

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JANUARY 2024
TITLE OF REPORT:	<p>223199 - PROPOSED RESTORATION OF THE FARMHOUSE, THE CONVERSION OF THE GRANARY ATTACHED TO THE FARMHOUSE TO AN ANNEX; THE CONVERSION OF A STONE AND TIMBER FRAMED BARN TO FORM TWO DWELLINGS; THE ERECTION OF TWO NEW BUILD DWELLINGS IN LIEU OF AN EXTANT PERMISSION FOR THE CONVERSION OF THE MODERN PORTAL FRAMED AGRICULTURAL BUILDING TO TWO DWELLINGS;</p> <p>223432 – PROPOSED RESTORATION OF THE FARMHOUSE AND CONVERSION OF THE GRANARY ATTACHED TO THE FARMHOUSE TO AN ANNEXE;</p> <p>AT BARLEY KNAPP FARM, LONG LANE, PETERCHURCH, HEREFORD, HR2 0TE</p> <p>For: Mr Priestman per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL</p>
WEBSITE LINK:	<p>https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223199&search-term=223199</p> <p>https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223432&search-term=223432</p>
Reason Application submitted to Committee – Redirection	

**Date Received: 23 September 2022 Ward: Golden Valley Grid Ref: 332823,239060
North**

Expiry Date: 7 December 2022
Local Members: Cllr Phillip Price

1. Site Description and Proposal

- 1.1 The application relates to a site located 1.5 km North West of the village of Peterchurch accessed via Long Lane and a farm track serving the existing buildings. The farmstead comprises the Grade II listed farmhouse, traditional stone barn with cartshed and modern portal frame agricultural shed. The boundary of the site is demarked by mature native hedgerows to the roadside with field boundaries being a mix of hedgerow and post and wire fencing.
- 1.2 The applications seek planning permission and Listed Building Consent for the proposed restoration of the Grade II listed farmhouse and the conversion of the attached granary to an annexe; the conversion of a stone barn to two dwellings and the construction of two new build

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

dwellings in lieu of an extant Prior Approval under Class Q of the General Permitted Development Order for the conversion of the existing modern portal framed agricultural building into two dwellings.

- 1.3 The application has been amended during the course of the application in light of consultations received. This has included removal of the holiday lets, amended red line to include drainage system and materials to the farmhouse in accordance with the Historic Building Officer comments.
- 1.4 The following documents have been submitted in support of the application and can be viewed online (see link above):
- Planning Design and Access Statement – Tompkins Thomas (September 2022)
 - Energy and Sustainability Strategy – WME Boom (September 2022)
 - Heritage Statement – Holland Heritage (September 2022)
 - Landscape and Visual Appraisal V3 – MHP Design Charters Landscape Architects (April 2022)
 - Bat Survey Report – Naturally Wild (September 2022)
 - Phase 1 Extended Ecological Survey - Heritage Environmental Contractors (July 2022)
 - Biodiversity Enhancement and Landscape Plan – Heritage Environmental Contractors (August 2021)
 - Landscape Management Plan – Heritage Environmental Contractors (January 2023)
 - Design and Landscape Rebuttal – MHP Design Charters Landscape Architect (January 2023)
 - Surface and Foul Water Drainage Strategy Revision C – H+H Drainage (July 2023)

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
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
RA5	-	Re-use of rural buildings
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 Peterchurch Neighbourhood Development Plan (NDP)

A referendum for voters within the Peterchurch Neighbourhood Area was held on the 19 October 2017 and passed. The Peterchurch Neighbourhood Development Plan is therefore part of the statutory development plan and afforded full weight.

- P1 – New housing development in Peterchurch Village
- P2 – Ensuring an appropriate range of tenures, types and sizes of houses
- P6 – Landscape
- P7 – Local green spaces and infrastructure
- P9 – Dark skies
- P10 – Traffic and transport

<https://www.herefordshire.gov.uk/directory-record/3096/peterchurch-neighbourhood-development-plan>

2.3 National Planning Policy Framework (NPPF) – 20th December 2023

- 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 and beautiful place
- 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

It is highlighted to Members that 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 confirmed on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application

3. **Planning History**

- 3.1 P220162/PA4 - Change of Use of Agricultural Buildings to two Dwellinghouses (Class C3), and for building operations. - Prior Approval Granted 8 March 2022

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220162&search-term=220162

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water – No objection**

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works

may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you with information relating to this process

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.

4.2 **Historic England – No comment**

Thank you for your letter of 2 November 2022 regarding the above application for planning permission. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

4.3 **Natural England – No objection**

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.

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC - No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

River Wye SSSI – No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

4.4 **Forestry Commission – General Standing Advice**

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland

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 (ASNW) and Plantations on Ancient Woodland Sites (PAWS).

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" (National Planning Policy Framework paragraph 180c).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

Subsequent Enforcement Notices, may be materially relevant to planning applications in situations where the site looks to have been cleared prior to a planning application having been submitted or approved.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that "Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal."

We suggest that you take regard of 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 Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If not, it is worth advising the applicant to approach the Forestry Commission to provide an opinion as to whether or not an Environmental Impact Assessment is needed under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended.

4.5 **Ramblers Association – Objection**

Drawing BK02 appears to show that it is intended to divert PR34 and PR35; if so an application to divert the PROWs should be made before the PA.

4.6 **National Grid – No objection**

National Grid has No Objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline.

Internal Council Consultations

4.7 **Public Rights Of Way Manager – Comment**

Plans show a proposed diversion of public footpath PR34. This needs to be discussed with a Definitive Map Officer before we can approve the application.

4.8 **Environmental Health Service Manager (Noise / Nuisance) – No objection**

I have no objections to this proposal for residential dwellings.

4.9 **Environmental Health Service Manager (Housing) – General Comments**

The comments below from the Environmental Health Housing team are informative. They are to assist the applicant, and to save time and money should the application go ahead. They are provided to assist any future occupants of this property, including the housing landlords, and to prevent complaints to the Environmental Health Housing team, who enforce the housing Act 2004, and other Acts of Parliament in relation to domestic premises. We inspect against 29 Hazards, and all of these premises should be free of Category 1 Hazards, under Part 1 of the Act.

Comments:

Although not a material planning consideration, I would recommend the following to reduce risk to occupants of the proposed development (in compliance with part 1 of the Housing Act 2004):

1. It is recommended that the proposed development should include for a fire escape window(s) from all bedrooms where the internal escape route in the event of fire is through risk rooms i.e. another bedroom or living room/kitchen. Alternatively, the layout could be adapted to avoid the need to go through a risk room to escape from bedrooms in the event of fire.

Please note that fire escape windows should meet Approved Document B (Vol 1) of the Building Regulations. The window must have an unobstructed openable area minimum 0.33m² and be at least 450mm high and 450mm wide; the bottom of the openable area should be no more than 1100mm above the floor level.

4.10 **Principal Building Conservation Officer Initial Comments – Further detail required**

The proposal represents a quite significant intensification of residential development of this isolated farmstead with three new dwellings and three holiday pods.

Notwithstanding this, in principle I am generally supportive of the proposals which includes the removal of a large portal frame barn which is out of character with the small scale of the traditional farmhouse and stone barn.

The proposed new dwelling which replaces the portal frame barn though contemporary in design has a scale and form which sits comfortably in the site and does not particularly detract from the setting of the farmhouse.

I also support the proposed conversion of the stone barn – although residential conversion necessarily detracts from the original appearance of the barn, both internally and externally, I accept that this building is no longer suitable for farming practice and the conversion proposed

provides a new use and has been designed sympathetically in a contemporary manner which I consider appropriate.

I also consider the embedded dwelling to be acceptable. Although it extends the residential boundaries of the site its remoteness from the listed farmhouse and design will not detract from its setting.

Stone farmhouse:

The proposed re-ordering of the house and conversion of the granary and store is acceptable in principle, but I do have concerns about the details.

Taking into account the extent of proposed development the local distinctiveness of this isolated farmstead will be diminished. Offsetting this harm must be compensated by a conservation gain represented by a more sympathetic repair and re-ordering of the farmhouse.

There is evidence from stone tiles lying around the site that the roof of the house was originally covered with diminishing courses of sandstone tiles. These stone covered roofs are a distinctive regional feature. Slates which were imported from Wales were introduced much later and their flat even appearance is alien to the essential character of the house and my strong advice is that stone tiles should be used here.

No original windows survive but the original pattern would have been fairly large section oak frames with metal opening casements. The windows would not have had projecting sills. I am content with the window positions but the frames appear to be too slim and I suggest omitting the central horizontal glazing bar. The proposed new external doors also have too slender stiles, head and bottom rail.

I suggest that if you are minded to approve we condition the external joinery details. Internally we will require joinery details of the new staircases including handrails and balusters.

I would like to see the detail of the proposed stud partition to the bathroom and adjacent bedroom three.

We will need to see details of the roof at the eaves and verges.

Any new stone to be to an approved sample with the mortar mix, a sample of mortar and a sample panel of repointing to be approved.

Other conditions as follows:

Stone barn:

Detailed sections at the verge and eaves to be approved with details of the roof sheeting.

A sample of any new stone proposed with the mortar mix, sample of mortar and sample panel of pointing to be approved.

Details of the ground floor make up and finish.

Finish of external windows and doors to be approved

Long barn:

Details of roof covering with detail at the verges and eaves

Embedded house:

Details of verge and eaves.

Details of wall cladding and roof coverings.

Pods:
Details at eaves
Detail of wall cladding
External joinery details.

4.11 **Principal Building Conservation Officer Further Comment – Support with conditions**

I have taken into account that Class Q consent has previously been granted for conversion of the portal frame agricultural shed to two dwellings. The size of the shed and its materials are alien to the character of this historic farmstead and its replacement in a similar location with the much smaller scale “long barn” will result in a marked improvement to the setting of the barn and farmhouse.

The second “embedded” dwelling has been located at some distance from the historic farmstead and is not considered to have any impact of its setting.

The repairs to the farmhouse are well considered – replacement of the existing unsympathetic roof coverings with diminishing courses of sandstone tiles which were the original roof covering is a significant conservation gain. Replacement of windows which currently include upvc pattern with oak framed windows with metal frames is a conservation gain.

The repair and conversion of the redundant long barn to residential use has been well considered and is proportionate, largely retaining existing openings, spatial and structural form. The detailing is robust and reflective of its former agricultural use.

In summary, though the proposal represents an intensification of residential use, there are conservation gains in respect of the removal of the portal frame shed, repair and conversion of a redundant historic barn and the conservation of a regionally significant historic farmhouse. It is my opinion that the gain from improved setting of the farmstead, and the conservation and reuse of historic farm buildings outweighs the impact of one additional isolated structure and a modest increase in the number of dwellings.

Conditions:

- No first occupation of the barn or new dwellings until the repairs and alterations of the farmhouse have been completed.

The Farmhouse.

- Sample of stone tile to be submitted and approved prior to re-roofing.
- Details of conservation pattern rooflights to be submitted and approved prior to fitting.
- Any replacement timber structure found necessary due to defects to be notified and approved prior to timber repairs commencing
- Details of proposed roof and wall insulation at 1:10 scale to be submitted and approved prior to installation
- Details of rainwater goods and finish to be approved prior to fitting.
- Replacement walling stone, mortar samples, a sample area of repointing and any limewashing of masonry to be provided prior to any masonry works commencing. Note projecting modern concrete sills to windows to be removed – detail to be agreed.
- External joinery details at 1:2 scale, including materials and finish to be submitted and approved prior installation.
- Detail of handrail to external stairs to be submitted and approved.

Stone barn

- Details of roof covering to be submitted and approved prior to re-roofing.
- Flue pipes through roof to be black enamelled finish.
- Details of conservation rooflights to be submitted and approved prior to installation.

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

- Details of rainwater goods and finish to be submitted and approved prior to fitting.
- Samples of any replacement walling stone, lime mortar and a sample area of re-pointing to be provided prior to and masonry works commencing.
- Details of external wall cladding and external timber joinery to be submitted and approved prior to fitting.
- Details of ground floor structure and finishes to be submitted and approved prior to commencement.

Long barn

- Details of wall and roof coverings to be submitted and approved prior to roofing.
- Flue pipe to be finished in black enamel.
- Details of rainwater goods and finish to be submitted and approved prior to fitting.
- Manufacturers details of windows and external doors to be submitted and approved prior to fitting.

Embedded house

- Detailed section through turf roof, at terminations of turf roof, and details at eaves at 1:5 scale to be submitted and approved prior to commencement.
- Detail of rainwater goods and finish to be submitted and approved prior to fitting.
- Details of wall cladding at 1:5 scale with a sample of timber and finish to be submitted and approved prior to commencement.
- Manufacturers details of windows and doors to be submitted and approved prior to installation.

4.12 **Principal Natural Environment Officer (Ecology) – No objection with conditions**

The development is outwith the 'English' catchment of the River Wye SAC catchment or the River Lugg SAC catchment and is remote from others SACs. Consequently, a Habitat Regulations Assessment process is NOT triggered by this application.

The Bat Survey Report by Naturally Wild dated September 2022 and the Phase 1 Extended Ecological Survey report by HEC dated July 2022 are noted and refer.

The surveys confirmed that the site is used on an occasional basis by small numbers of common pipistrelle bats but there are no roosts of significant conservation value, such as maternity or hibernation roosts. However, it is indicated that the day roost will be lost during construction work. Consequently, it will be necessary to obtain an EPS mitigation licence from Natural England to legally permit the works that will result in the loss of the roost – the licence will be required subsequent to any grant of planning permission but prior to works commencing. The relevant recommendations in the supplied Bat Survey Report should be secured by condition on any planning permission granted.

Ecological Protection

The ecological mitigation, compensation measures and any required protected species licence, as detailed in Bat Survey Report by Naturally Wild dated September 2022 and the Phase 1 Extended Ecological Survey by HEC dated July 2022 shall be fully implemented and hereafter maintained unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

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

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of ‘fixed’ habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features) and hedgehog homes must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council’s declared Climate Change and Ecological Emergency

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

Protected Species and Lighting (Dark Skies)

At no time shall any external lighting, except low power (under 550 lumens or 5 Watt), ‘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 dwelling 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.

Construction Environmental Management Plan

As indicated in the Phase 1 Extended Ecological Survey report by HEC dated July 2022 a Construction Environmental Management Plan (CEMP) shall be initiated which will manage any potential impacts to designated sites. The CEMP shall be provided before any work; including demolition or site clearance begins or equipment and materials are moved on to site. The approved CEMP shall be implemented and remain in place until all work approved under both applications is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species, habitats and local intrinsically dark landscapes are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

4.13 **Principal Natural Environment Officer (Landscape) Initial Comments – Further information required**

The inclusion of a Landscape and Visual Appraisal (LVA) and a Biodiversity Enhancement and Landscape Plan (BELP) is welcome. I have reviewed these, together with the associated drawings and the pre-application advice (ref 213869).

Further information is required to demonstrate that the proposals draw the landscape into the scheme and provide an enhancement to the landscape:

1. **LVA** – The site is located within Ancient Border Farmlands character area, which is a high quality and distinctive type. I disagree with the LVA that the overall sensitivity of the landscape character is low. The site itself, the farm and its rural setting, has no degraded features and makes a positive contribution to the landscape. The quality of the farmhouse being listed raises the sensitivity of the site and means that development needs to consider the historic setting. The landscape is also high sensitivity to change, particularly through loss of hedgerow and subsequent loss of field pattern. Increased built form also erodes the low density scattered settlement pattern. Overall the site will change character from rural to residential. In particular Unit D will extend built development into a green field site where there have been no built development before. It is considered that the LVA underplays the sensitivity and changes to the site and that greater detail is required to ensure that the development can fully integrate with the landscape.
2. **Unit D Field House** – This new development in open countryside requires further detail to demonstrate that it is fully integrated into the landscape and that its associated infrastructure can actually be accommodated on the site.
 - a. The east elevation (shown on drawing BK10a), should also show the two cars parked outside the house, as these will form part of the visual impact. What will the surfacing be for the parking bays and ‘courtyard’ area at the entrance to the building?
 - b. The Access and Parking drawing (BK 02) states that there will be a shed for a cycle store, however this does not seem to be shown on the plans or elevations.
 - c. Other infrastructure – there is no indication of outdoor seating, amenity garden space to hang washing etc, storage for garden maintenance equipment.
 - d. The battered excavations along the drive are shown to be very steep – if retaining structures are required these should be shown and specified. If the banks are to be seeded and mown then a gradient of 1:3 is usually recommended. Groundworks along the drive should be shown.
 - e. The new garden boundary ‘ha ha’ should reflect the site and the topography. In particular the north east boundary could follow the original field boundary and could be replanted with a native hedgerow (rather than fence as shown) to enhance the historic character.
 - f. Is a patio or hard surfacing required to the west elevation, where patio door opens from the living area into the garden?
3. **Unit G** – Will this PV battery storage building need a hard surfaced maintenance access track?
4. **Unit F** – Will this shed and cycle store for the Farmhouse need a new hard surfaced access track?
5. **Surfacing** – The drawings simply state gravel / hardstanding – however the design specification for the hard surfacing should form an integral part of the landscape design. The detailing, edging and material choice all have a substantial influence on the character of the site. This is particularly for the entrances and around the setting of the listed building.
6. **Fencing** – The gate to the whole site and the fencing to the front of units A, B1 and B2 should be specified.

7. **Tree planting** – Additional ‘free standing’ native tree planting along the existing hedgerows to the south west field, including along the roadside, would be welcome to enhance the wider landscape character, filter views towards the new development and overcome the stated forces for change.
8. **Grazing** – The land around the new and converted residential buildings is labelled as grazing, however would this then need stock proof fencing?
9. **Maintenance / management** – The BELP refers to long term maintenance and management requirements, however it should include a plan to show which areas are conveyed to private ownership and what will be communally maintained by a management company or similar. This is to ensure consistent and appropriate management across the site, particularly where it adjoins open countryside.
10. **Pond creation** – The BELP mentions two new newt ponds, if these are separate to the water attenuation ponds then the wildlife pond location should also be shown on the site plan.

It is requested that these details are considered as part of the application due to the sensitivity of the site within the ancient boarder farmlands, particularly the extension of Unit D into open countryside. This is in accordance with Core Strategy Policy LD1 which seeks to ensure that development proposals protect and enhance the setting of settlements and can integrate appropriately into its surroundings. In relation to LD4 the landscape details are required to demonstrate that there will be an enhancement to the setting of the heritage assets and contribute to the character and local distinctiveness of the wider environment.

4.14 **Principal Natural Environment Officer (Landscape) Further Comments – No objection with conditions**

In terms of landscape, I have no objection to the principle of the development. The renovation of historic buildings, removal of a neglected shed, and replacement with a new smaller shed is sympathetic. The landscape proposal is an enhancement in accordance with Local Plan, Core Strategy, Policy LD1, LD2 and LD3. The solar panels are ground mounted, and set behind an existing hedgerow, with new trees planted to the north to mitigate any visual impacts.

The new ‘in-ground’ building is set within the landscape, and is at a scale that does not significantly impact the visual impact. Compensation, or biodiversity offsetting from soil soiling is addressed by a ‘meadow grass roof’, and with tree planting and landscaping.

I do recommend a strict condition for the ‘Field House’ to ensure the building is retained as a singular integrated identity within the landscape. Any form of domestication (such as potting shed, green house, gazebo, extensions, add-ons or timber fencing for example), should have ‘removal of permitted development rights’, due to the impact this would have on the character and landscape setting.

In general the landscape information is not fully specified (i.e. plan BK03), and requires further details. This includes both hard and soft landscaping. The maintenance and management should be updated accordingly if change occurs due to the final details.

Due to the complex, homogeneous nature of the development, it is recommended to safeguard and enhance the character of the local landscape by ensuring that the colour and finishes are appropriate (in keeping or recessive in the landscape), and do not cause visual harm. It is recommended to undertake an Environmental Colour Assessment to inform the colours (and finishes) for the new building C (Longbarn House), and new building D (Field House), and in general all buildings requiring new materials, painting or details as part of the development. Also include landscape elements (i.e. gates and fencing, materials associated with the Ha-Ha wall, and the PV solar panels). In general, the finishes should be matt to reduce glare and potential reflection.

Conditions:

C65 – Removal of permitted development rights

Reason 2 - For new houses - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

CK3 – Landscape Scheme

CK4 – Implementation

CK5 – Maintenance Plan (10 years)

Reasons: as per outlined by the condition reference

CK6, p) An Environmental Colour Assessment (ECA), to inform the choice of external colours of the development/features/buildings.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policy LD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

4.15 **Area Engineer Team Leader – No objection**

This application is for a primarily residential development of an existing farm in a rural location. I have visited the site and note the constrained access route along a very narrow and winding country lane with very few opportunities within the highway boundary for two vehicles to pass.

This application comprises many different elements, therefore this response is broken down to address each element in turn.

Restoration of the farmhouse – this would not increase the number of vehicles on the local highway network as it is to remain as is.

Conversion of granary to annexe – the granary would have generated some traffic movements under its agricultural use and any vehicular movements associated with its conversion would be of a similar level.

Conversion of stone/timber barn to two dwellings – the barn would have originally been in agricultural use which would have (and could still) generated traffic movements which are likely to comprise of larger vehicles. The conversion to two dwellings will generate a similar level of vehicular movements to the existing/consented use of the barn. Any increase would be marginal and certainly not considered to be severe as set out in the NPPF.

Modern portal framed barn – it is understood that this could be converted into two dwellings via Class Q (prior approval application 220162) therefore if the barn is demolished and replaced with two dwellings there would be nil detriment in terms of vehicle movements.

Solar panels – after initial set up these wouldn't generate any vehicular movements.

Shepherd Huts – it is understood that this element of the proposals has been removed which is welcomed by the LHA as it is likely that the LHA would have objected to this part of the scheme given the increase in vehicular movements it would have generated.

In conclusion, the LHA has no objection to the application as the number of additional vehicle movements over and above what could already be generated via existing/consented uses would be minimal and could not be considered to be severe in NPPF terms. There are, however, a number of conditions which should be attached should planning consent be granted. These include cycle storage, access (the first 5m should have a bound surface such as tarmac, gravel

is not acceptable for the first 5m. The gradient should be a maximum 1:8) and given the constrained nature of the highway network leading to the site a Construction Traffic Management Plan should be conditioned.

Conditions: CAD (access gates to be set back 5m), CAH (access construction and gradient), CAT (Construction Traffic Management Plan), CB2 (cycle storage)

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

www.herefordshire.gov.uk/directory_record/1992/street_works_licence

<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.16 Land Drainage Initial Comments – Objection

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 probability Flood Zone 1.

As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application does not need to be 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 located within an area at risk of surface water flooding.

Other Considerations and Sources of Flood Risk

As the topography within the area of the proposed development is steeply sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems.

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

There are currently no formal surface water drainage arrangements at the site. It is stated that as part of the development, impermeable area at the site will be reduced.

Two infiltration tests were undertaken at the site to a depth of 0.9m and 1.5m bgl respectively. Although the results of the tests have not been provided, we assume that as the percolation tests results were poor and the surface water drainage strategy comprises of two attenuation basins, the infiltration tests failed.

Surface water runoff from the proposed development will be diverted to one of two proposed attenuation basins providing 52.6m³ and 2.5m³ attenuation respectively. Attenuated surface

water will then be discharged at a rate of no more than 5 l/s to Black Brook. The surface water drainage network has been designed for a 1 in 100 year plus 40% climate change event.

No surface water drainage layout plan has been provided. Black Brook is approx. 200m from the proposed development, outside of the red line boundary. It is unclear if third party land permission has been granted to facilitate an offsite discharge to Black Brook.

Foul Water Drainage

Percolation testing was undertaken in two separate areas of the site and the majority of the tests failed. One test at 0.6m bgl provided a Vp rate of 22 and another two at 0.15 and 0.1m bgl provided rates of 21 and 9 respectively. However, the test pits were not located together.

As percolation testing proved a foul water discharge to ground is not viable, the proposed foul water drainage arrangements comprise of a package treatment plant, with an offsite discharge, via a partial drainage field to Black Brook. It is assumed that Black Brook is a non-seasonal watercourse.

It has been acknowledged that an Environment Permit will be required, as the daily discharge will exceed the 2m³ /day to ground from a package treatment plant (3.75m³ /day).

No foul water drainage layout plan has been provided. Black Brook is approx. 200m from the proposed development, outside of the red line boundary. It is unclear if third party land permission has been granted to facilitate an offsite discharge to Black Brook.

Overall Comment

We object to the proposed surface water and foul water drainage arrangements due to the lack of detail that has been submitted as part of the planning application, as detailed above

Land Drainage Further Comments – Further information required

Surface Water Drainage

There are currently no formal surface water drainage arrangements at the site. It is stated that as part of the development, impermeable area at the site will be reduced.

Two infiltration tests were undertaken at the site to a depth of 0.9m and 1.5m bgl respectively. Although the results of the tests have not been provided, we assume that as the percolation tests results were poor and the surface water drainage strategy comprises of two attenuation basins, the infiltration tests failed.

Surface water runoff from the proposed development will be diverted to one of two proposed attenuation basins providing 52.6m³ and 2.5m³ attenuation respectively. Attenuated surface water will then be discharged at a rate of no more than 5 l/s to Black Brook. The surface water drainage network has been designed for a 1 in 100 year plus 40% climate change event.

No surface water drainage layout plan has been provided. We appreciate that it may be difficult to discharge surface water runoff from the western attenuation basin due to site levels. Therefore, if an offsite discharge cannot be accommodated for this attenuation basin, we accept that should the attenuation basin exceed capacity, any overland flows would not affect any third parties due to the presence of agricultural land. In the first instance though, we request that the Applicant explores the option of having just the one eastern attenuation which all dwellings discharge to. The eastern attenuation basin should be discharged at a restricted rate to Black Brook via the foul water discharge pipe.

Foul Water Drainage

Percolation testing was undertaken in two separate areas of the site and the majority of the tests failed. One test at 0.6m bgl provided a Vp rate of 22 and another two at 0.15 and 0.1m bgl provided rates of 21 and 9 respectively. However, the test pits were not located together.

As percolation testing proved a foul water discharge to ground is not viable, the proposed foul water drainage arrangements comprise of a package treatment plant, with an offsite discharge, via a partial drainage field to Black Brook, which has been assessed as a watercourse with a base flow.

As there will be a combined surface water and foul water discharge to Black Brook, we accept that a partial drainage field is not required.

It has been acknowledged that an Environment Permit will be required, as the daily discharge will exceed the 2m³/day to ground from a package treatment plant (3.75m³/day).

No foul water drainage layout plan has been provided. Black Brook is approx. 200m from the proposed development, with the red line boundary.

Overall Comment

Based on the reviewed documents stated above, provided there are no changes made to the proposed surface water and foul water drainage arrangements at any other planning stages and will be constructed in line with the design and plans under this application, in principle, we hold no objections to the proposed development.

Once the above information has been submitted and approved, should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions;

- Detailed surface water and foul water drainage design plans/construction drawings, including associated calculations. EA permit to discharge foul water to Black Brook.
- Confirmation on the persons responsible for the future management and maintenance for the foul water and surface water drainage systems.

4.17 Land Drainage Final Comments – No objection with conditions

Surface Water Drainage

There are currently no formal surface water drainage arrangements at the site. It is stated that as part of the development, impermeable area at the site will be reduced.

Two infiltration tests were undertaken at the site to a depth of 0.9m and 1.5m bgl respectively. Although the results of the tests have not been provided, we assume that as the percolation tests results were poor and the surface water drainage strategy comprises of two attenuation basins, the infiltration tests failed.

Surface water runoff from the majority of the proposed development will be discharged to an attenuation basin providing 61.5m³ respectively. Attenuated surface water will then be discharged at a rate of no more than 5 l/s to Black Brook, via a combined discharge pipe. Due to the remote location of the site, we propose that a vertical perforated pipe, which is secured to the edge of a manhole, adjacent the attenuation basin and with a support bend in it, would be a sufficient form of flow control for this site and would provide a restricted discharge rate. This would allow the infiltration to ground of small rainfall events and an overflow with discharge offsite during large

rainfall events. The surface water drainage network has been designed for a 1 in 100 year plus 40% climate change event.

The exceedance flow from the green roof of Field House will be discharged to the shared attenuation pond via a single gravity drain. It is not possible to discharge run-off from the proposed green roof to the easterly attenuation pond due to a risk of surface water draining back towards the green roof.

The new dwelling to the west of the site will drain to banked hedge attenuation pond, which due to site levels cannot discharge to Black Brook. Therefore, as an offsite discharge cannot be accommodated for this attenuation basin, we accept that should the attenuation basin exceed capacity, any overland flows would not affect any third parties due to the presence of agricultural land.

Foul Water Drainage

Percolation testing was undertaken in two separate areas of the site and the majority of the tests failed. One test at 0.6m bgl provided a V_p rate of 22 and another two at 0.15 and 0.1m bgl provided rates of 21 and 9 respectively. However, the test pits were not located together.

As percolation testing proved a foul water discharge to ground is not viable, the proposed foul water drainage arrangements comprise of a package treatment plant, with an offsite discharge, via a partial drainage field to Black Brook, which has been assessed as a watercourse with a base flow.

As there will be a combined surface water and foul water discharge to Black Brook, we accept that a partial drainage field is not required.

It has been confirmed that an Environment Permit will not be required, as the daily discharge will not exceed the 5m³/day to surface water from a package treatment plant (3.75m³/day).

Black Brook is approx. 200m from the proposed development, within the red line boundary.

Overall Comment

Based on the reviewed documents stated above, provided there are no changes made to the proposed surface water and foul water drainage arrangements at any other planning stages and will be constructed in line with the design and plans under this application, in principle, we hold no objections to the proposed development.

Once the above information has been submitted and approved, should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- Detailed surface water and foul water drainage design plans/construction drawings, including associated calculations.
- Confirmation on the persons responsible for the future management and maintenance for the foul water and surface water drainage systems

5. Representations

5.1 Peterchurch Parish Council

Peterchurch Parish Council objects to the proposals set out in planning consultation 223199 for the following reasons:

- The development will generate a significant increase in traffic using Long Lane which will have a deleterious impact on people living along the lane in terms of convenience and noise.
- The road access to the site of the proposed development is a narrow lane unsuitable for accommodating construction traffic and all large vehicles post development.
- The proposed drainage system for the development is inadequate and unsustainable.
- The increased traffic will heighten the safety risk to people who routinely walk along the lane.
- The development will have a negative visual impact on people living in neighbouring properties.
- The ecology report contains a number of factual inaccuracies such as the suggestion that there are no owls (and other protected species) living close to the site.
- The development will lead to unacceptable levels of light pollution.
- The development will lead to an increase in the level of phosphate contamination in the River Dore.
- Residents are concerned that they were not consulted on the proposals.

5.2 Peterchurch Parish Council Further Comments

Peterchurch Parish Council considered Planning Re-Consultation 223199 when they met on the 12th December 2022.

Councillors noted the applicant's decision to drop the holiday pods but considered that this did not materially change the substance of the proposals. For this reason, the Parish Council have asked me to reiterate their previous objections which they consider remain valid.

5.3 Third Party Representations

Full application 223199 has received 48 x Objections and 24 x Further Objections and 1 x Comment

Listed Building Consent 223432 has received 17 x Objections

As the issues raised overlap both applications, they have been summarised together as follows:

- Conserving the house and barn are supported but development in the field outside of the unit is not acceptable as open countryside location, withdrawal of the holiday lets is appreciated but does not address other issues
- Building outside the village is not policy compliant and would set precedent
- Loss of light or overshadowing, loss of privacy and overlooking, noise disturbance from resulting use
- Visual amenity of Grade II house would be reduced by additional houses, along with associated ancillary buildings, tranquillity of the area would be diminished
- Adequacy of parking loading and turning
- Highways safety and traffic generation - Long Lane is very narrow and steep with no passing places, it could not accommodate the additional traffic
- Loss of trees and hedgerow removal to accommodate access to holiday accommodation
- Design appearance and materials – proposed replacement dwellings would draw the eye more than the existing barn
- Layout and density of buildings – overdevelopment of the site and increase of dwellings on the site would have adverse impact on Grade II listed buildings, carving up fields would have detrimental impact on character
- Does not meet requirements of RA3 and would be new dwellings in open countryside location with no sustainable travel
- Nature conservation and archaeology – heritage report does not mention prominent position looking over Golden Valley with surrounding Castles and scheduled monuments not included

- Solar panels – glare would decrease visual amenity
- Fear of crime
- Objection to holiday lets on agricultural land and the amount of movement associated with addition tourism use
- Development outside of village that does not meet local needs
- Discharge of effluent into the brook which is often dry during the summer months and eventually flows into the river Dore, additional phosphates within the River Wye
- Additional surface water run off from development and removal of hedgerow
- Class Q does not apply as it is within the curtilage of listed building and is not being used as intended, residents were not informed of the Class Q application and the barn has been used in the last 10 years making it not disused
- The site is elevated and the embedded house would be visible from footpaths, large amount of glass would create glare, this site is within the ownership of the applicant but not the curtilage of the farmhouse
- Trees would not sufficiently mitigate impact of built form
- Abundant wildlife in area which will be disturbed by extra human activity
- Light pollution from extra dwellings
- Pressures on water supply, capacity issues identified in the area
- Relocation of ancient footpath PROW
- Grave disturbance of two former residents on the site
- Fall back position has a 16% less floor area than the proposed new dwellings, as such not comparable scale and fails to meet Mansell Case
- RA3 requires replacement to be within the lawful domestic curtilage of existing residential building
- Landscape harm associated with the development in green space and undeveloped land, applicant is clearly aware that development in this location would be visible in the landscape given the attempt to hide it
- Applicant has failed to mention that he building is roofed in 60 year old asbestos cement sheeting
- Daniel Bowles Design Rebuttal minimises building D which is located away from the farmhouse and assumed residential development would be beneficial but would be out of character
- Highways comments focus on whether the development would generate more traffic than the original farm and concludes any increase would be marginal, this is not agreed with given the amount of new occupants on the site and farming activities being undertaken by those who do not live on site
- Nigel Koch's comments are disagreed with, the solar panels would be visible and screening them would make them ineffective, building D would introduce dwelling in undeveloped pasture land, proposed building C would have similar impact as existing barn and how can the restriction on ancillary buildings be enforced?
- Rebuttal letter from Carly Tinkler in response to Landscape and Environment (Available in full on Council's Website entitled Ms Carly Tinkler, Landscape, Environmental and Colour Consultancy on behalf of Ms S Salter)

5.4 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=223199&search-term=223199

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.”

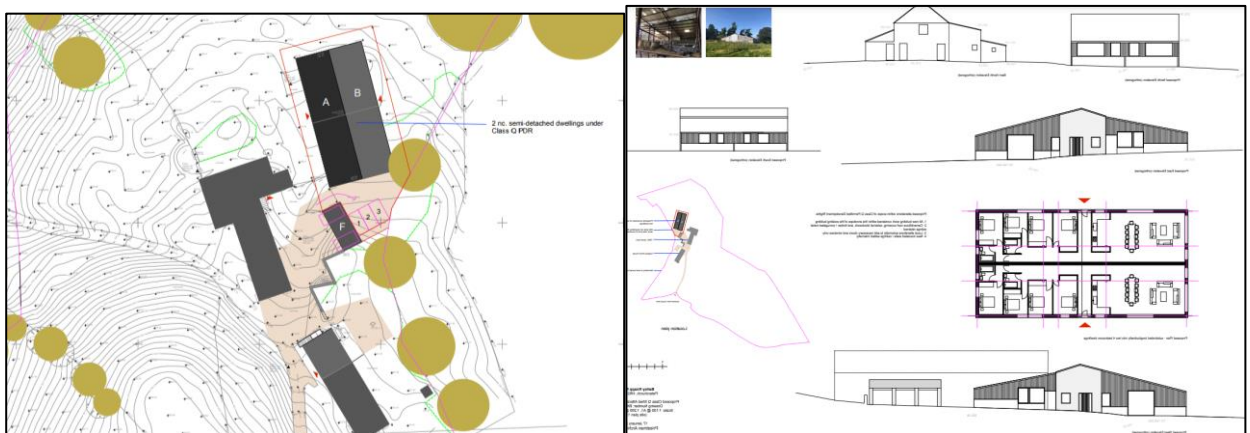
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Peterchurch Neighbourhood Area, which was adopted on 1 December 2017.
- 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 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 has been made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.
- 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.

The New Dwellings

- 6.6 In this instance, the site lies outside of any identified settlement under the CS or NDP and is therefore considered to be within open countryside. Accordingly, Policy RA3 is relevant in order to assess the principle of new housing in this location, having regard for the two proposed new builds. Policy RA3 sets out seven criteria under which houses in open countryside may be permitted:
1. *Meets an agricultural or forestry need or other farm diversification enterprise for a worker to live near their place of work;*
 2. *Accompanies and is necessary to the establishment or growth of a rural enterprise and complies with Policy RA4;*
 3. *Involves the replacement of an existing dwelling (with lawful residential use) that is comparable in size and scale;*
 4. *Would result in the sustainable reuse of a redundant or disused building where it complies with Policy RA5;*
 5. *Is rural exception housing in accordance with Policy H2;*
 6. *Is of exceptional quality and innovative design satisfying the design criteria set out in paragraph 79 of the current NPPF and achieves sustainable standards of design and construction;*

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

- 6.7 No exceptional circumstances have been advanced to satisfy policy RA3 and I find the principle of new residential development to run counter to the spatial strategy of the development plan and to be in conflict with Policies RA2 and RA3 contained within the Core Strategy and as such, absent of any other material considerations, the principle of development as proposed would not be supported.
- 6.8 However, application P220162/PA4 is a key material consideration of relevance in assessing this scheme. The application sought the Council's Prior Approval for the conversion of the agricultural building on this site to 2 dwellings . The Council approved the application and in doing so granted Prior Approval for the development. In combination with the permitted development rights conferred by Class Q of Part 3 of the General Permitted Development Order (GPDO), the decision granted planning permission for the development. Extracts of the approved plans (block plan, elevations and floor plans) are inserted below for ease.



The application is a fall-back position and I will refer to it from hereon as 'the Class Q scheme'. In my view this fall back is a material consideration which must be given due weight when assessing the policy context as a whole.

- 6.9 The Courts have long held that a fall-back is an important material consideration in the decision-making process where a "fall-back position" refers to a development that could take place if the planning permission under consideration isn't granted. The Courts have also held, most recently in Mansell [Mansell v Tonbridge And Malling Borough Council [2017] EWCA Civ 1314], that there must be a 'real prospect' of the fall-back occurring. Mansell is a useful judgement handed down by the Court of Appeal for two reasons. Firstly, it clarifies that a Class Q scheme is capable of being a fall-back position as an alternative development scheme. In fact, in the case of Mansell, the relevant Council hadn't even issued a prior approval notice for the hypothetical scheme. Rather, in assessing an application for new-build development, the officer, in his report to committee, explained that the residential conversion of existing buildings on site could be achieved under Class Q and that through communication with the developer, there was a very real intent to convert the buildings if the application under consideration failed. The officer advised the committee that this represented a 'fallback' position. The Court of Appeal found that in advising as such, the officer had not erred in law.
- 6.10 Secondly, Mansell crystallises the position that a proposal which offers a better redevelopment opportunity in planning terms than that which would be achieved by a fall-back position should be given appropriate weight.
- 6.11 A prior approval notice, as is benefitted from in this case, provides clear evidence of an intention and ability to develop which puts the fall-back position beyond reasonable doubt. It is considered that the extant prior approval notice for the conversion of the existing building to a dwelling is a

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

material consideration of 'critical importance' and that it represents a 'fall back' position for the site that should be afforded significant weight in this case.

6.12 In this context, the principle of the proposal is supported, despite the conflict with the development plan since the material considerations from the fall-back position are considered to outweigh the harm from any potential departure from the spatial strategy. Having established that the Class Q scheme is a fall-back position, the most straightforward manner of assessing whether planning permission should be granted for the current application is to consider the comparative impacts of the schemes. It is noted that representation received through public consultation queries the Class Q application. The full assessment can be reviewed on the Council's website, however in the interest of clarity I will address the points raised in turn:

- Class Q does not allow the conversion of listed buildings under permitted development rights, however the building is not listed in its own right. It is recognised it is near to a listed building however, the wording of the criteria is such that it does not preclude the change of use of agricultural buildings to dwellings nearby or adjacent to a listed asset.
- Site notice was displayed as required for public consultation (Consultation from 26 January 2022 until 16 February 2022) the Parish Council was also consulted at validation of the application.
- Class Q criterion does not require redundancy of the subject agricultural building

Additionally, it is highlighted that the proposed scheme has a 16% increase in floor space than the fallback position and cannot be considered under Mansell Caselaw. The Mansell Caselaw is not so prescriptive in its assessment of the fallback position, only that it can be given weight in decision making and the comparative assessment of the scheme's impacts. To this effect, any increase in floorspace is considered in the design, scale and visual impacts below.

Design and Amenity

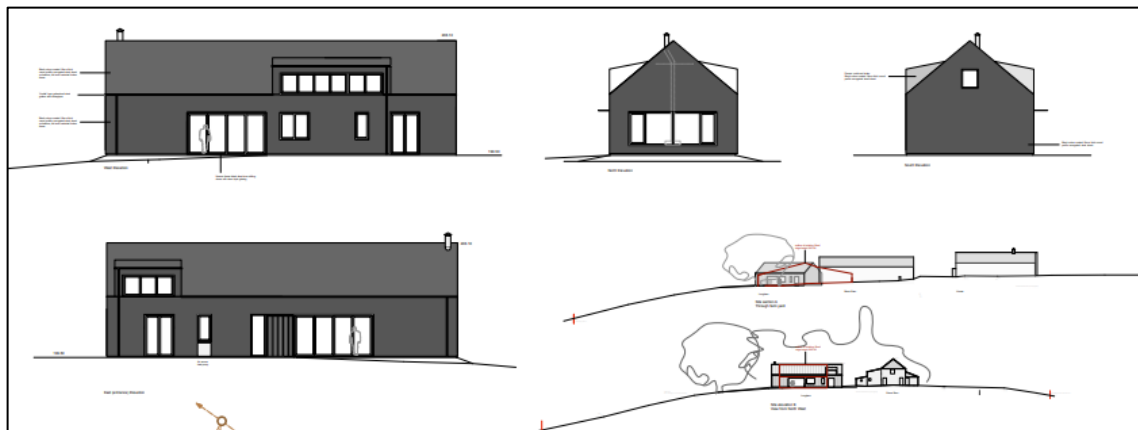
6.13 The NPPF advises that proposals should be of a high-quality design. Paragraph 132 explains that proposals should add to the quality of an area, are visually attractive as a result of good architecture and establish or maintain a strong sense of place.

6.14 CS Policy SD1 requires that development proposals should create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. Where appropriate, proposals should also make a positive contribution to the architectural diversity and character of the area, including through innovative design. They should also safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

6.15 As a starting point, it is recognised that the portal frame barn, although of typical utilitarian appearance has a generally negative impact upon the setting of the historic farmstead being in a prominent location near the listed buildings on the site. As such, there is an opportunity to visually improve the site through the demolition of the barn and its replacement with high quality design dwellings. The proposal seeks to replace the two approved dwellings granted through the Class Q application with two detached dwellings, one located on the site of the existing shed and one to the south west of the main farmstead, separated by the access track - I shall assess these in turn.



6.16 The long barn (Dwelling 1 – annotated as C on the proposed plan) would utilise the same ridge height of the existing modern agricultural shed and has been designed to reflect the agricultural buildings of architectural merit on the site. The scale and form of the building takes reference from the existing stone barn on the site utilising a simple rectangular layout. The long barn would be located on the site of the steel portal barn, albeit at a different orientation, however this would relate well to the historic farm group and integrate well within longer views. This replacement of the existing built form on site would be considered a visual improvement since the modern barn offers little in the way of heritage or landscape merit to the historic farmstead. The dwelling would utilise natural and recessive materials including timber cladding and corrugated metal roofing to reflect the agricultural and rural character established on the farmstead. Proposed elevations are inserted below.



6.17 The proposed location of the embedded dwelling (Dwelling 2- Annotated as D on the proposed plans) lends itself to the provision of a more contemporary design nestled into the hill side in a landscape and setting led approach. This would be less visually prominent than the long barn form and read as more in keeping with the immediate surroundings, distanced from the farm unit which is read as a grouping in itself. If the dwelling on this location is to outweigh the harm of built form on the currently undeveloped land, separated from the existing agricultural cluster, the proposal needs to encompass clear benefits with regards to landscape and heritage impacts.

- 6.18 The embedded dwelling utilises the gradients of the site to sit within the hill side with a proposed grass roof to visually integrate the unit into the landscape. The exposed elevation would have minimal massing and the engineering would follow the contours of the hillside. The proposed materials of timber to the principle elevation and the green roof would assimilate the unit into the natural environment and have minimal visual impact from wider vantage points. Extracts of the proposed plans are inserted below.



- 6.19 With regards to residential amenity, it is not considered that the proposal would have adverse impact upon the amenity of neighbouring residents in terms of loss of privacy, overbearing or noise, given the sufficient distance between nearby dwellings. The proposed dwellings are oriented in a manner so to not overlook other occupants within the farmstead with sufficient private amenity space provided for each unit. The Environmental Health Officer raises no objection to the scheme on the matters of noise or nuisance. The land immediately around the site is in pastoral use which is compatible with the proposed residential use, with no likely disruption as a result of agricultural activities.

Sustainability and Accessibility/Highways

- 6.20 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.
- 6.21 It is noted that the application includes sustainable features through design, including maximising solar gain, intention to attain elemental U-Values which are better than Building Regulations, air source heat pumps and solar array to the field to the south of the dwellings.
- 6.22 The site occupies an open countryside location and is contrary to the Development Plan in terms of its spatial location. Reasonably, use of a private motor vehicle, would be required for most journeys. However, that is all true of the fall-back position too. Given that the fall-back position and the application proposal are both for two dwellings and inherently have the same location, the proposed development would not result in an analogous pattern of movement when compared to the fall-back position. On the above basis, the proposal would be neutral in terms of its accessibility to services and facilities.
- 6.23 The NPPF sets out at paragraph 114 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. CS Policy MT1 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 115 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. At local level this is reinforced by NDP policy G6 which seeks to ensure all new development includes safe and suitable access, off road car parking that avoids large areas of hardstanding which is appropriately sited and screened within the landscape and access to public transport. The NDP does not include specific highways policy beyond Policy P10 which seeks to support improved car parking in the village centre.

- 6.24 Local objections are noted in respect of the traffic movements and impacts on the local area. No objection is raised to the application by the Area Engineer Team Leader as the number of additional vehicle movements over and above what could already be generated via existing or consented uses would be minimal and would not be considered severe in NPPF terms. The site offers sufficient parking and turning space for the proposed residential units with access to be gained via existing field entrance and track. Conditions are included to secure cycle storage, access surface, gradient and Construction Traffic Management Plan in light of the constrained nature of the highway network.
- 6.25 The PROW and Ramblers Association comments are taken into consideration and the applicant is aware of the formal requirements, however it is recognised that the formal diversion cannot be undertaken until planning is confirmed and it is accepted that the proposed diversion. It is noted that the footpath as identified dissects the barn and therefore that is likely to offer improvements. An informative has been included to remind the applicant of the required procedure.

The Barn Conversion

- 6.26 Of less contention in policy terms is the conversion of the existing barn. CS Policy RA5 is the main consideration in establishing the principle of this element of the proposed development. It states that proposals for the sustainable re-use of redundant or disused buildings in rural areas which will make a positive contribution to rural businesses, support the local economy or otherwise contributes to residential development will be supported where:
1. *Design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting;*
 2. *Design proposals make adequate provision for protected and priority species and associated habitats;*
 3. *The proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;*
 4. *The buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and*
 5. *The building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.*
- 6.27 Criterion 4 and criterion 5 of Policy RA5 states that the building should be of permanent and substantial construction which is capable of conversion without needing a major or complete reconstruction. Furthermore, the building should be capable of accommodating the proposed new use without needing substantial alteration or development which either...“individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting”.

- 6.28 The barn is considered curtilage listed by association and appears on visual inspection to be capable of conversion without major or complete reconstruction. However, given the heritage status of the building, the additional interventions are considered acceptable in planning balance to secure the future use of the historic asset. Furthermore, it is evident that the barn retains its agricultural character and the proposal utilises existing openings in a sympathetic manner. Therefore it is acceptable to consider that a new, residential use would likely pose the most viable long term option for the heritage asset.
- 6.29 The building is capable of accommodating the proposed use without the need for substantial alteration or extension or ancillary buildings; the development being within the scope of the existing building. The proposed hardstanding extends along the existing track and yard area to the side of the barn, as such this would appear in keeping with the existing layout and not be detrimental to the landscape setting.



- 6.30 The design is generally considered to respect the character of the agricultural building, utilising existing openings and structure. Though there are proposed new openings, these are not considered to undermine the agricultural character. Given the curtilage listed status of the threshing barn, Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Principal Building Conservation Officer's comments are of direct relevance with no objection raised to the barn conversion, accepting that the building is no longer suitable for modern farming practices and therefore, the sympathetically designed conversion would offer the most viable use going forward.

Restoration of Farmhouse & Conversion of Granary to Annexe

- 6.31 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant listed building consent for works which affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.32 In this respect, the advice set out at paragraph 205 of the Framework is relevant, insofar as it requires that great weight be given to the conservation of a designated heritage asset. The more important the asset, the greater the weight should be. Paragraph 206 goes on to advise that any harm to, or loss of, the significance of designated heritage assets should require clear and convincing justification. At paragraph 207, it states that where substantial harm is identified local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 208 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

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

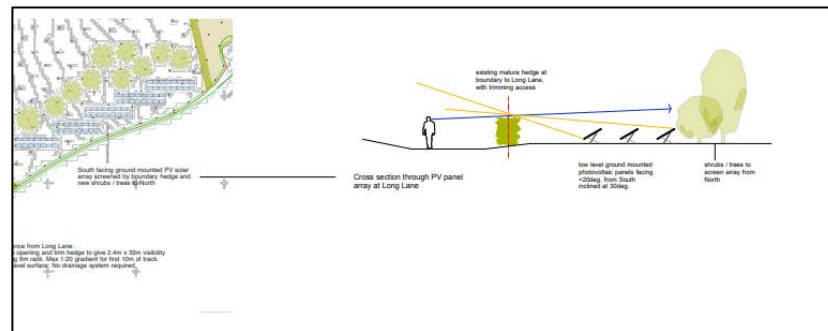
against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 6.33 CS Policy SS6 states that development proposals should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets. In this regard CS policy LD4 is also of relevance, which requires amongst other things to ensure that new developments 'protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible'. Policy SD1 also requires that development proposals take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area.
- 6.34 The stone farmhouse is Grade II listed in its own right and it is noted that the building requires restoration and updating, as well as the opportunity to reverse some modern interventions that fail to respect the historic character. As noted by the Principal Building Conservation Officer, the use of sandstone tiles and replacement of existing windows with metal frames are considered conservation gains. No technical objection is raised to the restoration works and use of the granary as an annexe, the proposals being well considered to respect the existing fabric and significance of the listed asset. Additionally, the repair and conversion of the redundant long barn is considered acceptable, retaining existing openings, spatial and structural form. The Principal Building Conservation Officer acknowledges that the detail reflects the former agricultural use and would offer the most viable option for the future retention of the building.
- 6.35 In terms of the wider setting of the historic farmstead, it is recognised that the proposal would represent an intensification of residential use, however this has been proposed in a manner that respects the historic character and significance of the listed assets and their setting. The proposal offers conservation gains through the removal of the portal frame barn, the repair and conservation of a redundant historic barn and the conservation of a historically important farmhouse.
- 6.36 Overall, it is considered that any heritage harm which would occur is considered to be less than substantial, and in the application of the NPPF's 208 test it is considered that this harm would be outweighed by the benefits of the scheme in terms of ensuring the barn retains a viable use; the modern steel portal barn is removed to improve the historic farmstead; and the listed farmhouse is repaired and restored to an historically appropriate standard. No conflict with LD4 is therefore detected as result of what is proposed, and the proposal accords with Section 16 of the 1990 Act.
- 6.37 It is acknowledged that the CS does not have a specific policy relating to the provision of residential annexes. However, it is a generally accepted planning principle that in order to meet the definition of ancillary accommodation, an annexe must be subordinate in terms of its function and scale to an existing lawful dwelling. The most relevant Core Strategy is policy SD1, which amongst other things requires that development proposals should respect surrounding development and uses whilst safeguarding good standards of amenity for both existing and proposed residents.
- 6.38 Given the nature of the granary as an attached feature of the main farmhouse, there would be clear relationship with and dependencies on the host dwelling. The building would be used ancillary to the farm house as secured through use of condition. On this basis and noting the orientation of the existing and proposed dwellings, it is not envisaged that it would have any impact on residential amenity.

Landscape/Visual Impact

- 6.39 Policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. New landscape schemes along with their management should ensure development integrates appropriately into its surroundings and maintains tree cover. In wider terms, policy SS6 sets out that development proposals should conserve and the enhance environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.
- 6.40 At local level, NDP policy P6 seeks to ensure development proposals show regard to the varied and distinctive landscape character of the area by retaining the integrity of the dispersed settlement pattern of main village, scattered hamlets and farmsteads, demonstrate the character of the surrounding landscape has influenced the proposed development, retain and re-using vernacular buildings, protecting and enhancing designated areas including listed buildings, restoring native woodland and in appropriate locations increasing traditional orchards.
- 6.41 The site is located within Ancient Border Farmlands character area, which is a high quality and distinctive type and the application is supported by a Landscape/Visual Assessment which found the likely overall landscape impact across all landscape receptors as "Landscape effects are overall assessed to be medium".
- 6.42 It is recognised that many of the local concerns focus upon the landscape impact of the proposed development. In considering the initial comments from the Council's Landscape Officer, it is accepted that the proposed Dwelling 2 occupies a separated location from the main farmstead and in this sense would be a departure from the existing character of the site and introduce new built form in a currently undeveloped field. However, it is considered that the design approach through embedding the unit into the hillside would reduce adverse visual impacts in the wider setting and would not detract from the overarching historic settlement pattern of sporadic agricultural units characterising the area. Following the submission of a Landscape Management Plan and Rebuttal Letter, a further consultation response was provided concluding that the principle of sympathetic renovation and reuse of existing buildings would have minimal impact upon the landscape and recognising that there is benefit to be achieved through the removal of the large portal frame barn and replacement with a long barn style dwelling to reflect the agricultural and rural landscape. This is indicated in the Historic Building Officer's comments as a heritage gain to be achieved through the scheme that would enhance the setting of the listed building as well as the traditional farmstead character of the wider site. The new 'in-ground' building makes use of the landscape contours and is of a scale that would not significantly impact the setting and its siting creates a visual separation to the historic unit further protecting the historic significance of the listed assets. No objection is raised to the meadow grass roof, tree planting and soft landscaping plans, with conditions recommended to secure full specifications for hard and soft landscaping, material colour and finishes and removal of permitted development rights.
- 6.43 Five small arrays are proposed to serve each residential unit to the south of the field housing the embedded dwelling. The solar panel array would be ground mounted and located behind existing hedgerow, as such they would not be widely visible with new trees planted to the north to further screen the additions. Conditions would secure this mitigation. Their siting is considered acceptable given the distance from the listed building and other dwellings and appropriate

screening. It is not considered they would have wider adverse impact given their low lying nature and roadside screening. The plans are shown below for ease of reference.



Ecology and Drainage

- 6.44 CS Policies LD2 and LD3 are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure. Policy P7 of the NDP states development proposals should enhance and introduce new green infrastructure, and Policy P9 seeks to reduce light pollution in to the Golden Valley and improve the views of the night time skies.
- 6.45 The application has been supported by a Bat Survey Report and Phase 1 Extended Ecological Survey which has been reviewed the Council's Ecologist. No objection is raised to their findings subject to conditions to secure the relevant recommendations in the Bat Survey Report, including, EPS mitigation licence from Natural England. Conditions are also included to secure biodiversity enhancement, restriction on external lighting to protect dark skies and a Construction Environmental Management Plan.
- 6.46 During the course of the application, Natural England has advised of changes to the Impact Risk Zone boundaries where Habitat Regulation Assessments are required. This now includes the proposal site and the HRA process has therefore been triggered. The Council's Ecologist has completed the Appropriate Assessment finding no adverse effects on the integrity of the River Wye Special Area of Conservation. This has been sent to Natural England for formal consultation who have raised no objection.
- 6.47 CS Policy SD3 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).
- 6.48 The application site lies within Flood Zone 1 as defined by the Environment Agency and as such has a low probability of flooding. Surface water from the majority of the development will be discharged to an attenuation basin, which will then be discharged to the Black Brook to the north of the site through a combined discharge pipe. The exceedance flow from the green roof of Field House will be discharged to the shared attenuation pond via a single gravity drain. The new dwelling to the west of the site will drain to banked hedge attenuation pond which cannot discharge to Black Brook due to site levels. Foul water would be managed through package treatment plant with discharge via partial drainage field to Black Brook. The drainage layout has been amended to lay pipework along hedgerow to avoid accidental damage from farming activity

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and the red line revised to include the drainage systems to secure future management. It has been confirmed that an Environment Permit will not be required, as the daily discharge will not exceed the 5m³/day to surface water from a package treatment plant (3.75m³/day).

- 6.49 It is noted that the representations received state that the Black Brook is a seasonal watercourse, however it is considered on balance there is sufficient evidence to conclude that Black Brook is a sufficient enough watercourse with a baseflow to accept a discharge from the proposed water management systems. Additionally, the Environment Agency General Binding rules states “New discharges must be made to a watercourse that normally has flow throughout the year.” It should be noted that the Environment Agency General Binding Rules do not state that the watercourse must be permanent, only that there is normally flow throughout the year. The Land Drainage Engineer has raised no objection to the scheme on this basis, subject to the inclusion of surface and foul water detailed drainage design plans and confirmation of the future management of the drainage systems.
- 6.50 Finally on this matter, consideration has been given to the comments provided by Welsh Water. The reservations regarding the supply of water are noted but does not result in a formal objection. In this case the comments refer to the potential requirement for the applicant to carry out hydraulic modelling to ascertain whether there would be a requirement for reinforcement works at the same time as consideration is given to the provision of a new main water. In this case, separate legislation under Sections 41 and 51 of the Water Industry Act (1991) would regulate this aspect of the proposed development. Therefore, a refusal on this ground could not be sustained and an informative note is recommended to cover the Welsh Water advice.

Conclusion and Planning Balance

- 6.51 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.
- 6.52 Having established that the Class Q scheme is a fall-back position that can be afforded significant weight, the most straightforward manner of assessing whether planning permission should be granted for the current application is to consider the comparative impacts of the schemes. In the preceding paragraphs it has been established that the removal of the existing modern portal framed barn and replacement with one long barn style dwelling and one embedded dwelling would result in some conservation and landscape gains. These are afforded significant weight in the planning balance given the listed status of the farmhouse and associated barn. It is recognised that there is some identified harm in terms of the intensification of the residential use, as well as the new built form separated from the agricultural unit. However, as discussed, it is considered that the design approach and detailing of the proposed restoration, conversion and the long barn dwelling is appropriate in retaining the agricultural character of the site with conservation gains through the reversal of modern interventions to the farmhouse. In addition to this, the embedded dwelling has been designed to minimise adverse visual impact through the use of a grass roof and its response to the contours of the land. Additionally, the scheme includes the provision of renewable energy sources, sustainable features through the new build and additional green infrastructure planting. As such, it is Officer opinion that there are sufficient benefits to be derived from the proposal when compared to the fall-back position of the Class Q approval to find the principle of development acceptable.

- 6.53 The proposed conversion of the threshing barn to two residential units is considered acceptable and complies with the requirements of RA5. The re-use and restoration of the threshing barn and farmhouse has been considered in a sympathetic manner so to retain the historic agrarian character whilst providing the most viable future use for the heritage assets.
- 6.54 No other technical objection has been received from statutory and internal consultees.
- 6.55 In bringing all of the above together it is considered that the proposed development accords with the Development Plan and it is therefore recommended that planning permission and Listed Building Consent be granted subject to the below conditions.

RECOMMENDATION

223199

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

- 1. Time limit for commencement (full permission)**
- 2. Development in accordance with the approved plans and materials**
- 3. 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.

- 4. Prior to the first occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/vehicle turning area.**

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.

- 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**
 - Construction traffic access location**
 - Parking for site operatives**
 - 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.

- 6. 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 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 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.

- 7. With the exception of any site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point per dwelling (excluding the existing farmhouse), shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

- 8. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

- 9. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out at dwellings referred to on submitted plans as Barn Conversions (B1 & B2), Long Barn House (C) and Embedded House (D).**

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy RA5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. Additionally, in order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Prior to commencement of any development, including groundworks, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:
- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
 - b) Trees and hedgerow to be removed.
 - c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
 - d) All proposed hardstanding and boundary treatment.
 - e) An Environmental Colour Assessment (ECA), to inform the choice of external colour of the development/feature/building.

Reason: To safeguard and enhance the character and 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.

11. 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 building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting (Or other timescale that may be agreed as part of condition 12) will be replaced in accordance with the approved plans.

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

12. Before the development is first occupied or brought into use, a schedule of hard and soft landscape maintenance for a period of 10 shall be submitted to and approved in writing by the local planning authority. The schedule shall clearly identify who will take responsibility for which areas (eg: Within domestic curtilage / outside of domestic curtilage and where there is shared responsibility how this will be managed)

Maintenance shall be carried out in accordance with this approved schedule.

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

13. Prior to occupation of development of the new dwellings hereby approved the following details shall be submitted to and approved in writing by the Local Planning Authority:
- a) detailed surface water and foul water drainage design plans/construction drawings, including associated calculations
 - b) details of the persons / bodies responsible for the future management and maintenance for the foul and surface water drainage systems.

The approved scheme shall be implemented before the first occupation of any of the building hereby permitted and maintained in accordance with the approved details thereafter.

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.

14. Before any works in relation to the materials specified below begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:

- Detailed section of the embedded house through grass roof, at terminations of turf roof, and details at eaves at 1:5 scale;
- Details of wall and roof coverings to the long barn;
- Details of wall cladding at 1:5 scale of the embedded house, with a sample of timber and finish;
- Details of rainwater goods and finishes of the embedded house and longbarn;
- Manufacturers details of windows and doors of the embedded house and longbarn
- Flue pipe of the longbarn to be finished in black enamel

The works shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings and historic setting so as to ensure that the development complies with the requirements of Policy SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15. The ecological mitigation, compensation measures and any required protected species licence, as detailed in Bat Survey Report by Naturally Wild dated September 2022 and the Phase 1 Extended Ecological Survey by HEC dated July 2022 shall be fully implemented and hereafter maintained.

Reason: To ensure that all species are protected having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

16. Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of 'fixed' habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features) and hedgehog homes must be supplied to and approved in writing by the local authority.

The approved scheme shall be implemented in full prior to occupation of the any new residential unit hereby approved and hereafter maintained as approved.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency

17. **At no time shall any external lighting, except low power (under 550 lumens or 5 Watt), '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 dwelling be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time.**

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.

18. **As indicated in the Phase 1 Extended Ecological Survey report by HEC dated July 2022 a Construction Environmental Management Plan (CEMP) shall be initiated which will manage any potential impacts to designated sites.**

Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the local planning authority for written approval.

The approved CEMP shall be implemented and remain in place until all work approved under both applications is complete on site and all equipment and spare materials have finally been removed;

Reason: To ensure that all species, habitats and local intrinsically dark landscapes 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. **Within six months of any of the solar panels/photovoltaic panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference and land reinstated to former condition.**

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

2. 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) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “high status 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. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

3. The applicant is advised by Welsh Water that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991). Further information can be found via: <https://www.dwrcymru.com/en>

4. 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

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That Listed Building Consent be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. CE7 Time period
2. Development in accordance with approved plans and materials
3. Before any works on the Farm House in relation to the materials specified below begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:
 - Sample of stone tile
 - Roof and wall insulation at 1:10 scale
 - Replacement walling stone, mortar samples, a sample area of repointing and any limewashing of masonry
 - Details of projecting modern concrete window sill removal
 - External joinery details at 1:2 scale, including materials and finish
 - Detail of handrail to external stairs

The works shall be completed in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core

Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 4. Before any works on the Farmhouse in relation to the materials specified below begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:**

- Details of roof covering and flue pipes that shall be black enamelled finish**
- Samples of any replacement walling stone, lime mortar and a sample area of re-pointing**
- Details of external wall cladding and external timber joinery**
- Details of ground floor structure and finishes**

The works shall be completed in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 5. Prior to commencement of works to the Timber structure, any replacement found necessary due to defects shall be detailed and a scheme of repair/replacement submitted to and approved in writing by the Local Planning Authority.**

The works shall be completed in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6. Details of the material, sectional profile, fixings and colour scheme for Rainwater goods of the farm house and threshing barn (gutters, downpipes, hopper-heads and soil pipes) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this element of works. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

- 7. The roof windows to the farmhouse and threshing barn shall be of the traditional low profile metal pattern and details at 1:2 or 1:5 shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.**

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

- 1. This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress [or required separately under the Building Regulations, by the County Fire Service or by Environmental Health legislation] may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution. For works of Demolition attention is drawn to Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that works of demolition should not commence until notice has been given to the RCHME.

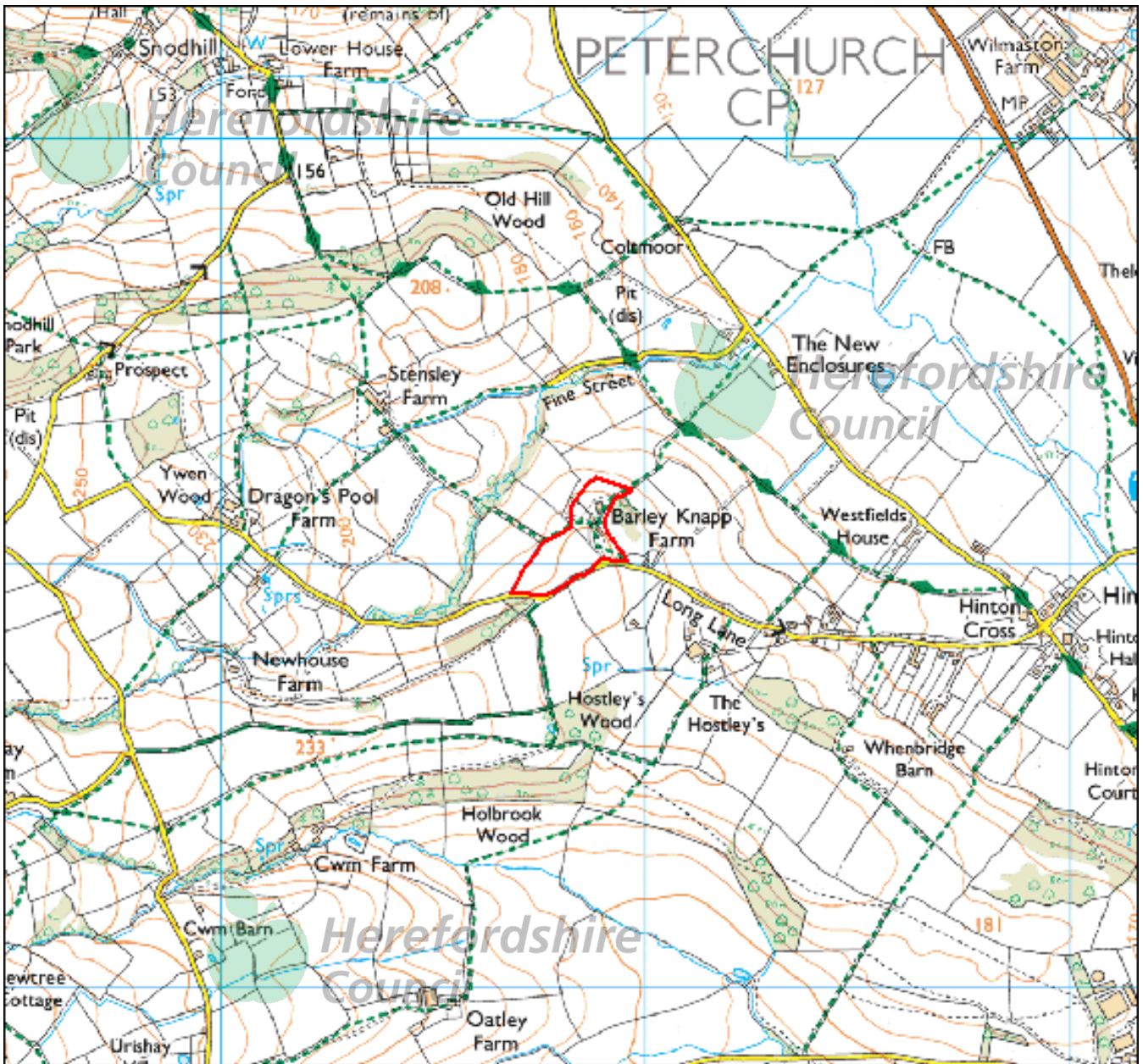
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 223199 & 223432

SITE ADDRESS : BARLEY KNAPP FARM, LONG LANE, PETERCHURCH, HEREFORD,
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