

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 MARCH 2023
TITLE OF REPORT:	<p>222316 - ERECTION OF AN AGRICULTURAL WORKERS DWELLING, INCLUDING A NEW GARAGE AND ASSOCIATED WORKS. AT LAND AT FOXHALLS FARM, SOLLERS HOPE, HEREFORDSHIRE, HR1 4RN</p> <p>For: Mr Rogers per Miss Yasmin Lokat, Nexus, Unit 1, Roushill, Shrewsbury, SY1 1PT</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222316&search-term=222316
Reason Application submitted to Committee – Redirection at the request of the Ward Member	

Date Received: 13 July 2022
Expiry Date: 27 October 2022
Local Member: Cllr Barry Durkin

Ward: Old Gore

Grid Ref: 362966, 232915

1. Site Description and Proposal

- 1.1 This application proposes the construction of an agricultural worker's dwelling and garage, as well as engineering operations to form a platform on which to build an associated access, turning and parking facilities. The agricultural enterprise for which the application seeks new accommodation, known as Foxhalls Farm, lies downhill around 870m to the south-west.
- 1.2 The elevated greenfield site proposed covers an area of approximately 0.22ha and is situated at the southern end of the linear woodland along Marcle Ridge, which is an important landscape feature and, in part, an Ancient Replanted Woodland. The full extent of the woodlands along Marcle Hill and Ridge Hill is designated as a Local Wildlife Site. The Wye Valley Area of Outstanding Natural Beauty (AONB) lies around 730m to the south-west of the site at its closest point.
- 1.3 Public footpath MM10 runs outside of the site, along its eastern boundary, and forms part of the long-distance route known as the Herefordshire Trail. The topography of the site slopes down from 194.6m AOD at its northern point, to 175.6m AOD in its south-western corner.
- 1.4 Access is proposed via an unmetalled single-track carriageway known as Lyndalls Lane, which branches off Cherry Orchard Lane; an unclassified road within the parish of Much Marcle. An existing agricultural entrance exists at the south-eastern corner of the site, which consists of a field gate leading to an informal track extending across part of the southern boundary.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy

SS1 – Presumption in favour of sustainable development
SS2 – Delivering new homes
SS6 – Environmental quality and local distinctiveness
SS7 – Addressing climate change
RA3 – Herefordshire’s countryside
RA4 – Agricultural, forestry and rural enterprise dwellings
LD1 – Landscape and townscape
LD2 – Biodiversity and geodiversity
LD3 – Green infrastructure
SD1 – Sustainable design and energy efficiency
SD3 – Sustainable water management and water resources
SD4 – Waste water treatment and river water quality
MT1 – Traffic management, highway safety and promoting active travel

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/local-plan-1/local-plan-core-strategy>

2.2 How Caple, Sollars Hope and Yatton Group Neighbourhood Development Plan

Vision and Objectives (VO1)
Environment (ENV-1)
Housing (HSG-1)
Economy (ECON-1)
Infrastructure (INF-1)

2.3 National Planning Policy Framework

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 5 – Delivering a sufficient supply of homes
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the National Planning Policy Framework require 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 Core Strategy was adopted on 15 October 2015 and the decision to review it was made on 9 November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding applications. In this case, relevant policies have been reviewed, are considered consistent with the NPPF and thus attributed significant weight.

3. Planning History

3.1 There is no relevant planning history to the application site.

4. Consultation Summary

Statutory Consultations

4.1 Natural England (no objection):

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites (River Wye SAC and River Wye SSSI) 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 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.

Natural England's advice on other natural environment issues, such as consideration of protected species impacts, is provided at Annex A.

4.2 Welsh Water (comments):

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

4.3 Severn Trent Water (no comment):

The site lies outside of Severn Trent's wastewater area and we have no comment to make.

Internal Council Consultations

4.4 Minerals and Waste Officer (no objection):

I can confirm that the site is identified under saved HUDP Policy M5 for the safeguarding of minerals. However, given the scale and nature of the proposal, and the relative abundance of hard rock reserves across the county, I have no objection to this application.

4.5 Ecologist (no objection subject to conditions):

The site is within the River Wye SAC catchment and this proposed development triggers the legal requirement for a HRA process to be carried out by the LPA. The final HRA 'appropriate assessment' must be formally approved by Natural England prior to any planning consent being granted. Sufficient and detailed information is required to allow the authority to assess the proposal through its Duty of Care under NERC Act and Habitat Regulations. Natural England is a statutory consultee and the process needs to be completed based on all current requirements and considerations and on information supplied for this specific application and that is sufficiently detailed to allow any relevant conditions to be secured. The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

The proposal is for one new 'self-contained' residential unit with associated additional foul and potential additional surface water flows.

- There is no mains sewer connection available to manage foul water flow.
- The proposal is to manage all foul water through a private package treatment plant discharging outfall to a soakaway drainage field within the curtilage of the dwelling.
- From supplied and available information the LPA has no reason to consider that this foul water management system cannot be achieved at this location.
- All additional surface water can be managed by on-site infiltration drainage features.
- The agreed foul and surface water management systems can be secured by condition on any permission granted

Subject to a 'no objection' response by Natural England to the HRA AA completed by the LPA there are no identified unmitigated effects from this development on the River Wye SAC.

Other Ecology comments

The Preliminary Ecological Appraisal by Arbor Vitae dated 30/05/2022 refers. It is noted that no local Biological Records Centre search has been obtained and thus the fact that the site is currently designated as a Local Wildlife Site (LWS) has not been identified or considered. LWS_SO63/014 ("Woodlands along Marcle Hill and Ridge Hill") was designated in the late 1980s for its woodland habitat and associated species.

From aerial images the development parcel of land – part of the Local Wildlife Site – has not been under woodland cover for over 20 years – this is supported by the current PEA surveys and the remnant Ancient Woodland indicator species found in the hedgerows at the site.

The rough grassland of the site resulting from decades of no woodland cover and minimal management has clearly been demonstrated as significantly ecologically degraded.

There is no evidence that any significant habitats associated with the LWS or any other priority habitat will be lost as a result of the proposed development. The existing northern/western boundary of the development plot adjoins remaining ancient woodland/LWS and a relevant Landscape Environmental Management Plan to ensure this habitat and surrounding remnant ancient woodland hedgerows are buffered from any garden area and recreational use or disturbance associated with the development is requested to ensure that no erosion, loss or degrading of remaining adjacent habitats and LWS occurs as a result of any permission.

The LEMP, in addition to 'soft' and 'green' features, should also include a detailed scheme to demonstrate a wider biodiversity net gain by the proposed development through the use of habitat boxes (or similar 'hard' features) to encourage and support bat roosting, dormice and bird nesting. This 'hard' biodiversity net gain should be secured by a condition.

The site is in a prominent location in an area well known to support protected species populations including the majority of UK bat species and dormice (potentially using the ecologically well connected hedgerows and trees around the site). The site is also in an intrinsically dark landscape that benefits local amenity and nature conservation interests and any additional lighting should be minimised and designed to ensure no illumination of any adjacent or boundary habitats occurs and that the local dark skies and landscape are maintained. A relevant condition is requested on any permission granted.

It is noted that some significant excavations and soil movement will be required and a detailed and comprehensive Construction Environmental Management Plan is requested as a pre-commencement condition and should include detailed ecological working methods / risk avoidance measures and details of the responsible site manager in respect of the construction works and implementation of the approved CEMP.

4.6 Land Drainage (no objection subject to conditions):

The EA's mapping indicates that the site is not at risk of surface water flooding. There may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels slightly to prevent ingress. The EA's groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface water drainage

Infiltration testing has been undertaken at the site, whereby 3 trial holes were excavated to 1.3m, 1.5m and 1.25m below ground level, respectively. The slowest infiltration rate obtained was 2.7×10^{-5} m/s, which is acceptable for a surface water discharge to ground.

A groundwater level assessment has not been undertaken at the site. This will be required at discharge of condition stage to ensure that the base of the proposed soakaways are a minimum of 1m above groundwater levels.

We note proposals for two soakaways; one will serve the proposed dwelling and one will serve the garage. For an impermeable area of 40m² and a 1 in 100yr + 40% CC event, the required volume is 2.256m³ (2.82m x 1m x 0.8m). The dwelling soakaway is proposed to be 8m x 1m x 0.8m as this will serve an area of 105m². The garage soakaway is proposed to be 3m x 1m x 0.8m as this will serve an impermeable area of 38m². These provisions are adequate.

We understand that the access track is existing, however any additional hardstanding will be constructed from permeable materials.

Foul water drainage

We understand that specific percolation testing has not been undertaken at the site. However, given the acceptable infiltration test results, we are confident that a foul water discharge to ground can be accommodated. Further percolation testing will be required at discharge of condition stage to accurately size the proposed drainage field.

Using the infiltration rate stated above, a converted Vp rate of 11.7s/mm was established. This has been used to provisionally calculate the required drainage field area of 11.7m² (11.7 x 5 x 0.2). We acknowledge that a percolation rate of 11.7s/mm is outside of the acceptable 12-100s/mm range and that an Environment Agency Permit for a discharge to ground may be required. However, we advise that the Vp rate obtained from percolation testing at discharge of condition stage is used to resize the drainage field.

We note that the site is steeply sloping from north-east to south-west. Therefore, the drainage field has been orientated in line with the site contours and the flood exceedance routes shown. In the highly unlikely event that the drainage infrastructure floods, this is indicated to flow towards the adjacent farm track. However, given that this is not a formal highway, the rural location of the site and the good soakage proven on-site, we have no concerns regarding this.

Overall comment

In principle, we do not object to the proposals, however we recommend that the following information is provided within suitably worded conditions requiring submission of a groundwater level assessment and results of percolation testing undertaken in accordance with BS 6297 (the drainage field should be re-sized using these results); and submission of detailed foul water and surface water drainage design drawings / construction plans.

4.7 Landscape Officer (objection):

The landscape character type is principal wooded hills, including land to the west and wooded hills and farmlands to the east. The site is at the southern end of the linear woodland along Marcle Ridge, which is an important landscape feature and in part an ancient re-planted woodland. Public footpath MM10 runs outside of the site, along the eastern boundary and is part of the long distance route named the Herefordshire Trail.

The proposal is for a single agricultural dwelling, with associated infrastructure.

Landscape character – Marcle Hill and Marcle Ridge are key landscape features within Herefordshire. The proposed location is at an important location along the ridge, the end of the woodland and one of the highest points. In landscape terms, this location is not suitable for residential development. It would introduce a new use, with associated infrastructure, movement and light at an isolated rural location. The shape, scale and design of the proposal does not take account of local distinctiveness, where the surrounding area does include some small, stone or brick farmhouses. The materials and colour selection will not integrate with the surroundings, rather standing out in light colours in stark contrast to the natural environmental colour palette. The settlement pattern for other dwellings and built form is on the lower slopes of the hill. In landscape terms it is preferable for a new dwelling to be in close proximity to the existing built form and make use of shared infrastructure such as access roads.

Visual impact – The Herefordshire Trail is an important walking route and users have a high sensitivity to the landscape around them. The proposed new dwelling would be a negative feature for users along the trail, particularly when travelling north with views towards the site, crossing the road and walking along the boundary. The dwelling and associated activities with car movements and garden use (including structures such as sheds and play equipment) would be completely out of character at this location. In winter, with mostly deciduous trees and hedgerows, the visual impact will be worse. There will also be occasional mid and long distance views towards the house, which will have a negative impact on the ridgeline.

Trees – The arboricultural impact assessment accompanying the application is welcome and follows recommended practice. The schematic drainage layout, however, shows the end of the drainage channel within the RPA of T1. This should be updated. It is also disappointing that the car port needs to encroach on RPAs at all.

Landscape scheme – It is not considered that any landscape scheme could overcome the negative changes to the landscape character and visual amenity of the area. If it were demonstrated that there is no alternative location and that this is a necessary dwelling, then a planting scheme would be required to enhance the boundaries and increase tree cover with respect to the woodland setting.

Conclusion

The proposal is contrary to Core Strategy policy LD1. The proposal does not demonstrate that the character of the landscape has positively influenced the design, scale or site selection of the proposal. It does not conserve or enhance the important landscape feature of Marcle Ridge. There is no landscape scheme that could integrate the built form and new use appropriately into its surroundings.

4.8 Area Engineer - Highways (no objection subject to conditions):

The application proposes the erection of a new three-bed residential dwelling on land to the north of Foxhalls Farm. This is intended to be for the use of family operating the existing agricultural facilities. Access is from a lightly trafficked unclassified road and it is considered that vehicle

movements associated with the residential use would not have a material impact on the operating capacity and highway safety of the surrounding local highway network.

The access proposed would be over PRow MM10 and within the proposed application boundary there is sufficient space for parking and manoeuvring of vehicles which would reduce any potential impact for vehicles to block the PRow. The existing PRow also provides access to the adjoining agricultural land, which will continue in the future.

Any changes to the access will be subject to a Section 184 application which can be conditioned as part of any planning approval (CAE). Any improvement works to the access should include for, as a minimum, the hard bound surfacing of the first 5 metres. In addition, details with regard to secure and covered cycle parking should be provided for the development, to the quantum of one space per bedroom (CB2).

Due to the site location, any occupiers will be dependent on the private car as available public transport is located at some distance from the site.

4.9 Public Rights of Way Manager: No objections

5. Representations

5.1 How Caple, Sollershope and Yatton Parish Council (support):

The application was discussed at a Parish Council meeting. Members unanimously supported the application with the additional comment that the members encouraged and welcomed young people and families to remain in the village they grew up in. Our NDP supports this.

5.2 Forestry Commission (comments):

Thank you for seeking our advice about the impacts that this application may have on Ancient Woodland. The Forestry Commission is pleased to provide you with details of Government policy relating to ancient woodland and information on their importance and designation.

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland and Plantations on Ancient Woodland Sites. It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists". We suggest that you have regard to any points provided by Natural England about the biodiversity of the woodland. We also assume that as part of the planning process, the local authority has given a screening opinion as to whether or not an EIA is needed.

5.3 Significant local public support has been expressed for the proposal, as summarised below.

- The applicant is committed to the future success of the family farm, including a dairy herd, and it is a well-run organic farm.
- The shortage of affordable homes in the area is shown by Sollershope having the highest average house price in Herefordshire according to the Hereford Times.
- The work carried out on the farm using organic methods and working with nature have created beautiful habitats for both animals and walkers to enjoy.
- The scheme employs renewable resources, using an existing access and benefits from a sympathetic house design.
- The site is the ideal location for a farm worker's dwelling as it is within walking distance of the farm and stock, which need to be checked daily.
- The proposal will thereby eliminate the need for extra vehicle usage and also provide security as the main farm entrance can be seen.

- If rural workers are not supported to stay within the local area, then this will harm the beauty of the countryside.
- The building works will not be detrimental to the environment or even visible from many other properties.
- The house will be built on land that is not suitable for agriculture.
- The Rogers family are good farmers who contribute to the local community and manage the land and livestock to a high standard.
- This scheme will benefit the local community with no detriment to the environment.
- All generations of the family are working together in this business endeavour.
- The track provides good access without the need for a new roadway.
- The south-facing aspect of the land will enable use of solar energy and is largely hidden from view by woodland and high hedges.
- Being involved with agriculture, especially a dairy herd enterprise, there is a need to be close at hand and available at all hours of the day.
- The village needs young people that also commit and help the village.
- A DEFRA survey of YFC members in England and Wales found that there is a lack of rural housing available to the young people who have a stake in the countryside.
- The occupancy condition will ensure it remains used for its intended purpose.
- The team at Foxhalls Farm support the neighbourhood during adverse weather.
- The site, in the proximity of the farm, presents very little risk of flooding.
- There is a lack of accommodation for agricultural workers in this area.

5.4 The consultation responses can be viewed on the Council's website via the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222316&search-term=222316

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 the 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 (hereafter 'the Core Strategy') and the How Caple, Sollershope and Yatton Neighbourhood Development Plan (hereafter 'the NDP'). The National Planning Policy Framework (hereafter 'the NPPF') also amounts to a significant material consideration.

6.3 The application site occupies an isolated countryside location, beyond any settlement boundary defined within the development plan. Policy RA3 of the Core Strategy states that in rural locations outside of settlements, residential development will be limited to proposals which satisfy one or more of the defined criteria. The most pertinent are as follows:-

- *The proposal meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or*
- *The proposal accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4.*

- 6.4 Policy RA4 states, inter alia, that proposals for dwellings associated with agriculture, forestry and rural enterprises will be permitted where it can be demonstrated that there is a sustained essential functional need for the dwelling and it forms an essential part of a financially sustainable business, and that such need cannot be met in existing accommodation. Such dwellings should demonstrate that the accommodation could not be provided in an existing building(s); be sited so as to meet the identified functional need within the unit or in relation to other dwellings; and be of a high quality, sustainable design which is appropriate to the context and makes a positive contribution to the surrounding environment and rural landscape.
- 6.5 The application documentation has been subject to independent review by an agricultural consultant engaged by the Council. Whilst noting the scale of the holding, the essential work carried out and the supervisory capacity needed day and night, reservations were expressed as regards the functional need for a second dwelling, over and above the purpose served by the existing farmhouse. However, your Officers take the view that in the interests of succession planning, an additional dwelling could be reasonably justified, i.e. securing a replacement in preparation for the reduced involvement of occupants of the existing farmhouse.
- 6.6 Of relevance, the judgement involving *Keen v SSE and Aylesbury Vale DC (1996)* suggested that it is unreasonable to require the older generation to leave their farmhouse to accommodate the next generation. Moreover, with the necessity of the dwelling being sited so as to meet the functional need within the unit, it is accepted that using other dwellings within family ownership would not be practicable. Based on the financial information provided, the economic sustainability of this well-established dairy farm enterprise is also not in doubt.
- 6.7 From the perspective of the NDP, Policy HSG-1 sets out criteria to guide housing development in order to avoid unsustainable patterns of development in the rural areas. These criteria include “homes which meet an agricultural or forestry need”. Development must protect or enhance the character and appearance of How Caple, Sollershope and Yatton, and ensure that it does not adversely affect the living conditions of the occupiers of nearby properties. The use of traditional building materials, such as stone, brick and slate, is to be encouraged.
- 6.8 In summary, based on the policy exceptions established within the Core Strategy and NDP, the principle of a new dwelling to serve the farm enterprise is accepted. Conditional control would be necessary to ensure ongoing agricultural occupancy and policy compliance. That said, other aspects of the aforementioned policies will be considered in the ongoing appraisal.

Access and highway safety

- 6.9 The application proposes the erection of a new three-bed residential dwelling on land to the north-east of Foxhalls Farm, and intended for the use of family engaged in the agricultural activities. Access would be achieved via a lightly trafficked unclassified road and vehicle movements associated with the residential use would not have a material impact on the operating capacity and highway safety of the local highway network.
- 6.10 The access proposed would cross over public footpath MM10 but there is sufficient space for parking and manoeuvring of vehicles within the application site to reduce any potential impact of vehicles obstructing the footpath. Changes to the access could be conditioned as part of any approval, with any improvement works needing to at least provide for the hard bound surfacing of the first 5 metres. In addition, secure and covered cycle parking should be provided to the quantum of one space per bedroom. This matter would also need to be conditioned.
- 6.11 It is concluded that highway safety would not be prejudiced and that the isolated location of the site, with an inherent dependency on use of the private car, is justified by the nature of this development proposal for an agricultural worker’s dwelling.

Design, scale and siting

- 6.12 Amended plans have been submitted as part of the application process. Officers consider the revised dwelling to be of a scale and floor area that is not disproportionate to the functional need arising and of a design that would not be unsympathetic to the rural area. That said, a key part of the assessment required to demonstrate policy-compliance relates to its siting and any associated landscape and visual impacts that arise. The supporting text to Policy RA4 provides helpful context and is extracted below for ease of reference.

“Where the need for a dwelling is established on the basis of proven essential need, preference should be given to the use of suitable existing buildings through conversion. Where this is not possible, any new development should relate closely to the activities for which there is a need. In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings. Isolated locations or locations that could encourage farm fragmentation in the case of dwellings for agricultural enterprises should be avoided.”

- 6.13 The landscape character type is Principal Wooded Hills, including land to the west, and Wooded Hills and Farmlands to the east. As mentioned above, the site lies at the southern end of the linear woodland along Marcle Ridge and a public footpath runs alongside its eastern boundary. Upon site inspection, it is evident that the proposed new dwelling would be visually detached from the farm it is intended to functionally serve. The Council’s Landscape Officer has objected to the application on the basis of conflict with Core Strategy policy LD1.
- 6.14 This is insofar as it fails to demonstrate that the character of the landscape has positively influenced the design, scale or site selection. The proposal would fail to conserve or enhance the important landscape feature of Marcle Ridge, with it being concluded that there is no landscape scheme that could integrate the built form and new use appropriately into its surroundings. In addition, there is some tension with the NDP vision (VO1) and Policy ENV-1, which seek to address some of the concerns of local residents, such as protecting the essential nature and character of the area and its outstanding rural views and qualities.
- 6.15 In response to these concerns, the Agent commissioned a Landscape and Visual Appraisal. This concludes that the overall effects of the proposal would not create an ‘unacceptable’ effect in terms of landscape and visual amenity and any such effects are mostly experienced at a local level. It also asserts that the small scale of the development, which is consistent with existing structures in the wider landscape, would result in residual landscape and visual effects of a moderate/minor level of effect, in the context of the wider landscape and visual amenity.
- 6.16 On balance, having regard to the requirement for proposals to be sited to meet the identified functional need or in relation to other dwellings (and thereby avoid isolated sites or locations that could encourage farm fragmentation), your Officers consider that the degree of landscape and visual harm arising justifies withholding permission. The earthworks required to facilitate the development would, in themselves, substantially alter the profile and natural qualities of the site.
- 6.17 In terms of landscape character, Marcle Hill and Marcle Ridge are key landscape features within Herefordshire. The proposed site lies at an important location along the ridge, the end of the woodland and one of its highest points. The Landscape Officer has concluded that this location is not suitable for residential development. The proposal would introduce a new use, with associated infrastructure, movement and artificial light in an isolated rural location. Whilst the revised design includes more appropriate timber cladding and stone, the settlement pattern for other dwellings and built form is on the lower slopes of the hill. The scheme would also remove any possibility of woodland cover being restored in line with the standing advice on ancient woodland issued by Natural England and the Forestry Commission.
- 6.18 As regards visual impact, the Herefordshire Trail is an important walking route and users have a high sensitivity to the landscape around them. The proposed new dwelling would be a negative

Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

feature for users along the trail, particularly when travelling north with views towards the site, crossing the road and walking along the boundary. The dwelling and associated activities, with car movements and garden paraphernalia, would be completely out of character in this location. In winter, with mostly deciduous trees and hedgerows, the visual impact will be worse. There would also be occasional mid and long distance views towards the house, as illustrated by LVA viewpoints EDP 5.4, 5.5 and 5.6, which would have a negative impact on the ridgeline.

- 6.19 Furthermore, the arboricultural impact assessment report accompanying the application, whilst following recommended practice, is unaware of the adverse impact of the proposed drainage works. The schematic layout shows the end of the foul drainage field encroaching upon the RPA of tree T1, a 'small-leaved lime' (Category B2) that is to be retained. The report advises that "no trench excavation is permitted within the RPA". It is also regrettable that the proposed car port and retaining wall structure within the needs to encroach on tree RPAs at all.
- 6.20 On the basis of the advice that a landscape scheme could not overcome the negative changes to the landscape character and visual amenity of the area, discussion has taken place as to the potential for alternative sites more closely related to the farmstead. In addition to the Policy RA4 imperative, in landscape terms, it would be preferable for the new dwelling to lie in close proximity to the existing built form and make use of shared infrastructure such as access roads. Moreover, a location closer to the farmstead, along the existing private access road to Foxhalls Farm, would afford better opportunity to deter theft and other rural crime.
- 6.21 Regrettably, discussions have not resulted in a positive outcome. Your Officers do not accept the suggestion that a dwelling could not be less intrusively developed in a lower-lying position, clustered with existing built form, so that it is not viewed as an isolated feature. Whilst noting arguments made in relation to topography and drainage issues, these have not been borne out by any compelling evidence and are therefore regarded as speculative.

Ecology and drainage

- 6.22 As regards drainage, based on advice from the relevant technical consultee, there are no substantive objections to the proposal, subject to further information being secured via suitably worded conditions requiring submission of a groundwater level assessment and the results of percolation testing undertaken in accordance with BS 6297:2007, as well as the submission of detailed foul water and surface water drainage design drawings.
- 6.23 In terms of the Habitat Regulations inferences of site drainage and river water quality issues, these have been considered as part of a HRA opinion that has been subject to a favourable consultation response from Natural England. This identified no unmitigated adverse effects from the proposed scheme on the River Wye Special Area of Conservation. Conditions would nonetheless be required to control the means of foul and surface water disposal.
- 6.24 The Council's Ecologist has noted shortcomings in the Preliminary Ecological Appraisal insofar as no local Biological Records Centre search has been obtained and the fact that the site is a Local Wildlife Site (LWS) has not been identified or considered. SO63/014 was designated in the late 1980s for its woodland habitat and associated species. That said, from aerial images the parcel of land has not been under woodland cover for over 20 years, as confirmed by the PEA survey and the remnant Ancient Woodland indicator species found in hedgerows.
- 6.25 On that basis, it has been concluded that there is no evidence that any significant habitats associated with the LWS or any other priority habitat would be lost as a result of the proposed development. Part of the existing site boundary adjoins remaining Ancient Woodland and a Landscape Environmental Management Plan (LEMP) would need to be required by condition to ensure this habitat and surrounding remnant ancient woodland hedgerows are buffered from any garden area and recreational use or disturbance. This is to ensure that no erosion, loss or degrading of remaining adjacent habitats and the LWS occurs.

6.26 Further conditions would be necessary in terms of controlling the impacts of artificial light and maintaining the dark skies environment; securing details of biodiversity enhancement (net gain) features; and obtaining a Construction Environmental Management Plan (CEMP) to avoid harm to protected species and habitats occurring during the construction process.

6.27 In light of the foregoing, for the record, it is not considered that the application necessitates an Environmental Impact Assessment pertaining to woodland or forestry projects.

Conclusion and planning balance

6.28 The proposed development fails to accord with the development plan when read as a whole, which is not outweighed by any other material considerations. Whilst observing the agricultural need and the social and economic benefits arising from the development, in the context of the significant environmental harm arising from landscape and visual impacts, and the policy-driven desire to avoid isolated locations, the application is recommended for refusal.

6.29 Your Officers stress that this recommendation has been given careful consideration and that the principle of erecting a well-designed and appropriately sited farm worker’s dwelling is accepted. In Officers’ opinion, the degree of landscape and visual harm could be meaningfully reduced through the use of an alternative site that is more closely related to the farmstead.

6.30 While noting local support for the application, the benefits set out within representations could equally be secured by a policy-compliant proposal in landscape and visual terms.

RECOMMENDATION

That planning permission be REFUSED for the following reason:

- 1. The proposed development, by reason of the isolated, skyline location of the site and associated erosion of the landscape character and visual amenity of the area, would cause significant harm to the natural, tree-covered character of Marcle Ridge. The proposal also fails to adequately safeguard mature trees to be retained and runs contrary to the policy requirement for agricultural workers’ dwellings be sited so as to meet the identified functional need within the unit or in relation to other dwellings, most notably, by avoiding isolated locations or locations that could encourage farm fragmentation. Accordingly, the proposal conflicts with Policies RA4 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies ENV-1 and HSG-1 of the How Caple, Sollershope and Yatton Neighbourhood Development Plan and paragraphs 130 and 174 of the National Planning Policy Framework.**

INFORMATIVES:

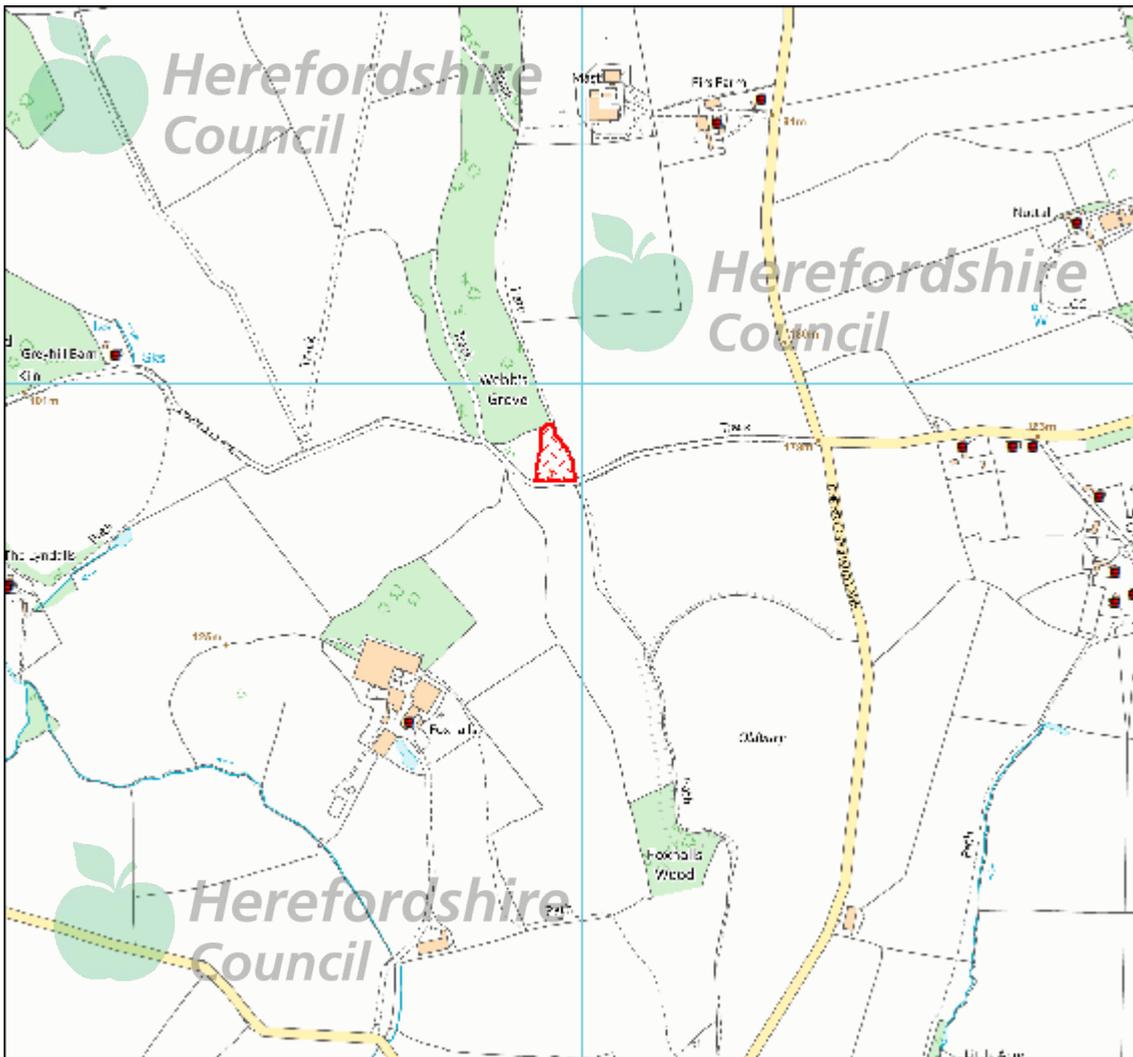
- 1. Refusal with a way forward**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 222316

SITE ADDRESS : LAND AT FOXHALLS FARM, SOLLERS HOPE, HEREFORDSHIRE, HR1 4RN

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Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238