

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	8 FEBRUARY 2023
TITLE OF REPORT:	<p>220370 - REPOSITIONING OF APPROVED STUDENT WELFARE/AMENITY BLOCK AND USE OF THE LAND FOR THE STANDING OF 59 MOBILE HOMES FOR SEASONAL WORKERS (THIS INCLUDES THE RELOCATION OF 19 EXISTING UNITS APPROVED IN 2012 AND 11 UNITS RELOCATED FROM ROCK FARM), ASSOCIATED DRAINAGE INFRASTRUCTURE, LANDSCAPING AND 2 LAUNDRY UNITS AT WOODFIELDS FRUIT LTD, WOODFIELDS, WESTON UNDER PENYARD, ROSS-ON-WYE, HR9 7PG</p> <p>For: Mr Savidge per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220370&search-term=220370
Reason Application submitted to Committee – Redirection - Public Interest	

Date Received: 4 February 2022

Ward: Penyard

Grid Ref: 363230,224280

Expiry Date: 10 February 2023

Local Members: Cllr William Wilding.

1. Site Description and Proposal

- 1.1 The application site forms a part of an agricultural holding known as Woodfields which is located on the C1283 approximately 400m North West of its juncture with the C1280 and to the north of the village of Weston Under Penyard. The village of Lea lies to the south and to the east is the market town of Ross-on-Wye. Porch Farm and Dairy Cottages are located opposite and Bollitree Castle (Grade II*) and its associated listed buildings and Bollitree Farm are located to the southwest of the farm. Public footpaths WP22 and WP24 cross the farm. Currently on site are 19 mobile homes which are occupied by seasonal agricultural workers and these are detailed on the plans inserted below.



Figure 1 Aerial View of the site

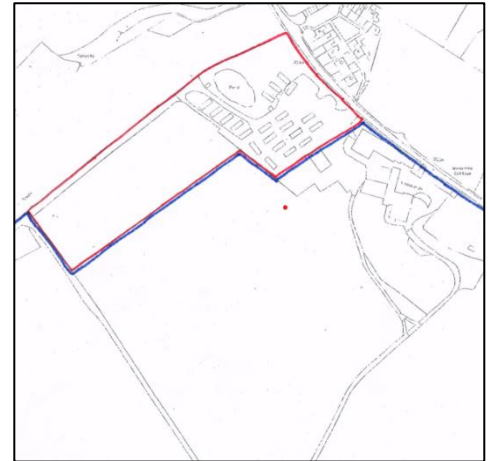


Figure 2: Site location plan

- 1.2 Woodfields Farm is an expansive farmstead comprising of mostly modern agricultural buildings. Planning permission was granted in 2012 for the change of use of land for the erection of polytunnels and the siting of residential units for seasonal workers. This farm is part of the BH Savidge Group and it is also used for the growing of apples as well as soft fruit. The farming business currently employs 270 staff at peak times across its holdings. The application site is not located within an AONB, nor within a conservation area and no listed buildings / heritage assets are on or immediately adjacent to the application site. The site is not within the settlement boundary of Weston under Penyard.
- 1.3 The area where the proposed amenity block is to be sited is an area of hard landscaping and surrounding by polytunnels and existing large farm buildings. The land is generally level with landform rising to the south beyond the extents of the study site. The application site is adjoining a PRow to the north which runs along an existing vehicle access track. A tall hedgerow and established trees to the north of the track enclose the footpath. The wider landscape is agricultural in character with fields of arable crops interspersed with large areas of polytunnels. The 19 existing static caravans are located around an existing pond and on hard standing adjacent to the existing farm yard and access.
- 1.4 The proposal consists of the change of use of the land for the siting of seasonal workers mobile homes, repositioning of a welfare building, associated drainage works and landscape enhancement. This application seeks the change of use of the land for the standing of 59 mobile homes (this includes the relocation of 19 existing units approved in 2012 and 11 units relocated from Rock Farm an existing farm under the BH Savidge Group in nearby Lea). The 19 existing caravans on site are to be relocated to the south and west adjacent to the relocated welfare building. The application confirms that the applicants wish to consolidate the fruit picking, storage and packaging to Woodfields Farm. The seasonal accommodation runs from May to November with the majority of workers arriving in May and remaining on site until early October. The welfare building was granted permission on the site under application 200444 however has not been constructed. The proposed welfare building is of a simple utilitarian form, and to measure 13m by 12m. As can be seen below the roof pitch is low with solar panels proposed on the North West elevation and the proposed roof is 4058mm high.
- 1.5 A public right of way runs immediately alongside the northern boundary of the site and PRow WP22 which runs through the site is proposed to be diverted. The approved caravans on the site gained permission under application permission 100874. Please see link below to this application and the plans below to the approved existing site layout:
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=100874&search-term=100874

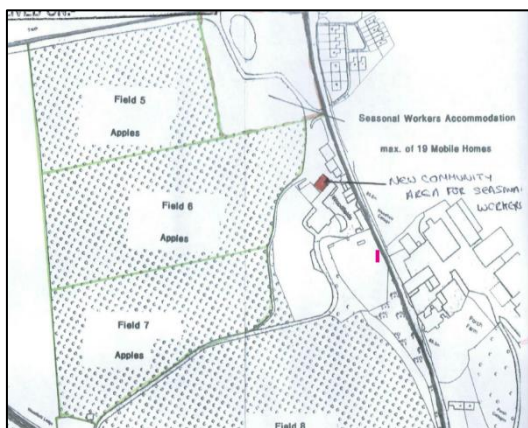


Figure 3: Approved plan

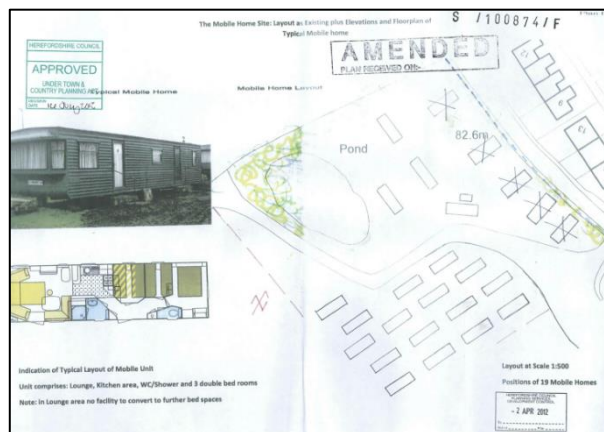


Figure 4: Approved location of caravans

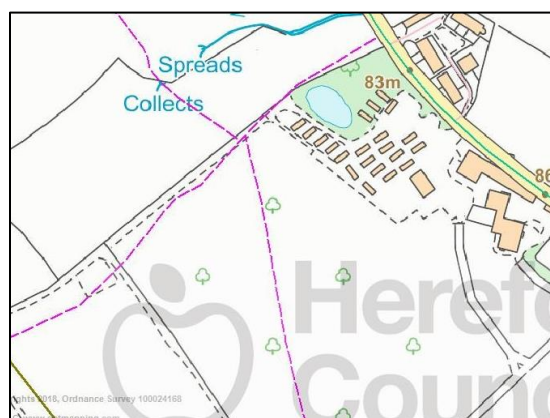
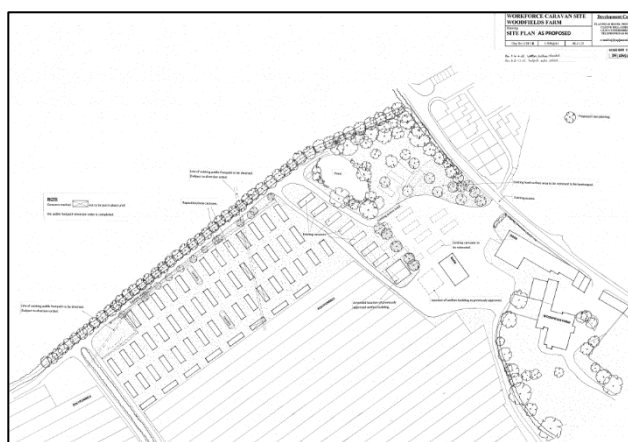


Figure 5: Current Proposed Site Plan and extract showing PROW (pink) for clarification

1.6 This application seeks to the change of use of the land for the standing of 59 mobile homes, in simple terms this:

- includes the relocation of 19 existing units approved in 2012 to the south and west adjacent to the relocated welfare building
- the relocation of 11 units from Rock Farm an existing farm under the BH Savidge Group in nearby Lea)).
- An additional (increase) 29 seasonal mobile units on site.

The proposal has been amended during the application and includes:

- Updated landscape proposals drawing which tags the proposed trees and identifies the existing and proposed trees
- Updated elevations drawing which has the specification for the roof colour amended to be 'anthracite' colour for the Welfare Block
- Landscape Note
- The welfare building has been moved to the previously approved location
- Outdoor seating included in the north west corner of the site
- Gravel pathways to mobile homes now shown on landscape plan
- Mobile homes on edges of site to be an agricultural green in colour

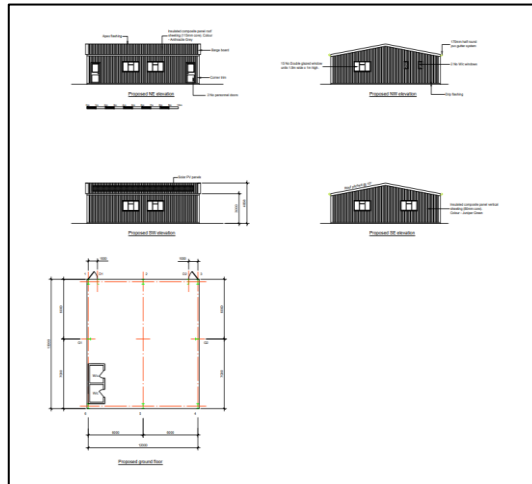


Figure 7: Proposed elevations of welfare unit

1.7 The application has been supported by the following:

- Ecological appraisal
- Flood Risk Assessment
- Landscape and Visual Assessment
- Planning, design and access statement
- Response to Welsh Water
- Landscape Addendum
- Application form

2. Policies

2.1 Herefordshire Local Plan Core Strategy

- SS1 – Presumption in favour of sustainable development
- SS2 – Delivering new homes
- SS4 – Movement and transportation
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- RA1 – Rural housing distribution
- RA2 – Housing in settlements outside Hereford and the market towns
- RA3 – Herefordshire’s countryside
- RA4 – Agricultural, forestry and rural enterprise dwellings
- RA5 – Re-use of rural buildings
- RA6 – Rural economy
- MT1 – Traffic management, highway safety and promoting active travel
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality

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 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.

The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 **Weston-under-Penyard Neighbourhood Development Plan (NDP)**

Policy D1: Design Appearance
Policy D2: Technical Design
Policy SB1: Supporting Local Business
Policy SE6: Sustainable Water Management
Policy SE4: Polytunnel Development

<https://www.herefordshire.gov.uk/directory-record/3118/weston-under-penyard-neighbourhood-development-plan-made-20-may-2016>

2.3 **National Planning Policy Framework (2021) (NPPF)**

4. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

2.4 **Other relevant guidance**

Polytunnel Planning Guide 2018

https://www.herefordshire.gov.uk/downloads/file/14577/polytunnels_planning_guide

3. **Planning History**

3.1 200444 - Erection of student welfare/amenity block: Approved with Conditions: 15/10/2020

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200444

3.2 S100874/F - Use of land for polytunnels and change of use of part of the land for the stationing of mobile home accommodation for seasonal workers (retrospective) - Approved with Conditions -16-Jul-2012

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=100874

4. **Consultation Summary**

Statutory Consultations

4.1 **Natural England Comments: November 2022: No objection.**

SUMMARY OF NATURAL ENGLAND'S ADVICE
NO OBJECTION

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. Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment. Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.

Full comments can be seen below:

<https://myaccount.herefordshire.gov.uk/documents?id=b717a8de-641f-11ed-9063-005056ab11cd>

4.2 **Historic England comments: No advice offered.**

Thank you for your letter of 18 March 2022 regarding the above application for planning permission. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find>

4.3 **Welsh Water comments: Updated comments August 2022: No Objection**

In our previous consultation we reviewed the development proposals and requested a HOLDING OBJECTION was placed on the above planning application in regards to concerns we had regarding sewerage network. Upon further review we can confirm that we can accommodate the proposed foul flows into the public sewerage network. Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they 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 to establish the

location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

4.4 **Welsh Water: Previous comments July 2022**

We have reviewed drainage proposals and we have some concerns over the acceptability of foul flows from the proposed development to the public sewer. Welsh Water requests a HOLDING OBJECTION is placed on this application at this time. Upon discussions with the applicant we will provide an updated consultation response.

4.5 **Welsh Water: Previous comments March 2022**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE NETWORK

The proposed development would hydraulically overload the existing public sewerage system thereby leading to increased risk of pollution of the environment and risk to public health and safety of existing residents. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme AMP 7 (years 2020 to 2025).

WATER SUPPLY

The site lies in an area where there are water supply problems, for which there are no improvements planned within our current Capital Investment Programme AMP 7 (years 2020 to 2025). We therefore OBJECT to this development on the grounds that this site cannot be served by a suitable potable water supply and would hydraulically overload the existing public sewerage network at this time. We request the developer contact us to discuss. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation

Internal Council Consultations

4.6 **Housing officer comments July 2022**

There is no affordable housing on this site, therefore, there are no comments from Strategic Housing.

4.7 **Landscape Officer (Revised Comments): August 2022**

I have reviewed the updated landscape statement, landscape scheme and welfare building.

The landscape statement does now cover the public footpath to the north and the historic core near Bollitree Castle. It is agreed that the dense hedgerow boundaries do obscure views of the existing polytunnels from the historic core and that the overall effect as a result of the additional polytunnels to be regularised and the proposed mobile homes will be negligible. It is also agreed that the site is visible when looking south from footpath WP22 near Kingstone Court. The mitigation measures proposed include an additional hedgerow with trees along this boundary and for the mobile homes on the northern edge of the site to be a suitable dark, matt green colour.

The Landscape Strategy Proposals (dwg 21300.101 rev D) are suitable and will help to mitigate and integrate the development of regularised polytunnels and new mobile homes. The location of the welfare building is closer to the existing barns and buildings, will be screened from the entrance by new native tree planting and will be of a suitable scale and colour to suit the site.

The proposals do now demonstrate that the character of the landscape has influenced the development in accordance with Core Strategy Policy LD1. If the application is to be approved then a condition should be added for a 10 year landscape biodiversity management plan to be provided

4.8 **Landscape officer (original comments): March 2022**

The site and setting was visited for a meeting on 22nd March 2022. The landscape character type is principal settled farmlands. The key characteristics of this type demonstrated on the site include hedgerows used for field boundaries and mixed farming land use. The rolling topography is also an important feature, the site covering south west facing slopes, with raising ground further away up to Penyard Park and the edge of Ross town. There are two public footpaths crossing the site, connected to a local network of other paths. The site is already well established with both polytunnel coverage and workers caravans present, together with a cluster of modern and historic farm buildings.

There are a number of issues that require further consideration before a planning decision is made:

- **Landscape and visual statement** – The landscape character types and policies are correctly identified. I disagree with the landscape character summary which includes that the site is “*low lying and not prominent in relation to the surrounding landscape*” – the northern most parcels of the site are at a local high point in the surroundings. It would be useful to include a section on historic landscape, including locally important features, as well as listed historic buildings.

The visual assessment has missed a viewpoint from footpath WP22 adjacent to Kingstone Court, where there is a direct view to the site for the new caravans and tall welfare block across the local valley. In order to pick up any impacts on historic features, it would also be useful to select a view point near Bollitree Castle and the boundary of the locally important parkland surrounding it. The visual impact of the colour of the caravans should be considered.

- **Welfare building** – The position of the proposed, permanent building is not supported in landscape terms. It extends built infrastructure out into open countryside, having a negative impact on landscape character. It will be visually prominent for users of the adjacent public footpath and other footpaths to the north and west. Its scale and appearance are not sensitive to the local setting. This building would be better retained in its original, approved location, closer to the existing building group. The materials and colour of the building and its roof should be considered to integrate with the environment, not to contrast or stand out with light colour or highly reflective finishes.
- **Landscape scheme** – The new northern boundary hedgerow with trees is welcome as this will provide an additional visual filter and green buffer to the edge of the site, as well as delineating the public footpath. Gravel footpaths between caravans were discussed and should be marked on the plans. Any hard surfacing at the laundry areas should also be shown. Moving caravans away from the pond and established trees is welcome, together with the enhanced planting of this area. Any outdoor seating and picnic bench areas could also be identified.
- **Landscape management** – A 10 year landscape and biodiversity management plan should be provided (either as part of the application or by condition if it is approved). Ideally this will be an update of an existing one and will cover the whole farm, to show integration and green infrastructure commitments.

These comments are provided in accordance with Core Strategy Policy LD1 on landscape character and LD3 on green infrastructure.

4.9 Historic Buildings Officer comments: October 2022

There is no heritage objection to the proposed welfare unit, but the mobile home development raises concerns over its appropriateness in its wider context and its compliance with heritage related policies.

If other benefits resultant from this part of the scheme weigh in its overall favour it is recommended robust conditions relating to temporary permission periods, re-instatement of land to its former state, and the colourway of mobile units are applied to any approval to safeguard the site and limit its impact on the wider historic environment and settlement setting.

Welfare Unit:

The reduction in height for the proposed welfare/amenity structure is acknowledged and welcomed. Whilst it is considered the site would benefit from a structure/s with a more traditional form given its proximity to the historic farmstead buildings of Woodfield Farm, on balance there is no heritage objection to this aspect of the scheme given the presence of intervening modern structures within the group.

Mobile Home Accommodation:

This aspect of the application does not appear to have been influenced by the prevailing character of the built landscape environment, the Western-under-Penyard settlement pattern, or any locally distinctive qualities it possesses, contrary to Policies LD1, LD4 and SS6 of the Core Strategy; from a domestic point of view this character and pattern consists of individual farmsteads centered on single farmhouses, and small clusters of modest detached and semi-detached properties which bound the local road network.

In relation to these factors, Paragraph 197(c) of the National Planning Policy Framework advises Local Planning Authorities take account of ‘the desirability of new development making a positive contribution to local character and distinctiveness.’, and it is difficult to see how a mobile home development could make this contribution positively.

The creation of hard-standing pitches and the siting of 59 mobile home units would be wholly uncharacteristic in this context, and could in effect represent a permeant change to the character of the historic settlement; and whilst the scheme will rely on the presence of hedging and polytunnels to provide screening, this arrangement is not permanently controlled and can change over time.

Heritage Background:

The proposed site forms part of Woodfields Farm landholdings, and historically, is former meadowland associated with the 18th century farmstead. It is situated approximately 120m north-west of Woodfields Farm, and approximately 450m north-west of Bollitree Castle (Grade I), and several associated buildings and structures (Grade II*, and Grade II). Whilst the setting of Bollitree Castle encompasses a degree of land and features which surround it, and were historically associated with it, it is considered that the introduction of the mobile home development in the location proposed will not have a direct impact on its setting given a number of factors such as the distance between the sites, topology, intervening spatial buffers, and established boundary treatments.

So in this instance, the statutory duty to preserve the setting of designated assets, as set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, will have been satisfied should approval of the scheme be the final determination.

However, the development will, in a manner which is uncharacteristic, alter the setting of the settlement in which Bollitree is situated, which relates to heritage policies previously outlined.

4.10 **Historic Building officer comments June 2002 (original comments)**

Heritage comments relating to submitted scheme provided to case officer via e-mail (16/03/22) prior to their site meeting. Amended plans are awaited.

4.11 **Transport officer comments (revised comments) August 2022**

The submitted information has been reviewed and the following points can be raised.

1. With the relocations of the units from Rock farm in Lea and the workers only required to travel to the working fields and not from another location to the farm before starting work, therefore the movements for the site have reduced in two locations.
2. The owners are providing transportation to and from Ross for the seasonal workers on their days off, therefore reducing the numbers walking along the rural lanes. There are also frequent bus services to and from Ross.

Therefore if minded to approve, please condition as follows: -

CAT - Construction Management Plan
CB2 - Secure covered cycle parking provision
CB3 - Travel Plan

I11 – Mud on highway
I47 – Drainage other than via highway system
I41 – Travel plans
I35 – Highways Design Guide and Specification

4.12 **Transport officer comments (revised comments) August 2022**

This application can be split into two parts,

First part - the relocation the LHA has no objection to the relocation of student facilities.

Second part – The seasonal workers accommodation – Further information is needed

- A schedule of all movements for the full season on the site
- Do the workers all have the same day off? If they don't how many are off per day? If they do have the same day off how do the excess of workers that cannot be accommodated on the buses exit the site?
- Of the 270 current staff how many already work on this site?

4.13 **EHO officer comments (Contaminated land): August 2022**

Given that the amended plans have not significantly changed, I have nothing to add to my previous comments (that I have attached below) regarding contaminated land and human health issues:

The mobile home accommodation that forms part of the application is within 250 metres of a former landfill site that accepted domestic waste between 1965 and 1972.

However, due to the type and proximity of the development (approximately 240m) it would seem disproportionate to request a full site investigation be undertaken and as such I have no adverse comment to make regarding this application

4.14 **EHO officer comments (Contaminated land): original comments May 2022**

As above.

4.15 EHO officer Noise comments: Updated comments November 2022

Comments made by this Department on 8th October 2022 included the following:

‘...prior to works commencing a noise management plan shall be submitted to, and approved in writing by the Local Planning Authority. This shall include communication of site rules, a complaints procedure and log and details of a periodic review of the noise management plan’.

I have now received the noise management plan and am satisfied that it addresses the areas of concern that were originally raised. The applicant has stated that the plan will be reviewed on a 6 monthly basis and has also introduced a complaints and monitoring system which includes permanent on site supervision. I would just like to add that I would expect the complaints log and monitoring information to be provided to a local authority environmental health professional upon request.

4.16 (Noise) October 2022

My comments are from a noise and nuisance prospective.

Subsequent to our initial response by my colleague on 1st March 2022, it has come to light that there have been impacts on the amenity of local residents at the site. The Department has received complaints relating to alleged noise from employees in the form of shouting, loud music and bass beats, especially in the evenings and at weekends into the early hours. Despite the proposed relocation of some of the caravans, other units remain under 100 meters from the nearest receptors.

Therefore, prior to works commencing a noise management plan shall be submitted to, and approved in writing by the Local Planning Authority. This shall include communication of site rules, a complaints procedure and log and details of a periodic review of the noise management plan.

The plan should address the following headings:

- statement of intent
- a brief summary of the premises / site / activities
- a location / site plan
- an inventory of potential noise sources
- detail of noise controls and limits (e.g. site rules)
- site noise monitoring and / or evaluation
- responding to complaints (including actions to be undertaken and recorded)
- management command, communication, and contact details
- periodic NMP review

4.17 EHO officer comments: (Noise) original comments March 2022

From a noise and nuisance perspective our department has no objections to this proposal.

4.18 Tree Officer Comments: Revised July 2022

I have no further comments to add in light of the amended plans.

4.19 Tree Officer Comments: Original February 2022

The arboreal constraints posed by the development are low with the relocating of the mobile homes and community block being sited away from any trees. The additional tree and hedge planting comprises of a native mix that should help to soften the impact of the development in the landscape and provide ecological enhancements.

In my summary I don't have an objection to proposals based on the low impact on existing trees and additional planting which demonstrates the complaint with polices LD1 & LD3.

Condition:

Planting In accordance with plans

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

Landscape Strategy Proposals

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4.20 Drainage officer comments: Revised August 2022

I note that we have been reconsulted on the above site despite having no objections to the proposed development. I have reviewed the objection submitted by Welsh Water regarding the concerns on capacity and the subsequent response by the Applicant. I recommend that Welsh Water are consulted again based on the additional information submitted by the Applicant. If Welsh Water continue to object, then please can we be reconsulted as it may change our position. Currently we understand the foul water drainage arrangements that the Applicant is proposing to be viable, however if Welsh Water do not approve, then ultimately this could scupper the development plans

Tree Officer Comments Original comments February 2022

Our knowledge of the development proposals has been obtained from the following sources:

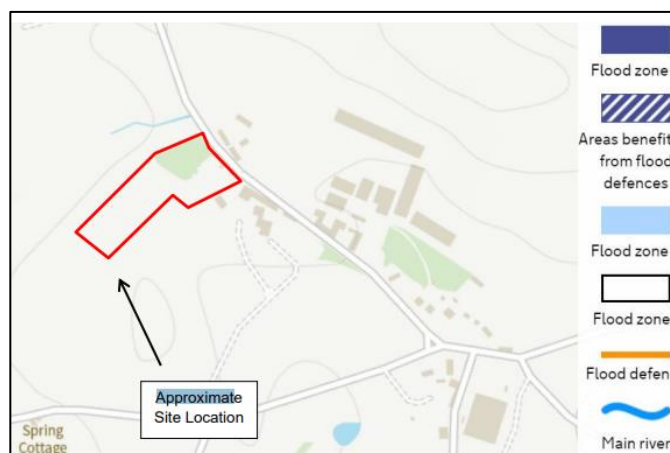
- Application for Planning Permission;
- Location Plan (Ref: 1418/5);
- Proposed Site Plan (Ref: 1418/1);
- Drainage Design (Ref: P04);
- Flood Risk Assessment (Ref: Draft);

Overview of the Proposal

The Applicant proposes relocation of an approved student welfare block and the use of the land for 40 additional mobile homes for seasonal workers, which includes the relocation of 19 previously approved units and relocation of 11 units from another site (total increase of 29 units at the site). The site covers an area of approx. 2ha. There is an existing pond in the far northern area of the site and ground levels slope down to the south west.

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), March 2022



Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. However as the proposed development is more than 1ha, in accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

**except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

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

Based on a recorded worst case infiltration test result of 1×10^{-5} , runoff from paths and caravan roofs will be collected at ground level, using gravel trenches and conveyed through them into an infiltration basin located at the lowest point of the site. Water will partially infiltrate within the trenches and the rest within the basin. Potential sediments will be trapped using catchpits. The SuDS features have been designed to attenuate the peak rainfall for a 1 in 100 year plus 40% climate change event.

Foul Water Drainage

As there is a foul public sewer within 30m of the proposed development site, a connection onto the foul public sewer is proposed. Currently the 19 mobile homes already located on the site discharge to a treatment system, however they will be connected onto the proposed system once relocated.

Foul water flows will be conveyed by gravity towards a pumping station located to the west of the site, in a low area. The development includes up to 59 caravans, with a maximum of 6 people in each one. The total of equivalent persons is $59 \times 6 \times 0.8 = 283P$ and therefore the maximum volume for 1 day is 42,450 litres. It must be noted the seasonal nature of the business, which means that these maximums may only be achieved during short periods of time, and during winter only a fraction of the flows will be created. The connection into the Welsh Water system is subject to a Section 106 consent. Flows are to be agreed with Welsh Water. Although we note that the foul water drainage system will remain private, we request that that the system, including the pumping station is built to Sewers for Adoption standards. Although we are not aware of any specific legislation for caravan sites, a Type 3 pumping station would be acceptable for this size of development, as a reliable means to prevent foul water flooding.

Overall Comment

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

- Confirmation from Welsh Water that the proposed foul water system and design are acceptable.
- Confirmation of the final design specification of the foul water drainage infrastructure

4.21 Ecology officer comments: Updated October 2022

HRA completed and sent to Natural England. Slightly revised lighting condition from original comments.

The completed HRA can be viewed at:

<https://myaccount.herefordshire.gov.uk/documents?id=737610c3-9d51-11ed-9064-005056ab3a27>

4.22 Ecology officer comments (May 2022)

The site is within the hydrological catchment which comprises part of the River Wye Special Area of Conservation (SAC); habitats recognised under the Habitats Regulations, (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')) as being of international importance for its aquatic flora and fauna. The site is also within 10km of the Wye Valley Woodlands SAC (Horseshoe Bats as an associated species) that also triggers HRA considerations

The LPA must complete a relevant Habitat Regulations Assessment process and have legal and scientific certainty that there are no adverse effects on the integrity of all three SAC designated sites PRIOR to any grant of a planning consent. The LPA must submit the required HRA appropriate assessment for formal consultation and approval by Natural England prior to any planning consent being granted.

The LPA requires all information to be beyond doubt and legally and scientifically certainty in order to complete the HRA process that must be completed with a precautionary approach.

Notes in respect of HRA appropriate assessment

The proposal is for a total of 59 agricultural worker caravans (seasonal) with associated support facilities.

River Wye SAC:

- The proposal generates additional foul water flows.
- The applicant has advised that all foul water will discharge to the local mains sewer system managed by Welsh Water through their Lower Cleeve Wastewater Treatment Works.
- Welsh Water's Lower Cleeve Waste Water Treatment Works – that discharges outfall in to the River Wye SAC hydrological catchment.
- This development is within the 'English' Lower Wye catchment of the Wye SAC.
- Natural England have not currently advised this LPA that this catchment area is failing its conservation status.

- Welsh Water have currently advised that the local mains sewer system does not have the capacity to manage the flows generated by this development and upgrade plans are not currently proposed.

- The development will create additional surface water flows.
- Supplied information confirms that all surface water can be managed through an appropriate onsite Sustainable Drainage System

An OBJECTION is currently raised - as certainty of appropriate foul water management scheme being achievable for the development remains uncertain, there remains an unassessed potential adverse effect on the integrity of the River Wye SAC. Confirmation by Welsh Water of main sewer capacity and final confirmation that a legal connection can be achieved is requested. Once scientific and legally certain confirmation has been received the required HRA appropriate assessment can be progressed. Reason: the application does not demonstrate compliance with Core Strategy LD2, SD4 (SS1, SS6 also apply); 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'); NPPF (2021); NERC Act (2006) obligations and considering the council's declared Climate Change and Ecological Emergency.

Wye Valley Woodland SAC (Horseshoe Bats)

- The site is within 7-10km of any relevant feature of the WVV SAC and falls outside the significant Bat Core Sustenance Zone usually associated with Horseshoe Bat species (5km)– there is still a low potential for impacts arising from any significant increase in local night time illumination levels (Dark Skies-Intrinsically dark landscape)
- The ecology report by Janet Lomas dated January 2022 refers and confirms that there are no identified bat roosting features being impacted by the development.
- A condition to ensure no significant additional external lighting is installed or operated can be included on any planning permission finally granted

Protected Species and Lighting (Dark Skies)

At no time shall any external lighting, except low power (under 550 lumens), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved worker accommodation 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.

Additional ecology comments

The ecology report by Janet Lomas dated January 2022 refers.

From information supplied and images available there are no immediate ecology related concerns with adjacent to the site. There are relevant species records within the wider locality – including bat roosting. 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, 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.

It is noted that the proposed 'Biodiversity Net Gain' is integrated into the proposed landscaping scheme that is currently subject to consultation and final approval by colleague in Landscape. Subject to approval by Landscape and the ethos and discussions within Janet Lomas' report being incorporated there is no additional ecology condition required as all agreed proposals will be secured via a landscape condition.

4.23 **PROW officer comments:**

Objection.

Footpaths WP22 and WP24 would be obstructed.

5. **Representations**

5.1 **Weston under Penyard Parish Council comments:**

Amended comments August 2022: Full commentary can be seen via the link below:

<https://myaccount.herefordshire.gov.uk/documents?id=28e364dd-1d54-11ed-905c-005056ab3a27>

The Parish Council OBJECT to this application and reiterates their comments made in the original application.

This re-consultation offers no further information or solutions to the various issues listed and in apparent conflict with the provisions of the NDP. These are listed below:

- 1) PRow's WP24 and WP22- either an official application for diversion or made more accessible
- 2) Traffic impact
- 3) Foul Water Drainage
- 4) Surface Water surcharge to Rudhall Brook
- 5) Landscaping

Weston under Penyard Parish Council comments:

Original comments March 2022: Full commentary can be seen via the link below:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220370&search-term=220370

The Parish Council OBJECT to this application. There are a number of areas where the proposal is in apparent conflict with the provisions of the NDP. These are listed below:

- 1) Diversions to PRow's WP24 and WP22.
- 2) Traffic impact
- 3) Foul Water Drainage
- 4) Surface Water surcharge to Rudhall Brook
- 5) Landscaping

5.2 5 Letters of Objection have been received over 2 rounds of Public Consultation

The matters raised are summarised as follows

Transport/Access

- Infrastructure roads from the A40 could not support the 59 seasonal caravans: roads in disrepair: rutting and potholes. Roads to A40 need to be resurfaced.
- Implement street lights outside Dairy Cottages to prevent accidents from extra HGV's and MPV traffic
- Will the entrance be upgraded to prevent flooding from existing water run off
- Consent given to farm opposite for a new entrance and road was not surfaced/improved
- Extra traffic on road and pedestrians
- Increase in numbers of mini buses

PROW

- What happens to the PROW that crosses the planned area?
- Increase in littering of PROW

Anti-Social behaviour

- Loud music, shouting, shrieking, whistling, fires/smell of smoke from the workers in the mobile homes. Loss of sleep
- What are the workers are going to do at the weekend
- Litter and beer can been left around.

Welfare Building

- Should be located away from Dairy cottages

Other matters

- Smell of effluent. Tanks not emptied enough?
- Too many people living on the farm will overwhelm the village
- Refrigeration lorries going overnight. Increase in lorries.
- Groups of people congregate close to Dairy Cottage

5.3 Ramblers Association comments:

We Object to the change of land use while the re-routing of WP22 remains legally unresolved. The Defined route of WP22 is already blocked by the existing Woodfields Ltd polytunnels in the same field and a diversion has never been agreed and/or waymarked. The proposed development would extend that blockage northwards through the development site to WP24.

We note that proposed changes to WP22 (and WP24) are indicated by long dashed purple lines in the application. The legal status of these revised routes needs to be secure. Appropriate signage needs to be installed in order to guide walkers using these two Rights of Way from any direction before any development work takes places. The Public Rights of Way must be kept clear of building structures, materials and equipment, and the safety of walkers ensured during and after the proposed development operations.

5.4 Open Spaces Society comments

Full comments and photograph can be viewed on line: see link below

<https://myaccount.herefordshire.gov.uk/documents?id=2be78c8a-ab68-11ec-baf1-0050569f00ae>

WP22

This footpath runs north and through the middle of the proposed development site. Preliminary site work in advance of planning decision, has decommissioned poly tunnels in the north of the development site. This has resulted in the Northern end of WP22 not being reinstated and also being obstructed by dismantled poly tunnel frames and wires. The proposal as planned would obstruct the route of WP 22 with at least 4 out of the 59 mobiles being placed across the line of the Public Rights of Way. There is no planned provision for the existing public right of way with this proposal.

WP24

This footpath runs from West to East diagonally through the development site. The proposal as planned would obstruct the route of WP24. Around 14 of the 59 mobile home units would

be placed across the public right of way. There is no planned provision for the existing public rights of way within this proposal.

Taking into account the existing rights of way, this proposal is unacceptable and a formal Objection is made.

- 5.5 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=220370&search-term=220370

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' Weston-under-Penyard 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 application seeks planning permission for the repositioning of an amenity building for seasonal workers that reside at the site. The welfare building was granted permission on the site under application 200874 on 15 October 2020. The application also seeks the change of use of the land for the siting of 59 mobile homes for seasonal workers (this includes the relocation from the adjoining site of 19 existing units that were approved in 2012 and 11 units relocated from Rock Farm). As part of the proposal there is associated drainage infrastructure, landscaping and 2 laundry units.

Principle of development

- 6.4 Policy RA6 of the Core Strategy seeks to support employment generating proposals which help to strengthen and diversify the rural economy; a range of economic activities will be supported to this end. This includes the support and strengthening of local food and drink production as well as supporting the retention or diversification of existing agricultural businesses. Proposals will need to be of a scale suitable for the location and setting. The economic benefits for the rural economy will need to be weighed against any impact on the amenity of nearby residents, impact of the local road network and ensure they do not undermine the achievement of water qualities target.
- 6.5 The NDP contains locally specific policy which supports the above RA6. SB1 of the NDP states that development proposals for agriculture which sustain or increase local business activity, offer employment and appropriate skills training in the parish will be supported providing that:

- a) The development can be accommodated within the rural character of the parish;
- b) The development does not adversely affect residential and environmental amenity. In terms of environmental amenity, this will include protecting biodiversity, in particular ensuring no significant

effects upon any sites designated Special Areas of Conservation; the landscape, the water environment; and the historic environment;

c) The road network, access and parking provisions should be sufficient for any increase in traffic;

d) Small scale, light or general industry, in particular craft-based operations or sustainable technologies are encouraged to locate in suitably converted rural buildings, or on brownfield sites;

e) External storage and paraphernalia should be effectively screened;

f) Noise and light pollution is minimal; and

g) Proposals for home working, would have no adverse effect on residential amenity, including traffic generation, noise or light pollution.

- 6.6 In addition to the above In terms of the visual and landscape impacts of the development policies SD1 and LD1 of the Core Strategy are relevant.
- 6.7 Policy SD1 of the core strategy states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. 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.
- 6.8 The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. Furthermore LD1 seeks to maintain and extend tree cover where important to amenity.
- 6.9 Similarly the NDP seeks to reinforce the above via policy D1, which states that all forms of development should offer a design that seeks to reflect local distinctiveness and aesthetic qualities of traditional rural buildings.
- 6.10 The proposed building will support the on-going farming activity as part of the holding by providing communal amenity space for seasonal workers. As such the proposal gains the support, in principle, of both CS RA6 and NDP SB1, providing that the scale and nature of the proposal can be found to be commensurate with the location with acceptable impacts upon neighbouring residents and the wider landscape character. This will be reviewed further on in the report.

Seasonal workers accommodation

- 6.11 The Polytunnels Planning Guidance 2018 replaces and updates the Polytunnels Supplementary Planning Document (SPD) 2008 and prior to that, a previous voluntary code of practice. Its purpose is that it will assist in clarifying which types of polytunnel development will require planning permission and highlight the planning policy issues and requirements such proposals will be expected to address. It expands upon and provides more detailed planning guidance on a number of relevant, but non polytunnel-specific Core Strategy policies. This document provides some invaluable advice, but has not been through a formal public consultation process or sustainability appraisal and therefore cannot constitute a formal Supplementary Planning Document. Therefore whilst it is a material consideration, carries limited weight in the decision making process.
- 6.12 It acknowledges that there is likely to be associated development, particularly those on a large scale, that will invariably also involve other ancillary works or buildings. These may include, for example; seasonal workers' accommodation, toilet blocks, sewage treatment facilities, utility buildings, recreational facilities, storage facilities, drainage or irrigation works. It also acknowledges that the tunnels should come in advance of application for associated development as it is the presence of the tunnels that dictates the necessity for other related proposals.

- 6.13 Residential development in the countryside is only permitted in a limited number of exceptional circumstances, as detailed in policy RA3 of the Core Strategy. Policy RA4 relates explicitly to residential properties for agriculture, forestry and rural enterprises. In terms of economic development, there are policies which seek to promote and encourage the development and expansion of suitable employment generating uses, but these are limited to small scale proposals which are essential for the operation of agriculture in the wider locality.
- 6.14 There are no policies in the development plan which specifically or directly relate to the provision of accommodation for *seasonal* agricultural workers. Albeit there is a policy which relates to polytunnel development (NDP SE4) but there is no reference to accommodation. Therefore a strict interpretation of the relevant planning policies would suggest that planning permission should not be granted. However, such a stance would unacceptably fail to recognise that this proposal to retain the accommodation reflects the special circumstances that the applicant faces in sourcing and accommodating the number of seasonal workers required to sustain an established and economically productive agricultural business and this recognised within the Councils polytunnel guidance 2018.
- 6.15 This is supported by paragraph 79a of the NPPF which states that where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside an exception should be made to the restriction of development.

Employment and the rural economy

- 6.16 Paragraph 84 a) and b) of the NPPF 2021 set out that planning policies and decisions should enable, inter alia:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land based rural businesses;
- 6.17 Woodfields Farm is an established rural business with 2500 acres of mixed arable and fruit cropping providing soft fruit supplying customers such as large supermarkets and employing staff at its site. The farm currently employs 270 staff at peak times. Productivity needs to grow alongside wage increases, quality expectations and the cost of raw materials. This is to be weighed into the planning balance.
- 6.18 The Polytunnel guidance 2018 acknowledges that the soft fruit industry is labour intensive compared to many other parts of the agricultural sector. Temporary staff are taken on to work on fruit farms where polytunnels extend the growing season and can be employed for longer parts of the year than was previously the case before the introduction of tunnel growing. Much of the labour used is temporary foreign labour. During harvesting, these seasonal workers are brought in to a growing area. At this time they make some contribution to the local economy by spending money in local shops and businesses and make use of local services, for example. In addition soft fruit enterprises will purchase goods and services from elsewhere both locally and in the UK, helping to support jobs in supplier companies.
- 6.19 The number of additional employees required to work on fruit farms has resulted in an increase in inward migration to rural areas. In some areas this has increased pressures on local services and infrastructure such as schools, police and doctors' surgeries. Conversely, it can be said that local services are better supported (buses, shops, pubs, schools etc.) and that such support is helping to keep these services alive in rural locations, where they have previously struggled to remain economically viable. The positive or negative influence of an increase in local populations, whether temporary or permanent, should be addressed as part of the assessment of the economic effects that polytunnel proposals may have on localities.

- 6.20 It is recognised that the seasonal workers who use the caravans do support local business and the local bus services as well that in turn, helps retain these and provide a social and economic benefit to the wider community. It is also accepted workers also ensure that the enterprise (Woodside Farms) is operational and this, in turn, supports employment locally with the usual associated economic benefits in accordance with the aims of the NPPF and with policy RA6 of the Core Strategy.
- 6.21 Officers are assured that there is a continued functional need to retain workers on site and that the siting and location of the accommodation is satisfactory from a spatial perspective to continue to support the function of the enterprise and support the local economy.
- 6.22 Whilst the principle of development is accepted, it is necessary to consider the social and environmental impacts of the development.

Flooding and Drainage

- 6.23 The Council's Land Drainage Team (Local Lead Flood Authority) has been consulted on the application as have Welsh Water. A Flood Risk Assessment (FRA) and Drainage Statement has been submitted to accompany this planning application. 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).
- 6.24 The application site falls entirely within Flood Zone 1, which is classified as low probability of flooding. Currently there is a private treatment plant serving the existing caravans and the Welsh Water wastewater plans show a foul water sewer to the north of the site. In regards to the nearest watercourse to the site this is the Rudhall Brook, a tributary of the River Wye, which is 1.32 km to the North of the site. An unnamed brook is located 550m to the west of the site.
- 6.25 In regards to surface water drainage, any runoff from paths and caravan roofs will be collected at ground level, using gravel trenches and conveyed through them into an infiltration basin located at the lowest point of the site.
- 6.26 When looking at foul sewage a connection onto the foul public sewer is proposed and the existing 19 mobile homes already located on the site discharge to a treatment system, however they will be connected onto the mains once relocated. Welsh Water have provided updated comments and removed their previous holding objection in regards to concerns about the sewerage network and subsequently confirmed there is sufficient capacity within the public sewerage network for the proposal. Foul water flows will be conveyed by gravity towards a pumping station located to the west of the site. It is noted that drainage colleagues do not object in principle to the proposal, however have asked for planning conditions to gain confirmation from Welsh Water that the proposed foul water system and design are acceptable as well as confirmation of the final design specification of the foul water drainage infrastructure.
- 6.27 The Parish Council have objected to the proposal due to foul water drainage and surface water surcharge to Rudhall Brook in accordance with NDP policy SE6. This matter has been carefully conserved by both Welsh Water and the Council's Land Drainage officer as can be seen from the comments above. No objections are raised subject to suitably worded conditions. As such, officers would conclude that the application aligns with both Core Strategy policies SD3 and SD4 and NDP policy SE6 and will be controlled via condition. As such there is no identified conflict with the Parish Council's response in this matter.

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

Water Supply

- 6.28 It is noted that the application site lies in an area where there is water supply problems, however the farm is and has always been served by boreholes, including the existing caravans. No water supply is required and it is acknowledged that Welsh Water have raised no objection on this matter.

Ecology and Biodiversity

- 6.29 Policy LD2 of the Core Strategy seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.
- 6.30 The application is supported by an Ecological Appraisal Report by Janet Lomas dated January 2022 which confirms that there are no identified bat roosting features being impacted by the development. The Council's Ecologist has been consulted and considers the submitted ecology report which includes appropriate surveys is relevant and appropriate. Subject to the conditions which includes a condition to ensure no significant additional external lighting is installed or operated can be included has been suggested by the Council's Ecologist. The proposed development is considered to comply with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and NDP policy SE1.
- 6.31 In respect to the proposed 'Biodiversity Net Gain' this is integrated into the proposed landscaping and the ecology officer has clarified within their comment there is no additional ecology condition required in regards to this matter. This ensures compliance with policy LD2 of the Core strategy and SE1 of the NDP.

Habitat Regulations Assessment

- 6.32 The application site is located within the Rudhall Brook sub-catchment of the wider River Wye Special Area of Conservation (SAC) and as such the Habitat Regulations Assessment (HRA) process applies to this proposal. The Council's Ecologist has reviewed the submitted proposal and undertaken the required Appropriate Assessment (AA) which concluded that there would be no likely effects upon the integrity of the River Wye SAC. The HRA AA was submitted to Natural England for reviewed who returned a no objection response. This is also in line with NDP policy SE1.

Landscape and visual impact

- 6.33 Policy LD1 in the Core Strategy requires all development proposals to demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection. It also requires proposals to conserve and enhance the natural, historic and scenic beauty of important landscape and features and incorporate new landscaping schemes and their management to ensure developments integrates appropriately into its surroundings.
- 6.34 Policy SE1 in the NDP deals specifically with the natural environment and requires all new proposals to demonstrate that they do not adversely affect landscape character but include measures to conserve, restore or enhance the landscape features such as trees, vistas and panoramic views maintain and preferably extend tree distribution and cover as well as retain important landscape assets of the parish such as ancient trees, orchards, hedgerows and open green spaces.

- 6.35 The proposed seasonal workers accommodation and the welfare block are all contained within the existing site holding, as is shown on the block plan above. The site is not located within a landscape with any national designation and is largely characterised as 'Principle Settled Farmlands' in the Council's Landscape Character Assessment. These are areas that are often found in the rolling, lowland area of Central. The key characteristics of this type demonstrated on the site include hedgerows used for field boundaries and mixed farming land use. The rolling topography is also an important feature, the site covering south west facing slopes, with raising ground further away up to Penyard Park and the edge of Ross town. As highlighted above there are two public footpaths crossing the site, connected to a local network of other paths. The site is already well established with both polytunnel coverage and workers caravans present, together with a cluster of modern and historic farm buildings.
- 6.36 The landscape officer has visited the site and surrounding area, accompanied by the case officer, to assess the impact of the landscape character and visual amenity. In response to comments from the landscape officer amended plans to include an updated landscape statement were submitted as well as a landscape scheme and amendment to the welfare building. The Council's Landscape Officer has fully reviewed the revisions in respect of the application and acknowledges that the landscape statement does now cover the public footpath to the north and the historic core near Bollitree Castle.
- 6.37 The landscape officer has also advised within their comments that the dense hedgerow boundaries do obscure views of the existing polytunnel and that the overall effect as a result of the additional polytunnels to be regularised and the proposed mobile homes will be negligible. It is also agreed that the site is visible when looking south from footpath WP22 near Kingstone Court. As part of the revised scheme mitigation measures are now proposed which include an additional hedgerow with trees along this boundary. It is also clarified that the mobile homes on the northern edge of the site are to be a dark, matt green colour which is considered to be more acceptable.
- 6.38 The applicant has amended the proposed landscaping during the application process to incorporate more substantial planting along the southern boundary of the field to assist in screening the caravans from view within the landscape and the landscape officer has confirmed they have no objection to the latest plans and that they are satisfied the harm to the overall landscape character will be minimal. The caravans will be seen from a number of public vantage points to the south, mainly footpaths, and the scattering of dwellings; however they will be seen in conjunction and as an integral part of the overall polytunnel soft fruit enterprise.
- 6.39 The Landscape Strategy Proposals (dwg 21300.101 rev D) as detailed below are considered to be suitable as well assisting to help to mitigate and integrate the development of regularised polytunnels and new mobile homes. The relocation of the welfare building which is now closer to the existing barns and buildings, will be screened from the entrance by new native tree planting and will be of a suitable scale and colour to suit the site. The Landscape Officer has confirmed no objection.

surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;

- safeguard residential amenity for existing and proposed residents;
- ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
- create safe and accessible environments, and that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures.

6.43 The design of the welfare building is driven by its functional requirements, however it is of a scale, mass and design that is considered appropriate in its context. The building is directly west of existing industrial development. It is also noted that solar panels are proposed on its roof. The design of the building is functional and in keeping with the agricultural character of the site and surrounding landscape. The positioning on the site is such that it is set back from the site boundaries and adjacent to the existing agricultural buildings and infrastructure. As such there will be a limited visual impact upon the local area and no impact in regards to the visual impact on the residential amenity of nearby residential dwellings. As such the proposal is considered to adhere to CS SD1, LD1 and RA6 as well as NDP policies SB1 and D1 in regards to the proposed buildings design, scale and siting.

6.44 The position of the proposed welfare block is now supported in landscape terms due to revised location closer to the existing building group. The use of the site has clearly caused concern from local residents however this proposed welfare building will provide indoor amenity area that will reduce the need for seasonal workers to gather outdoors and thereby reduce potential noise emanating from the site. The purpose of the building is to provide such a space and the siting of the building is such that it will move any associated activities away from the site boundaries.

6.45 The seasonal workers accommodation is to be contained within the existing farm holding and close to existing buildings at Woodfields Farm. The caravans will meet the definition of caravans as set out in section 29 (1) of the Caravan Sites and Control of Development Act 1960:

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“... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted”

6.46 Amendment of the definition of caravan in 2006 stipulates that the length shall not exceed 20m or width 6.8m. The overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft).

Transportation and impact upon local highway network

6.47 Core Strategy Policy SS4 relates to movement and transportation and states new developments should be designed and located to minimise the impacts on the transport. Core Strategy Policy MT1 relates to traffic management, highway safety and promoting active travel. The policy sets out, amongst other things, development should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed or mitigated. Additionally, to ensure safe entrance and exit and have appropriate manoeuvring facilities.

6.48 It is recognised that the site has an existing established agricultural access into the site where all deliveries and collections in connection with the polytunnels development will use. As a result the access into the site is considered to be acceptable. As identified with the highway officer comments there will be a reduction in movements due to the relocation of the workers units from Rock farm in Lea as well as the workers only required to travel to the working fields and not from another location to the farm before starting work, therefore the movements for the site have

reduced in two locations. It has also been confirmed that the owners are providing transportation to and from Ross for the seasonal workers on their days off, therefore reducing the numbers walking along the local rural lanes. There are also frequent bus services to and from Ross from the main Weston under Penyard.

- 6.49 It is noted in the comments from neighbours and although it is acknowledged that the local lanes are not ideally suited to large vehicles, the farm traffic and goods vehicle movements associated with the farming operation would continue irrespective of the presence or otherwise of the seasonal worker accommodation.
- 6.50 In regards to the relocated welfare building there are no additional traffic movement generated from this development.
- 6.51 Acknowledging that the proposed additional accommodation could give rise to additional movements the Local Highway Authority, via their consultation response, requested further information in respect of movements and work patterns and number of staff on site.
- 6.52 It is noted that the facilities for the workers are provided on site and as a visit to the site from a travelling shop. The workers do not have their own vehicles and the applicant runs a minibus for trips into town as well as taking the workers to the surrounding fields (within a 5 mile radius).
- 6.53 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.
- 6.54 The proposal has been reviewed by the Local Highways Authority Area Engineer who confirmed that subject to conditions the proposal was considered to adhere to Core Strategy MT1 and the published highways design guidance. Any vehicular uplift is not considered to be severe in accordance with the NPPF, the local network having capacity to accommodate the movements, as such this does not direct the decision-maker to refusal. The requested conditions address the need for a travel plan, construction management plan as well as cycle provision. Overall, the proposal is considered to be acceptable and in accordance with Core Strategy Policies SS4 and MT1 and alongside NDP Policy ST1.

Public Rights of Way PROW

- 6.55 As highlighted above public footpath WP22 crosses the farm and public footpath WP24 follows the track along the north. The development as proposed would affect public footpath WP22 which runs through the application site. This can be seen on the plans below.
- 6.56 The Polytunnel Planning Guidance offers useful advice about the impacts of tunnels on Public Rights of Way. Planning guidance 16 advises that that there shall be no Polytunnels erected within 2 metres of the centre line of a public right of way or within 3 metres of the centre line of the bridleway. Polytunnels can have a significant impact of public rights of way with regards to the use and enjoyment.



Fig 9: existing PROW's

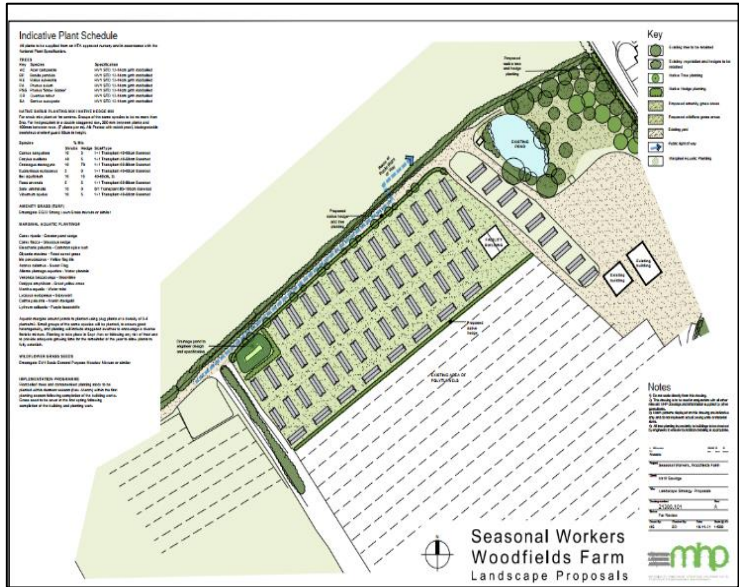


Fig 10: Proposed location of PROW's

6.57 As highlighted above both the Hereford Ramblers Association and the PROW Officer have raised an objection to the scheme, due to the relocation of the existing PROW's which runs through the site WP22 and WP24. Discussions have taken place with the PROW Officer following comments made. Whilst it is noted there is an objection to the scheme, the applicant will need to obtain a separate consent in respect of the rerouting of the PROW. This process will take place outside of the planning application determination and should any issues arise which result in changes to the PROW not being supported, the applicant would have to submit a revised planning application. As such, whilst the concerns are noted, these should delay the determination of the planning application nor would it be reasonable to refuse the application on that basis.

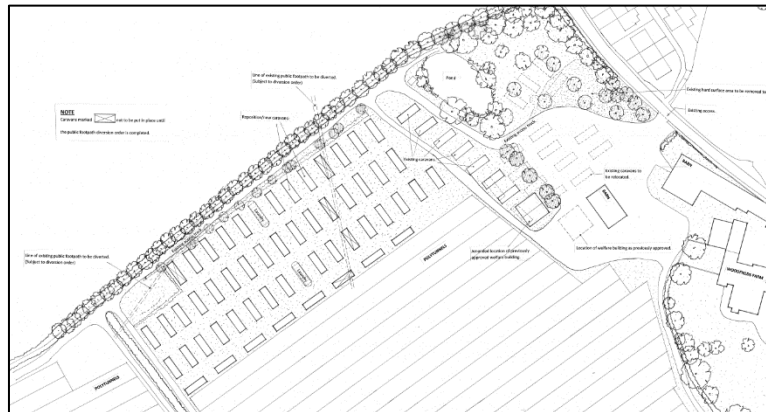


Figure 11: Proposed site plan with footpath notes added and siting of caravans

6.58 The obstruction of the PROW is covered by other legislation (Highways Act), notwithstanding the objection raised by PROW, I do not consider the obstruction of the rights of way necessarily reasons the recommendation of refusal as there are appropriate measures through different legislation to resolve this dispute. The granting of planning permission does not override this legislation. As such it is not considered that this would be a sustainable reason to refuse this application. The plan (figure 11) above clearly shows that the caravans will not be positioned on the site which block the PROW until the footpath diversion order is completed. A planning condition has also be included below to control the siting and caravans to this effect.

Impact upon the Residential Amenity

- 6.59 Policy SD1 in the Core Strategy deals specifically with sustainable design and energy efficient and requires proposals to make efficient use of the land. The policy also requires safeguarding the residential amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise.
- 6.60 The main impact on the amenity on existing residential properties in the area will be from the presence of seasonal worker is in the area, and in particular from the noise and nuisance generated from their presences. There are a number of residential properties in close proximity of the site and representation has been received from immediate neighbours raising concerns in regards to anti-social behaviour and noise.
- 6.61 It is acknowledged that there is also potential for the immediate area's population to be increased due to the number of people living on site and this is a concern as evidenced by the letters of representation, especially with regards to noise and disturbance arising from the general occupation of the accommodation, and more particularly when the workforce are relaxing in the evening. It is important to note that whereas occupants of a dwelling are normally answerable for their behaviour to no one save themselves (within the confines of civil and criminal law) in this case all the occupants of the proposed accommodation are subject to the management and control of their employer. Consequently it is considered that the impact in terms of noise or other disturbance can be appropriately controlled through a 'Site Management Noise Plan' and an appropriate condition is duly recommended to secure the adherence to such a plan. The applicant has submitted a noise management plan for the site which confirms that workers will not be allowed any cars on site. The plan also outlines restrictions on:
- No music from speakers or telephones after 22.00
 - No large speakers
 - No loud singing or whistling after 22.00
 - No shouting
 - No open fire, bbq other than in dedicated part of site (lower part of site)
 - Be considerate when getting ready in early hours and a complaints procedures.
- 6.62 The submission of a noise management plan was a request of the Environmental Health Officer. The Environmental Health officer has confirmed the further information supplied is acceptable and that from a noise and nuisance perspective no objection is raised. However this is subject to a conditions controlling the management of the caravan site as outlined in the noise management plan.
- 6.63 It is considered that subject to an appropriate condition relating to the management of the site and control on noise and operation, the proposal would have a relatively low impact on the amenity of nearby dwellings, and is capable of being compliant with policy SD1 of the Core Strategy. The wording of the proposed condition has been amended to ensure there is sufficient and adequate noise mitigation in place as well as having flexibility to address concerns as they arise while ensuring the condition is reasonable and therefore meets the required tests.
- 6.64 As well as the assessing the workforce the proposed new amenity block building needs to be assessed in line with policy SD1 in regard to its scale, height and proportion. Design should also ensure that there is no harmfully overbearing impact or a material loss of light received by habitable spaces of neighbouring occupiers. The proposed amenity block is located away from immediate neighbours and the site is well screened with roadside hedges.
- 6.65 It is noted that neighbours have raised concerns about noise coming from refrigerated lorries on site but this application does not propose or alter deliveries at the farm. No other concerns are raised from a noise perspective, as the farm remains a working agricultural premises with machinery and workers already present throughout the year. It is also considered that there would

be an impact on views from private dwellings associated with the increased coverage on the site. It is pertinent to note that the right to a view is not a material planning consideration and therefore would not be reasonable grounds to refuse planning permission outright. Notwithstanding this, it is considered that the views do form part of the wider landscape impact. Specific viewpoints considered within the Landscape and Visual Assessment submitted in support of this application, were agreed to ensure an appreciation of private views was also taken into consideration. This is set out in the relevant section above. On this basis, the proposal is considered to comply with the requirements of policy SD1.

Heritage: Impact on Heritage Assets

6.66 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority is required, when considering development which affects a listed building or its setting:

“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

6.67 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.

6.68 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.

6.69 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

6.70 Paragraphs 188 - 202 of the NPPF (2021) deal with the approach to decision-making according to the significance of the heritage asset and the degree of harm arising as a consequence of development. Paragraph 199 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 201 is a restrictive policy and directs refusal where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. This is unless such harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or where all 4 stated exceptions criteria apply.

6.71 Paragraph 202 explains the approach to decision-making where less than substantial harm to the significance of a designated heritage asset would arise. It states that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. 202 is thus also a restrictive policy. Accordingly it is necessary for the decision-maker to judge, on the evidence before them and having particular regard to expert heritage advice, whether the proposal in this case represents substantial harm to or total loss of significance of the setting to any of the listed buildings within the local area, or whether the harm falls within the purview of paragraph 202.

6.72 The application site is not situated within a conservation area. The proposed site forms part of Woodfields Farm landholdings, and historically, is former meadowland associated with the 18th century farmstead. It is situated approximately 120m north-west of Woodfields Farm, and

approximately 450m north-west of Bollitree Castle (Grade I), and several associated buildings and structures (Grade II*, and Grade II). Whilst the setting of Bollitree Castle encompasses a degree of land and features which surround it, and were historically associated with it, it is considered that the introduction of the mobile home development in the location proposed will not have a direct impact on its setting given a number of factors such as the distance between the sites, topology, intervening spatial buffers, and established boundary treatments. However, the development will, in a manner which is uncharacteristic, alter the setting of the settlement in which Bollitree is situated, which relates to heritage policies previously outlined above. The nearby listed building can be seen on the plan below:

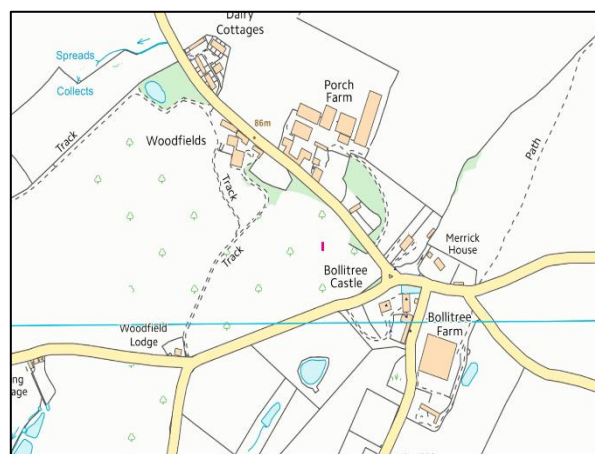


Figure 12: Listed buildings. Identified by Triangle (Bollitree Castle)

- 6.73 The historic buildings officer and case officer have been on site and it the historic buildings officer has raised no heritage objection to the proposed welfare unit following the submission of revised drawings which have provided a reduction in height for the proposed welfare/amenity structure. Officers acknowledge that whilst the historic buildings officer in their comments considered the site would benefit from a structure/s with a more traditional form given its proximity to the historic farmstead buildings of Woodfield Farm they have not objected to the modern materials and have confirmed on balance that there is no heritage objection to this aspect of the proposal due to the existing built form in close proximity within the farmstead and presence given the presence of intervening modern structures. However, when assessing the proposal in regards to the seasonal workers accommodation, it is noted that they advise this part of the proposal does not appear to have been influenced by the prevailing character of the built landscape environment, the Western-under-Penyard settlement pattern, or any locally distinctive qualities it possesses and appears to be contrary to Policies LD1, LD4 and SS6 of the Core Strategy; from a domestic point of view this character and pattern consists of individual farmsteads centered on single farmhouses, and small clusters of modest detached and semi-detached properties which bound the local road network.
- 6.74 The historic building officer has identified that the siting of 59 mobile home units would be uncharacteristic in their context, and could in effect represent a permanent change to the character of the historic settlement; and whilst the scheme will rely on the presence of hedging and polytunnels to provide screening, this arrangement is not permanently controlled and can change over time.
- 6.75 However, they have advised that if the benefits resultant from this part of the scheme weigh in its overall favour it is recommended robust conditions relating to temporary permission periods, reinstatement of land to its former state, and the colourway of mobile units are applied to any approval to safeguard the site and limit its impact on the wider historic environment and settlement setting. In conclusion officers do concur there will be a degree of impact and harm has been identified albeit less than substantial harm to the significance of nearby heritage assets. It is noted further that Historic England record no objection. However, in light of the above, the proposal would lead to a limited level of additional, less than substantial harm to the significance of the heritage assets and as such, would fail to preserve the special interest of these. Less than

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

substantial harm, as identified here, should also be weighed against securing the optimum viable use of the buildings. For non-designated heritage assets, such as the potential buildings of local merit, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset.

- 6.76 In this instance, the proposal provides public benefit in the form of support for a thriving local business and the need for it to remain competitive on a national and international scale. Supporting information submitted with the application details. As detailed within the supporting information the client has identified that due to the uncertainty in the economic climate arising from Brexit as well as Covid and reduction in subsidies there is a requirement for farming business to make their systems more efficient and productive and as such the applicant needs to continue grow their business as well and seeking improved facilities and accommodation for their workers on the farm.
- 6.77 Overall, whilst great weight has been given to preserving the significance of the heritage assets, Officers consider that the public benefits brought about through supporting the local business are sufficient to outweigh the identified harm. The proposal would therefore be in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy LD4 of the Core Strategy and NDP policy SE2.

Other Matters

- 6.78 As set out earlier in this report, the applicant will need to obtain separate consent to divert the PROW for Public Footpath WP24 in order for any approval to be implemented (subject to the application being granted planning permission). The Council's Public Rights of Way officer has confirmed that a diversion proposal was submitted earlier this year under the Highways Act.
- 6.79 Officers acknowledge the comments received from the Parish Council and third parties as set out above. The vast majority of points raised are considered to have been addressed within the relevant sections of this report, notably comments relating to amenity, noise, impact on the landscape, traffic and highway safety and flood risk.
- 6.80 In regards to littering of the PROW it's an offence to drop litter on land or into water that's accessible to the public even if it's private land. This applies to private land that the public can access, for example a right of way. This is covered under separate legislation.
- 6.81 In regards to refrigeration lorries being left to run overnight this is not considered as part of this application, also is the request for implementation of street lights outside Dairy Cottages to prevent accidents. As per the Ecologist advice lighting would not be considered to be appropriate in this rural setting and a condition has been added and this would be the same for street lights.
- 6.82 It is also noted that there is a current pending planning application on the site (220967) which relates to the variation of conditions 2, 4 and 15 following the granting of planning permission S100874/F (Use of land for polytunnels and change of use of part of the land for the stationing of mobile home accommodation for seasonal workers (retrospective)). To allow additional fields of polytunnels in accordance with amended plan and allow for the diversion of the footpath as per the currently submitted footpath diversion order. This application is in essence to regularise the use of certain fields for polytunnel agriculture that has been in place for 8 years.
- Condition 2: requires the development to be in accordance with submitted and approved plans
 - Condition 4: Identifies the field locations of the polytunnels
 - Condition 15: Relates to public footpaths WP22 and WP24.

Temporary Permission

- 6.83 Officers have added a temporary period condition in regards to the siting of seasonal workers accommodation as the functional need may not be proven in the long term. As such officers would find that there is justification for the imposition of a temporary period and it is considered reasonable to suggest a further 25 year period which will offer the client security for future planning and to support the rural enterprise and economy.

Conclusion

- 6.84 The application seeks planning permission for the repositioning of an approved welfare/amenity block and use of the land for the standing of 59 mobile homes for seasonal workers (this includes the relocation of 19 existing units approved in 2012 and 11 units relocated from Rock Farm), associated drainage infrastructure, landscaping and 2 laundry units. Overall officers are content that the development is sustainable development. There are positive benefits within the economic dimension and neutral impacts in relation to the social and environmental dimensions. Harm to landscape character is axiomatic, yet capable of mitigation to such an extent that objection is unsustainable. No impacts arising from additional traffic movements have been identified and any contradiction of MT1 would not amount to residual cumulative impacts that are severe enough to warrant refusal.
- 6.85 The proposed welfare building and accommodation had clear economic benefits in the form of supporting the on-going agricultural use of the wider holding. The scale, design and siting are considered to align with current requirements of the development plan as it remains in keeping with the agricultural use of the site while being functional and without creating unwarranted landscape or visual harm.
- 6.86 The use of the site has clearly caused some concern from residents as is evident by the public representations received on the application. However, the proposed building will provide indoor amenity area that will reduce the need for seasonal workers to gather outdoors and thereby reduce the level of noise emanating from the site. The purpose of the building is to provide such a space and the siting of the building is such that it will move any associated activities away from the site boundaries. A noise management plan has been submitted as well as a condition applied to ensure this is reviewed and updated when appropriate. Any concern with the existing use of the site does not warrant refusal of the current application given the proposal may go some way to reducing adverse effects associated with noise. As such the proposal is considered to align with the requirements of core strategy SD1.
- 6.87 The environmental impact of the scheme has been assessed and is considered to be appropriate controlled and mitigated with the biodiversity net gain enhancements. The drainage scheme put forward for both surface water and foul water is acceptable and has been assessed to not have any likely adverse impacts on the River Wye SAC.
- 6.88 The proposal will support the on-going farming activity as part of the holding by providing communal amenity space and accommodation for seasonal workers. As such the proposal gains the support, in principle, of both CS RA6 and NDP SB1, providing that the scale and nature of the proposal can be found to be commensurate with the location with acceptable impacts upon neighbouring residents and the wider landscape character.
- 6.89 As highlighted in the main body of the report a public right of way will be affected by the development and the effect of a development on a right of way is a material planning consideration. Planning permission does not grant the right to close, alter or build over a right of way in any way. A legal order has been submitted but presently this has not been confirmed and brought into effect. However, as detailed this is covered by separate legislation and appropriate measures have been put in place to allow the proposal to be implemented while the order is being sought.

- 6.90 To conclude having regard to the above, officers would conclude that the need for the accommodation and welfare unit to support the rural enterprise and provide seasonal employment for an established agricultural holding, with the associated economic benefits is a requirement as established in the original permission. The siting of the accommodation adjacent to the main farm complex is also considered to be acceptable allowing the support of local services and the rural economy in line with the requirements of policy RA6 and the guidance contained within the NPPF and this weighs significantly in the decision making balance.
- 6.91 The proposal will support the rural economy with limited impact upon the landscape and residential amenity of adjacent neighbouring properties. The proposal complies with planning policy and will help to support an existing agricultural enterprise, therefore this application is recommended for approval.
- 6.92 The recommendation is to permit this application subject to the conditions specified below.

RECOMMENDATION

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

1. Time

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. Approved Plans

The development shall be carried out strictly in accordance with the approved plans and materials:

- **Location Plan: Drg No 1418/5**
- **Proposed Site Plan: Drg No 1418/1/B**
- **Plan of existing footpaths**
- **Landscape Strategy: Drg No: 21300.101 D**
- **Proposed staff welfare unit and Cold Store Rev B**

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 Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Pre-Commencement Conditions

3. Development shall not begin until details and location of the following have been submitted to and approved in writing by the Local Planning Authority, and which shall be operated and maintained during construction of the development hereby approved:

- i) A method for ensuring mud is not deposited onto the Public Highway**
- ii) Construction Traffic Management Plan**

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

4. Development shall not begin until an implementation programme setting out details of the:

- phasing of the caravan siting (relocation of caravans from Rock Farm and existing caravans on site)
- erection and occupation of the welfare building
- implementation of the noise management plan

shall be submitted work submitted to and approved in writing by the Local Planning Authority.

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

Pre Occupation Conditions

5. Resiting / Removal of existing mobile homes

Prior to the occupation of the 30th mobile home hereby approved the mobile homes as detailed on location plan shall be removed and land reinstated as detailed on landscaping plan (21300.101 rev D).

Reason: To define the terms of permission as presented and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. PROW/Siting of mobile homes

Prior to occupation of any of the caravans/mobile homes hereby permitted and while awaiting the public right of way diversion order the caravans shall be sited as shown on plan 1418/1 rev B (proposed site plan).

Reason: To ensure that the materials harmonise with the surroundings 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.

7. Cycle Parking Provision

Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of

Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. Travel Plan

Prior to the first occupation/use of the development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority.

The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. Landscape Biodiversity Management Plan

Before the development is first occupied, a landscape biodiversity management plan and maintenance plan for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the successful establishment of the approved scheme, local planning authority and in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

Compliance Conditions

10. Ecology Plan

The ecological protection, mitigation, compensation and working methods scheme and the Habitat Protection and Biodiversity Enhancement Plan, as recommended in the two reports by J Lomas both dated May 2020 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

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

11. Temporary Permission

The caravans/mobile homes hereby permitted shall be permanently removed from the site by 15th December 2047 and the land shall be restored to its former condition in accordance with details to be agreed in writing with the Local Planning Authority beforehand.

Reason: To enable the local planning authority to retain effective control over the site and to reassess the need for on-site workers accommodation having regard to the

requirements of policies RA3, RA4 and RA6 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

12. Occupation restriction

The occupation of the caravan/ mobile homes hereby approved shall be limited to persons solely employed in agriculture and associated activities on land owned or farmed by Woodfield Farms Ltd and BH Savidge and Son.

Reason: Planning permission has only been granted having consideration for the needs of the agricultural enterprise operating at Woodfield Farms Ltd and to maintain control over the scale of the accommodation provided in order to clarify the terms of this planning permission to conform with Policies RA3, RA4 and RA6 of the Herefordshire Local Plan Core Strategy, the and the guidance contained within the National Planning Policy Framework.

13. Occupation

Each caravan will have a maximum capacity for up to four people.

Reason: To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. Occupation

No more than 236 no. people shall be resident on the application site.

Reason: To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15. Noise Management

The operation / use of the premises shall be undertaken in accordance with the details contained within the Noise Management Plan submitted with this application (the Site Management noise Plan submitted Referenced as Woodfields campsite noise management plan dated October 2022). The Noise Management Plan shall be reviewed, and the review recorded in writing (acknowledging any complaints, concerns, actions or training recorded) that have arisen) annually thereafter by 1 March in each successive year. Any alteration to the Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority before being implemented. The noise management plan shall be implemented in line with timings submitted and confirmed within the phasing plan (condition 4).

Reason: To ensure that there is sufficient and adequate noise mitigation in place, and that there is flexibility to address concerns as they arise, in the interests of amenity in accordance with the requirements of policy SD1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework

16. Colour of caravans

The caravans located on the edge on the site next to the Northern site boundary shall be painted with an Ardenne (RAL 7022) or Olive Green (BS12B27 or RAL 1000 30 20) colour and the roofs repainted with an Anthracite (RAL 7016) colour prior to occupation and thereafter maintained as such.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17. Removal of Caravans

In the event that the caravans hereby permitted become redundant for purpose the caravans and all other associated development shall be removed and the land reinstated to its original condition within nine months.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 and RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

18. Lighting

At no time shall any external lighting, except low power (under 550 lumens), ‘warm’ LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved worker accommodation 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.

19. Drainage

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

20. Drainage

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following document: Flood Risk Assessment and Drainage Statement document reference: 4640-peny-ics-xx-rp-c-07.001 dated 31 January 2022

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

21. Landscape Implementation

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Landscape Strategy Proposals. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the first caravan or the completion of the development, whichever is the sooner.

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

22. Implementation of one permission only

This permission shall be implemented only in lieu of and not in addition to, the planning permission 200444 granted 15 October 2020.

Reason: To define the terms of this permission, having regard to submitted information and in the interests of amenity and the impact upon landscape character of the area having regard to policies SS6, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework

23. No conversion of Welfare Block to habitable accommodation

The building hereby approved shall only be used for the stated purpose and shall at no time be converted to, or used as, habitable accommodation. Reason: Having regard to Policy RA3 of the Herefordshire Local Plan – Core Strategy, Policy H2 of the Weston under Penyard Neighbourhood Development Plan and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of a separate unit(s) of residential accommodation in this rural location.

Reason: Having regard to Policy RA3 of the Herefordshire Local Plan – Core Strategy, Policy H2 of the Weston under Penyard Neighbourhood Development Plan and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of a separate unit(s) of residential accommodation in this rural location.

INFORMATIVES:

1. 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
2. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they 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 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

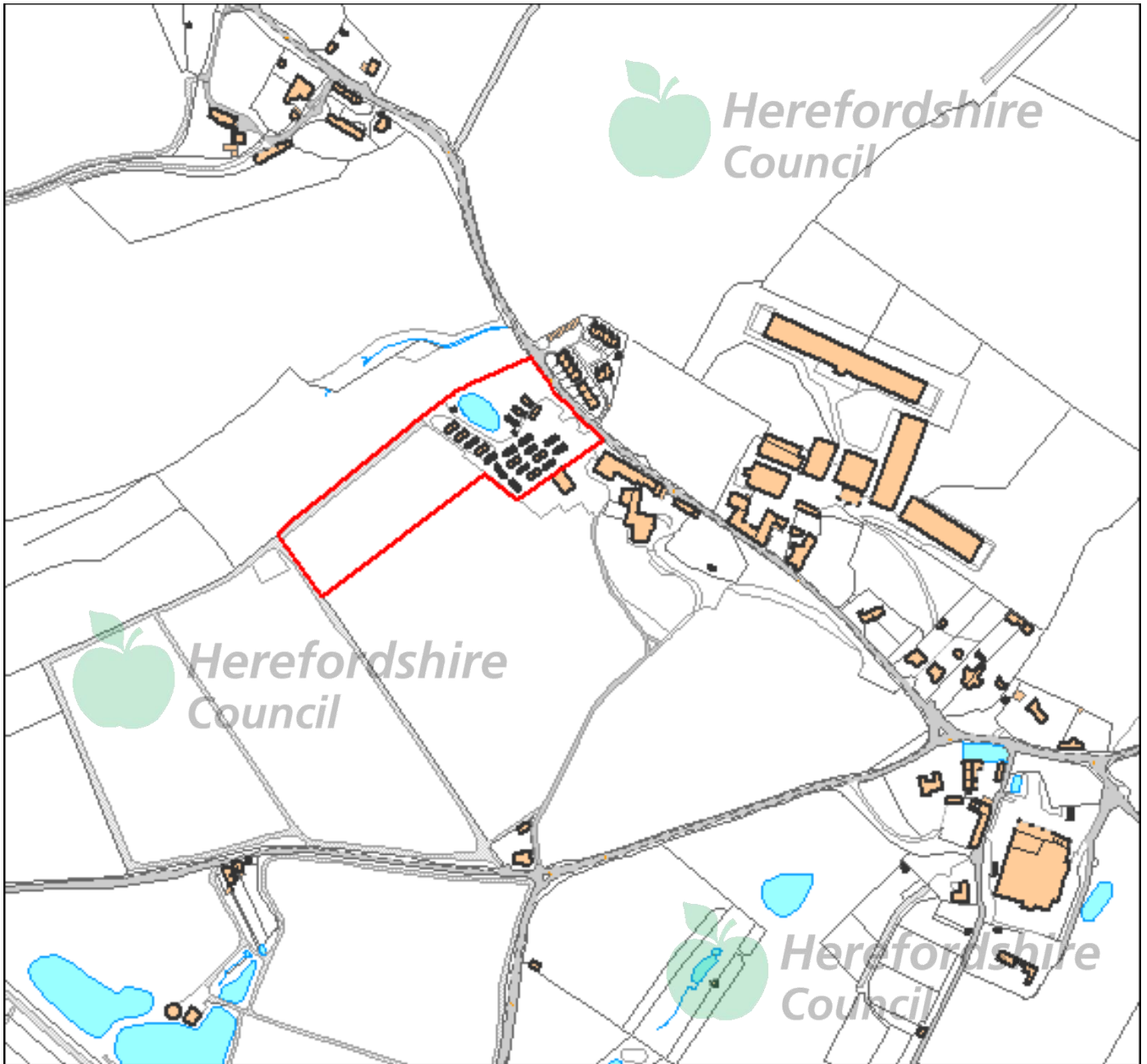
3. **It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
4. **It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.**
5. **In connection with Condition 8 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ**
6. **The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.**
7. **A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.**
8. **The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, 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.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 220370

SITE ADDRESS : WOODFIELDS FRUIT LTD, WOODFIELDS, WESTON UNDER PENYARD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PG

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