

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	25 OCTOBER 2023
TITLE OF REPORT:	232106 - PROPOSED ERECTION OF ONE DWELLING, GARAGE AND ASSOCIATED WORKS AT STABLES, BOWLERS LANE, LITTLE BIRCH, HEREFORD, HR2 8BB For: M Wilson per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232106&search-term=232106
Reason Application submitted to Committee - Redirection	

Date Received: 6 July 2023
Expiry Date: 31 August 2023
 Local Members: Cllr T Fagan

Ward: Birch

Grid Ref: 351113,231283

1. Site Description and Proposal

- 1.1 The application relates to a parcel of land comprising a stable block and equestrian lane, located to the south east of Little Birch Village near St Mary's Church. The application site is accessed off Bowlers Lane via existing field opening, the site bounded by mature hedges on all sides except the north which is post and wire fence.
- 1.2 The application seeks permission for the construction of a 3 bedroom bungalow with 3 bay garage, the existing access arrangements would be utilised and the stables demolished. The dwelling would have two components connected by a small link and arranged in an 'L' shape.
- 1.3 The application is also supported by the following reports:
 - Planning Statement- Tompkins Thomas (July 2023)
 - Design and Access Statement (November 2022)
 - Phase 1 Ecological Survey – Heritage Environmental Contractors (August 2022)
 - Landscape Statement Final – John Campion Associates Limited (September 2022)
 - Heritage Appraisal - The Heritage Practice (July 2022)
 - Surface and Foul Water Drainage Strategy – H+H Drainage (December 2022)

2. Policies

2.1 Herefordshire Local Plan Core Strategy 2011 – 2031(CS)

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS4	-	Movement and transportation

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

- 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
- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

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

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

2.2 Little Birch and Aconbury Neighbourhood Development Plan (NDP)

A referendum for voters within the Little Birch and Aconbury neighbourhood area was held on 30 May 2019 passed. The Little Birch and Aconbury Neighbourhood Development Plan is therefore part of the statutory development plan.

- Policy LBA1: Sustainable development
- Policy LBA2: Development needs and requirements
- Policy LBA3 Little Birch village
- Policy LBA4 Development in Little Birch
- Policy LBA10: Protecting the local environment
- Policy LBA11: Building design

<https://www.herefordshire.gov.uk/directory-record/3077/little-birch-and-aconbury-neighbourhood-development-plan>

2.3 National Planning Policy Framework (NPPF)

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making Effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

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

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are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

3. Planning History

3.1 P224301/F - Proposed erection of one dwelling, garage and associated works – Refused 16 February 2023

Link to application:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=224301&se-arch-term=224301

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – No objection

This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage, we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

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.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

4.2 Historic England – No comment

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/>

Internal Council Consultations

4.3 Land Drainage – Further information required

We have reviewed the information provided for the above site. Please can the Applicant clarify if there is any reason why soil testing has not been conducted between the depths of 0.3m-1-5mBGL.

In addition to this, we require the submission of a detailed drainage design drawing which clarifies the proposed drainage layout. It should be noted that soakaways should be located a minimum of 5m from building foundations. The following must be adhered to for Drainage Fields:

- The drainage field should be located a minimum of 10m from any watercourse, 15m from any building, 50m from an abstraction point of any groundwater supply and not in any Zone 1 groundwater protection zone. The drainage field should be sufficiently far from any other drainage field, to ensure that overall soakage capacity of the ground is not exceeded.

- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

Further construction details regarding the 'high-level drainage field' must also be provided.

4.4 Highways – No objection with conditions

The proposals are for the construction of a residential dwelling on Land to the north west of St Mary's Church in Little Birch. The site has been subject to a previous planning application Ref: 224301.

The site was refused planning on grounds other than Transport / Highways with the local highway authority previously not having had an objection to the development.

The development proposals are therefore considered acceptable subject to the following conditions. It is also noted that the site is not located in a sustainable location with no real alternative other than the private car.

1) The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

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.

2) Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

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.

3) Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 2 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4) Prior to the occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling 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 occupation of any of the dwelling houses 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 to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5) 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:

- A method for ensuring mud is not deposited onto the Public Highway
- Parking for site operatives

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.

4.5 Ecology – No objection with conditions

I have read through existing and proposed plans, the Planning Statement by Tompkins Thomas dated July 2023, the Design & Access Statement, the Surface and Foul Water Drainage Strategy by H+H Drainage dated 17 December 2022, and the Phase 1 ecological survey by HEC dated 19 August 2022.

In addition, I have checked the previously refused application 224301 on the same site.

Notes in respect of HRA:

The proposal is for the creation of a one dwelling, garage and associated works.

- The proposal taken from the Surface and Foul Water Drainage Strategy by H+H Drainage dated 17 December 2022, is to manage foul water through a new private package treatment plant.
- Percolation tests have been supplied, showing suitable values for a standard drainage field on site.
- The proposed development creates additional overnight or new residential accommodation.
- The development will see the demolition of extant buildings.
- Additional surface water created can be managed through appropriate existing/additional sustainable drainage systems and local infiltration.

To note the previous application 224301 received no objection from Natural England. There have been no proposed changes between the two applications that could have effects on the HRA process.

No other potential effects on the River Wye SAC are identified for this proposed development at this location.

As all mitigation measures are clearly embedded into the proposed development and plans supplied and approved this application can be considered as ‘screened out’ at Stage 1 of the HRA appropriate assessment process and no formal consultation with Natural England is triggered for this specific application.

Suggested conditions to secure embedded HRA certainty.

Habitat Regulations (River Wye SAC) – Foul and Surface Water Management

All foul water shall discharge through connection to new private foul water treatment systems with final outfall to suitable soakaway drainage field on land within the boundary; and all surface water shall discharge to appropriate soakaway systems; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

Notes in relation to ecology

The Phase 1 ecological survey by HEC dated 19 August 2022 suggests that short-grazed grassland dominates the site and therefore there is limited opportunities for protected species. The hedgerow on the north boundary is the only habitat of note and suggested proposal will not affect it. In addition new trees and hedgerow planting will be placed in the new site under this proposal. Therefore we offer no further ecological comments but would require the following conditions to be carried forward.

Conditions

Ecological Protection

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the Phase 1 Ecology report by H.E.C. dated 19 August 2022 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

5. Representations

5.1 Third Party Representations

25 Letters of support, 1 General Comment and 1 Objection have been received, these have been summarised below:

Support

- The design is in keeping and will fit well within the village, use of stone will blend with existing properties
- Modest 3 bedrooms is fitting and will encourage younger families to the area
- Existing stable on site so new dwelling will not have adverse visual impact on the Church or character of the area, good design will enhance the area
- Low lying position surrounded by hedges and trees, no loss of privacy or overlooking to other properties
- The family have come back to the village and want to live here permanently
- Minimum loss of green space and applicants have planted trees on land they own to ensure minimise carbon footprint
- No additional traffic in the area as it is currently used for stabling of horses and entrance is via Bowlers Lane with little impact on Mesne Lane or Ruff Lane
- Other houses have been granted in the area setting precedent and Little Birch has been identified as an area of growth in the Core Strategy
- Remains of a former dwelling on the site
- Assume omission of Ruff Lane from the Neighbourhood Plan is an oversight as it is stretch of tarmac in Little Birch that is not included
- Applicants working from home will cause less traffic and therefore less pollution

General Comment

- Concern that this type of application could set precedent, the existing temporary structures have only been in existence for few years therefore if this is approved it may allow people to erect temporary structures and shortly after apply for planning permission.

Objection

- Previous application already refused as it is outside the boundaries of the Neighbourhood Plan, this wording was passed and time and effort was spent on creating the document and that should not be wasted
- Only one yellow notice was put up in a location unlikely to be seen

5.2 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=232106&search-term=232106

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' Little Birch and Aconbury Neighbourhood Development Plan (NDP). At this time the policies in the NDP can be afforded full weight as set out in paragraph 48 of the National Planning Policy Framework, which itself is a significant material consideration

6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

6.4 The NPPF requires that local planning authorities should identify and update annually a supply of housing sites sufficient to provide five years' worth of housing against their housing requirements. Where the existence of a five year land supply cannot be demonstrated, there is a presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. Other factors in this respect can include sites or areas protected as a result of their wider environmental importance or land at risk of flooding.

6.5 Following survey work, the LPA can confirm that the Housing Land Supply as of April 2023 is 5.84 years. Effectively this means that the housing policies in the adopted Core Strategy and made Neighbourhood Development Plans can be considered to be up-to-date and given full weight in decision making. Para 11d of the National Planning Policy Framework (NPPF) is not engaged, as the development plan policies are not deemed 'out of date'. As a result paragraph 14 of the NPPF is not engaged.

- 6.6 The Core Strategy defers, at paragraph 4.8.23, to NDPs as the principle mechanism for rural housing allocation. The NDP does not define a settlement boundary and sets *out a more nuanced approach which gives scope for the principle of development to be assessed at development management stage, whilst still meeting the requirements of the Local Plan Core Strategy to define the main built-up form of the settlement. The extent of Little Birch settlement is defined in policy LBA3 by reference to the matrix of highways, tracks and lanes which serve areas and clusters of development. This recognises the distinctive dispersed pattern of development and provides a basis for this to be respected in considering development proposals.* Policy LBA3 is detailed below:

Policy LBA3 Little Birch Village

The village of Little Birch comprises residential curtilages or other developed plots fronting onto or directly served by lanes and tracks giving vehicular access from:

- *Barrack Hill*
- *Castle Nibole Road*
- *Pendant Pitch*
- *Chapel Pitch between School Lane and Vaughan Lane*
- *Newtown Lane*
- *School Lane*
- *New Road*
- *Crows Nest Lane*
- *Bannutree Lane*
- *Ruff Lane between Bowlers Lane and Lower House Farm to include the Church*
- *Mense Lane, north side, from the junction of New Road*
- *Parish Lane east side.*

- 6.7 The supporting Planning Statement asserts that the site meets the list under LBA3, of relevance, residential curtilages or other developed plots fronting onto or directly served by lanes and tracks giving vehicular access from, “Ruff lane between Bowlers Lane and Lower House Farm to include the Church”. The policy is worded in a manner that identifies the main built up form and therefore the settlement. The application site and its access lies on Bowlers Lane, the policy states new residential development is supported on Ruff Lane (identified as between Bowlers Lane and Lower House Farm). As the policy is worded such that it does not include Bowlers Lane as part of the identified settlement and suitable for residential development, it is your Officer’s opinion that the principle of development in this location is not supported.

- 6.8 In locations where the site is considered open-countryside, a proposal for residential development falls to be assessed against Policy RA3 of the Core Strategy. This states a list of excepted residential development where sites lie outside of settlements and therefore within open countryside. This can be found below:

1. *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*
2. *accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or*
3. *involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or*
4. *would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or*
5. *is rural exception housing in accordance with Policy H2; or*
6. *is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or*

7. *is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.*

Based on the information submitted with the proposal, I do not find it the case that the scheme would meet any of these exceptions.

Sustainability

- 6.9 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD2 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.10 All development proposals are considered by the Council to need to help redress the climate emergency and the unsustainable location of the development in this instance is considered unfavourably in this regard as there will be a need for occupants to travel for everyday services. This heightens the need of any proposal to include measures to support low-carbon ways of living & sustainable transport modes.
- 6.11 Though the NDP gives a definition of the settlement through a list of road descriptions, it is considered that the site is not within or adjacent to the 3 main built up forms of the proximal villages being approximately 760 metres from the discernible edge of Kingsthorne, 880 metres from Much Birch and at least 850 metres from Little Birch. It is recognised the site is opposite the church, however there are no facilities and amenities such as shops, healthcare services, schools etc. within proximity of the site. As such, residents would be reliant on private car for day-to-day services with no genuine opportunity for active or sustainable modes of transport.
- 6.12 The majority of local facilities are located at Much Birch with the only designated footpaths from the site being unlit and across fields. Whilst this would offer a form of active travel, this is an informal pathway which has limited accessibility, for example being unsuitable for those with limited mobility or pushchairs. The roads surrounding the site do not benefit from pavements or street lights being narrow and winding with obscured visibility in many places. It is therefore not considered that the site affords safe or convenient access to local facilities given the distance between the site and those amenities, and the unsuitable nature of the footpaths and roads to provide opportunity for sustainable active travel.
- 6.13 The site does not lie on a bus route with the closest marked bus stops being at Kingsthorne and Much Birch and for the reasons outlined above, occupants would be unlikely to access the bus service on a regular basis. The development of this site would therefore fail to offer future occupiers with a genuine choice as to how they may travel, being dependant on the private motor vehicle to undertake everyday activities.

Visual impact, heritage matters and amenity

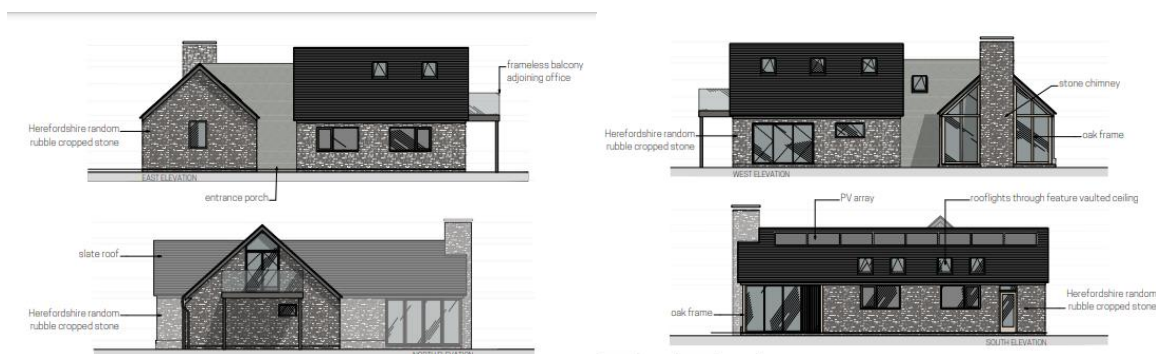
- 6.14 Policy SD1 of the core strategy states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. Development should safeguard amenity of existing and proposed residents and ensure new 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.

6.15 Included within the more recently adopted NDP is policy LBA11 which seeks to control building design by requiring development proposals to:

1. *respect the character of adjoining development and the wider area by virtue of the siting of buildings on plots, scale, height, massing, architectural detailing and the choice of materials; and*
2. *incorporate relevant sustainability measures to include building orientation and design, energy and water conservation, the use of sustainable construction methods and materials, and provision for the recycling of waste, cycle storage, communications and broadband technologies, and the generation of renewable energy; and*
3. *Where external lighting is proposed, ensure it is appropriate to its purpose and avoid adverse amenity and environmental impacts occurring through light spillage; and*
4. *retain and incorporate existing site features of amenity and biodiversity value, such as trees, ponds and hedgerows, as far as practicable; and*
5. *provide for new landscaping to integrate new buildings within their surroundings and to support the green infrastructure of the area.*

Modern design approaches which take an innovative approach, including to energy efficiency and sustainability, will be welcomed where they make a positive contribution to the character of the area and contribute to local distinctiveness.

6.16 The dwelling proposed would be of generally single storey with roof space for office, bathroom and storage provision. The building would comprise two adjoining elements linked by structure housing staircase to the roof space. This would be constructed of painted render, local stone and weatherboard elements, which would not be seen as out of keeping in the locale given the mix of traditional materials. Given the nature of the site and existing hedgerow boundaries, the dwelling would have minimal visual impact using low discreet positioning. Noting the 1 and a half storey nature of the proposed and the relationship with neighbouring dwellings, issues of overshadowing are not anticipated. The proposed garage would be in keeping with the edge of village character, reading as an ancillary structure to the host dwelling. Extracts of the proposed plans are inserted below.



Proposed Elevations: Drawing Number 1933300

6.17 CS policy LD1 is a key consideration and alongside LBA10 seek to protect the landscape character of the area and demonstrate that the design, scale and layout has been positively influenced by these characteristics.

The proposed landscaping scheme seeks to mitigate the impact of the proposal from vantage points, primarily through utilising existing site contours and sinking the dwelling along with additional planting of shrubs, grasses and wildflowers which are considered acceptable methods. The application is supported by a Landscape Statement that concludes overall that there would not be an adverse impact on local landscape character as a consequence of the removal of a cluster of stables and sheds and replacement with a coherent dwelling of good design. Whilst it

is accepted that the dwelling would replace existing built form, there is inherent landscape impact when developing in open countryside locations and the introduction of a dwelling in such a location would formalise the character of the site.

- 6.18 CS policy LA4 seeks to protect and where possible enhance the setting of heritage assets and the Council is legally obliged to have special regard to the desirability of protecting such settings. In this instance it is the site's relationship with the Grade II* Church of St Mary and some of the older properties around it that are relevant.

Though the Building Conservation Officer was not consulted on this submission, they had raised heritage led-objection to the scheme under the previous submission focusing on the rural character of the area being part of the setting of the church, previous use of the site being orchard not residential with the previous dwelling being demolished some time before 1944 and located further away from the church than the proposed, use of contemporary features not found in the local vernacular (glazed balcony with doors on first floor, use of roof space in single storey building, large glazed openings). It is my view that the contemporary features do not have an adverse impact on the setting of the listed asset or surrounding character, however I do concur with the Building Conservation Officer's original comments in that the proposal is not considered redeveloping of the site to its historic form. Given the original dwelling was located further away from the church, the new dwelling would not have an increased impact upon the setting of the asset.

Highways

- 6.19 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.
- 6.20 The existing access off Bowlers Lane is proposed to be used and it is considered that the site will experience minimal intensification. Though no visibility splays are provided it is considered the existing access is acceptable with sufficient visibility achievable at the junction between Bowlers Lane and Ruff Lane. The Area Engineer has raised no objection to the scheme with sufficient space to accommodate parking and turning, though it is noted that the site is not located in a sustainable location with no real alternative other than the private car.

Drainage

- 6.21 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).
- 6.22 The Surface and Foul Water Drainage Strategy that accompanies the proposal states that foul water will discharge to package treatment plant discharging to a drainage field and surface water

would discharge to ground via soakaway. It is noted that the Land Drainage have requested layout and construction details of the drainage system, however given the supporting documentation evidences that appropriate foul and surface water management can be achieved on site, these details can be conditioned and would not be reason to withhold permission. The proposed arrangement is in accordance with the aims of policies SD3 and SD4 and the LPA has no reason to believe this could not be achieved.

Habitat Regulation Assessment

- 6.23 The site is within the Wriggle Brook sub-catchment of the River Wye Special Area of Conservation (SAC); and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' has been formally completed under the recent previous application and this was sent to Natural England for consultation who raised no objections to the conclusions. There have been no proposed changes between the two applications that could have effects on the HRA process.

Ecology

- 6.24 In terms of ecology, Policy LD2 is of direct pertinence. This generally requires that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.
- 6.25 The application is supported by a Phase One Ecological Survey, the Council's Ecologist has had sight of this and raises no objection to its findings. The mitigation and enhancement measures and biodiversity enhancements detailed in the Ecological Report could be secured by condition. It is re-iterated that the applicant and any contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process.

Conclusion and balance

- 6.26 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Policy SS1 of the Herefordshire Local Plan Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF. At paragraph 11, the NPPF states that the presumption in favour of sustainable development means "approving development proposals that accord with an up-to-date development plan without delay". Although paragraph 12 affirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. At this time the Development Plan comprises the CS and NDP.
- 6.27 The planning balance is typically assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives.
- 6.28 In regards to benefits the proposal would contribute to local housing supply which has benefits in both the economic and social objectives; as there would be support to the local economy during the construction phase, as a result of the new homes bonus and through the spend of proposed residents; and in regards to the social objective it is evident it would provide a home for local family. I attribute limited weight to these matters given the scale of the development would not make a significant contribution economically and the fact the proposal does not meet exception criteria.
- 6.29 The proposal would provide a 3 bedroom dwelling which is a scale identified as needed within the Ross-on-Wye Rual HMA. The proposal would go some way to addressing this undersupply of

plots for self and custom building. I attribute only limited weight to this however as this type of development is not an exception, set out in the development plan, to the spatial strategy for residential development.

- 6.30 The proposal to include on site sustainable energy generation, sustainable drainage systems, electric vehicle charging points and a tight thermal envelope are supported, however they do not outweigh the unsustainability associated with the reliance on motor vehicles for daily activity.
- 6.31 Overall, the location of the site is not one supported by the NDP and would undermine the spatial strategy at a time when it can be demonstrated that at County level housing supply is exceeding target growth. The site would be accessed off Bowlers Lane which is not a lane or track referred to within the NDP policy LBA3 where residential development would be considered acceptable. Therefore, though the proposed development would derive limited benefits in the social, economic and environmental objectives, the adverse impacts of the unsustainable location and associated visual impact of formalising the open-countryside plot within a rural setting would outweigh the limited benefits.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. **The application site lies outside of the settlement formally described and identified as being appropriate for residential development within the Little Birch and Aconbury Neighbourhood Development Plan and therefore development of the site would undermine the spatial strategy of the development plan at a time when the Council can demonstrate a sufficient supply of housing land. The proposed development fails to meet any of the exceptions for development outside settlement boundaries, as specified in policy RA3 of the Herefordshire Local Plan – Core Strategy. As a result of the location, away from services and public transport, future occupants of the dwelling would have an undue reliance upon a private motor vehicle to access services and would be more likely to travel further afield, once in private motor vehicles, to access a better range of services and facilities offered beyond the nearby villages. This runs contrary to the aims of policy SS7 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**
2. **Given the site is considered to be open-countryside, the proposal would cause unjustified harm to the wider rural setting and setting of the Grade II* listed St Mary’s Church, formalising the landscape character through residential development of the equestrian site. The proposal is hence in conflict with Policy SS6, LD1 and LD4 of the Herefordshire Local Plan Core Strategy, Policy LBA10 of the Little Birch and Aconbury Neighbourhood Development Plan and the National Planning Policy Framework.**

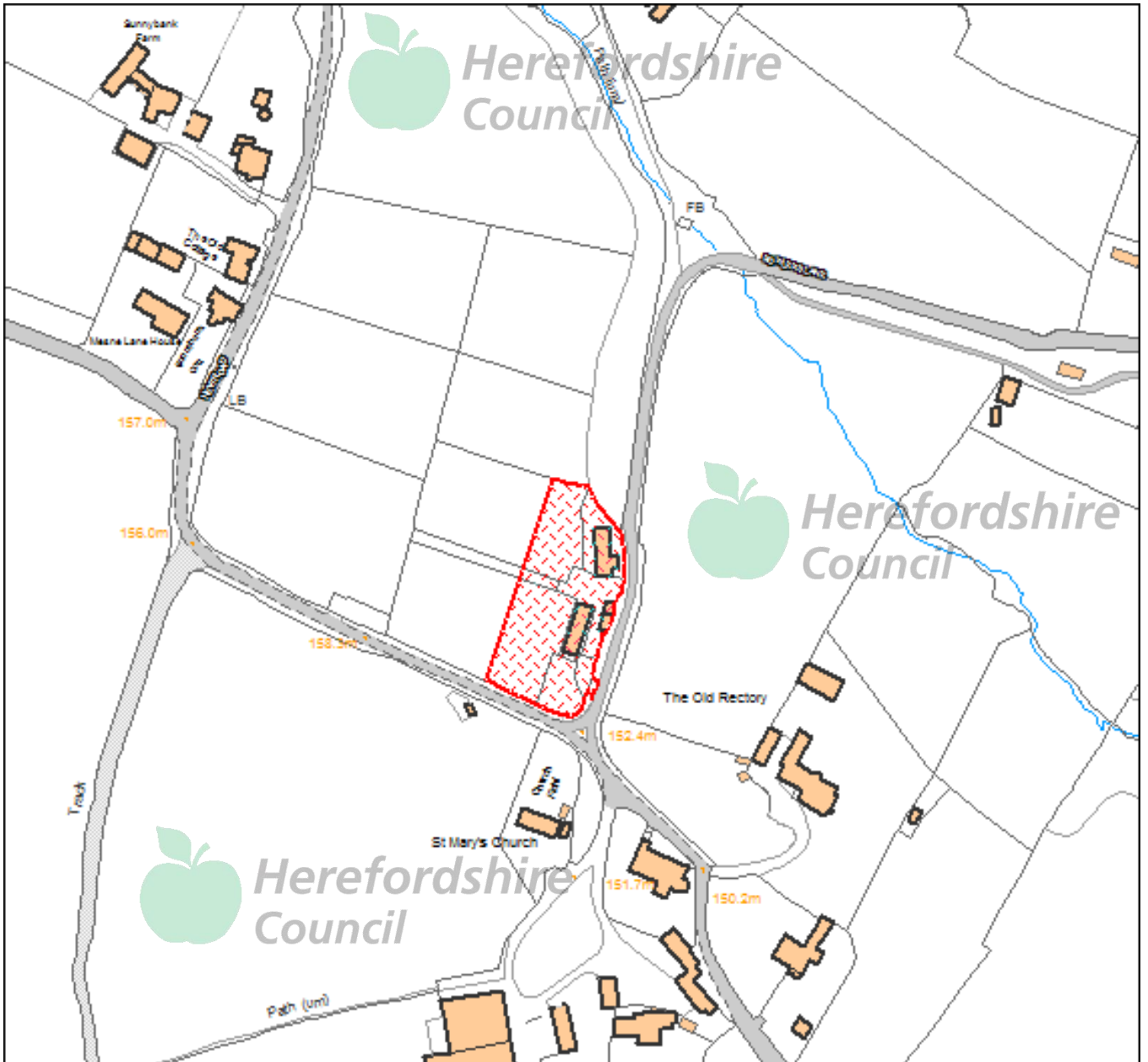
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 232106

SITE ADDRESS : STABLES, BOWLERS LANE, LITTLE BIRCH, HEREFORD, HR2 8BB

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