

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>4 JUNE 2025</b>
<b>TITLE OF REPORT:</b>	<b>231806 - PROPOSED SITING OF 12 NO. HOLIDAY LODGES FOR USE AS TOURIST ACCOMMODATION ON LAND WITHIN THE ESTABLISHED PLANNING UNIT AT HILLCREST, FOY, ROSS-ON-WYE, HR9 6RD</b>  <b>For: Mr Sutton per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231806">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231806</a>
<b>Reason Application submitted to Committee – Redirection</b>	

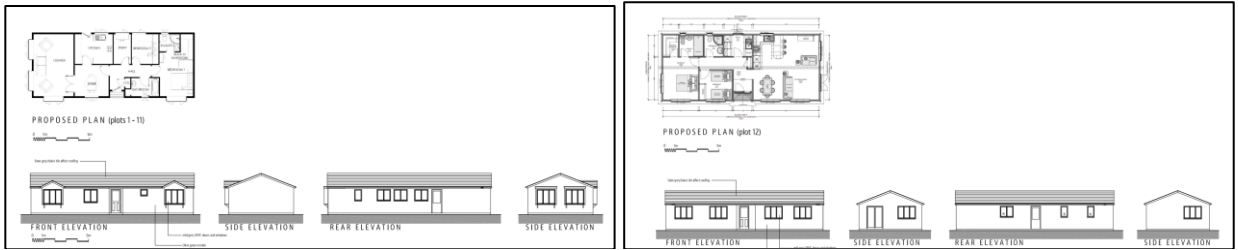
**Date Received: 12 June 2023****Ward: Old Gore****Grid Ref: 359947,228978****Expiry Date: 31 March 2024**

Local Member: Cllr Barry A Durkin

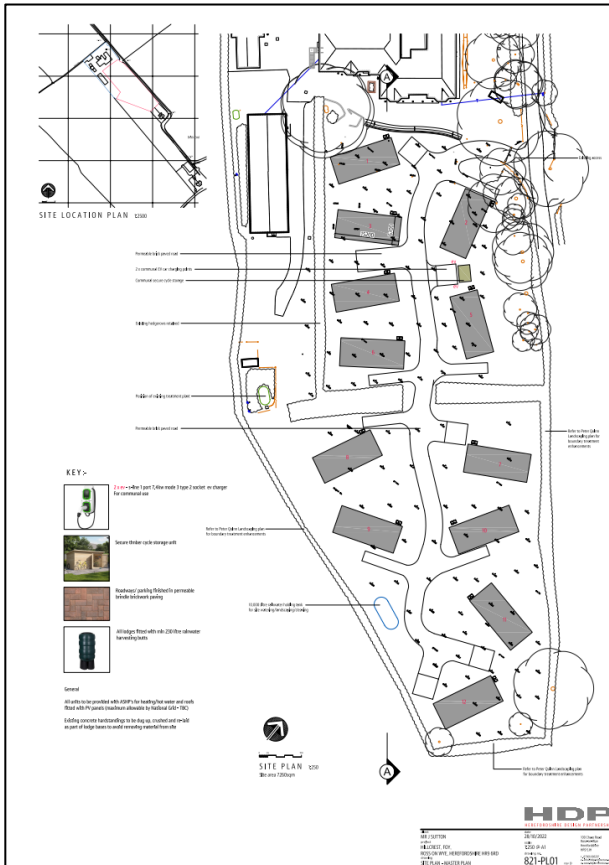
## 1. Site Description and Proposal

- 1.1 The application site is located to the northeast of Foy, approximately 4.3 kilometres from the town centre of Ross-on-Wye, within the Wye Valley National Landscape. It is situated within Flood Zone 1. The site is accessed via a private road that leaves the north side of the U71006, passing between the residential properties Stephlands Cottages and Whitewalls and which ends at Underhill Farm. The site exhibits a pronounced slope towards the southeast and is enclosed by substantial vegetative boundary treatments. The accompanying Landscape and Visual Appraisal (Peter Quinn Associates) provides a detailed assessment of the site and surrounds.
- 1.2 The site was previously utilised for the purposes of recreational activities offering accommodation for children (former PGL site known as Hillcrest). The Design and Access statement provides details of the planning history of the site and advises that Hillcrest has become surplus to requirements *‘and mindful of the lawful use of the site and its discrete nature within the AONB, the applicant seeks to continue, in a proportionate matter. The residential occupation of the site by tourist but via lodges, which meet the definition of ‘caravans’*
- 1.3 The application therefore seeks approval for the construction of twelve self-contained, two-bedroom holiday accommodation units (within the definition of a caravans) situated to the southeast of the site. It is identified that each unit is proposed to have a footprint of 101.8 square metres, with dimensions of 15.2 metres in length and 6.7 metres in width, and a ridge height of 3.7 metres. The proposal also includes associated landscaping works.

Extracts from the Amended proposed plans are provided on the next page for ease:



*Extracts - Proposed Plans – Drawing number 821-PL06*



*Extract – Drainage 821-PL01 Rev D – Site Plan – Master Plan / Location Plan*

1.4 The application has been amended during the course of the application and the amended plans have been subject to re-consultation in Feb/ March 2025.

## 2. Policies

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

- SS1 - Presumption in Favour of Sustainable Development
- SS4 - Movement and transportation
- SS5 - Employment provision
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA6 - Rural Economy
- E1 - Employment provision
- E4 - Tourism
- MT1 - Traffic Management Highway Safety & Active Travel
- LD1 - Landscape and Townscape

- LD2 - Biodiversity and Geodiversity
- SD1 - Sustainable Design and Energy Efficiency
- SD2 - Renewable and low carbon energy
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

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

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## 2.2 Brampton Abbots and Foy Neighbourhood Development Plan (BAFNDP)

<https://www.herefordshire.gov.uk/downloads/file/25426/draft-neighbourhood-development-plan-may-2023>

The Brampton Abbots and Foy Group Neighbourhood Development Plan was made on 7 June 2021. It now forms part of the Development Plan for Herefordshire

- Policy BAF2 – Good Quality Design
- Policy BAF4 – Landscape and Scenic Beauty
- Policy BAF5 – To Support the Growth of Small-Scale Rural Businesses
- Policy BAF8 – The Management of Traffic Safety around The Neighbourhood Development Plan Area

## 2.3 National Planning Policy Framework (NPPF)

- Chapter 2 – Achieving sustainable development
- Chapter 6 – Building a strong and competitive economy
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

- 2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

## 3. **Planning History**

- 3.1 The planning history of the site is described within the submitted Design and Access statement and is summarised below:

Application No.	Description of Development	Decision
P250394/F (adjoining)	Change of use of Hillcrest to 2 no. self-build C3 dwelling houses and continued use of staff accommodation as two dwelling houses (part retrospective).	Approved with Conditions 9 <sup>th</sup> April 2025

P213789/F	Proposed extension to manager's accommodation, activity pond, parking area, internal road alterations and external shelters.	Withdrawn
P201722/F	Change of use of former residential adventure centre to residential dwellings with no internal or external alterations	Refused
P200927/F	Change of use of former residential adventure centre to two residential dwellings.	Withdrawn
SE1999/3076/F	Erection of Staff Accommodation	Approved
SE2001/2642/F	Retrospective application for erection of a replacement climbing and abseil tower	Approved
SE1999/1990/F	Erection of staff accommodation facilities	Withdrawn
SH931163PF	Staff Bathroom Extension	Approved
SH911063PF	Siting of 8 Caravans to be used by staff during March- September	Refused
SH880087PF	New Sewage Treatment Plant	Approved
SH85015PF	Erection of a Scaffold Abseil Tower	Approved

#### 4. Consultation Summary

##### 4.1 Area Engineer Team Leader comments (March 2025):

The local highways authority has considered the amended drawings and makes the following comments.

The proposal is the same as previously submitted but the layout has improved the traffic movements on site. There is now EV charger supplied on site as well as secure cycle storage which is welcomed to promote sustainable modes of transport.

The previous comments supplied and conditions suggested are still relevant and should be considered when deciding the application.

##### 4.2 Area Engineer Team Leader comments (July 2023):

The proposals seek to develop 12 holiday lodges along a private lane and as such does not feed directly onto the surrounding local highway network.

The access to the site is as existing. However, it is noted that the width of the internal access road is identified to be 4 metres. This would not facilitate passing manoeuvres and as such should be widened to a minimum width of 4.1 metres to allow for the passing of two cars in accordance with Manual for Streets guidance. It is considered that this can be conditioned.

In addition, there also seems to be a pinch point at the existing access. It is noted that this is under the canopy of a number of trees. This pinch point could result in conflicts between vehicular movements accessing and egressing the site. The applicant should ensure that the width of the internal access road is consistent throughout the proposed development.

No details with regard to car and cycle parking on site have been provided. It is however noted that there is sufficient space on site to accommodate one space per holiday lodge and as such this can again be conditioned.

The local highway authority therefore have no objections to the development proposals subject to the following conditions.

1. Prior to the first occupation of the holiday lodges hereby approved an area shall be laid out within the curtilage of the lodges for the parking of one car per lodge. This shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

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

2. 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
- 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.

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

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. Development shall not begin in relation to the provision of road and drainage infrastructure until the following details are submitted to and approved in writing to the local planning authority:

- Design of the internal access serving the holiday lodges to a minimum width of 4.1 metres.
- Surface finishes
- Drainage details
- Future maintenance arrangements

The development shall be carried out and thereafter maintained in accordance with the approved details.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### 4.3 Environmental Health Officer- Noise and Nuisance (06/12/24)

This is a proposal for 12 self-catered, 2-bed holiday units and associated works.

I have some concerns with the potential for noise from the proposal having an adverse effect on the local community. The nature of the area means that background noise levels will be low and there is potential for noise to impact on nearby local residents, especially those that live immediately next to the site.

Therefore, whilst this department does not object to this application, it is on the proviso that the following condition is added to any permission granted:

Prior to first commencement of the use hereby permitted, a noise management plan shall be submitted to, and approved in writing by the Local Planning Authority.

The noise management plan should address the following headings:

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

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

#### 4.4 Natural Environment Officer (Landscape) (19/03/2025)

I note that the latest site plan (dwg no 821-PL01 rev D) now shows the vehicle access road as being block paving, which was previously shown as gravel (dwg no 821-PL01 rev C). Block paving has a more suburban and permanent appearance, than that of gravel which is regularly found on rural farm tracks.

Comments in my previous response still stand (dated 16/07/2024).

#### 4.5 Natural Environment Officer (Landscape) (16/07/2024)

I welcome the revised layout, increased proposed planting and the levels information.

I remain unconvinced however that the site can accommodate the number of proposed caravans without significant detriment to the overall landscape character, including the remoteness and tranquillity, due not only to the built form and infrastructure, but the general increase in noise, movement, colour and light that does not currently exist in the area.

I would support the proposals for the northern 6 caravans. These are located on the flatter ground and require less earthworks, as now clearly demonstrated on the site plans and section. There is also more established trees and hedgerows in this northern half, which can be adequately added to as demonstrated in the latest landscape layout. The caravans would be seen and experienced in close proximity to the existing built form adjacent to the northern boundary. The appearance of the caravans could still be improved if they have a range of external colours / finishes, to include



different shades of green or timber cladding, rather than just a single treatment. The re-aligned track is welcome, giving a less urban feel to the site, however it is questioned from a landscape point of view whether the concrete kerb edging is required or whether a softer edge would be suitable if it were serving 6 caravans instead of 12.

I maintain my objection to the southern 6 caravans. This area does not have the same context of existing built form. It is far more steeply sloping, from 67.33 in the north east corner, down to 62.56 in the south west. The provided site section shows the outline of the cut into the slope that would be required for each caravan – material which would need to be removed from site or spread elsewhere, permanently altering the natural topography of this undeveloped field. Retaining this lower, sloping half of the site as an open, recreational field for the use of 6 caravans would be a more appropriate landscape response. This southern half of the proposals do not demonstrate that the character of the landscape has positively influenced the scale of the development and does not conserve and enhance the natural, historic and scenic beauty of the AONB. This part of the application is contrary to Core Strategy Policy LD1.

If the application were to be approved, then pre-start conditions should be added to provide a detailed landscape scheme, a landscape management plan to ensure plant establishment and a site management plan to demonstrate sustainable long term use of the site

#### 4.6 Natural Environment Officer (Landscape) (07/02/2024)

I welcome the submission of the Landscape and Visual Appraisal by Peter Quinn Associates. It does not, however, fulfil all the missing information, previously identified, that would allow a full assessment of the impact, particularly on landscape character.

As stated at LVA para 3.2 no levels information is provided – however the sloping ground is a key characteristic of the site and surrounding area. The construction would likely include some earthworks to create level parking areas and drainage and the lodges / caravans would require steps / retaining structures to make them level on the site.

I disagree with LVA para 5.2, which states that the site contributes little to the AONB in terms of character and views and has a low-moderate landscape value. My conclusion would be that the undeveloped nature of the two fields making up most of the site makes a positive contribution, particularly to the picturesque, extensive and dramatic views and the overall view of arable, mixed farming and orchards and hedgerows that define field boundaries. This is demonstrated in the distant view points 9 -13, where the site forms a subtle feature in the wider landscape – it is not negative or degraded and does not draw the eye in conflict with the surroundings.

I draw attention to the text set out in para 4.6 of the LVA, stating that there would be an adverse effect on landscape quality and character at close quarters. This notes that there will be some light spill, particularly on winter nights. There are very few details in relation to the actual design of the lodges / caravans, but it is clear in this paragraph they do not reflect local distinctiveness or architectural detailing and materials. The intensity of numbers and parking on the site will introduce a clustered settlement pattern that would appear incongruous at this point in the landscape. There would be an increase in visual uniformity through the introduction of 12 structures that are of the same design and scale.

The viewpoints selected are appropriate and suitably presented. It is agreed that it is the southern half of the site that is generally more visible. It is agreed that in distant views there would be a slight **adverse** visual impact. It is also agreed that in close / adjacent views there would be a moderate **adverse** visual impact.

The mitigation proposals are suitable, however I disagree that even in the long term their impacts would reduce the overall effect to be neutral. This is particularly due to the sloping ground, which would likely have some permanent alterations and the character impact of the intense and uniform

use across a currently green and undeveloped area. The planting proposals set out on the Landscape Mitigation and Enhancement Plan (Appendix A2) are suitable, were other issues to be overcome.

If the application is to be considered further, I request that information is provided, as per my previous response and where details are lacking within the LVA. This particularly relates to the design of the lodges / caravans, associated paraphernalia (bins stores, bike stores, etc) and the impacts on the levels. Ideally the intensity of use on the lower field would be reduced to 2 or 3 units, therefore protecting more open space as per the existing and surrounding conditions. The layout of the lower field could also be of a more bespoke design (removing the repetitive pattern of units 8, 9, 11 and 12) if it is based on a topographical survey and therefore demonstrates that it informed by the existing landform.

#### 4.7 Natural Environment Officer (Ecology) –(01/04/2025)

Ecology have no comments to make in regard to the amended site plans. All conditions suggested in previous response remain relevant

#### 4.8 Natural Environment Officer (Ecology) 03/08/2023

Notes in respect of Habitat Regulation Assessment (River Wye SAC)

The proposal includes new additional foul and surface water. The proposal is for the creation of 12 no. holiday lodges for use as tourist accommodation.

- The River Wye SSSI has been declared as unfavourable declining and the LPA has a duty to ensure developments do not make this situation worse or hinder the improvement of the condition of this SSSI.
- The proposal will be discharging to an existing package treatment plant that has been suitably sized.
- The Drainage report by Ekoflow shows the package treatment plant system on site is fully operational and serviced and is able to cope with the proposed holiday homes on site.
- The proposal will lead to additional surface water to be created.

The drainage inspection report by Ekoflow proposed that the system on site is fully operation and able to accept additional population.

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

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

Notes in regards to ecology

The site is within the Wye Valley AONB and less then 1km from the River Wye SSSI. The PEA by Wilder Ecology dated 8 March 2023 classed the site as semi-improved grassland habitat. Site habitat boundaries will not be impacted and the site has negligible suitability for use of protected species. From information supplied and images available there are no immediate ecology related concerns with this proposal. There are no ecological records of important or Protected Species in the immediate locality to the site. We offer no further ecology comments but require the following conditions to be adopted.



### Conditions

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

### Lighting

- a. At no time shall any external lighting be installed on the site without the written approval of this local planning authority.
- b. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.
- c. No external lighting should illuminate any enhancement or boundary feature.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

### Ecological Protection & Protected Species

The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement, any required European Protected Species Licence, and the mitigations mentioned in the PEA by Wilder Ecology dated 8 March 2023 shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3.

#### 4.9 Natural Environment Officer (Ecology) (06/07/2023)

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

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

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

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

## Notes in respect of HRA

- The proposal is for TWELVE Holiday Lodges with associated foul water flows created.
- The River Wye SSSI has been declared as unfavourable declining and the LPA has a duty to ensure developments do not make this situation worse or hinder the improvement of the condition of this SSSI.

The application form and D&A Statement refer to a drainage report by Ekoflow to demonstrate that the existing foul water management system has capacity and that additional flows created will not lead to any effects on the River Wye SAC-SSSI (or SSSI condition status). This report does not currently appear to be available for consideration by the LPA and use in required HRA process (and consideration of effects on River Wye SSSI).

Once this additional information has been supplied the required considerations and processes can potentially be progressed and further general ecology comments also made.

## 5. Representations

### 5.1 Brampton Abbots and Foy Parish Council (1.4.2024)

Further to the approved extension of time for comments, the parish council considered the amended drawings provided for this application at their meeting last evening.

Whereas they acknowledge that the proposed layout may have changed, this does not deal with the concerns raised previously by the parish council, and as such, the council continues to object to the proposals on the following grounds:

Impact on the local area: This is an AONB and should be protected from inappropriate and unnecessary development that will detract from its beauty and rural, uncluttered aspect. The lodges are very big – the size of small family homes – and having 12 identical large units can only have an adverse visual effect and the minor alterations to the layout makes little difference in this regard.

Traffic : There is no road leading to the site, only a track, the rubble and mud that will run into the public highway with the increased traffic usage will have a significant detrimental impact on the parish roads. Additionally, the number of vehicles likely to be attending will be significant given that each lodge is proposed to have 2 bedrooms and the road network simply does not support this level of increased constant usage.

Existing structure: It is of extreme concern that the planning department has not determined what the existing house will be used for, and the effects of such usage, and that the applicant has not seen fit to volunteer this information. The parish council strongly believes that until such time as the future use of the existing house is clarified / formalised along with the impact on the parish and its residents, no further development should be considered at the location

### 5.2 Brampton Abbots and Foy Parish Council (15.2.2024)

Further to the re-consultation for the above planning application, the newly uploaded document on the planning website page has been reviewed by councillors.

The PC recognises that the document deals with distant views but it does not deal with the PC's objection due to the effect on the track and PROW.

There also continues to be no mention of the existing structures or how they will be used. In short, the PC does not consider that the new document resolves any of the issues previously raised in

their objection of 26th July 2023 and as such all their original objections remain valid and still stand.

### 5.3 Brampton Abbots and Foy Parish Council (26.7.2023)

The Parish Council objects to this application on the following grounds:

- The number and type of lodges represents an entirely inappropriate development within the rural area in the AONB. It is entirely at odds with para 176 of the NPPF and offers no benefit locally, either to the parish as a whole or the landscape / visual amenity. It is essential that the beauty of the AONB is not eroded by inappropriate and unnecessary development.
  - The parish council is of the opinion that the site is visible from the PROW despite statement to the contrary within the application papers
  - There is no proven need for additional tourist / holiday developments in the parish, indeed anecdotally, there appears to be evidence that there is already over provision. Further, if a need were to be proved, it should / could be accommodated within the existing buildings on the site with no additional impact on the AONB.
  - The application is lack in detail, with no mention of parking provision (24 cars?), facilities, storage etc.
  - The proposal will result in a significant increase in vehicles, along a track that is not suitable, with access / egress into the public highway that will adversely impact on existing users of the road. The access lane is not adopted and has no drainage, already causing regular flooding and mud run off which would increase if its use was increased.
  - The parish council agrees wholeheartedly with the submission from the AONB officer
  - A similar application was made some time ago, and permission was refused as it was not considered appropriate development within the AONB. As all the original issues remain, this application should also be refused.
- Additionally
- The yellow notice (s) were not placed in a visible location The PC has been advised that:
    - Initially there was no notice
    - A notice was later spotted on the private track (not visible from the public highways)
    - Some time later, a notice was placed on a telegraph pole on the public highways
  - The reference to PGL within the application is inappropriate as they no longer own the site and the application has nothing to do with them.
  - Two caravans have been on site for some considerable time, to our knowledge without planning permission and no action has been taken by the Council

### 5.4 Sellack Parish Council (14/2/2024)

The Parish Council has no further comment to make but would like to restate it's infrastructure comments, made under the initial consultation. The consultation responses can be viewed on the Council's website

### 5.5 Sellack Parish Council (07/2023)

Concern was raised re: the amount of traffic on the single track road leading to this property. There is a caravan site along this road too, so traffic may increase. We suggest traffic management notices from the A49 to the site may assist within this and ask that this be considered by Herefordshire Council as potential infrastructure support

## 5.6 Wye Valley National Landscape Team comments (18/7/2023)

The site lies within the Wye Valley Area of Outstanding Natural Beauty (AONB), designated for its outstanding national landscape. As per NPPF (July 2021) paragraph 176, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations. The scale and extent of development within these designated areas should be limited.

Having reviewed this submission, we have considerable reservations. The permanence of the proposals will create a persistent and dominant feature which will be out of keeping in the Archenfield Lowlands Landscape Management Zone LMZ06, as identified within the Wye Valley AONB Management Plan 2021-2026 of the AONB, damaging several Features and Special Qualities, including through high levels of inevitable noise and/or light pollution. You will be aware of the Wye Valley AONB Management Plan 2021- 2026, adopted by Herefordshire Council as a statutory document. This sets out the vision for the AONB and the priorities for its management over a 5-year period. It is a material planning consideration. We make the following comments:

### Landscape Assessment

We have concerns and question the veracity of the landscape assessment, including the methodology and conclusions drawn. It has not been undertaken in accordance with the principles of the Guidelines for Landscape and Visual Impact Assessment Edition (GLVIA3). Landscape Character Assessment (LCA) profiles, a basic premise of background research, is not reported and it is difficult to appreciate whether this site is representative of the LCA or a transition site. No assessment of Historic Landscape Character has been undertaken, which often leads to underreporting landscape character effects.

The Wye Valley AONB Management Plan nor Features or Special Qualities of the AONB relevant to the application site, are also not referred to in the application. We especially find it perplexing that the assessment has not even placed a high landscape value on the Wye Valley AONB. By underplaying landscape value, it will underreport any conclusions drawn. No discussion has also taken place about the effects on air, water, noise, fauna and flora, and climate. No details of levels have been provided, despite this being a sloping site, nor an arboricultural survey.

Viewpoints appear selective and it is unclear how they have been arrived at. They should be evidently informed through background studies to inform baseline condition and mapping out all site constraints.

Importantly, views of the application site from the Herefordshire Trail (PROW: FY4) have not been considered, as seen on the next page:



The Herefordshire Trail is a long-distance walking trail which loops Herefordshire, taking in the five historic market towns, undulating meadows, ancient orchards, steep hills and glorious river valleys. It would appear to be a representative and important medium distance view of the site, a key Feature of LMZ06, which in turn links to Special Quality 11: 'Picturesque, extensive & dramatic views.' We believe a genuinely more robust assessment is needed, particularly given that worst case winter views and the possible light coloured finish of the lodges has also not been contemplated.

### **Planning Implications**

It is noted each lodge would have limited private space and opportunity to enjoy any sense of peace and tranquillity one would associate with this form of accommodation and location. The extract from the proposed plans shows how little regard to the sites context or a 'countryside experience' is made and how a high density is proposed contrary to the appropriate scale requirements of the AONB. In relation to WVD2, from the information supplied, there is little detail that the proposed development uses high standards of design, materials, energy efficiency and drainage. The development relies on a standard cabin design and private vehicle use for all future occupiers which does not ensure greater sustainability and decarbonisation.

Presence of existing vegetation and natural boundary treatments provide an attractive feature of the site, and which itself exhibits a verdant quality. The application however relies heavily on the screening of the lodges by existing vegetation, supplementary planting and the sloping topography. Existing built development within Foy is generally not well screened, with low, well-maintained boundary hedges and stone walls being the common features. Even if a site is visibly limited from public views, this does not necessarily mean that it would have no distinct impact to the character of a settlement. In this instance, the siting of 12 lodges within this plot of land along with associated development would lead to a harmful erosion of the open countryside which would lead to a tangible change in the pattern and grain of development within the area and thus, the character of the area.

The scheme would result in the introduction of permanent built development within the site, fundamentally altering the site and introducing a discordant addition, eroding the rural aspect that defines this location. Given the proximity of surrounding residential development, the loss of this green area given the existing use of the site as solely pitches rather than permanent lodges, would be particularly injurious to the character of the area. The impact is not solely from the proposed lodge/huts but also the domestic paraphernalia, such as seats and tables and parked cars, but visitors and activities on site, none of which has been shown on the plans. At night, there will be inevitable lights on inside the lodges. We acknowledge that a planning condition could

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Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327



control the use of external lighting and that there is mature landscaping around some of the boundaries of the site and considering the distance from the public highway the structures would not be visible from the road, although will likely be visible from the public right of way FY4 shown above. While the submission states that public views of the proposed development would be limited by an enclosed visual envelope, the site cannot be divorced from the surrounding area, nor from the fields within the wider area.

### **Parking / Erosion of Tranquillity**

We have concern in relation to the impact of the additional car journeys on the tranquil character of this part of the AONB, noting the all-year round nature of the proposed use. Even though the site is in an open countryside location, there will be appreciable noise emanating from site, near the entrance to the access drive and also through site where users will be using PROWs which run through the site itself. We acknowledge that this noise may be absent at other times where there may be low-occupancy at certain times of year although given the permanent nature of the development sought, the area will not be tranquil for much of the year. Considering the amount of trips to and from site, the noise and disturbance from those trips will still be significant. As such the noise and disturbance would result in harm to the overall character of this part of the AONB. We would also request that clarification on parking arrangements be provided given this has not been provided.

### **Mitigation**

Whilst planting should be used, where appropriate, 'screening' should in no way be used to hide inappropriate development. Good building design is always essential. In referring to Section 4.35 of GLVIA3, 'enhancement' is proposals that seek to improve the landscape resource and the visual amenity of the proposed development site and its wider setting, over and above its baseline condition. It is a shame that there are no genuine proposals to enhance the site. Incursion of the proposed development on the site would appear as a suburban form of development that would detract from the otherwise largely unspoilt, undisturbed character and the quiet feel. Whilst the development would be to some extent screened by landscaping, this would only partially mitigate against the harm from the proposal.

### **Planning Policy**

For the purposes of paragraph 177 of the NPPF, whether a proposal is 'major development', is a matter for the decision-maker, considering nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

No exceptional circumstances exist which justifies approval of a development of this size in this area of the AONB, in that the quantum of development relative to the size of the area, and particularly the parish, would be of a significant scale in this part of the AONB, effectively creating a small settlement. The planning statement, in terms of justification, casts doubt as to whether there is sufficient evidence of being representative to establish the existence of a specific and clearly identified unmet overnight accommodation need. There is no sufficient and unequivocal need presented for the provision of additional overnight accommodation in this location.

### **Gravesham Test & Caravan Act**

Given the indicative layout of the lodges, this would still effectively allow for self-containment and encompasses all the features of a dwellinghouse, it should therefore be assessed on that basis in accordance with Herefordshire Council's housing policies. There is no definition of dwellinghouse under

the planning acts, but in *Grovesham BC v SSE and O'Brien* [1983] JPL 306 it was accepted that the distinctive characteristic of a dwellinghouse was its ability to afford to those who used it the facilities required for day-to-day private domestic existence. It did not lose that characteristic if it



was occupied for only part of the year, or at infrequent intervals, or by a series of different persons. Consequently, holiday accommodation that meets the Gravesham test should be treated as a dwellinghouse for the purposes of applying planning policies and not as a commercial or leisure use, even if occupation is restricted by condition. Insufficient information has also been provided to fulfil the Construction, Mobility and Size Test of Section (1) of the Caravan Sites and Control of Development Act 1960; Section 13 (1) of the Caravan Sites Act 1968; and the amendment of the Definition of Caravan 2006, strengthening this reservation further.

## Summary

In the absence of sufficient information, we view the application to conflict with WV-D2 and WV-D3 of the Wye Valley AONB Management Plan 2021-2026, and object. The proposal, in its current guise, would not conserve nor enhance the landscape character or visual amenity of this part of the Wye Valley AONB. The limited landscape assessment has clearly omitted several key viewpoints and underreported actual adverse effects and the proposal, by virtue of its location, scale and nature, will result in considerable and adverse change, taking no demonstrable account of setting, integration or landscape mitigation and is inappropriate to context. A genuinely 'landscape-led' approach is needed.

We trust you will take our comments into consideration.

## Public Representations

5.7 A total of 17 letters of objection have been received. The responses can be summarised as follows:

- Concern over residential amenity
  - Overlooking / impact on privacy
  - Noise
- Impact upon neighbouring properties (works to hedge and boundary treatments / screening)
- Concern over impact upon and condition and intensification of the local highway network
  - Nature of the highway (narrowness / places to pass minimal)
  - Condition of the access track and ownership responsibilities
  - Lack of public transport
  - Lack of footpaths and therefore conflict between pedestrians and vehicles
  - Not a sustainable location
- Drainage arrangements being sufficient and technically acceptable?>
- Concern over commercial waste
- Concern over biodiversity impacts
- Concern over Landscape Impacts
- The proposed units are akin to permanent dwellings in size / scale
  - Agreement with landscape officer comments
  - Too many units
  - Gradient of the site is unsuitable for this development
  - 12 dark coloured mobile units in this prominent location would be out of character
  - Hedge planting will not be sufficient mitigation
  - Hedge is not in the ownership of the application so cannot be modified
  - Comments on the LVA contents and images
  - Impact of lighting
- Query about expected occupiers and management?
- Query about the rest of the site.
- Contradictions in reports on numbers of units to be accommodated

Representations can be viewed online at:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231806&search-term=231806](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231806&search-term=231806)

## 6. Officer's Appraisal

### Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:  
*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Brampton Abbots and Foy Neighbourhood Development Plan. The National Planning Policy Framework is a significant material consideration.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications.
- 6.4 Paragraph 85 of the NPPF highlights that planning policies and decisions should foster conditions for businesses to invest, expand, and adapt. It places significant weight on supporting economic growth and productivity while considering both local business needs and broader opportunities for development. Furthermore, Paragraph 88(c) emphasizes that planning policies and decisions should enable sustainable rural tourism and leisure developments that respect the character of the countryside.
- 6.5 Policy E4 promotes Herefordshire as a destination for high-quality leisure visits and sustainable tourism by leveraging, conserving, and enhancing the county's unique environmental and heritage assets. It supports the retention and enhancement of existing accommodation and attractions, as well as the establishment of new facilities, to diversify tourism offerings, extend the tourist season, and increase overnight stays.
- 6.6 Policy RA6 supports proposals that generate employment and strengthen or diversify the rural economy. Specifically, it advocates for a range of economic activities, including supporting local food and drink production and encouraging the diversification of existing agricultural businesses. Proposals must be of an appropriate scale for their location and setting, and they must balance economic benefits against potential impacts on residential amenity, local road networks, and water quality. Key criteria include ensuring developments:
  - Are commensurate with the location and setting;
  - Do not cause unacceptable impacts on nearby residents due to design, massing, noise, dust, lighting, or odour;
  - Generate traffic movements that can be safely accommodated by the local road network;
  - Do not undermine water quality targets as set out in Policies SD3 and SD4.
- 6.7 Policy E1 states that proposals enhancing employment opportunities and diversifying the local economy are encouraged if they:
  - Are appropriate in terms of connectivity, scale, design, and size;
  - Make effective use of previously developed land or buildings;

- Represent an appropriate extension to strengthen or diversify an existing business operation.

- 6.8 The site has a lawful use as an activity centre and in this regard, whilst it is currently disused, should an occupier seek to reinstate the former use, the local planning authority would have limited, if any control over such reinstatement. The proposed redevelopment of the site into holiday-let accommodation aligns with both national and local planning policies as well as its former use and is consistent with strategic aims to support sustainable rural tourism, diversify the local economy, and promote the county as a desirable destination. The scheme offers clear social and economic benefits, contributing to the wider economy by increasing visitor numbers and supporting the rural tourism sector.
- 6.9 While site-specific impacts are addressed in subsequent sections, the proposal aligns with the strategic objectives of the Herefordshire Local Plan - Core Strategy and the NPPF, supporting economic growth and sustainable rural tourism and in this respect the proposal is acceptable in principle.

### Landscape, Scale, Design and Appearance

- 6.10 Policy LD1 is also of relevance to this proposal and 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. The proposal is also considered against Policy SD1, which relates to the design of new buildings including garages. The policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and proportions and massing of surrounding development.
- 6.11 Policy BAF2 states that the Neighbourhood Development Plan area has a distinctive and special character, most of it being within the highly-valued landscape of the Wye Valley AONB. It states that new development should make a positive contribution to this distinctive and special character and highly valued landscape by being of good quality design when assessed in relation to the following criteria: Contribution to local identity and sense of place; Suitability of the overall design and appearance of the development (including size, scale, density, layout, access) when assessed in relationship with surrounding buildings, spaces, vegetation, water areas and other features of the surrounding area; Use, and where appropriate re-use, of local and traditional materials or suitable artificial alternatives. It goes on to state that Standardised materials and products should be avoided; Use of space and landscape design; Protection and enhancement of woods, trees, hedgerows, rivers, ditches and water features; Movement to, within, around, and through the development; Originality, innovation and initiative are all considerations that would be weighed positively.
- 6.12 Policy BAF4 states that development proposals will be assessed against the following:
1. Within the settlements and countryside of the AONB their ability to conserve and enhance the scenic and natural beauty of the Neighbourhood Development Plan area and in those areas not within the AONB their degree of impact on the AONB, where identified, and their impact on the wider landscape;
  2. Conservation of the scenic beauty and tranquillity of the AONB.
- 6.13 The National Planning Policy Framework identifies requirements in terms of conserving and enhancing the natural environment at Chapter 15
- 6.14 Paragraph 187 sets out ways in which planning policies and decisions should contribute to and enhance the natural environment, including protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside. Furthermore, minimising impacts and providing for net gains for biodiversity and preventing new and existing development

from contributing to unacceptable risk from soil, air, water or noise pollution of land instability. Additionally, land where appropriate.

- 6.15 Paragraph 189 identifies great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 6.16 Paragraph 190 then goes onto say, when considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.17 The accompanying footnote (footnote 67) confirms for the purposes of Paragraphs 182 and 183, whether a development is 'major development' is a matter for the decision maker taking into account its nature, scale, setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or designed. The reference to 'major development' included in footnote 67 is a specific definition for a specific purpose and is distinct from the definition of major development used in general town planning terms.
- 6.18 The application has been accompanied by documents including a Planning Design and Access Statement; a Landscape and Visual Appraisal and a supplementary Note that accompanied the revised landscape layout of June 2024. The site layout has been amended during the course of the application and more details of the 'lodges provided' in response to comments. Having reviewed the submitted reports and considered the existing nature of the site, officers do not consider that this proposed development would result in major development.
- 6.19 It is however acknowledged that the proposed development will have an impact on the Wye Valley National Landscape and will introduce a significant amount of built form to the site. While extensive landscaping measures are proposed to mitigate much of the visual impact on the wider landscape, it is recognised that a degree of harm will result from the siting of the twelve holiday let units and associated infrastructure and that this harm can be described as a slight adverse effect on views and an adverse effect on landscape quality and character at close quarters.
- 6.20 The case officer has given due consideration to the concerns raised in relation to the Wye Valley National Landscape. It is considered that, while the proposal would have a limited impact on the immediate surrounding landscape, the removal of the existing apparatus from the site would represent a positive contribution to the broader landscape setting. When taking into account the scale and design of the proposed units and the mitigation measures set out within the application, it is concluded that the proposal would result in a neutral overall impact on the Wye Valley National Landscape. In this regard the revised application will preserve the scenic qualities of the landscape, thus meeting the requirements of section 85 of the CROW Act which places a legal duty to further the purpose of conserving and enhancing the natural beauty of this National Landscape.

- 6.21 Notwithstanding the above, the proposed mitigation measures—including the integration of the accommodation into the site through cut-and-fill techniques, the limited ridge heights of the units, the extensive planting (both proposed and existing), and the presence of built form to the south and north of the site—are considered sufficient to mitigate the visual and landscape impact of the development.
- 6.22 In balancing the environmental impact, it is noted that the proposal would deliver economic benefits, particularly through increased support for local services and facilities, which may also be utilised by local residents. The development would enhance local tourism by encouraging visitors to less frequently visited areas, thereby promoting economic growth. Furthermore, the visual integration of the development—positioned as infill between existing cottages to the south and Hillcrest to the north—supports compliance with Policy LD1.
- 6.23 While the uniform design of the proposed lodges does create some tension with Policy BAF2 of the Neighbourhood Development Plan, which encourages design variety over standardisation, the nature of the proposed use is such that the buildings are considered acceptable. They are consistent with the lawful recreational and tourism use of the site and would not appear incongruous within the wider landscape, particularly given the chosen colour palette, which is sympathetic to the surrounding environment. This conclusion is supported by the findings of the submitted Landscape Visual Assessment.
- 6.24 Overall, the proposals are considered acceptable in terms of their landscape impact, design quality, and scale. A condition is suggested to ensure that the landscaping scheme is updated to reflect the revised layout of the site.

#### Highway Network

- 6.25 Policy MT1 promotes development that provides a safe means of access and that can be accommodated on the local highway network.
- 6.26 This is underpinned by Paragraph 115 of the NPPF which states 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 impacts on the road network would be severe.
- 6.27 It is noted that the site is accessed via a private road, which also serves Hillcrest, Hillcrest Cottages, and Underhill Farm, and connects to the U71006. Both the private road and the U71006 are particularly narrow. Clearly the proposed development will result in an increase in vehicle movements on this road compared to the current situation. However, it is important to consider that the site already has permission for an activity/adventure centre, which could lawfully be resurrected and this would likely generate a substantial increase in traffic volume and associated vehicle movements. This constitutes a significant and very site-specific material consideration in evaluating the proposed development's traffic impact.
- 6.28 It is also recognised that the site is located in an area where access to public transport is limited, with the nearest bus stop, located at the Telephone Box bus stop in How Caple, some 4.8 kilometres to the north. The site's isolated nature means that guests would be entirely reliant on private vehicles for access. However, this isolation is also part of the site's appeal for tourism. This does create an inherent tension between the sustainability of the location and the benefits associated with small-scale tourism enterprises. However it is considered that when assessed in conjunction with the lawful use of the site, there are benefits associated with the proposal.
- 6.29 In consultation with the Area Engineer Team Leader, it is concluded that in the context of the use as an activity centre being lawful, the associated transport impacts are limited and would not result in the severe impacts highlighted under Paragraph 115 of the National Planning Policy Framework. Conditions recommended by the Area Engineer Team Leader that are considered reasonable and necessary to the proposal are set out below.



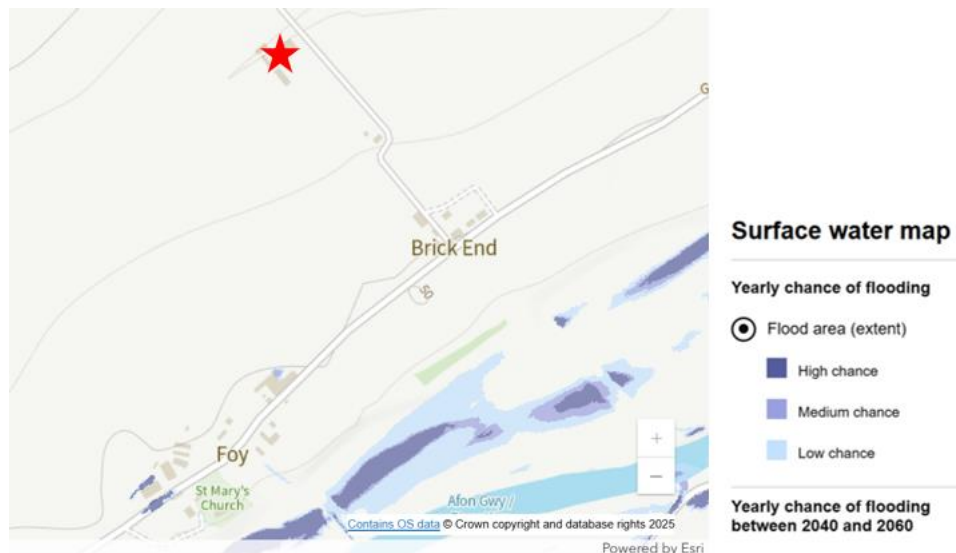
### Residential Amenity

- 6.30 Policy SD1 states that development must safeguard the amenity of existing and proposed residents
- 6.31 The nearest property to the proposed development is noted to be Fairview, located approximately 27 metres to the south of Unit 12. The amended design of Unit 12 which limits the use of fenestrations to the south is such that, in combination with the separation distance, the screening provided by Fairview's garage, and the scale of the proposed unit, any harmful overlooking, overshadowing, or overbearing effects are avoided.
- 6.32 However, it is acknowledged that, if left unrestricted, the proposal could have the potential to adversely impact upon residential amenity with regard to the noise and general activity associated with a tourism use. Whilst it is again important to consider the proposal against the lawful fallback position, to address this it is considered reasonable to impose a condition requiring the implementation of a Noise Management Plan. The purpose of the Plan would be to mitigate any potential noise-related impacts associated with the development.
- 6.33 It is noted that the application has been reviewed by the Environmental Health team, who have raised no objection to the proposal in respect of noise pollution, subject to the implementation of a Noise Management Plan on the site to ensure that the amenity of surrounding properties is not adversely affected.

### Water Resources/Habitat Regulations

- 6.34 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; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. Where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar to enhance the local flood risk regime. Policy SD4 states that development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.
- 6.35 The site is within the River Wye Special Area of Conservation (SAC) catchment and this proposed development triggers the legal requirement for a Habitat Regulations Assessment (HRA) process to be carried out by the LPA on any planning application submitted.
- 6.36 The application has been reviewed by the Ecologist who has offered no objection to the proposed scheme which would result in the proposed development discharging to an existing package treatment plant within the application site. The Drainage report by Ekoflow shows the existing package treatment plant system on site is fully operational and serviced and is able to cope with the proposed lodges. The proposal is therefore concluded to have no adverse impacts upon the water quality of the River Wye SAC catchment in terms of foul water discharge
- 6.37 It is noted that the proposal would result in additional surface water outfall given the bases of the lodges, however one must acknowledge the substantial reduction in hardstanding associated with the removal of the existing infrastructure such as the abseiling tower, removal of the basketball court and other climbing and outdoor leisure facilities which had non-porous bases. The proposal would also see the use of porous block paving to encourage infiltration into the ground reducing the impact of surface water. It is noted that there is no identified surface water issues within the application site as shown below and in addition to this the site is within Flood Zone 1 and as such there are no known flood risks to mitigate.





Surface Water Flood Risk Map, United Kingdom National Government  
[Accessed 18 February 2025]

- 6.38 It is considered that the proposed development would have a neutral—potentially beneficial—impact in relation to foul and surface water management, with respect to the River Wye Special Area of Conservation (SAC). As such, the scheme is deemed to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy. Furthermore, the proposal incorporates sustainable water management measures, including the provision of 230-litre rainwater harvesting butts for each lodge and a 10,000-litre water storage tank located in the south-western part of the site. These features are intended to reduce reliance on potable water for maintaining the proposed landscaping during dry periods and facilitate the use of grey water, in accordance with the principles set out in Chapter 14 of the National Planning Policy Framework. These are detailed on the Site Plan and a condition is recommended to ensure that these are provided in advance of occupation.

#### Ecology and Green Infrastructure

- 6.39 Policies LD2 and LD3 of the Core Strategy 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.
- 6.40 The proposed development is considered to have a neutral impact upon the ecology of the site and the Ecologist has raised no objection to the proposed scheme in line with the recommendations of the Wilder Ecology report that accompanies the application. The applicant is however reminded of their duty to protected species under the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended). The application site is within the Wye Valley Dark Skies area as such, a condition restricting lighting within the site to minimise light spill from the application site.

#### Low and Zero Carbon Energy Generation

- 6.41 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. All development proposals are considered by the Council to need to help redress the climate emergency.

- 6.42 Within the application the addition of two communal electrical vehicle charging ports has been secured in line with Policy SS7 of the Herefordshire Local Plan- Core Strategy. In addition to this it is indicated on Drawing 821-PL01 Revision D that the proposed holiday accommodation would utilise an air source heat system for heating and water goods and would be fed by photovoltaic panels minimising the impact upon the existing grid system and thus reducing the emission of the tourist accommodation. A condition is imposed to secure the details of the air source heat pump and solar panels prior to commencement of these works.
- 6.43 In light of the particular circumstances set out above, it is concluded that the proposal is compliant with the Development Plan and as such it is recommended that the application is approved subject to conditions.

### Conclusion

- 6.44 In summary, the proposed development has been assessed against the relevant provisions of the Herefordshire Local Plan – Core Strategy, the Brampton Abbots and Foy Neighbourhood Development Plan, and the National Planning Policy Framework. The scheme aligns with the overarching strategic objectives to promote sustainable rural tourism, support economic growth, and safeguard environmental assets. While some limited impacts have been identified—particularly in relation to landscape and residential amenity—these are considered to be appropriately mitigated through design, landscaping, and operational management measures. The development also incorporates sustainable drainage, ecological protection, and low-carbon energy generation features. Accordingly, the proposal is considered to be compliant with the Development Plan when read as a whole, and there are no material considerations that indicate a decision should be made otherwise. It is therefore recommended that planning permission be granted, subject to the imposition of appropriate conditions.

## **RECOMMENDATION**

**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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. The development hereby approved shall be carried out strictly in accordance with the approved plans [drawing nos.821-PL01 Rev D; 821- PL06] and the schedule of materials indicated thereon.**

**Reason:** To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BAF2 AND BAF4 of the Brampton Abbots and Foy Neighbourhood Development Plan and the National Planning Policy Framework.

### ***Pre-Commencement Conditions***

- 3 Prior to first commencement of the use hereby permitted, a Noise Management Plan (NMP) shall be submitted to, and approved in writing by the Local Planning Authority.**

The Noise Management Plan should address the following headings:

- Statement of intent
- Brief summary of the premises / site / activities
- Location / site plan
- Inventory of potential noise sources
- Details of noise controls and limits (e.g. site rules)
- Site noise monitoring and / or evaluation
- Responding to complaints (including actions to be undertaken and recorded)
- Management command, communication, and contact details
- Periodic NMP review

The site shall be managed in accordance with the Noise Management Plan from first occupation of the development hereby permitted.

**Reason:** In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 4 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
  - Site compound / site welfare facilities location
  - Security or other lighting

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 amenity, highway safety and landscape impact and character to conform to the requirements of Policies Sd1, LD1, LD2 and MT1 of Herefordshire Local Plan – Core Strategy and the guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of development, details (siting / location / specification) of the following shall be submitted to and approved in writing by the Local Planning Authority
- a) PV Panels
  - b) Air Source Heat Pumps

Installation shall be undertaken in accordance with the approved details prior to the first occupation of the lodge to which it relates.

**Reason:** To safeguard the landscape character of the area (National Landscape); in the interests of residential amenity in order to conform with policies SS6, SD1, SD3, SD4, LD2 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy BAF4 of the Brompton Abbots and Foy Neighbourhood Development Plan, and the National Planning Policy Framework

- 6 Prior to the commencement of development and an updated hard and soft landscaping plan that reflects the layout of as shown 821-PL01 Revision D and recommendations of Landscape and Visual Assessment Report. Peter Quinn, 22 January 2024 shall be submitted to 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) Vehicle /Cycle /Pedestrian access and circulation areas.**
- f) Vehicle parking layouts**
- g) A plan showing existing and proposed finished levels or contours**

**The approved scheme shall be carried out concurrently with the development and shall be completed in the first planting season following the first occupation of the lodges hereby approved 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 will be replaced in accordance with the approved plans.**

**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 Policy BAF4 of the Brampton Abbots and Foy Neighbourhood Development Plan, and the National Planning Policy Framework**

***Prior to occupation conditions***

- 7 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**

- 8 Prior to the first occupation of the holiday lodges hereby approved the following shall be laid out, properly consolidated, surfaced and drained in accordance with details shown on drawing number 8.21.PL01 Rev D:**

- an the area shall be laid out within the curtilage of the lodges for parking of one car per lodge.**
- The internal access road will be a minimum of 4.1m in width**

**The parking shall not thereafter be used for any other purpose than the parking of vehicles.**

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

- 9 Prior to the first occupation of the lodges hereby permitted details of the future management / maintenance arrangements in relation to:

- a) Road and drainage infrastructure
- b) All open spaces and landscape areas (including boundaries)
- c) Shared cycle store / parking facilities
- d) EV charging points

Shall be submitted to and approved in writing by the local planning authority.

The development shall be carried out and thereafter maintained in accordance with the approved details.

Reason: To ensure that shared facilities an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

#### ***Compliance Conditions***

- 11 No hot tubs or other ancillary structures shall be installed on the application site.

Reason: To safeguard the landscape character of the area (National Landscape); in the interests of residential amenity and to maintain control over potential discharges in order to conform with policies SS6, SD1, SD3, SD4, LD2 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy BAF4 of the Brampton Abbots and Foy Neighbourhood Development Plan, and the National Planning Policy Framework.

- 12 The unit/s hereby approved shall not be occupied other than for holiday purposes and shall not be used as residential dwelling/s, including any use within Class C3 of the Town and Country Planning(Use Classes) Order 1987 (as amended).

The unit shall not be occupied for more than 28 consecutive days and shall not be re-occupied by the same occupier following the 28 days consecutive days stay.

Details of the name, permanent home address, vehicle registration shall be kept in a register a copy of which shall be made available to the Local Planning Authority for inspection at any time.

Reason: It would be contrary to Policies SS1, SS6, RA1, RA2 and RA3 of the Herefordshire Local Plan – Core Strategy, and Paragraph 84 of the National Planning Policy Framework to grant planning permission for dwellings in this location

- 13 All foul water flows created by the approved development shall be managed through connection to the existing shared private foul water system; and all surface water managed by on-site Sustainable Drainage Systems; as detailed in the drainage report by Ekoflow Limited 18 May 2023.

**Reason:** In order to ensure Nutrient Neutrality and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

- 14 The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement, any required European Protected Species Licence, and the mitigations mentioned in the PEA by Wilder Ecology dated 8 March 2023 shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.

**Reason:** To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3

- 15 With the exception of downlighters on the entrances to the lodges at no time shall any external lighting be installed on the site without the written approval of this local planning authority.

No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.  
No external lighting should illuminate any enhancement or boundary feature.

**Reason:** To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

- 16 There shall be no more than 12 lodges (caravans) sited within the application site at any one time.

**Reason:** To define the terms of this permission having regard to the Landscape Character of the area, Residential amenity, highway safety and Nutrient Neutrality and to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, SD1, LD1, LD2, SD3 and SD4.

## **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 "Higher Status Protected Species" such as all Bat species, Great Crested Newts,

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Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327



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.

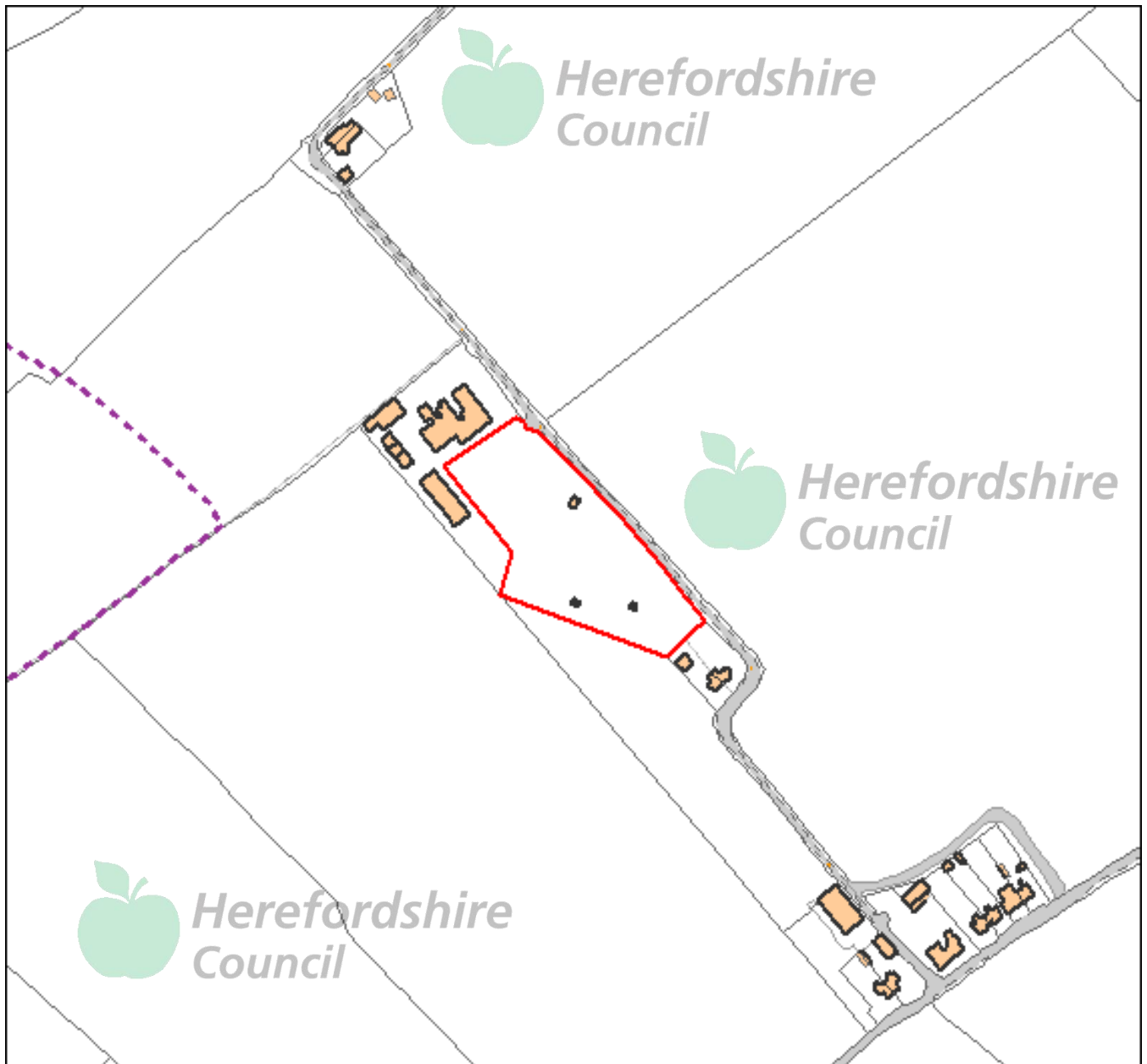
3. Herefordshire Council would remind the operators of the units that they will need to make provision for commercial waste arrangements and should not dispose of any waste associated with the use of the holiday units the by using the service provided for households. Further advice can be sought from Herefordshire Council.  
<https://www.herefordshire.gov.uk/rubbish-recycling/business1waste>

Decision: .....

Notes: .....

## Background Papers

None identified .



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**APPLICATION NO:** 231806

**SITE ADDRESS :** HILLCREST, FOY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6RD

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