

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 FEBRUARY 2026</b>
<b>TITLE OF REPORT:</b>	<b>252698 – CHANGE OF USE OF BUILDING TO STORAGE (USE CLASS B8) (RETROSPECTIVE) AT PONDEROSA, TWYFORD COMMON ROAD, RIDGEHILL, HEREFORD, HR2 8AE</b>  <b>For: Mr &amp; Mrs Shaw per Mr Tom McEwen, The Rough Farm, Garway Hill, Herefordshire, HR2 8HD</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=252698">https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=252698</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 18 September 2025    Ward: Dinedor Hill    Grid Ref: 351202, 235809**  
**Expiry Date: 26 February 2026 (Extension of Time agreement)**

**Local Member: Cllr Dave Davies (Dinedor Hill)**

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

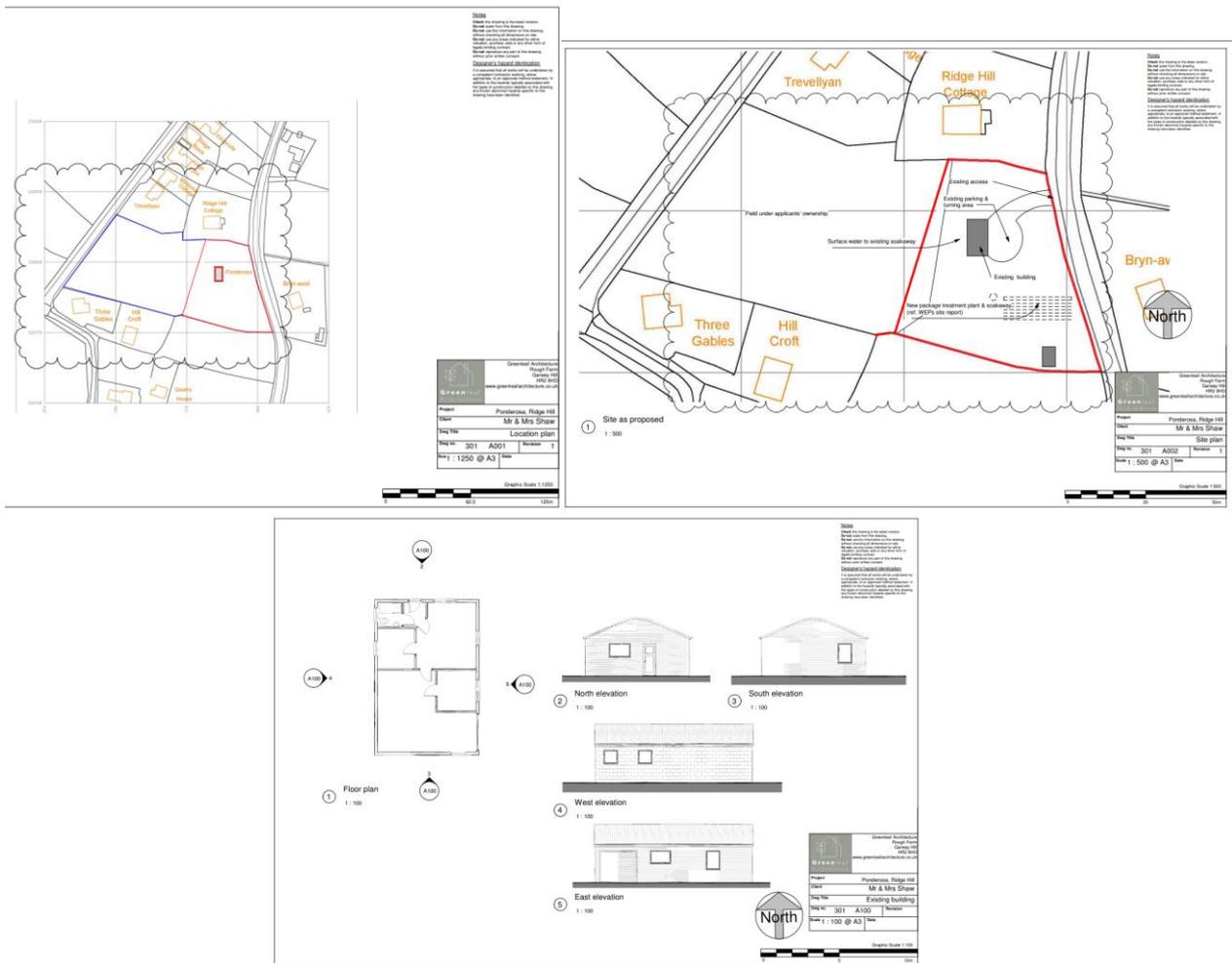
- 1.1 The application site forms part of the small hamlet of Ridgehill which is located approximately 0.4 miles north of Twyford Common, 1.1 miles east of the Norton Brook Road junction with the A49(T), and 3 miles south of Hereford City Centre. Land uses surrounding the site are predominantly residential save for the occasional agricultural or equestrian use although there is an existing caravan and campsite off the U72014 (Norton Brook Road) to the south-west of the application site.
- 1.2 Site topography falls sharply from west to east across the site down to the U71616 where there is an existing field gate and vehicular access. The subject building is situated part way up this bank and comprises a single-storey former stable block with a barrel vaulted profile sheet roof and clad predominately in timber and concrete block. It has a footprint measuring 66.66 square metres (6.6 metres by 10.1 metres) with eaves and ridge at 2.4 metres and 3.75 metres, respectively. It has in recent years undergone maintenance and improvement internally as well as externally, although is not considered to materially affect the external appearance of the building.
- 1.3 It is acknowledged that the site has been cleared of vegetation over the preceding 18 months although site boundaries continue to predominately comprise a mixture of native/ornamental hedgerow, wire fencing, field gate and/or semi-mature trees. Covering the wider land parcel there is an unoccupied caravan at the south-east corner with storage of building materials, storage container and hardstanding to the west/north-west corner of the site which is located adjacent to another gated vehicular access directly onto the U72014.
- 1.4 The site is not within or considered to contribute to the setting of a protected/statutory landscape designation or designated or non-designated heritage asset(s).
- 1.5 This application seeks full planning permission for change of use of the building for storage of construction machinery, tools and building materials for the applicants' family run construction business which operates predominately in Herefordshire. The storage use falls within Use Class

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended). For avoidance of any doubt, the application originally sought use of the building for storage and as a workshop although the workshop element has now been omitted at the request of the applicants.

- 1.6 Officers are advised by the applicant that from October 2022, they rented the land from the previous landowner and stored building materials and some machinery in the building before subsequently purchasing the land (including the building) in January 2025. In this regard, officers consider the application to be retrospective. The location plan, site plan and elevations/floor plan of the building are inserted below:



*Location Plan, Site Plan, Building Elevations and Floor Plan*

- 1.7 In addition to the submitted plans, this application should be considered in line with the following list of supporting documents:

- Application Form;
- Drainage Information (rec'd 16/10/2025);
- Planning/Design and Access Statement (rec'd 16/10/2025);
- A rateable value letter from the Valuation Office Agency;
- Emails from the agent including additional supporting information in response to comments raised by technical consultees and officer requests for clarification.

- 1.8 The applicant has also clarified that there will be 1 to 2 persons on site when collecting and taking construction tools/building materials to and from the site, and this would be between the hours of

7:30am until 5pm. The majority of the time during the day the applicants would largely be working on building projects elsewhere.

## **2. Policies**

### **2.1 Herefordshire Local Plan – Core Strategy 2011-2031 adopted October 2015 (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  
MT1 – Traffic management, highway safety and promoting active travel  
E1 – Employment provision  
LD1 – Landscape and townscape  
LD2 – Biodiversity and geodiversity  
LD3 – Green infrastructure  
SD1 – Sustainable design and energy efficiency  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Paragraph 34 of the revised 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 CS was adopted on 15th October 2015 and a review was required to be completed before 15th October 2020. The decision to review the CS 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 application. The CS policies together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website by using the following link:-  
[https://www.herefordshire.gov.uk/downloads/download/123/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy)

### **2.2 Herefordshire Minerals and Waste Local Plan adopted March 2024 (MWLP)**

SP1 – Resource management

The MWLP together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:-  
<https://www.herefordshire.gov.uk/local-plan-1/minerals-waste-local-plan>

### **2.3 Lower Bullingham Neighbourhood Development Plan – made on 21 August 2017 (NDP)**

LB2 – Design  
LB8 – Reducing the risk of flooding

The Lower Bullingham NDP together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:  
<https://www.herefordshire.gov.uk/directories/neighbourhood-areas-and-plans-directory/lower-bullingham-neighbourhood-development-plan/>

### **2.4 National Planning Policy Framework – revised on 7 February 2025 (NPPF)**

2 – Achieving sustainable development  
4 – Decision-making  
6 – Building a strong, competitive economy  
8 – Promoting healthy and safe communities  
9 – Promoting sustainable transport  
11 – Making effective use of land  
12 – Achieving well-designed places

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment

The NPPF sets out the government's planning policies for England and how these are expected to be applied in plan-making and decision-making. The NPPF can be viewed using the following link: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

## 2.5 National Planning Practice Guidance (NPPG)

The associated Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents should be read together. The NPPG can be accessed through the following link: <https://www.gov.uk/government/collections/planning-practice-guidance>

## 3. Planning History

- 3.1 P251764/U – certificate of lawfulness for existing use of the site and building as a workshop and premises since 2015 - Withdrawn
- 3.2 P203851/U – certificate of lawfulness for existing use of building to residential - Withdrawn
- 3.3 P150931/H – Proposed hedgerow removal – Approved
- 3.4 SH901266PF – erection of a small stable block – Approved with conditions
- 3.5 SH900969PF – erection of a small stable block – Refused

## 4. Statutory Consultations

During consideration of this application, amended plans and additional or updated supporting documents have been submitted together with an agreed revised description of development. For avoidance of any doubt, all consultation responses/representations are provided below and have been annotated under each response where they are responding to either the superseded plans or amended plans.

### 4.1 Dwr Cymru Welsh Water – No objection

#### 1<sup>st</sup> consultation 12 December 2025 (Superseded Plans)

*"We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Dwr Cymru Welsh Water has no objection to this retrospective proposed change of use application. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrwymru.com](mailto:developer.services@dwrwymru.com) Please quote our reference number in all communications and correspondence."*

#### 2<sup>nd</sup> consultation (Amended Plans) – No response received

### 4.2 Natural England – No response received

Refer to the comments of the Council's Ecologist

## 5. Internal Council Consultations

During consideration of this application, amended plans and additional or updated supporting documents have been submitted. For avoidance of any doubt, consultation responses are provided below and have been annotated under each consultation response where they are responding to either the now superseded plans or amended plans.

### 5.1 Area Engineer – No objection

#### 1<sup>st</sup> consultation 2 October 2025 (Superseded Plans)

*“The local highways authority has considered the application for retrospective change of use of existing building to workshop/general storage and makes the following comments. The site is accessed off the adopted highway with a gate set back off the highway edge to allow vehicles to move off the road. The use of the site is unlikely to cause an increase to the use of the local highways network and there are no objections to the proposal. 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>”*

#### 2<sup>nd</sup> consultation 8 December 2025 (Amended Plans)

*“The local highways authority has considered the amended plans and has no further comments to make on the application. No objections.”*

### 5.2 Environmental Health Technical Officer (Noise & Nuisance) – No objection

#### 1<sup>st</sup> consultation 21 October 2025 (Superseded Plans)

*“Comments are made from a noise and nuisance perspective. The planning statement indicates that the building will be used for occasional light carpentry and associated work, including small-scale off-site manufacturing of bespoke building components such as stairs and door linings. The statement also notes that the site is used on an ad-hoc basis and normally within working hours. However, no information has been provided regarding the types of noise-generating equipment or machinery proposed for use within the workshop. Without this detail, it is not possible to adequately assess the potential noise impacts on nearby sensitive receptors.*

*Further information required:*

- *A list of machinery, tools, and equipment to be used on site, including any fixed or powered woodworking or cutting equipment.*
- *Typical operating hours and expected frequency of use.*
- *Details of any noise mitigation measures (e.g. acoustic insulation, enclosure, building fabric specifications).*

*This information is required prior to Environmental Health (Nuisance) being able to provide a full assessment of potential noise impacts or to recommend appropriate planning conditions.”*

#### 2<sup>nd</sup> consultation 4 December 2025 (Amended Plans)

*“The description of this application has been revised from “Retrospective change of use of existing building to workshop/general storage” to “Change of use of building to storage (Use Class B8).” As a result, Environmental Health (Nuisance) raise no objections to the proposal.”*

### 5.3 Environmental Health Technical Officer (Contaminated Land) – No objection

#### 1<sup>st</sup> consultation 8 October 2025 (Superseded Plans)

*“We refer to the above application and would make the following comments in relation to contaminated land and human health issues only. We’ve no comments to make”*

2<sup>nd</sup> consultation 13 January 2026 (Amended Plans)

*"We refer to the above application and would make the following comments in relation to contaminated land and human health issues only. We've no comments to make."*

5.4 **Land Drainage Engineer – No objection (Amended Plans)**

*"We understand that the existing footprint of the site, as well as the drainage arrangements are remaining as is. Land Drainage have no further comment to make."*

5.5 **Ecology – No objection**

1<sup>st</sup> consultation 9 October 2025 (Superseded Plans)

*"The site is within River Wye SAC catchment 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. 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.*

*From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to "unfavourable declining" by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer). The applicant must demonstrate with scientific and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery.*

*Notes in respect of HRA*

*River Wye SAC*

- *The proposal creates ONE building as a Use Class B8 storage-distribution space.*
- *The applicant has confirmed that building will only be used as workshop and general storage and not for any other purposes.*
- *The proposed WC in the building will discharge to a new septic tank foul water system (application form information).*
- *Under General Binding Rules and Water Regulations Septic Tanks MUST discharge to a drainage field.*
- *Information supplied confirms this is recorded as a separate and solely a commercial premises – use class B8 – storage and distribution*
- *Where no significant nutrient pathways are identified and the use is limited to ancillary use to a main residence Natural England have advised that they are happy for the LPA to 'screen out' the HRA appropriate assessment at 'stage 1' of the process.*

*Habitat Regulations - Nature Conservation River Wye SAC – Occupation-use*

*The building hereby permitted shall not be occupied at any time other than for commercial purposes Class B8 - storage and distribution purposes.*

*Reason: It would be contrary to Policy SD1 [or RA5] of the Herefordshire Local Plan – Core Strategy to grant planning permission for a separate dwelling in this location and 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'), Core Strategy policies SS1, SS6, LD2, SD3 and SD4.*

*River Wye SAC - Foul and Surface Water Management*

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

*Unless otherwise approved in writing by the planning authority all foul water flows from the development permitted under this permission shall discharge to a Septic Tank discharging to a drainage field; and all surface water managed by onsite Sustainable Drainage System. The foul and surface water management shall hereafter be managed and maintained as approved.*

*Reason: In order to ensure there are no effects on the River Lugg (Wye) SAC (SSSI) 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.*

*The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species (Bats) commuting/foraging in wider locality and adjacent habitats. A condition to ensure all local nature conservation interests are not impacted and external lighting is requested:*

*Protected Species and Dark Skies (external illumination)*

*No external lighting of any kind shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.*

*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"*

2<sup>nd</sup> consultation 6<sup>th</sup> January 2026 (Amended Plans)

*"No further comments"*

## **6. Representations**

### **6.1 Lower Bullingham Parish Council – Qualified Comment**

1<sup>st</sup> consultation 8 November 2025 (Superseded Plans)

*"Lower Bullingham Parish Council Object to the retrospective application and make the following comment. The PC's view is that this is an extremely poor application and had considerable short comings in detail narrative."*

2<sup>nd</sup> consultation 8 January 2026 (Amended Plans)

*"The Parish Council ask that a condition is placed on the application if approved that the building is solely used for storage only and no other purposes"*

6.2 The remaining 34 letters of third party representation comprise 27 interested parties whom all object to the application. It is acknowledged that the majority of third party objections were received to the first consultation when the application was also seeking change of use of the building to a workshop however for completeness, representations are summarised below:

- Harm to residential amenity by virtue of noise
- Impact on highway safety – vehicle movements, narrowness of roads, parking/access
- Objections to P251764/U are applicable to this application
- Removal of vegetation undertaken retrospectively and harm to protected species
- Existing building has not been in use for prolonged period of time

- Application is not retrospective
- No formal parking area
- Impact on character and appearance of the area
- Overdevelopment
- Impact on surface water flooding
- Mandatory biodiversity net gain should apply
- Better, alternative locations at Rotherwas for such use
- No information about the remainder of the site which needs planning permission
- Need BNG metrics
- Applicant motives
- Lack of information/misleading aspects in application
- Damage/blocking property
- Impact on right of enjoyment to property

All consultation responses can be viewed on the Council's website by using the following link:-  
<https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=252698>

Internet access is available at the Council's Customer Service Centres:-  
<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## 7. Officer's Appraisal

### *Policy context and Principle of Development*

- 7.1 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.*"
- 7.2 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS), the Herefordshire Minerals and Waste Local Plan (MWLP) and the Lower Bullingham Neighbourhood Development Plan (NDP). The National Planning Policy Framework (NPPF) is a significant material consideration in determining any application for planning permission, alongside National Planning Practice Guidance (NPPG).
- 7.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 of the NPPF 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 therefore be taken into account by the Council in deciding any application. In this case, the most relevant policies are considered to relate to employment generating development; protection and conserving of environmental assets, highway safety and sustainability; and amenity issues (among others). These have been reviewed and are viewed to be consistent with the principles set out by the NPPF. Accordingly, in having regard to Paragraph 232 of the NPPF, the relevant policies of the CS applicable to determining this application should continue to be afforded 'significant' weight in decision-making.
- 7.4 Herefordshire Council is currently in the process of preparing a new local plan under the new plan making process introduced by the Levelling Up and Regeneration Act 2023. No draft of the plan under the new plan making system has yet been published for consultation. As such, there is no emerging plan to which any weight can currently be attributed.
- 7.5 A range of CS policies are relevant. As a starting point, strategic Policy SS1 sets out the presumption in favour of sustainable development, reflective of the positive presumption in favour of sustainable development that lies at the heart of the NPPF. Policy SS1 confirms that proposals

which accord with the policies of the CS (and, where relevant, other DPDs and NDPs) will be approved, unless material considerations indicate otherwise.

- 7.6 Chapter 6 of the NPPF deals with economic development and directs that planning policies and decision-making should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraphs 88 and 89 also support a prosperous rural economy appreciating that planning 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. Planning policies and decisions should also 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 such circumstances it will be important to ensure 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 (e.g. by improving the scope for access on foot, by cycling or by public transport). Use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 7.7 In the context of development which promotes employment, strategic Policy SS5 of the CS seeks to support the county's economy by ensuring an adequate supply of good quality employment land. Policy E1 builds on this and sets out that policy will seek to provide a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy. It states that proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:
- the proposal is appropriate in terms of its connectivity, scale, design and size;
  - the proposal makes better use of previously developed land or buildings;
  - the proposal is an appropriate extension to strengthen or diversify an existing business operation;
  - the proposal provides for opportunities for new office development in appropriate locations.
- 7.8 In terms of the rural economy, Policy RA6 of the CS is relevant to employment in rural areas, directing that proposals will be supported where they:
- ensure that development is of a scale which is commensurate with its location and setting
  - does not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell;
  - does not generate traffic movements that cannot safely be accommodated within the local road network;
  - does not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.
- 7.9 The policy context is reflective of the NPPF, although the NPPF does not necessarily provide a green light in supporting all planning applications to support a prosperous rural economy. This is given that, in terms of other technical considerations, there may well be harm identified which otherwise leads to a proposal not being supported.
- 7.10 In considering the principle of development, Policy RA6 of the CS are considered to be relevant. It is noted that the Lower Bullingham NDP has no specific policy in terms of the principle of development being sought.
- 7.11 In terms of site history, officers are advised by the applicant in supporting information, that the subject building has been used for a variety of activities over the last 10 years and that the current owner has been using the building for general storage of building materials since October 2022 with occasional light carpentry and associated work limited to small 'off-site' manufacturing of

bespoke building components (stairs, door linings etc). The site is presently used on an ad-hoc basis, and normally within working hours (7:30am - 5pm Mondays to Fridays and 7am - 2pm on Saturdays). Officers are also advised that the previous owner used the building for the storage of equipment for a catering company, as well as occasional workshop usage.

- 7.12 Whilst the applicant has provided business rates receipts from 2016 stating the use of the building as 'workshop and premises', it is clearly acknowledged that many third parties have challenged the historic use of the site.
- 7.13 From the perspective of officers, the documented site history does not show any approved change of use application or lawful development certificate from what was originally approved as a stable block. Despite the alleged and varied history of prior use, the building's lawful use is considered to be an equine use. In having regard to the variety of contrasting information provided on all sides, no other use has been established long enough to deem it lawful. It is nevertheless acknowledged that the change of use sought is retrospective.
- 7.14 The applicants seek full planning permission for use of the building as storage of construction/building materials for their construction business, which falls within Use Class B8 (storage and distribution). It is not considered that the use amounts to a builders' yard which would amount to a Sui Generis use.
- 7.15 The proposal would provide this small-scale business with facilities which would help the business to sustain their operations in the short term, whilst providing potential for future growth. The scheme would align with the objectives of the adopted development plan to promote rural employment generating development, whilst promoting investments in the construction and development sector. The principle of development is supported by the aforementioned policy context, however in order to gain full support it must be demonstrated that the scheme would not have any material adverse impacts that may lead to conflict with the policies above – notably criteria offered by Policy RA6 of the CS.

#### *Location and nature of use*

- 7.16 With the exception of identifying strategic employment sites in Hereford and the market towns, the adopted development plan is not prescriptive in terms of defining appropriate locations for new business development. It instead requires a case-by-case judgement to be taken that has regard to factors such as the sustainability of a location; compatibility of the proposed use with the local context, and the scale of the proposal relative to the locale. The NPPF identifies at Paragraph 89 that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, in areas that may not be well served by public transport.
- 7.17 The site in this case is considered to relate to the hamlet of Ridgehill and would be using an existing building to accommodate this use. Ridgehill is approximately 0.4 miles north of Twyford Common (a CS RA2 settlement), 1.1 miles east of the junction with the A49(T) near Portway, and 3 miles south of Hereford City Centre via Hoarwithy Road (C1261). It is recognised that there are other 'built-for-purpose' business units locally such as at Rotherwas or Lower Bullingham, however there is no policy requirement for an applicant to demonstrate why such options have been discounted.
- 7.18 Taken together with the small-scale size of the building at 66.66 square metres and appreciation of surrounding uses, the nature of what is being applied for is not considered to juxtapose with local context. This is acknowledging that the business is likely to be reliant on a van/flatbed trailer which tradespeople use when going to any persons home or a construction site to undertake work, usually arriving and leaving the site both at the start and end of the working day and occasionally needing to collect something during the working day. The site has reasonable links with the local transport network given its rural context, and the previously developed nature of the

site also means the scheme is considered to align with the policy objective to make use of previously developed land, lending further support to the proposal.

#### *Access and highways*

- 7.19 CS Policy MT1 relates to the highways impacts of new development, and requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network. It requires that developments are designed and laid out to ensure safe entrance and exit can be achieved and adequate operational and manoeuvring space is available.
- 7.20 In the context of rural economic development, policy RA6 also seeks to ensure that schemes do not generate traffic movements that cannot safely be accommodated within the local road network. There is no policy provision within the NDP. These principles reflect those of the NPPF at Chapter 9 which at Paragraph 116 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.
- 7.21 The site benefits from an established access onto the U71616 which delivers an appropriate level of visibility onto the carriageway. The use as a stable block also establishes a lawful baseline for vehicle movements. It is not disputed that the use proposed will lead to some intensification in the volume/nature of vehicle movements utilising the access although vehicular movements to and from the site will be as and when the company requires it, usually at the start and end of the working day.
- 7.22 It is noted that the front of the building provides ample space for the parking and turning of vehicles. This would prevent any inappropriate parking off-site on the public highway and it is anticipated that by the nature of the use, any vehicles will need to be parked close to the building in order to load/unload.
- 7.23 It is understood that the U71616 is used as a main road out of the hamlet whether heading south to Twyford Common, north-west back to Norton Brook and onto the A49 or north-east towards Lower Bullingham and Hereford City. Representations stress the narrow nature of the lane however, on the basis of the scale and intensity of the proposed use, it is not considered that the cumulative impacts of the proposal would amount to being severe. It is also acknowledged that the Area Engineer has not raised objection to the proposal viewing that it would not result in any demonstrable impact to the wider highway network or road safety.
- 7.24 It is therefore considered that there would be no adverse impacts upon the continued safe and efficient function of the local highways network, as confirmed by the response from the Local Highway Authority as the responsible authority. The internal layout of the site makes adequate provision for the parking and turning of vehicles and hence is acceptable with regards to CS policies MT1 and RA6. Paragraph 116 of the NPPF is not considered to be engaged.

#### *Residential amenity*

- 7.25 The NPPF seeks to ensure all developments deliver good standards of living for occupiers of land and buildings. This is reflected by the CS, with policy SD1 requiring that proposals achieve satisfactory living conditions for existing and future occupiers of all development, avoiding detriment through means such as overlooking, overshadowing or overbearing. It also seeks to ensure that new developments do not contribute to or suffer from adverse impacts relating to noise or light pollution. In the context of rural economic development, policy RA6 seeks to support proposals where they would not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell. Policy LB2 sets out building design principles which includes that proposals must minimise the impact on general

amenity and give careful consideration to noise, odour and light. This is all consistent with Paragraph 135f and 198 of the NPPF, needing to also account for cumulative impacts.

- 7.26 In regard to private residential amenity, the building itself is located to the west of the U71616 and the access arrangement onto the public highway does not run adjacent to private residential dwellings save for the access track/parking for Ridge Hill Cottage. The building already exists and there are no present restrictions on when the building can be accessed.
- 7.27 It is acknowledged that a wider B8 use such as distribution (e.g. warehouses) could be a potential source of noise which may impact neighbouring amenity if not appropriately managed. The use as proposed is for storage of construction machinery, tools and building materials only but nevertheless, there are several third party dwellings immediately surrounding the site which are the most sensitive receptors in this regard, heightened by the rural context of the area where sound will travel further.
- 7.28 Appreciating that the workshop element has been dropped from consideration, the Council's Environmental Health Officer for noise and nuisance has reviewed the revised application and does not raise an objection to the proposal. Your officer does accept that such a use may represent an inconvenience to neighbours but it is not considered that this would reach the threshold for adverse harm in terms of residential amenity for adjoining occupiers. Indeed, it must be remembered that the pre-existing use of the building for stabling purposes is unencumbered; allowing for potentially greater impact on the amenity of neighbouring properties.
- 7.29 Any perceived harm can be mitigated by restrictions placed upon the hours of use, the hours during which vehicle movements can take place or in which deliveries can be received/dispatched and a condition to secure a Noise Management Plan in a time-sensitive manner given the retrospective use of the site, no outside storage as well as restricting the use to what has been applied for, enabling any future use to be reassessed accordingly by the Local Planning Authority. Subject to such assurances, no conflict is identified with policies RA6 or SD1 of the CS or Policy LB2 of the NDP, which is consistent with Paragraph 135f and 198 of the NPPF, accounting for cumulative impacts.

#### *Local character and appearance*

- 7.30 Strategic policy SS6 of the CS sets out that all development proposals should conserve and enhance the environmental assets that contribute towards the county's distinctiveness, particularly its settlement pattern, landscape, biodiversity and heritage assets. Policy LD1 is of further relevance in this regard in so far as it requires that schemes demonstrate that they have been positively influenced by the character of the surrounding landscape in terms of the site selection, design, scale and nature of the development proposed. Schemes should also incorporate new landscaping to ensure that the development integrates appropriately into its surroundings and maintain and extend tree cover where important to amenity.
- 7.31 Appreciating that the description of development is merely seeking change of use of the building, the proposed use is not considered to be out of keeping with the general character of the locale and commensurate in scale with operations in the surrounding area. In terms of the building, the appearance is largely as one would expect from such a rural building and again would not be discordant within the locale given its modest scale and footprint reduces the potential for impact upon the wider landscape, including the Lowland Farmlands Landscape Character type. The proposal is considered to align with aforementioned policy.

#### *Flood risk and drainage*

- 7.32 The application site is not located in an area of flood risk from either fluvial or pluvial sources. The submission offers the view that there would be no increase in impermeable surfaces and surface water could be managed through existing soakaways. A new Package Treatment Plant is

proposed to serve the development, which is not objected to by the Land Drainage Engineer whom has reviewed the supporting information provided. The application is viewed to be compliant with Policies RA6, SD3 and SD4 of the CS and Policy LB8 of the NDP which is consistent with Section 14 of the NPPF.

#### *Ecology and biodiversity*

- 7.33 Policy LD2 of the CS states that all development proposals should conserve, restore and enhance Herefordshire's' biodiversity assets wherever possible. Amongst other things, this should be achieved through the retention and protection of nature conservation sites and habitats in accordance with their status. In relation to trees and green infrastructure. Policy LD3 of the CS requires that development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure such as trees, woodlands and hedgerows. There is no specific NDP policy.
- 7.34 Whilst regrettable that the applicant sought to remove vegetation prior to making the application, the Council's Ecologist has reviewed the application and offers no objection to what is being proposed and there is no breach of the Council's duties with respect of protected species. The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species (Bats) commuting/foraging in wider locality and adjacent habitats. No details of lighting has been received, so it is anticipated no alterations or additions to the existing lighting scheme is anticipated. The proposal is viewed to accord with aforementioned policy.

#### *Biodiversity net gain (BNG)*

- 7.35 The requirement for qualifying developments to deliver a mandatory 10% net gain to biodiversity value relative to pre-development conditions came into force on 12<sup>th</sup> February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The development proposed in this case is viewed benefit under the retrospective exemption.

#### *Habitat Regulations Assessment*

- 7.36 The site is within the Wye hydrological catchment of the River Wye Special Area of Conservation (SAC) and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the Local Planning Authority. 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.
- 7.37 The applicant has confirmed that building will only be used for storage as applied for and not for any other purposes. The WC in the building would discharge to a new package treatment plant. Information supplied confirms this is a recorded as a separate and solely a commercial premises. Where no significant nutrient pathways are identified, Natural England have advised that they are happy for a Local Planning Authority to 'screen out' the HRA appropriate assessment at 'stage 1' of the process.

#### *Other considerations*

- 7.38 In accordance with the adopted MWLP, any application for major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as may be amended) that includes built development will be required to be accompanied by a comprehensive Resource Audit addressing all the matters set out in policy SP1. A proportionate approach will be applied to all other development proposals that include built development, which

should at least provide commentary on waste prevention and management measures to be implemented. Given the application is effectively seeking change of use, such a condition is not considered necessary in this particular instance.

- 7.39 Officers have had clear regard to representations raised by third parties including challenging information submitted by the applicant and seeking clarity on a number of aspects which has resulted in amendments to the application or further information being provided.
- 7.40 Colleagues in Planning Enforcement are dealing with another alleged breach of planning on the wider site although this does not form part of this particular application.
- 7.41 Applicant motives, damage to neighbouring property and right to a view are not material planning considerations.

## **8. Summary, Planning Balance and Conclusion**

- 8.1 In bringing together the above considerations; the proposal represents a scheme for the re-use of a rural building in the countryside, supported in principle by the prevailing policies of the adopted development plan and the objectives of the NPPF. The proposal would provide modest employment in a rural setting and it is considered that the modest scale and footprint of the building combined with the nature of the use sought is such that, subject to conditions, development would safeguard against any perceived adverse impacts to more than an acceptable degree.
- 8.2 The proposal can be considered representative of a sustainable form of development and when engaging Paragraph 11d of the NPPF, it is not considered to engage Paragraph 11di or 11dii.
- 8.3 Accordingly, the application is recommended for approval subject to conditions as set out below.

## **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:**

### **1. C06 – Development in accordance with approved plans**

**The development shall be carried out strictly in accordance with the approved plans, 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 Policies SD1, E1, RA6 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.**

### **2. C52 (Hours of use, vehicle movements and deliveries)**

**No staff shall be on site and no deliveries shall be taken at or despatched from the site in relation to the approved use outside of the following times:**

**07:30 to 17:30 Mondays to Fridays;  
07:30 to 14:00 Saturdays**

**Reason: To ensure adequate measures are in place to control noise and mitigate for the potential effects on neighbouring residential amenity, in accordance with policies E1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy, policy LB2 of the**

**3. Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.**

**CNS (Noise Management Plan)**

By 30<sup>th</sup> April 2026, a detailed Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The NMP shall provide a comprehensive overview of how the use will be operated to ensure that any potential for adverse neighbouring amenity impact through noise is minimised.

The NMP shall be broken down into and address the following subheadings:

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

The approved NMP shall be implemented and thereafter remain in place for the lifetime of the development.

**Reason:** To ensure adequate measures are in place to control noise and mitigate for the potential effects on neighbouring residential amenity, in accordance with policies E1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy, policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

**4. C57 (Restriction on use) – Storage (B8)**

The use hereby approved shall be solely used for storage of construction machinery, tools and building materials and for no other use, including any other use within Use Class B8, as defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Any other use shall not take place without the prior written consent of the Local Planning Authority.

**Reason:** To secure the specific nature of use applied for in respect of the defined planning unit and to control the nature of the uses in the interests of securing compliance with policies RA6, SD1 and MT1 of the Herefordshire Local Plan Core Strategy; Policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

**5. CNS (HRA – PTP and Soakaways)**

Unless otherwise approved in writing by the planning authority all foul water flows from the development permitted under this permission shall discharge to a package treatment plant; and all surface water managed by on-site Sustainable Drainage System or soakaways. The foul and surface water management shall hereafter be managed and maintained as approved.

**Reason:** In order to ensure there are no effects on the River Lugg (Wye) SAC (SSSI) 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.

**CNS (Approval of External Lighting)**

6. Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on site. Development shall be carried out in accordance with the approved details.

**Reason:** To protect the amenities of nearby properties so as to comply with policies SD1, LB2 and RA6 of Herefordshire Local Plan Core Strategy, policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

**CNS (Retention of Trees)**

7. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 10 years from the date of occupation of the development for its permitted use, other than in accordance with the plans and particulars approved pursuant to this permission.

**Reason:** To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**CNS (No outside storage)**

8. No goods, plant, materials or machinery associated with the approved use of the building shall be deposited or stored outside the building or land within the application red line boundary at any time.

**Reason:** To protect the character and appearance of the locality, to safeguard residential amenity and to comply with Policies RA6, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

**INFORMATIVES:**

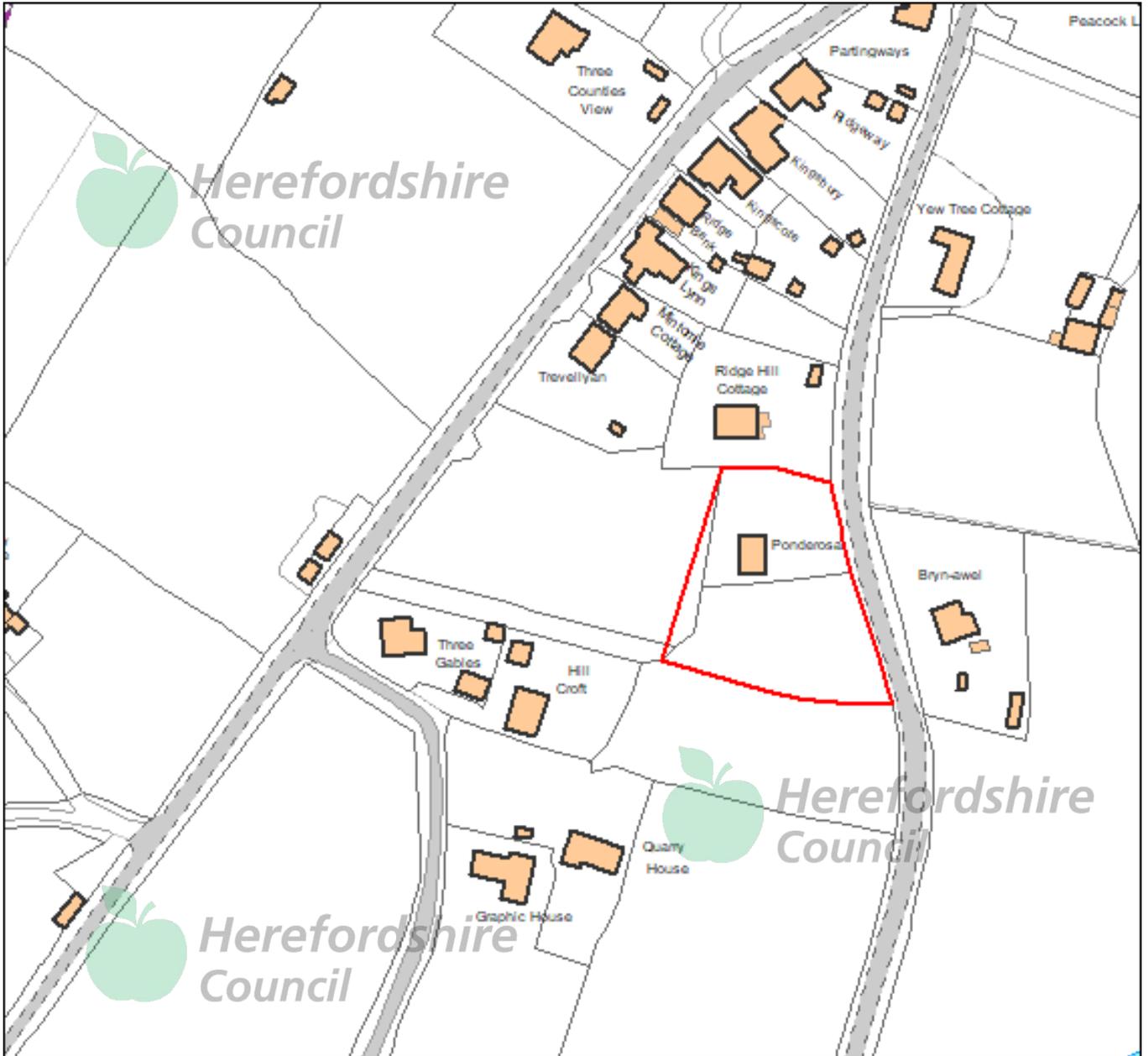
1. IP2 – Application Approved Following Revisions
2. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:  
[www.herefordshire.gov.uk/directory\\_record/1992/street\\_works\\_licence](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
3. I33 – Ecology (General)

Decision: .....

Notes: .....

## **Background Papers**

None identified.



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**APPLICATION NO:** 252698

**SITE ADDRESS :** PONDEROSA, TWYFORD COMMON ROAD, RIDGEHILL, HEREFORD, HR2 8AE

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