



Appeal Decision

Site visit made on 17 September 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

Appeal Ref: APP/W1850/W/23/3335057

Land at Banbh Farm, Breinton Common, Breinton, Ruckhall, Herefordshire, HR4 7PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Gordon Owen against Herefordshire Council.
 - The application Ref is P232727/F.
 - The development proposed is 3 no. glamping pods for guest use, along with service cabin, EV charging, refuse/recycling storage, secure bike storage and parking/turning facilities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In my heading above I have used the description of development given on the appeal form as it is more comprehensive than that on the original planning application form.
3. The appeal is made owing to the failure by the Council to determine the planning application within the requisite period. The Council indicates¹ that had it been able to make the determination, then it would have refused the application for a reason broadly similar to that used for a previously refused proposal for 5 glamping pods at the site (reference P222921/F). This has informed my framing of the main issue in this case.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, including having regard to the significance of the Eaton Camp Scheduled Monument.

Reasons

5. The appeal site forms part of a field on the north side of the River Wye in the open countryside. There are no buildings on the appeal land and the field is some distance away from any settlements. The surrounding area comprises mostly of agricultural fields, pockets of woodland and hedgerows, and the river valley has shaped the landform. My findings are consistent with the description of the Lowland Farmlands in the latest Landscape Character Assessment as

¹ Section 6, Conclusions, Council's Statement of Case

outlined by the Council's Senior Landscape Officer². Overall, the natural features and limited human presence combine to give the area a tranquil, rural character and appearance.

6. The absence of built form, presence of roadside and boundary hedgerows, low key agricultural access and verdant, spacious nature of land at the appeal site all positively contribute towards that character and appearance.
7. Approximately 450m to the southwest of the appeal site lies Eaton Camp, a scheduled monument (SM). The SM includes the remains of an iron age promontory hillfort and mound situated in a commanding position on a slightly sloping spur overlooking the confluence of Cage Brook and the River Wye. In addition to earthworks, the SM is partly defined by a natural steep slope on the northern side, which is the closest part of the SM to the appeal site. The SM is a designated heritage asset for the purposes of the National Planning Policy Framework (the Framework). It has considerable archaeological significance, and has historic interest given what it reveals about prehistoric lives and past human activity. It is likely to have served defensive, display and settlement purposes for prehistoric people.
8. The relationship of the SM to the wider landscape is important insofar as it gives insight into the defensive capabilities of the hillfort and how historic people took advantage of the natural topography and nearby watercourses. Accordingly, the outlook to the valley setting forms part of its significance for these reasons rather than any inherent aesthetic qualities. This element of its significance primarily derives from the underlying valley landform and watercourses given that at a more granular level, the land divisions, pattern of vegetation, farming activity and built form are likely to have changed considerably from the prehistoric context.
9. The appeal site forms a small part of the wider rural setting and is located some distance away from the SM. Whilst I was able to see it from parts of the SM, it was not within the immediate foreground. Instead, its general rural character blends in with the wider setting. Overall, I do not consider that it makes a meaningful contribution to the heritage significance of the SM. My views in this respect are reinforced by the findings of another Inspector³, albeit that he was considering a proposed agricultural barn on part of the appeal site.
10. The proposal would introduce 3 arched glamping pods, a bicycle storage shed, a refuse/recycling unit and a sizable service cabin onto the land where there is presently no built form. Hence, the cumulative presence of these structures would erode the spaciousness of the area, thereby undermining part of its rural qualities.
11. In addition, a considerable area of hardstanding is proposed with a tarmac entrance point leading to a larger rectangle of permeable parking and turning space. The displacement of the grassed surface, in combination with EV charging points and parked vehicles would represent urbanising elements at odds with the prevailing strong countryside character.
12. The use of the land and presence of the buildings would generate an increase in human activity and would be likely to have associated lighting and recreational paraphernalia. For example, kayaking is mentioned as something

² Memorandum dated 6.10.23, Appendix B, Council's Statement of Case

³ Appeal reference APP/W1850/W/20/3253791

future guests may wish to partake in. They may bring their own equipment which would be likely to have an obvious presence if stored on the land. It is further probable that future occupiers would wish to sit outside to relax and eat, and so outdoor furniture, barbeques and some lighting would result. These factors would interfere with the quiet and verdant character of the site.

13. Given the distance from other clusters of buildings, the structures would appear isolated from any settlement or farmstead, which when combined with their distribution across the site, would make their presence starker. Furthermore, their obviously prefabricated manufactured finish would bear little relationship to any traditional built form.
14. The hardstanding, parked vehicles and service cabin would be in an area close to the road, and so glimpses of them would be possible from that perspective. This is especially so given the proposed realigned roadside hedgerow together with coppicing of the hedgerow near to the entrance point. The visual impact would likely be compounded by the extensive glazing proposed in the western elevation of the service cabin. I am not convinced that internal blinds would be used so habitually that it would prevent internal illumination of the structure being obvious from the entrance and via glimpses through the roadside hedgerow.
15. Of significant concern is the proposal to remove a notable length of established roadside hedgerow to the west of the access, extending beyond the red line of the appeal site to achieve visibility for the vehicular entrance. The ecology assessment⁴ provided describes the roadside hedgerow as a species rich hedgerow. Its partial removal would be harmful to an established attractive natural feature that provides visual containment to the road, adding to its informal rural lane character. Even if a new hedgerow was replanted with native species, this would take some time to establish, and the resulting wider alignment would still weaken the rural characteristics of the lane.
16. Taking these factors together, the development would detract considerably from the tranquil rural character and appearance of the area. Hence, it would fail to sufficiently recognise the intrinsic character and beauty of the countryside as required by paragraph 180b of the Framework.
17. However, the effects would not be so severe that they would be harmful to the larger scale landscape features important to the setting of the SM. As such, the development would not inhibit an appreciation of the prehistoric context, even if it were glimpsed in general views from the SM. Accordingly, I do not find additional harm would arise to the significance of this designated heritage asset.
18. Orchard trees and wildlife meadow planting are proposed around the glamping pods, and a new native hedgerow is shown to the back of the parking area. Tree planting in the lower riverside field to the south of the appeal site is also indicated. Such measures would be likely to provide a degree of visual screening. However, it is not shown that they would entirely negate the harm identified, as such planting would take time to be effective and would be subject to seasonal variation. Moreover, it would be unlikely to shield views of the service cabin and parking area from the entrance point. As such, new planting would not fully address my concerns.

⁴ Prepared by Willder Ecology, dated August 2023, page 7, Boundary One

19. The appellant provides a favourable comparison of the appeal proposal with an earlier application for 5 glamping pods. Whilst the scheme before me may be less harmful, the larger scheme did not obtain permission and does not represent a fallback position. On its own merits the appeal proposal would result in unacceptable harm, the fact that it is not more harmful does not provide a sound justification.
20. My attention is drawn to local and national planning policies that generally encourage sustainable rural tourism. I have had regard to those policies but find that in both cases, such support is qualified. The support in policy RA6 (Rural Economy) of the Herefordshire Local Plan Core Strategy 2011-2031, October 2015 (CS) is subject to development being of an appropriate scale commensurate with its location and setting. Policy E4 (Tourism) requires development of sustainable tourism opportunities to have no detrimental impact on the county's natural assets or overall character and quality of the environment. Similarly, paragraph 88c of the Framework encourages sustainable rural tourism which respects the character of the countryside. For the reasons outlined above, the proposal would fall short in these respects. It follows that it does not derive support from these local and national policies.
21. Accordingly, although the development would avoid causing harm to the significance of the SM, it would nevertheless be unacceptably harmful to the countryside character and appearance of the area. Therefore, in this respect it would be contrary to policies SS6 and LD1 of the CS and policies B6, B11, B14 and B15 of the Breinton Neighbourhood Development Plan, Made December 2016. Amongst other matters, and when read in combination, these development plan policies seek to conserve and enhance distinctive landscape character and require development to be sympathetic to natural assets, including existing hedgerows.

Other Matters

22. In making my determination I have taken account of the representations submitted. These raised additional concerns, including water quality and the River Wye Special Area of Conservation, flood risk, wildlife, highway safety and residential amenity. I have also had regard to the submitted drainage strategy, nutrient neutral strategy, ecological assessment and noise management plan, as well as consultation responses from the Highway Authority, Natural England, and the Council's respective Environmental Health, Ecology and Land Drainage Officers. No objections were made in relation to those additional matters, and I have not seen substantive technical evidence that would undermine the information presented in those respects.
23. The supporting information provided by the appellant highlights the economic benefits derived from increased tourism, and the jobs likely to be created by the proposal. In addition, the proposed planting within and outside of the site combined with the drainage strategy would be likely to result in net gains for biodiversity and wildlife habitat. These benefits weigh in favour of the proposal, but their extent is tempered by the relatively minor scale of the development. Overall, I attribute them moderate positive weight.
24. The appellant intends to make charitable donations and provide opportunities for a glamping pod to be used by a number of charities. Be that as it may, in the absence of any mechanism to secure such benefits, this matter attracts very little weight.

Conclusion

25. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that conflict with development plan policies would arise and there are no material considerations of sufficient weight to justify deciding other than in accordance with the development plan.
26. Therefore, I conclude that the appeal should be dismissed, and planning permission refused.

Helen O'Connor

INSPECTOR