



Appeal Decision

Site visit made on 28 May 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2025

Appeal Ref: APP/W1850/W/25/3360896

Aubreys, Mountain Road, Llanveynoe HR2 0NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Caroline Gardner against the decision of Herefordshire Council.
 - The application Ref is P232851/F.
 - The development proposed is the restoration and residential use of the farmstead at Aubreys including: the conversion of and extension of the existing farmstead, the erection of a small building for garaging and plant storage, extensive landscaping and rewilding of the wider site, the installation of an access track, and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the restoration and residential use of the farmstead at Aubreys including: the conversion of and extension of the existing farmstead, the erection of a small building for garaging and plant storage, extensive landscaping and rewilding of the wider site, the installation of an access track, and associated works at Aubreys, Mountain Road, Llanveynoe, HR2 0NJ in accordance with the terms of the application, Ref P232851/F, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area and host buildings and its impact on these non-designated heritage assets.

Reasons

3. The appeal site is located off Mountain Road, a highway that runs through the Olchon Valley, to the north-west of Longtown. The highway has a rural character with a narrow carriageway, hedge and tree lined edges and the sporadic development. The appeal site lies in an elevated position, approximately 110 metres, above the highway. The area is characterised by open fields, areas of woodland, and where there are dwellings, they are detached dwellings on large plots with the general appearance of farmhouses and farm buildings.
4. The appeal site is located within the ancient border farmlands character area defined by Herefordshire Council's Landscape Character Assessment (2009) (LCA). This details the key characteristics of the area as having a pastoral land use, thickly hedged landscape, scattered hedgerow trees with linear woodland, and a distinctive use of grey stone in buildings.

5. The appeal site is a historic farmstead comprising a farmhouse, threshing barn, cow house, hay barn and walls. The buildings are in various states of disrepair, with partial and full missing roofs and walls. However, eaves heights and openings are apparent in most of the buildings and the farmhouse has windows, doors, and a chimney. The buildings are finished in stone with stone tile or corrugated roofs. Due to the elevated nature of the site, it can be glimpsed from nearby highways and rights of way. However, due to its distance from the nearest highways and rights of ways the views would be from a medium to long range distance.
6. The Council identifies that the farmstead is a non-designated heritage asset (NDHA). Whilst the buildings have fallen into disrepair, they nevertheless retain their historic layout and rural character, wherein lies its significance. Paragraph 216 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale and harm or loss and the significance of the heritage asset.
7. Herefordshire Local Plan Core Strategy (2015) (CS) Policy RA3 states that, outside of settlements, residential development will be limited to proposals that satisfy one or more criteria. Criteria 4 relates to development that would result in the re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to enhancement of its immediate setting. CS Policy RA5 seeks to permit the re-use of rural buildings, including farmsteads in rural areas, which make a positive contribution to the local economy, contributes to residential development or is essential to the social well-being of the countryside subject to a number of criteria. These criteria include, but are not limited to, design proposals respecting the character and significance of any disused building, the buildings are or permanent and substantial construction capable of conversion, and capable of accommodating the new use without need to substantial alteration, extension or ancillary buildings.
8. The appeal site is identified within the Longtown Group Parish Neighbourhood Plan (2019) (NP) as a historic farmstead. NP Policy LGCP4 relates to historic farmsteads and supports sensitively-designed housing development of buildings comprising historic farmsteads where proposals respect historic character and meet a further criteria. The policy goes on to provide a closed list of criteria and its wording does not require development to meet each of these.
9. The criteria relevant to the appeal are enabling development to ensure the retention or repair of any heritage asset and reinstating the form and layout of a historic building complex identified by Herefordshire Historic Farmstead Characterisation Project where the design of the proposal is of exceptional quality or innovation.
10. The proposed development would introduce a number of additions to the buildings, including a single storey rear extension to the farmhouse that links the dwelling to the threshing barn, a link between the cow house and hay barn, an increase in height in one of the outbuildings and the construction of a workshop, parking area and access road. Whilst the rear extension and hay barn link would be new built form they would be single storey in nature and would be finished in stone masonry, corrugated metal and timber windows and door. The use of these materials would match the materials used in the existing buildings. Whilst the rear extension would

be wide and would require some retaining work to the rear, it would be largely screened by the existing farmhouse and in views from the surrounding area would be viewed as a small addition to the existing built form.

11. Through the construction of the rear extension and link, all buildings on site would be linked together. However, there would be a large variation in the height of the buildings that would break up the overall massing. Each building would retain the character of an individual building. The threshing barn would have its roof reinstated and its overall height would be taller than the farmhouse. The cow house and link would be single storey and, due to the sloped nature of the site, would be stepped down. The adjoining hay barn would be two storey in height, however due to the topography of the site, it would sit at a lower level and would appear lower in height than the farmhouse and threshing barn.
12. The proposed workshop would be largely screened from views by the existing landscaping. It would be single storey and finished in timber cladding under a corrugated roof. In order to accommodate the workshop some engineering operations would be needed to level the site with the introduction of a retaining wall. Whilst initially the retaining feature could appear stark, it would be finished with stone masonry to match the stone walls that surround the farmstead. The construction of the new outbuilding, within an area surrounded by trees would aid in screening the new development and aid in maintaining the rural character of the area.
13. Whilst cumulatively there would be a large amount of work on site, most of the development would result in the reinstatement of the farmstead. New development, the rear extension, link building and workshop, would be single storey and minor in scale and would use matching material to the existing buildings. Whilst the height of the threshing barn would be taller than the farmhouse, the barn would face side on to the farmhouse, which would have its principal elevation facing the highway. It would therefore be clear when approaching the farmstead which building is the main farmhouse. Furthermore, it is not uncommon in the area for agricultural buildings to be a similar height or taller than farmhouses, particularly taking account of the age of the buildings and the topography of the site.
14. Due to its distance from the main highway a lengthy access road would be required to access the farmstead. As the site and access is sloped the access road would turn through a gap in an existing tree line and the sweep up to the parking area and workshop. The access is likely to appear prominent in views from the wider area when initially constructed. However, it is proposed to construct an agricultural track style access road which would be finished with topsoil allowing for a grassed camber to grow. It would be constructed on a gentle slope, thus removing the need to create large areas of retaining features. Combined, this would ensure that, once established, the access would have the appearance of a grassed agricultural track, retaining the rural character and appearance of the area.
15. A landscape strategy has been submitted which details extensive landscaping in the form of new native hedgerows, native planting, burying existing overhead lines, and grass seeding of any disturbed areas.

16. The overall development would utilise stone and retain hedgerows, linear woodland and the open agricultural land between the farmstead and the highway. It would reinstate a historic farmstead and retain its traditional form and layout. As a result the development would retain the key characteristics of the ancient border farmlands area, the rural character of the farmstead and in views from the surrounding area would appear as rural buildings, thus preserving and enhancing the character and appearance of the area. The proposed development would therefore comply with CS Policy RA3 regarding enhancing the surroundings and CS Policy RA5 criteria 1.
17. A structural appraisal completed by Kytex Ltd Civil and Structural Design Consultants concludes that the existing structures would be capable of conversion. Whilst it does detail that some works would be required in order to enable the conversion works these can be undertaken using traditional techniques and materials. The appraisal concludes that the works would not result in major or complete reconstruction. In the absence of any cogent evidence to the contrary, I am satisfied with the conclusion within the appraisal. Whilst the proposal would therefore comply with criteria 4 of CS Policy RA5, due to the introduction of extensions, workshop and parking area, it would not meet the requirements of criteria 5.
18. Whilst the proposed development would therefore be at odds with CS Policy RA5, NP Policy LGPC4 specifically relates to the residential use of historic farmsteads. I have found that the proposed development would appropriately reinstate the historic farmstead and would ensure the retention and repair of this NDHA. The proposal would therefore comply with NP Policy LGPC4 b. There is no requirement within this policy to restrict outbuildings or extensions for the purposes of reinstating farmsteads.
19. Whilst there would be negative effects to the NDHA, through the initial construction of the access road, this can be mitigated through the grassing over of the track and sensitive landscaping.
20. Given that the restoration works would directly benefit the farmstead and bring it back into use, I consider that this benefit would cancel out any harm caused from construction of the access and the non-compliance with criteria 5 of CS Policy RA5, particularly as the extensions and outbuilding would not have a harmful impact on the character of the NDHA or area. Therefore, the proposal would have an overall positive effect on the significance of the Aubrey's farmstead as a NDHA.
21. Consequently, I find that the proposed development would not harm the character and appearance of the area or the host buildings, which are NDHA's. Whilst I found some conflict with CS Policy RA5, it would comply with criterion 1 and 5, of RA5. Further I find no conflict with CS Policies RA3, LD1, LD4, SS1, SS6 and SD1. It would also comply with NP Policies LGPC4, LGPC10 and LGC13. Together these seek to ensure that developments are designed to maintain local distinctiveness, preserve character and conserve the character of historic farmstead. I also find no conflict with paragraphs 135 and 216 of the National Planning Policy Framework which seek good design sympathetic to local character and development that does not harm non-designated heritage assets.

Other Matters

22. Concerns have been raised by interested parties in relation to biodiversity and trees, precedent, the need for housing, the abandoned use of the site, surface and foul water and highway safety.
23. With regards to biodiversity and trees. Whilst the appeal site is located within a Local Wildlife Site and close to a number of Sites of Special Scientific Interest and Special Wildlife Sites, the appeal is supported by a Preliminary Ecological Assessment, Bat Survey, Biodiversity Net Gain Assessment, Herptile Survey and a Tree and Arboricultural Impact Assessment. These conclude that with appropriate mitigation and conditions that the proposed development would not harm biodiversity and ecology interests or trees and hedgerows. I am mindful that the Council's ecologist has not objected to the proposal, subject to conditions. I am therefore satisfied that the proposal would not harm biodiversity or trees.
24. With regards to precedent, the need for housing and the abandoned residential use of the site. Both the CS and NP have policies that support the reinstatement of historic farmsteads where the residential use has ceased. As such, housing development such as this would only be able to come forward in line with these policies where they are historic farmsteads. As such it would not set a precedent for general housing development and the need for housing generally is not a consideration for these policies.
25. A surface and foul water drainage strategy has been submitted with the appeal. This details that a private foul treatment plant would be provided, and water would be discharged in line with the Environment Agency guidelines. Further it details that surface water and treated effluent would be discharged to a watercourse. Surface water would be attenuated to ensure a greenfield run off rate before being discharged to the water course. I am satisfied that, subject to a condition requiring the submission of further technical information, that surface and foul water can be appropriately managed.
26. In relation to highway safety, whilst there would be some additional traffic resulting from the occupation of the farmstead, it would only result in traffic associated with a single dwelling and would not greatly intensify the use of nearby roads. I have had regard to the concerns regarding construction works, and consider that conditioning a construction management plan would adequately manage construction related traffic.

Conditions

27. A list of conditions was provided within the Council's statement of case which the appellant has reviewed. A plans condition is required in the interests of certainty, similarly a condition detailing approved biodiversity and landscape documents is required. To protect highway safety and living conditions of nearby residents, a construction management plan should be provided. I consider that conditions regarding construction environmental management plan, external lighting, trees and biodiversity mitigation and enhancement are necessary in order to ensure that the biodiversity and environment of the area are safeguarded during construction and lifetime of the development. Conditions relating to landscaping are necessary in order to ensure it is delivered and maintained. I have imposed a 5 year condition relating to these as this would ensure the landscaping is provided and maintained for a sufficient amount of time.

28. I consider that a condition regarding water efficiency, surface and foul water drainage is necessary in order to ensure that surface and foul water is appropriately managed for the lifetime of the development. Conditions regarding highway visibility, access gradient, parking, gates and cycle parking are necessary in order to ensure a safe access and to promote the use of alternative methods of travelling.
29. Conditions requiring the submission of external materials, mortar details, joinery, solar panels, rainwater good and matching materials are necessary in order to safeguard the character and appearance of the buildings. Similarly, I have removed permitted development rights in order to protect the character of the building and surrounding area. I see no reason to include a condition requiring a plan of where mortar will be replaced as a condition securing the type of mortar to be used is sufficient, similarly I have not required a condition requiring full details of all elements of external finished as this is covered by the external materials condition.
30. A tree protection plan is already included with the appeal and have not therefore attached a condition requiring this to be submitted. I have not included a condition requiring stabilisation details of the building. The submitted survey states that the building can be converted, and I see no reason to include such a condition.
31. I have made some revisions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework. A number of the Council's conditions include seemingly generic lists of the information required to be submitted and reference to other guidance. However, such is not necessary for the conditions to be precise or enforceable, therefore, I have not included such lists so as to allow the parties to agree the relevant information and guidance against which it should be assessed for this specific site and at the time that agreement for the details is sought.

Conclusion

32. For the reasons given above the appeal should be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the following approved plans; 3_0106B Rev B, 0107B Rev B, 0108B Rev B, 0109B Rev B 0110B Rev A SK026 Track Access Detail and 22060.101 Rev. J.
3. Before any other works hereby permitted are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 45 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.
4. No works shall begin until details and location of the following have been submitted to and approved in writing by the local planning authority:
 - A method for ensuring mud is not deposited onto the Public Highway
 - Parking for site operatives
 - Construction Traffic Management Plan (including details of vehicle sizes, routing and timing of deliveries and associated construction traffic)

Development shall be carried out in accordance with the approved details.

5. Before any works, including site clearance or demolition begin; or equipment and materials are moved onto site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be submitted to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place throughout the construction phase until all works are complete on site and all equipment and spare materials have finally been removed.
6. With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls, roofs and all hardstanding area have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
7. Those parts of the development which are to be of stonework shall be of local stone, properly coursed, laid on its natural bed in a mortar approved by the local planning authority prior to the commencement of any works to the stonework. The works shall be carried out in accordance with the approved details.
8. No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:
 - Method & type of glazing.

•Colour Scheme/Surface Finish

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

9. The roof windows shall be of the traditional low profile metal pattern and details at 1:2 or 1:5 shall be submitted to and approved in writing by the local planning authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.
10. Details of the material, sectional profile, fixings and colour scheme for rainwater goods (gutters, downpipes, hopper-heads and soil pipes) shall be submitted to and approved in writing by the local planning authority prior to the commencement of this element of works. The development shall be carried out in accordance with the approved details.
11. 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.
12. Prior to the first occupation of the dwelling hereby permitted an area shall be laid out within the curtilage of the property for the parking and turning of 3 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.
13. Prior to the occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the dwelling shall be submitted to the local planning authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of the dwelling hereby permitted. Thereafter these facilities shall be maintained.
14. Prior to the first occupation of the development full details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the buildings hereby permitted.
15. With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme has been submitted and approved in writing by the local planning authority.

All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.
16. Before the development hereby permitted is first occupied or brought into use a schedule of biodiversity enhancement and landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the local planning

authority. Development shall be carried out in accordance with this approved schedule.

17. Prior to the first occupation of the development hereby permitted a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.
18. Stone slating stripped from rooves should be inspected for defects and set aside for reuse. Any balance to make up the shortfall should match the existing in all dimensions and characteristics as far as possible.
19. New or re-built stonework shall match the existing stonework adjacent in respect of dimensions, colour, texture, coursing pattern, and pointing type unless otherwise approved in writing by the Local Planning Authority.
20. Notwithstanding the requirements of condition 2 and unless otherwise superseded by other conditions attached to this permission, the development shall be completed in strict accordance with the following documents and drawings as submitted with the planning application:

- PEA written by Heritage Environmental Contractors dated August 2021 (as updated 25 June 2024)
- Ecological Update written by Heritage Environmental Contractors dated July 2023
- Bat survey written by Naturally Wild dated December 2021
- Herptile Survey written by Nigel Hand Central Ecology dated June-August 2022
- Biodiversity Net Gain Assessment written by Ecus Ltd dated August 2023 (as updated 25 June 2024)
- Biodiversity Net Gain Metric 4.0 completed by Ecus Ltd (as updated 25 June 2024)
- Surface and Foul Water Drainage Strategy written by H+H Drainage dated August 2023
- Design Statement written by Rural Offices dated September 2023 (as updated 7 June 2024)
- Landscape Strategy by MHP Design dated 2022 (as updated 7 June 2024)
- H.E.C Tree survey and Categorisation to BS5837:2012
- Arboricultural Impact Assessment & Tree Protection Plan.

All the mitigation measures shall be implemented in full and retained for a minimum of 30 years, unless otherwise agreed in writing by the local planning authority.

21. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no

development which would otherwise be permitted under Classes A, AA, B, C, D, E and F of Part 1 and Class A of Part 2 of Schedule 2, shall be carried out.

22. Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.
23. No external lighting 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.
24. The framework of any solar panels shall have a matt black external finish which shall be maintained thereafter.
25. All new external work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby permitted.
26. The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement and any required European Protected Species Licence as recommended in the reports provided by Ecus and H.E.C shall be implemented in full as stated, and hereafter maintained.