

10 DMNW/091988/F - ERECTION OF AN AGRICULTURAL WORKERS DWELLING TO INCLUDE GARAGE AND NEW ACCESS AT LAND AT BRIDGE FARM, ALMELEY, HEREFORD, HR3 6LD.

For: MR MORGAN per MR G WALL, 54 HIGH STREET KINGTON, HEREFORDSHIRE, HR5 3BJ.

Date Received: 18 August 2009 Ward: Castle Grid Ref: 333296,251239

Expiry Date: 9 December 2009

Local Member: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 The site is sandwiched between the C1080 public highway, alongside the site's western boundary and a range of mainly modern steel-framed agricultural buildings to the east of the application site.
- 1.2 Located within the Conservation Area, to the north west of the site, is a dwelling known as 'Castle Frome', this is a Grade II Listed Building. Alongside the site's western elevation adjoining the public highway are a row of mature pine trees.
- 1.3 The application proposes construction of a three bedroom detached dwelling for occupation by an agricultural worker and a two-bay carport.
- 1.4 Accompanying the application is an agricultural appraisal assessing the need for such a dwelling, financial accounts and a Draft Heads of Terms drawn up in accordance with guidance as set out in the Council's Supplementary Planning Document on Planning Obligations.

2. Policies

2.1 Central Government advice

Planning Policy Statement 7: Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H7	-	Housing in the Countryside Outside Settlements
H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
E15	-	Protection of Greenfield Land
LA2	-	Landscape Character and Areas Least Resilient to Change
NC1	-	Biodiversity and Development
HBA4	-	Setting of Listed Buildings

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- HBA6 - New Development within Conservation Areas
- CF2 - Foul Drainage

2.3 Herefordshire Supplementary Planning Guidance

Planning Obligations

3. Planning History

- 3.1 DCNW2008/1414/O – Proposed site for agricultural workers dwelling and garden – Refused 8 July 2008.
- 3.2 DCNW2009/0257/F – Proposed agricultural workers dwelling, garage and new access – Withdrawn 20 April 2009.

4. Consultation Summary

Statutory Consultees

- 4.1 English Heritage have responded stating that they do not wish to offer any comments on this occasion and that the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Internal Council Advice

- 4.2 The Transportation Manager recommends conditions with regards to driveway having a sealed surface for a distance of 5 metres from the carriageway edge and access turning area and parking within the site to any approval notice subsequently issued. £3,690.00 is requested in accordance with the Council's Supplementary Planning Document on Planning Obligations towards local public highway improvements in considerations of the proposal.
- 4.3 The Council's Capital Investment and Monitoring Office requests £4,900 towards local education and childcare infrastructure.
- 4.4 The Waste Services Manager raises no objections.
- 4.5 The Land Agent's response can be summarised as follows:
 - There is a shortage of long-term land.
 - The financial and labour tests are passed.
 - The need to be on site rather than in the village is border-line.
 - The long-term viability of the business appears secure.

- 4.6 The Conservation Manager has responded to the application with the following comments:

"The submission is very much better than the previous, refused proposals. The design of the house is of a more appropriate, cottage scale and the form and outline have been simplified while, at the same time, the quality of materials and details has been increased. The access too has been re-designed and some attempt made to soften its appearance.

The fact remains however that the access will have a damaging visual impact in the narrow rural lane, and the house will detract from the openness of this predominantly rural part of the conservation area.

The character and appearance of the conservation area will not be preserved or enhanced."

5. Representations

5.1 Almeley Parish Council have responded to the application stating:

“There was general support for the permission of an agricultural worker’s dwelling on this site. However, three questions were raised:

1. The proposed dwelling is in the Conservation Area.
2. The size of the property is larger than previous applications.
3. The security of the tenancy for Mr Morgan.”

5.2 One letter of objection has been received from K T Hutchinson, Motte House, Almeley, Hereford. The objection can be summarised as follows:

- Development of the area of land subject to this application will have a detrimental impact on the historic character of the area.
- The proposed development will have a detrimental impact on the adjoining public highway.

5.3 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer’s Appraisal

6.1 The key issues in consideration of this application are:

- Functional need.
- Impact on the surrounding Conservation Area.
- Section 106 Agreement on Planning Obligations.

Functional Need

6.2 Information submitted in support of the application indicates the applicant has within his control, at this specific location approximately 2 acres of land and a large range of modern farm buildings. Forty five acres of land at Bridge Farm, Almeley, is subject to a 10-year farm business tenancy and 131 acres of grass keep is taken on annually to support livestock kept on the holding.

6.3 The farming business is primary livestock rearing consisting of 15 suckler cows, 15 in-calf heifers, 270 store cattle, 2 bulls and 90 breeding ewes.

6.4 It is your officer’s opinion that a functional need for a dwelling on site relates mainly to the 30 breeding cows/heifers who along with the remaining stock appear to be housed in buildings adjacent to the site when not grazing land, land which clearly is not adjacent to the application site. The agricultural appraisal states these breeding cattle are calved during the Autumn period in these buildings and therefore in consideration of the numbers any essential need to be on site during the calving period can be covered by a temporary mobile home provided on site under agricultural permitted development rights.

6.5 Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas in Annex A: Agricultural, forestry and other occupational dwellings sets out over 5 tests that must be met, stating that new dwellings should only be allowed to support existing businesses on well established agricultural units. The five tests are:

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- A clearly established functional need.
 - The need relates to a full-time worker or one who is primarily employed in agriculture.
 - The unit and the agricultural activity concerned have been established for at least 3 years, profitable for at least one, currently financially sound with clear prospects of remaining so.
 - The functional need could not be met by another dwelling on the unit or within the area.
 - Other planning requirements are satisfied.
- 6.6 The business employs one full-time worker (the applicant), who currently resides at Summer Court Cottage, Lyonshall, under a tenancy agreement.
- 6.7 Therefore it appears no dwelling is available on site from where the business is based and from where it can be reasonably expected that animals are housed when not outdoors, sick animals cared for and calving of the cows and in-calf heifers, as referred to earlier in this report.
- 6.8 The applicant has submitted accounts for three separate financial years in support of his application and these indicate that the business is run on a sound financial basis, and it is your Officer's opinion that the financial test as required by PPS7 and relevant local plan policies is met.
- 6.9 The applicant appears to be the sole full-time employee within the business and therefore in consideration of the 30 breeding cattle and animal welfare etc, the labour tests are considered satisfactory.
- 6.10 The applicant, as indicated earlier, resides off site in a dwelling located at Lyonshall and information submitted in support of the application indicates no other dwelling is available on or adjacent to the site.
- 6.11 The dwelling proposed is cottage style in character, 2-storey with a floor space of approximately 133.35 square metres (measured externally).
- 6.12 The proposed dwelling is considered to be of a size commensurate with the business and ability of other farm workers within the area should it become available for alternative occupation.

Impact on the surrounding Conservation Area

- 6.13 The application proposes a two-storey dwelling of modest cottage like proportions, of a scale and design that is considered an improvement on previous proposals refused planning permission for the site.
- 6.14 The Conservation Manager has responded to the application with concerns about the proposed access to and from the adjoining public highway, in that it will have a damaging visual impact on the public highway which is a narrow rural lane and that the proposed dwelling will detract from the openness of this predominantly rural part of the surrounding Conservation Area, and as a consequence recommends refusal to the application.
- 6.15 On opposite side of the adjoining public highway to the north west of the application site is a grade two listed dwelling. On balance it is considered that the proposed development will not detract from the overall setting of this building. The application form in support of the

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application indicating none of the pine trees adjacent to the western boundary will be felled as a result of the proposal.

Section 106 Agreement on Planning Obligations

- 6.16 The applicant in support of his application has submitted a Draft Heads of Terms (copy attached to this report) in line with the Council's Supplementary Planning Document on Planning Obligations, this is considered acceptable in consideration of a subsequent planning approval with a 3-year development commencement date.

7. Conclusions

- 7.1 Two of the tests as set out in PPS7 are clearly met while the other three are not considered sufficiently robust in relationship to this application. The business employs one full-time worker in an enterprise that appears financially sound and with sufficient man-hour work for one full-time worker.
- 7.2 However, the functional need on site, although having sufficient indoor housing for livestock, lacks sufficient land (2 acres), on which to graze livestock that form the business core, and the essential need to be on site only relates to 30 head of breeding cattle (when housed on site, as 2 acres of pasture could not maintain 30 head of cattle for outdoor grazing), to which it is considered no essential functional need exists as outlined in paragraph 6.4 of this report.
- 7.3 Therefore the lack of land retained on site questions the long-term sustainability of the business at this specific location, and although the applicant has indicated that there is no dwelling available on site or immediately adjoining the site for his occupation, the site is located within close proximity to Almeley village. There has been an insufficient demonstration of properties available for occupation by the applicant here.
- 7.4 It is also considered that the proposed development will have a detrimental impact on the character of the surrounding Conservation Area by means of the proposed vehicular access from the adjoining public highway and the openness of the surrounding rural character.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. Lack of essential need has been proven for a dwelling at this specific location, where insufficient land is controlled by the applicant for the successful on-site operation of the business in a sustainable way. Therefore the application is considered contrary to Policies S1, H7 and H8 of the Herefordshire Unitary Development Plan and Planning Policy Statement 7: Sustainable Development in Rural Areas.**
- 2. Insufficient information has been submitted in support of the application demonstrating why the applicant cannot live in the nearby settlement of Almeley. Therefore the application is considered contrary to Policies H7 and H8 of the Herefordshire Unitary Development Plan on this issue also.**
- 3. It is considered that the proposed development will have a detrimental impact on the character of the surrounding Conservation Area, to which it will neither preserve or enhance. Therefore the proposed development is considered contrary to Policies LA2 and HBA6 of the Herefordshire Unitary Development Plan.**

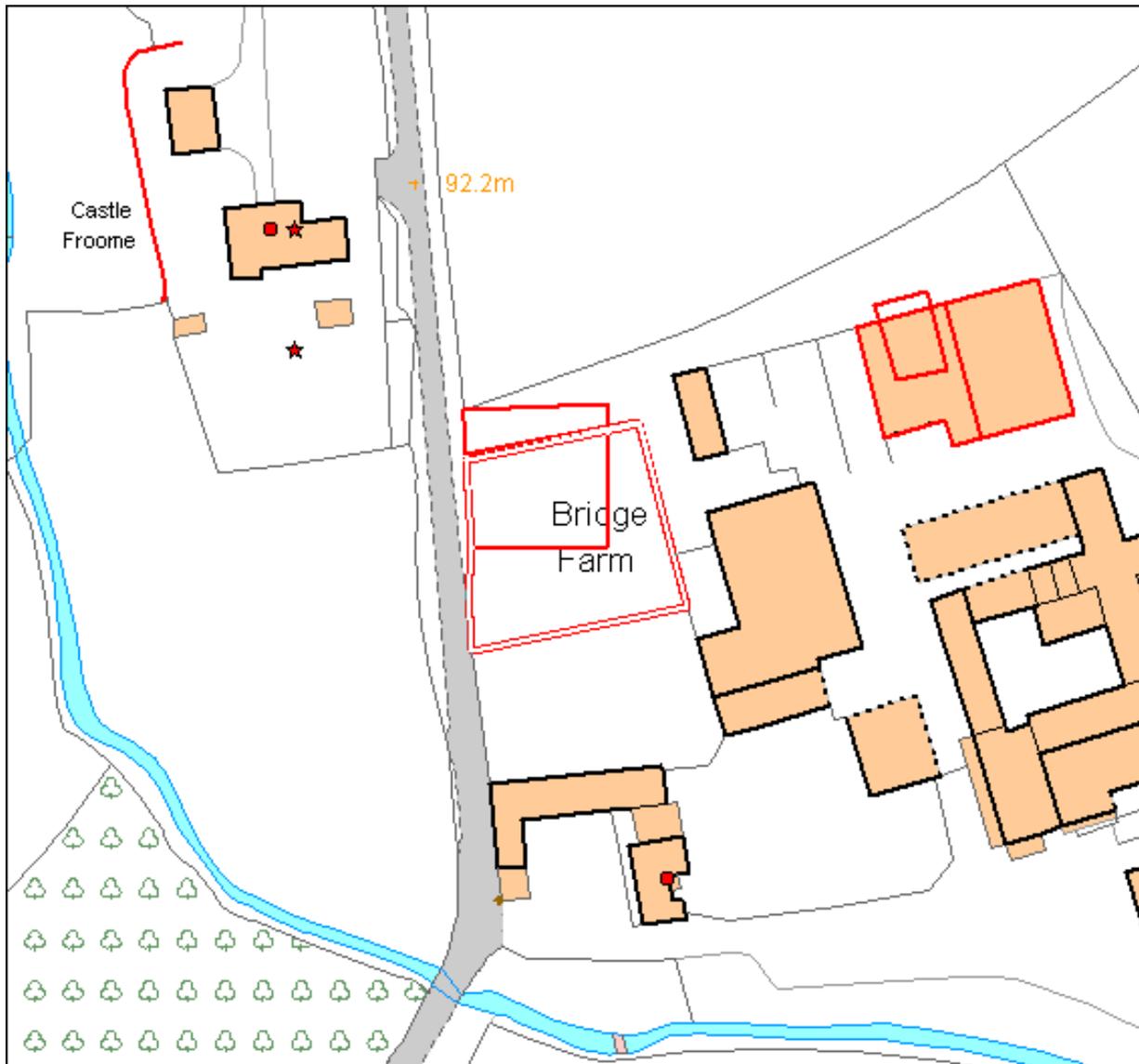
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNW/091988/F

SITE ADDRESS : LAND AT BRIDGE FARM, ALMELEY, HEREFORD, HR3 6LD

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DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCNW091988/F

Proposed agricultural workers dwelling at Bridge Farm, Almeley, Herefordshire, HR3 6LD.

1. The developer covenants with Herefordshire Council to pay £317 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the Kington/Almeley other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4900 to provide enhanced educational infrastructure at Almeley Primary School, Almeley, and Lady Hawkins High School, Kington.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £3690 for off site highway works and improved public and sustainable transport infrastructure to serve the development (other than Section 278 works essential to facilitate the development). The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) Improved bus shelters/stops in the locality of the application site
 - b) Safe Routes for Schools
 - c) Improve lighting and signage to existing highway/pedestrian and cycle routes leading to the site
 - d) Improved pedestrian and cyclist crossing facilities
 - e) New On/Off road pedestrian/cycle links to the site
 - f) Traffic calming measures
4. The developer covenants with Herefordshire Council to pay Herefordshire Council £198 towards local library facilities.
5. In the event that Herefordshire Council does not for any reason use the said contributions in paragraphs 1, 2, 3, & 4, the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
7. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement and an administration charge of 2% of the total contributions detailed in the Heads of Terms to be used towards the cost of monitoring and enforcing the Section 106 agreement, as required by the Supplementary Planning Document, "Planning Obligations", adopted by Herefordshire Council in April 2008.

Philip Mullineux - October 12 2009.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808