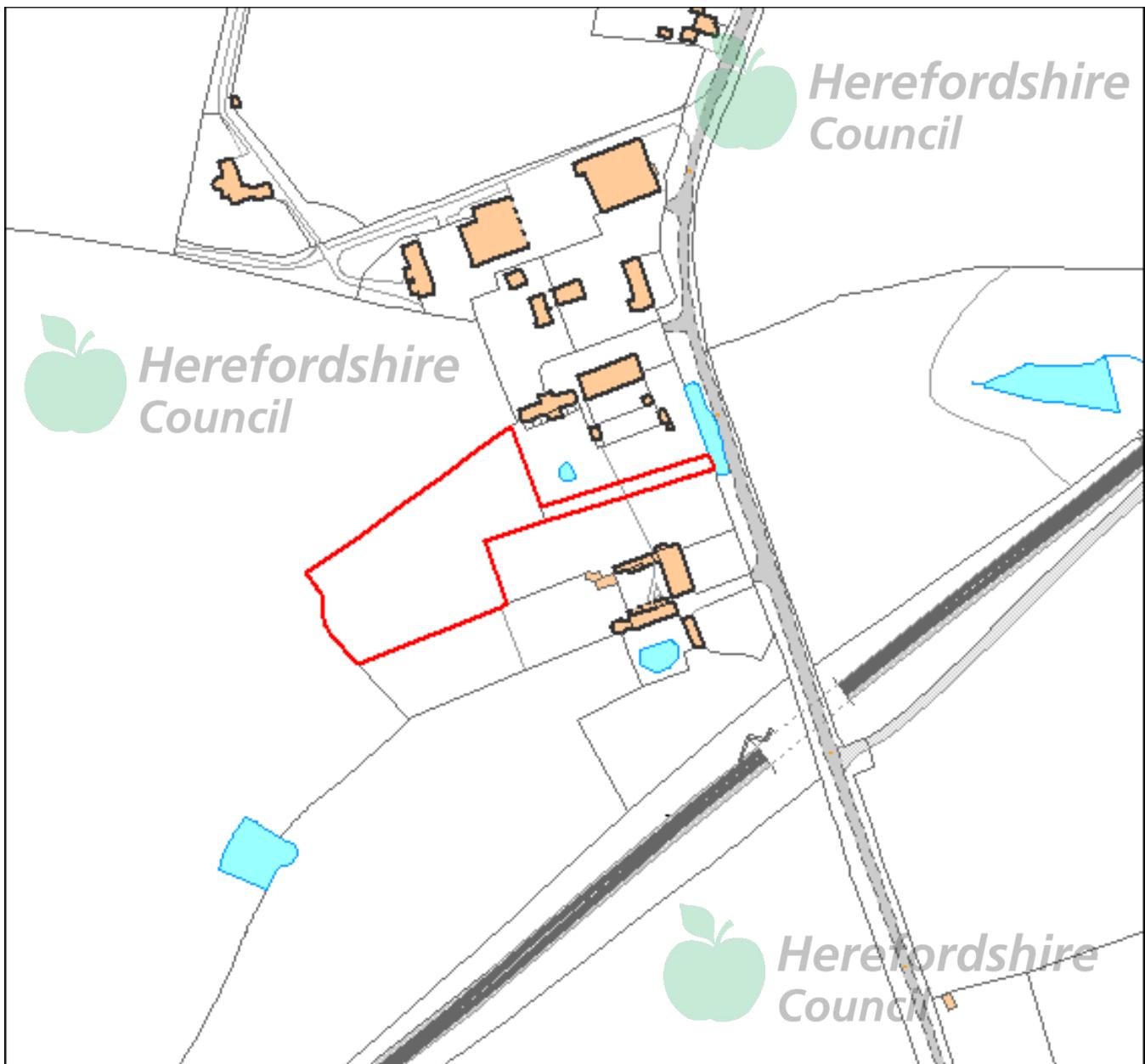
4. **The design of the proposed dwelling, by virtue of its massing and design has not been positively influenced by the character and appearance of the cluster and as a result would exacerbate the harm identified in reason for refusal 3 in conflict with Herefordshire Local Plan –Core Strategy Policies SD1 and LD1 and Callow and Haywood Neighbourhood Development Plan Policy CH1.**

Decision: .....

Notes: .....

**Background Papers** – none identified.

Internal departmental consultation replies.



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

**APPLICATION NO:** 214270

**SITE ADDRESS :** LAND SOUTH WEST OF ROMAN BYRE, HEREFORDSHIRE

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