

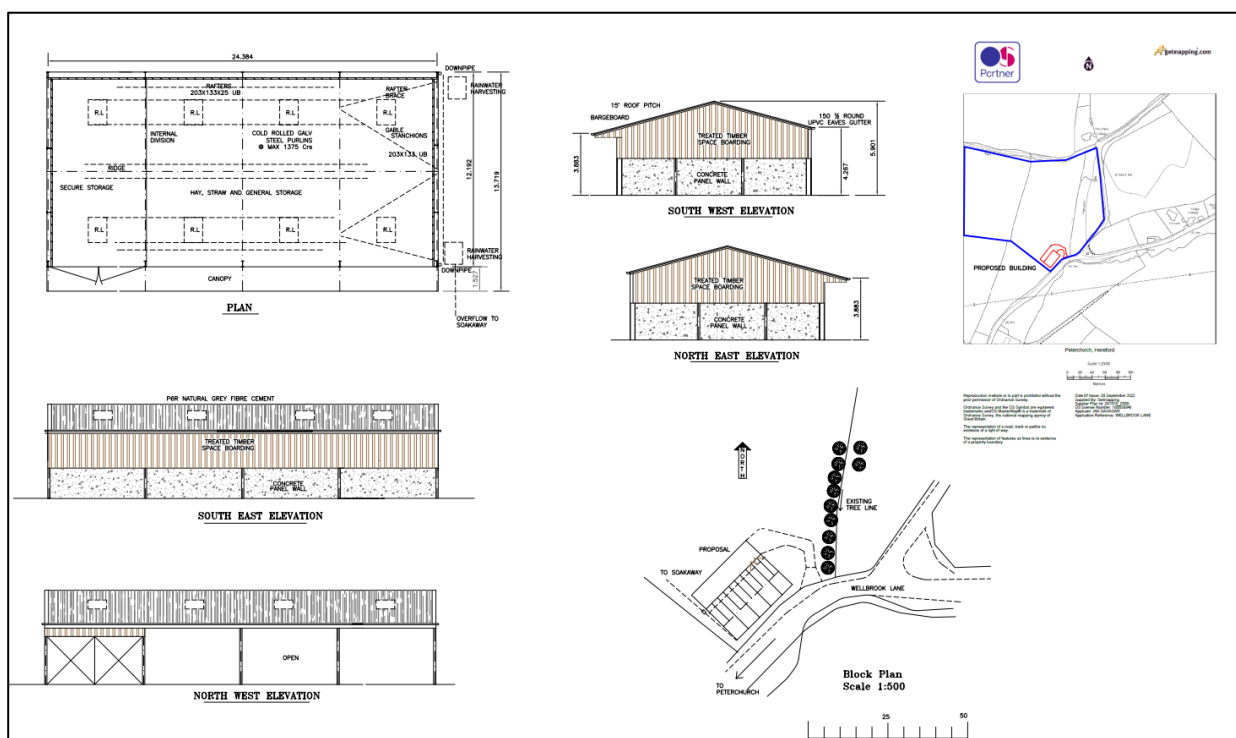
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| <b>MEETING:</b>  | <b>PLANNING AND REGULATORY COMMITTEE</b>  |
| <b>DATE:</b>   | <b>15 OCTOBER 2025</b>  |
| <b>TITLE OF REPORT:</b>  | <b>243176 - ERECTION OF AN AGRICULTURAL BUILDING ON AGRICULTURAL LAND AT LAND OFF WELLBROOK ROAD, PETERCHURCH, HEREFORDSHIRE</b><br><br><b>For: Mr &amp; Mrs Boaz 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=243176&amp;search-term=243176">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=243176&amp;search-term=243176</a> |
| <b>Reason Application submitted to Committee – Redirection</b> |   |

**Date Received: 13 December 2024      Ward: Golden Valley      Grid Ref: 335261,238678**  
**Expiry Date: 15 October 2025**  
 Local Members: Cllr Philip Price

## **1. Site Description and Proposal**

- 1.1 The application relates to a parcel of pasture land located in a rural landscape approximately 0.6 miles to the north west of the village of Peterchurch. The access to the proposed site is formed by an existing gated agricultural access to the north off Wellbrook Road (C1195) and there is a public right of way (PR6) which extends along the north and eastern boundary of the site.
- 1.2 The site is characterised by a sloping topography which rises to the north of the highway. The site therefore occupies a slightly raised position to the road. The site itself is not constrained by any restrictive landscape or heritage designations.
- 1.3 This submission follows two previously refused and one withdrawn application for the erection of an agricultural building (planning no. 233630, 224028 and 223231 respectively). Further consideration was deemed necessary in relation to the agricultural need for the building, the landscape impact and surface water drainage arrangements. Subsequent pre-application discussions have informed this current submission.
- 1.4 The proposal seeks permission to erect an agricultural building to be situated in the north-west corner of the parcel of existing pasture land and parallel with the highway to the north of Wellbrook Road. The building would be set upon a relatively level piece of land behind existing boundary vegetation and there is a wooded area to the immediate south west of the proposed building. The proposal would provide for general purpose storage and sheltered accommodation for the applicant's existing cattle stock over-winter and would be accessed by the existing agricultural access to the field.

- 1.5 The proposed building would have a footprint of 13.7m x 24.38 m (including canopy); minimum eaves height (canopy) 3.84m, with eaves to the rear being 4.3m. The ridge height of the building would be 5.9m. The building would be constructed from a concrete panel wall, with treated timber space boarding above. The Roof would be a natural grey fibre cement. Plans submitted are provided below:



**Drawing Number 8396/1 – Location Plan, Block Plan, Elevations and Floor Plans**

## 2. Policies

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

|            |   |  |
|------------|---|--|
| Policy SS1 | – | Presumption in Favour of Sustainable Development               |
| Policy SS6 | – | Environmental Quality and Local Distinctiveness                |
| Policy RA6 | – | Rural Economy  |
| Policy MT1 | – | Traffic Management, Highway Safety and Promoting Active Travel |
| Policy LD1 | – | Landscape and Townscape  |
| Policy LD2 | – | Biodiversity and Geodiversity                                  |
| Policy SD1 | – | Sustainable Design and Energy Efficiency                       |
| Policy SD3 | – | Sustainable Water Management and Water Resources               |
| Policy SD4 | – | Waste Water 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 Peterchurch Neighbourhood Development Plan (NDP)

|           |   |            |
|-----------|---|------------|
| Policy P6 | – | Landscape  |
| Policy P9 | – | Dark Skies |

The Peterchurch Neighbourhood Development Plan can be viewed on the Council's website by using the following link:

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

## 2.3 The National Planning Policy Framework (NPPF)

|            |   |  |
|------------|---|--|
| Chapter 2  | – | Achieving Sustainable Development                |
| Chapter 4  | – | Decision-Making                                  |
| 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 P233630/PA7 – Prior notification for proposed general purpose agricultural building – Prior approval is required.  
[Planning Search – Herefordshire Council](#)
- 3.2 P224028/PA7 – Proposed general purpose agricultural building – Refused (Appeal Dismissed).  
[Planning Search – Herefordshire Council](#)
- 3.3 P223231/PA7 – Prior approval notification for general purpose agricultural building for the storage of straw, hay, agricultural machinery and equipment – Prior approval is required.  
[Planning Search – Herefordshire Council](#)

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None

### Internal Council Consultations

## 4.2 Land Drainage Consultant – Original Comment – Holding Objection

### **Overview of the Proposal**

The Applicant proposes the construction of an agricultural building. The site covers an area of approx. 0.09ha and is currently agricultural land. An ordinary watercourse flows immediately to the east of the site. Another ordinary watercourse flows immediately to the southeast of the site on the opposite side of the adjacent highway. The topography of the site slopes down from north to south by approx. 1m. The adjacent land to the northwest slopes down towards the site.

### **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.

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Further information on the subject of this report is available from Ms Heloise Hardwick on

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*

|                            | <b>Within Flood Zone 3</b> | <b>Within Flood Zone 2</b> | <b>Within Flood Zone 1</b> |
|----------------------------|----------------------------|----------------------------|----------------------------|
| 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. The nearby ordinary watercourses are shown as high-risk surface water flow routes; however, it appears that the flows are modelled to largely remain in-channel.

**The adjacent highway (C1195) to the southeast of the site is also shown to be a high-risk surface water flow route; the Applicant should be aware of this and the potential for compromised site access due to floodwater.**

### **Other Considerations and Sources of Flood Risk**

**The EA Flood Map for Planning does not consider watercourses with small catchments and therefore it may happen that the site is identified as located in Flood Zone 1 on the EA map but there may be a risk of fluvial flooding from the watercourse located immediately to the east of the site. The potential risk from this watercourse should be considered in the design of the development.**

There may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels slightly to prevent ingress.

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**

Infiltration testing has been undertaken at the site whereby four trial holes were excavated; two were 0.6m deep (IFT2 and IFT4) and the other two were 1.2m deep (IFT1 and IFT3). Three tests were completed in each hole. Acceptable infiltration rates were established in all trial holes: IFT1 =  $5.4 \times 10^{-6}$  m/s, IFT2 =  $1.24 \times 10^{-6}$  m/s, IFT3 =  $4.24 \times 10^{-5}$  m/s, IFT4 =  $6.45 \times 10^{-6}$  m/s. As such, a surface water discharge to ground is proven to be viable. No groundwater was encountered at 2.5mBGL.

We note proposals for an infiltration basin to discharge the roof water runoff from the proposed building (roof area = 346m<sup>2</sup>) to ground. The basin is stated to be sited down gradient of the proposed building, as required to achieve a gravity-fed discharge. However, based on the plans provided, it is suggested to be located to the north of the proposed building meaning it is unclear how this would be achieved.

Furthermore, given the sloping topography of the site and surrounding area, **we have concerns that surface water could overtop the basin and flow onto the adjacent highway. This would focus the flow of land drainage runoff, increasing flood risk to road users and third-parties down gradient of the site.** As such, we ask the Applicant to consider the use of buried soakaways to mitigate the risk of overland exceedance flows associated with a basin and discharge the roof water runoff from the proposed building to ground at depth. This appears to be a viable solution given the acceptable rates established at 1.2mBGL.

We await confirmation of the proposals accordingly. A clear surface water drainage layout should be provided to confirm that the proposed drainage infrastructure can be accommodated within the red line site boundary, as required.

It should be noted that soakaways should be located a minimum of 5m from building foundations.

All proposed areas of hardstanding will be constructed of permeable materials.

### **Foul Water Drainage**

No foul water facilities are proposed as part of the development.

### **Overall Comment**

### **HOLDING OBJECTION**

We recommend that the following information is provided prior to the Council granting planning permission:

- Confirmation of the surface water drainage proposals in line with the above advice.
- Submission of a clear drainage layout drawing.

#### **4.3 Land Drainage Consultant – Updated Comment – No Objection**

Our knowledge of the development proposals has been obtained from the additional sources provided since our previous consultation response in March 2025:

- UPDATED Surface Water Drainage Strategy 14.8.25 (Ref: Rev C).

### **Overview of the Proposal**

The Applicant proposes the construction of an agricultural building. The site covers an area of approx. 0.09ha and is currently agricultural land. An ordinary watercourse flows immediately to the east of the site. Another ordinary watercourse flows immediately to the southeast of the site on the opposite side of the adjacent highway. The topography of the site slopes down from north to south by approx. 1m. The adjacent land to the northwest slopes down towards the site.

### **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).

#### ***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. The nearby ordinary watercourses are shown as high-risk surface water flow routes; however, it appears that the flows are modelled to largely remain in-channel.

**The adjacent highway (C1195) to the southeast of the site is also shown to be a high-risk surface water flow route; the Applicant should be aware of this and the potential for compromised site access due to floodwater.**

#### ***Other Considerations and Sources of Flood Risk***

**The EA Flood Map for Planning does not consider watercourses with small catchments and therefore it may happen that the site is identified as located in Flood Zone 1 on the EA map but there may be a risk of fluvial flooding from the watercourse located immediately to the east of the site. The potential risk from this watercourse should be considered in the design of the development.**

There may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels slightly to prevent ingress.

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**

Infiltration testing has been undertaken at the site whereby four trial holes were excavated; two were 0.6m deep (IFT2 and IFT4) and the other two were 1.2m deep (IFT1 and IFT3). Three tests were completed in each hole. Acceptable infiltration rates were established in all trial holes: IFT1 =  $5.4 \times 10^{-6}$  m/s, IFT2 =  $1.24 \times 10^{-6}$  m/s, IFT3 =  $4.24 \times 10^{-5}$  m/s, IFT4 =  $6.45 \times 10^{-6}$  m/s. As such, a surface water discharge to ground is proven to be viable. No groundwater was encountered at 2.5mBGL.

We note revised proposals comprising a below ground soakaway to discharge the roof water runoff from the proposed building (roof area = 346m<sup>2</sup>) to ground, as per our previous comments. The soakaway calculations have now been informed by the slowest infiltration rate established during the testing ( $5.4 \times 10^{-6}$  m/s). The required soakaway volume is 25.84m<sup>3</sup> in order to accommodate a 1 in 100yr + 40% CC event. The proposed volume is stated to be 26.88m<sup>3</sup> which appears adequate.

The soakaway is stated to be sited down gradient of the proposed building, as required to achieve a gravity-fed discharge. All proposed areas of hardstanding will be constructed of permeable materials.

#### **Foul Water Drainage**

No foul water facilities are proposed as part of the development.

#### **Overall Comment NO OBJECTION**

Based on the reviewed documents stated above, provided there are no changes made to the proposed surface 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.

#### **4.4 Ecologist – No Objections – Condition Recommended**

As agreed with Natural England where 'Full Householder' or similar applications do not create any additional, potentially self-contained residential accommodation or identified significant additional foul water flows and no other effects are identified they can be considered as screened out from triggering any formal Habitat Regulations Assessment process.

From information supplied and available to the LPA and with no increase in cattle numbers able to otherwise occupy the land holding created or supported by this proposed development this 'exemption' would be applicable in respect of this current application and the River Wye SAC.

No additional cattle are supported by the proposed development that could not otherwise already occupy the land holding and no additional air emissions are identified as a result of the proposed overwintering of cattle in the proposed building.

The supplied statutory Biodiversity Net Gain information appears relevant and appropriate and will require full details and establishment and future management scheme to be submitted as necessary to formally 'discharge' the statutory BNG requirement. This 'discharge' must be made subsequent to any planning permission being granted but prior to any permitted works commencing. A standard informative/condition should be utilised.

From supplied and available information there is no reason for the LPA to consider there are likely to be any effects on protected species or other ecological interests as a result of the proposed development. The applicant should be reminded of their and their contractors' legal obligation to wildlife protection afforded at all times through the Wildlife & Countryside Act. There are records of multiple bats and other protected species within the wider locality.

### **Wildlife Protection Informative**

*The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as Great Crested Newts, all Bat species, 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 is advised that advice from a local professional ecology consultant is obtained.*

The local illumination levels are such as to support nature conservation interests, including nocturnal protected species (Bats) commuting/foraging in wider locality and adjacent habitats. A condition to ensure local illumination levels are not increased and local nature conservation interests are not impacted a condition to manage any additional external lighting is requested:

### **Protected Species and Dark Skies (external illumination)**

*Unless otherwise agreed in writing by the planning authority, no external or internal lighting associated with the permitted development shall be permanently illuminated between dusk and dawn except in an emergency.*

*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; and the council's declared Climate Change and Ecological Emergency*

#### 4.5 **Landscape Officer – Qualified Comment**

I am familiar with this development as part of the pre-application stage, and the iterative design process undertaken to work with the site and its historic context to provide an appropriate location of the agricultural building. I have no objection in principle to the general location of the building.

However, more should be done to mitigate or integrate the building into the context and give more emphasis on aiming to reduce the visual influence of the building from the lane, and from overlooking from the north.

It is recommended to draw the building further away from the boundary, to give a less overbearing sense of the building onto the lane, and provide space for trees.

The other issue is drainage. The site access is relatively steep and should not take water from the site onto the lane. With the increased hard standing associated with the building (machinery holding area, and turning areas), there is going to be increased water to management.

Like all well designed development, context is everything. In this instance context is everything, and it's not explicitly shown on the applicants plans. Showing existing landscape and levels, with proposed new landscaping and levels would significantly enhance the ability of this development to demonstrate the requirements of core strategy, policies LD1 (setting and character), LD2 (biodiversity) and LD3 (green infrastructure).

Recommendations:

- Move the building to reduce overbearing onto the lane, and provide space for trees;
- Provide level details and a drainage systems to prevent water from egress onto the lane;
- Show the actual vehicle (tractor and implements) movements and associated hardstanding associated with using the building; and
- Provide a tree plan, with specification information and maintenance strategy.

#### 4.6 **Environmental Health Officer (Noise/Nuisance) – No Objections**

Comments are made from a noise and nuisance perspective.

There is sufficient distance between the proposed site and nearest residential receptors to avoid adverse impacts on amenity.

Therefore this department does not object to this proposal.

#### 4.7 **Area Engineer (Highways) – No Objections**

The Local Highway Authority (LHA) has reviewed the proposed development for the erection of an agricultural building on agricultural land.

The site will utilise an existing field access, which is already set back from the highway and provides access onto a rural single-track country lane. Given the nature of the proposed agricultural use and the characteristics of the existing access, the LHA does not anticipate any significant impact on highway safety or capacity.

To ensure safe and effective use of the access, the applicant should upgrade the first 10 meters from the highway by surfacing it with tarmac, constructed to Herefordshire Council's standard road specifications. Therefore, the LHA has no objections, subject to these conditions being met.

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Further information on the subject of this report is available from Ms Heloise Hardwick on



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](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

Recommendations:

- CAE – Vehicular access construction
- The first 10m of the access off the highway should have a bound surface such as tarmac, gravel is not acceptable for the first 10m.

## **5. Representations**

### **5.1 Peterchurch Parish Council**

*Peterchurch Parish Council strongly objects to this planning application. Councillors noted that there is nothing in the current set of proposals which sets aside the rationale detailed by the Planning Inspectorate when rejecting the appeal against the refusal of planning permission for a similar agricultural building in 2023 (PA224028). More specifically Councillors remain concerned over the obvious risks of flooding for which no obvious mitigation plan has been offered by the applicants. Also, the proposed building will be close to neighbouring properties and will have a negative impact on the character and appearance of the local area.*

### **5.2 Peterchurch Parish Council – further comments following re-consultation**

*Peterchurch Parish Council considered and object to the proposals set out in the Planning Re-Consultation. Councillors noted that this application was rejected in the past and the only change in the current iteration is the drainage plan which Councillors considered is not fit for purpose.*

### **5.3 Third Party Representations**

Following the initial consultation period, there were 37 representations from 29 individuals.

22 of these representations objected to the proposal, 11 of these representations wrote in support of the proposal and 4 of these representations provided general/mixed comments.

Following the re-consultation period, there were a further 17 representations from 10 individuals. 12 of these representations objected to the proposal, and 5 of these representations wrote in support of the proposal.

The objections are summarised below:

- Previous prior notification applications refused.
- Potential increase in flooding on the adjacent local highway network.
- Polluted surface water from animal manure.
- Vehicle access and highway safety.
- Air, light and noise pollution.
- Landscape impact, siting, size and scale of the building.
- Impact upon neighbouring amenities.
- Archaeological concerns and soil quality.
- Peterchurch Water Supply.
- Impact upon public right of way and tourism in the local area.

The letters of support are summarised below:

- Local farming enterprise.
- Supporting rural economy.
- Agricultural need for the building.
- Continued use of the land as permanent pasture livestock grassland.

5.4 The consultation responses can be viewed on the Council's website by using the following link:- [Planning Search – Herefordshire Council](#)

Internet access is available at the Council's Customer Service Centres.

## **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' Peterchurch 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. 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. 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 The NPPF provides support to development which encourages the growth of prosperous rural economies. Paragraph 88 of this framework makes clear that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings; in addition to the development and diversification of agricultural and other land-based rural businesses.
- 6.5 Paragraph 89 emphasises that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously development land, and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.
- 6.6 In more specific terms, Policy RA6 of the Herefordshire Core Strategy supports employment-generating proposals that contribute to the strengthening and diversification of the rural economy. A range of economic activities is encouraged under this policy, including the promotion and support of local food and drink production, as well as the retention and diversification of existing agricultural businesses. Proposal must be appropriately scaled in relation to their location and setting. The economic benefits of such developments must be carefully balanced against potential

impacts on residential amenity, the local road network, and water quality targets. Specifically, developments must:

- Be of a scale appropriate to their location and setting;
- Avoid causing unacceptable adverse impacts on residential amenity due to factors such as design, massing, noise, dust, lighting and odor;
- Ensure that traffic movements can be safely accommodated within the local road network; and
- Avoid undermining water quality targets as set out in Policies SD3 and SD4.

- 6.7 The application relates to an existing agricultural holding located in a rural landscape approximately 0.6 miles to the north-west of the village of Peterchurch and outside of its main built-up area. The proposal seeks permission to erect an agricultural barn to be used as a storage building for machinery and fodder and in addition as sheltered accommodation for the applicant's existing cattle stock over-winter.
- 6.8 Clear justification for the need of the proposed building for agricultural purposes has accompanied the submission and was made clear within previous pre-application discussions. It is evident that there are no existing buildings present on agricultural land within the applicant's ownership and in this regard the building would be necessary to support the vital operation of the agricultural enterprise.
- 6.9 The proposed building is considered to support an existing agricultural unit by providing necessary storage facilities, where there is no existing provision on the site. The proposed building would hence facilitate the continued viable operation of the enterprise, thereby offering economic benefits to Peterchurch and the wider rural economy.
- 6.10 With the above in mind, the principle of development is considered favourably against CS Policy RA6. Notwithstanding the above, landscape impact, design, neighbouring amenities, access arrangements, drainage and ecology are material considerations which are key to the acceptability of any development on this site and these are outlined below.

#### *Landscape Impact*

- 6.11 CS Policy LD1 states that development proposals should demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas. Policy SD1 emphasises that new buildings should be designed to maintain local distinctiveness through careful attention to materials, scale, height, proportions and massing. Policy P6 of the Peterchurch NDP reinforces this notion and makes clear that development proposals should demonstrate that the character of the surrounding landscape has influenced the materials, design, scale, form and siting of the development proposed.
- 6.12 The visual impact of the proposal to the character of the surrounding open countryside is a significant consideration to this application and a number of representations made by third parties concern this landscape impact.
- 6.13 The topography of the site is characterised by a relatively steep sloping landscape which rises to the north of Wellbrook Road with the proposed building occupying a raised position relative to the road. The proposed building would be situated to the north-west corner of the site and set against an existing wooded area to the west and behind mature boundary vegetation along the road. This provides some natural screening from street scene and from wider viewpoints and the rising topography is such that the building will not be seen on a skyline.

- 6.14 It is considered that the size and scale of the proposed building is appropriate to its intended use and is proportionate to its setting in terms of the size of the agricultural holding and noting the lack of existing buildings associated with the holding. In addition, the proposed development is of a design and appearance which reflects the agricultural nature of its proposed use and is characteristic of the appearance of agricultural buildings within the wider surrounding area.
- 6.15 On balance, whilst it is acknowledged that the building would occupy a rather isolated position away from existing buildings, its location is an appropriately considered one, making use of an existing flat area of land, existing mature landscaping and in a location close to an existing access avoiding the need for a track access across field. It will be visible in close proximity to the site and from higher ground to the north but it considered to be the optimum position on the land available to the applicant and would not have an unacceptable visual impact to the character of the rural landscape and existing boundary vegetation would further provide some screening of the development from wider viewpoints.
- 6.16 Whilst the comments provided by the Council's Landscape Officer are duly noted, it is considered that the additional landscaping mitigation advised would not be reasonably necessary owing to the topography of the site which provides natural screening from the public right of way to the north of the site and the existing vegetation to the west of the site and along the highway boundary. Moreover the proposed materials are considered to integrate well with the site's context and setting.

#### *Surface Water Drainage and Flooding*

- 6.17 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.
- 6.18 It is evident that the site is located within Flood Zone 1, characterised as the lowest risk of fluvial flood risk, although it is noted that potential fluvial flooding may occur from the nearby watercourse and onto the adjacent highway. Moreover, the site is at risk of surface water flooding from the highway and from higher land.
- 6.19 The proposal would introduce a building with associated hardstanding areas on the site. These hardstanding areas are to be constructed in permeable materials.
- 6.20 It is very clear from many of the representations received that the potential impact of surface water flooding down slope of the site is a real concern. As such, the Council's Land Drainage Consultant was consulted in respect of the application and whilst lodging a holding objection in the first instance, following receipt of a surface water drainage strategy offers no objections.
- 6.21 Whilst the third party representations made in regard of surface water flooding are duly noted, with no technical objections raised by the Land Drainage Consultant, it is not considered that the development would result in any increase in surface water flooding on the site or within the surrounding area and there is no evidence to suggest it will exacerbate existing conditions.

#### *Ecology, Biodiversity and Protected Species*

- 6.22 CS Policy LD2 states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. Policy P6 of the Peterchurch NDP further states that all development proposals will have to show regard to the varied and distinctive landscape character of the area by protecting and enhancing the natural, historic and scenic beauty of the area.

- 6.23 The Council's Ecologist was consulted in respect of the application and offers no objections to the proposed development. The proposal would not increase livestock numbers on the holding that could not otherwise already occupy the land holding. As such, there are no additional air emissions identified as a result of the proposed development. There will be no likely significant effects arising from additional discharges from the site and no likely significant effect upon the River Wye SSSI/SAC. The proposal is 'screened out' of the Habitat Regulations Assessment and planning permission can legally be granted.
- 6.24 Policy P9 of the Peterchurch Neighbourhood Development Plan states that to reduce light pollution into the Golden Valley and to improve the views of our night time skies, planning proposals that include external lighting and significant openings that would allow internal lighting to be seen externally will have to demonstrate the following: they have undertaken an appropriate assessment and can demonstrate the need for the lighting and the nature of the proposed lighting is appropriate for its use and location.
- 6.25 With the above policy in mind, it is clear that local illumination levels are important to local amenity and to nature conservation interests particularly in relation to protected species. As such, a condition is attached to ensure some control over external illumination given the site's rural locality.
- 6.26 For the avoidance of doubt, an informative note is recommended to remind the applicant's to their obligations under the Wildlife and Countryside Act.

#### *Neighbouring Amenities and Environmental Health*

- 6.27 CS Policy SD1 states that development proposals should safeguard residential amenity for existing and proposed residents.
- 6.28 The proposed building would be situated some distance from neighbouring occupiers, with the closest residential property located approximately 135 metres to the south west of the site. The Council's Environmental Health Officer advises that this distance is sufficient and the use of the proposed building is not considered to give rise to adverse impacts in terms of noise, smell nor other forms of nuisance. The application is not deemed to result in overlooking/loss of privacy/loss of light/visual dominance to a degree that would be contrary to the above policies.

#### *Access Arrangements*

- 6.29 CS Policy MT1 states that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flows of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.
- 6.30 CS Policy RA6 makes clear that applications which support the retention of existing agricultural businesses should not generate traffic movements that cannot safely be accommodated within the local road network.
- 6.31 The proposed development would retain and utilise an existing gated agricultural access to the site. The Council's Area Engineer was consulted in respect of the application and offered no objections subject to conditions. It is indicated that given the nature of the proposed agricultural use and characteristic of the existing access, the use of this access is appropriate and no significant impact on the highway safety or capacity is anticipated.

#### *Conclusion*

- 6.32 When assessing the proposed development against the relevant policies, it is clear that whilst some visual impact is identified in respect of the location of the proposed building, this is not

considered to result in harm to the character of the landscape and would not adversely impact upon neighbouring amenities. The principle of supporting the ongoing viable operation of an existing agricultural unit can be afforded weight in relation to strengthening a local business and contributing wider benefits the rural economy. That said, the landscape, highways, drainage, ecology and amenity impact have all been considered and with no technical objections raised.

- 6.33 The proposal is not considered to be in conflict with the Development Plan and is considered acceptable. The application is recommended for approval.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the Scheme of Delegation to Officers:**

**1. Time limit for commencement**

**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. Development in accordance with approved plans**

**The development shall be carried out strictly in accordance with the approved plans (drawing no. 8396/1 and document entitled "Planning Statement"), except where otherwise stipulated by conditions attached to this permission.**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, the Peterchurch Neighbourhood Development Plan and the National Planning Policy Framework.**

**3. Vehicular Access Construction**

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

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

**4. Access Construction**

**The first 10m of the access off the highway should have a bound surface such as tarmac, gravel is not acceptable for the first 10m.**

**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. Protected Species and Dark Skies (external illumination)**

Unless otherwise agreed in writing by the planning authority, no external or internal lighting associated with the permitted development shall be permanently illuminated between dusk and dawn except in an emergency.

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; and the council's declared Climate Change and Ecological Emergency.

**6. Surface Water Drainage Strategy**

The development shall be carried out in accordance with the approved details (Surface Water Drainage Strategy received by email 14<sup>th</sup> August 2025) for the duration of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**INFORMATIVES:**

**1. Application Approved Following Revisions**

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. Wildlife Protection Informative**

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, 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.

**3. Biodiversity Net Gain Informative**

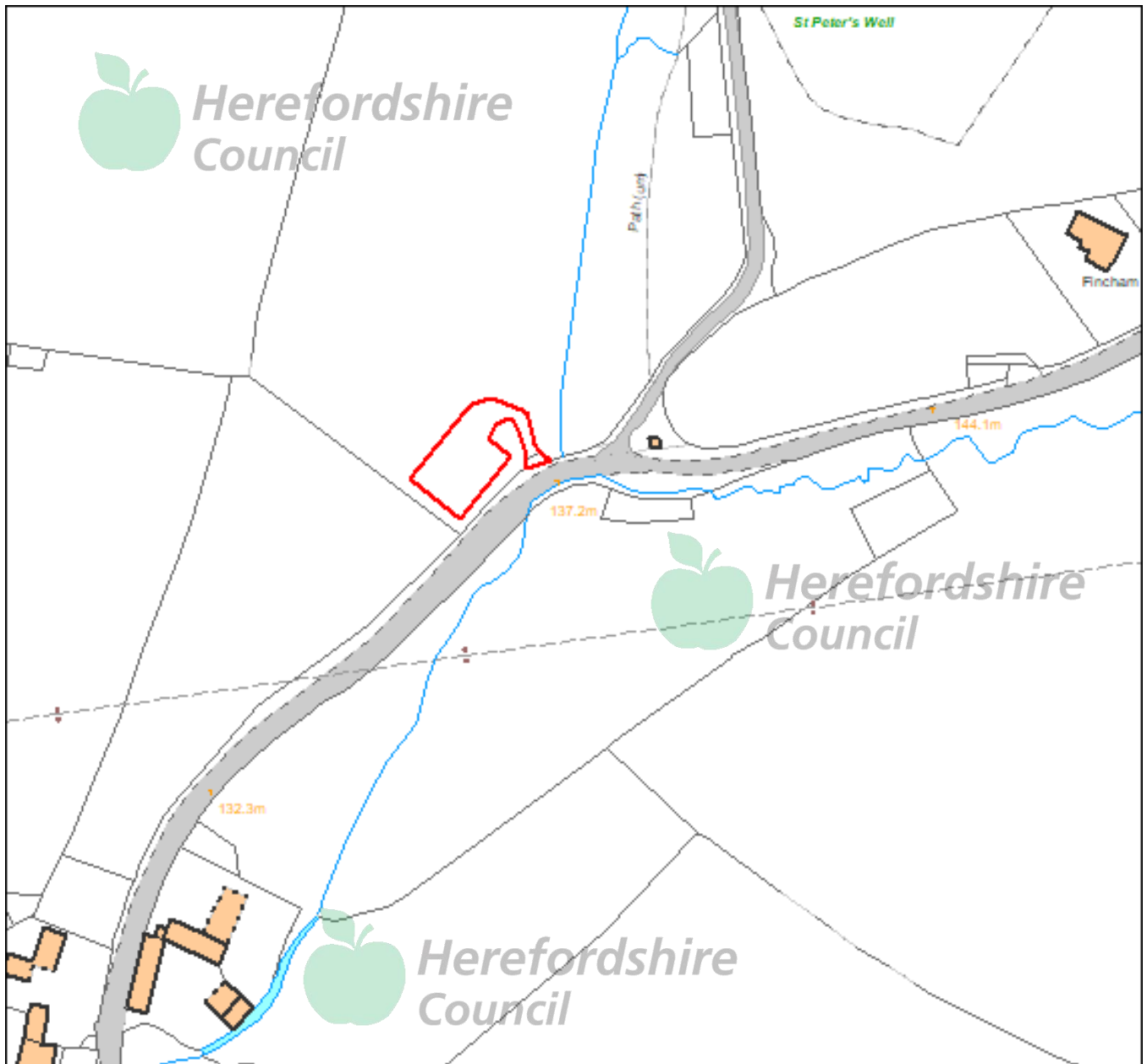
Decision: .....

Notes: .....

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**Background Papers**

None identified.



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**APPLICATION NO:** 243176

**SITE ADDRESS :** LAND OFF WELLBROOK ROAD, PETERCHURCH, HEREFORDSHIRE

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