

MEETING:	PLANNING COMMITTEE
DATE:	15 MARCH 2017
TITLE OF REPORT:	<p>163322 - ERECTION OF A HOUSING UNIT COMPRISING OF AN INDEPENDENTLY ACCESSED SINGLE STOREY ONE BEDROOM DWELLING AND A TWO BEDROOM DORMER STYLE BUNGALOW AT LAND AT THE FIELD STUD FARM, POPLANDS LANE, RISBURY, LEOMINSTER, HR6 0NN</p> <p>For: Mr & Mrs Harcombe per Mr & Mrs Dudley & Susan Harcombe, The Field Stud Farm, Risbury, Leominster, Herefordshire HR6 0NN</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163322&search=163322
Reason Application submitted to Committee - Redirection	

Date Received: 17 October 2016

Ward: Hampton

Grid Ref: 355180,255376

Expiry Date: 15 March 2017

Local Member: Councillor BA Baker

1. Site Description and Proposal

- 1.1 The proposal site is accessed the eastern side of Poplands Lane, an unclassified road (U94009), that leads northwards from the cross-roads at Risbury. The proposal site comprises the applicants' two-storey dwelling, outbuildings and paddocks to the south and north of the access drive leading from Poplands Road.
- 1.2 The proposal is a detailed one for a detached two-bedroom dwelling with self-contained accommodation of one bedroom, bathroom and kitchen area/living room area. The site is in part the site of an existing mobile home occupied by the applicants' disabled son. The applicants will it is proposed live in the two-storey element and their disabled son will live in the adjoining accommodation. The building will be finished in brick slip cladding and Buff sandstone cladding matching that used on the existing dwelling under a blue /grey natural slate tiled roof. The new dwelling is sited down slope and to the south-east of the applicant's property that will be occupied by their daughter who will also provide care for her brother. The dwelling and annexe will be sited in a paddock fringed by three boundaries of hedgerow and picket fence on the north-eastern side. Access will be taken off the existing driveway serving the applicants' property, it will comprise a new 46 metres long, 3.2 metres wide track that will adjoin a hedgerow boundary. It will be finished in stone chippings matching the existing driveway. A SUDs drainage system will be provided
- 1.3 This application follows one for a detached dwelling alone i.e with no accommodation for the applicants' son on a site to the west and higher elevation in the landscape that was withdrawn at the request of the applicant (reference 160643/F)

Further information on the subject of this report is available from Mr Andrew Prior on 01432 261932

2. Policies

Herefordshire Local Plan – Core Strategy

2.1	SS1	-	Presumption in Favour of Sustainable Development
	SS2	-	Delivering New Homes
	SS3	-	Releasing Land for Residential Development
	SS4	-	Movement and Transportation
	SS6	-	Environmental quality and local distinctiveness
	RA1	-	Rural Housing Strategy
	RA2	-	Herefordshire's Villages
	RA3	-	Herefordshire's Countryside
	H1	-	Affordable Housing – Thresholds and Targets
	H3	-	Ensuring an Appropriate Range and Mix of Housing
	MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
	LD1	-	Landscape and Townscape
	SD1	-	Sustainable Design and Energy Efficiency
	SD3	-	Sustainable Water Management and Water Resources
	SD4	-	Wastewater Treatment and River Water Quality

Neighbourhood Planning

2.2 The site falls within the Parish of Humber.

The Neighbourhood Development Plan for Humber, Ford and Stoke Prior was adopted on 18 August 2016. Residential development is to be provided within identified settlement boundaries which includes one for Risbury, in Policy HFSP5.

Therefore in line with paragraph 216 of the NPPF significant weight can be attributed to the plan.

The relevant policies are considered to be:

Policy HFSP2 : Development strategy
Policy HFSP3 : Housing development
Policy HFSP5 : New homes in Risbury

NPPF

2.3 The following chapters are of particular relevance to this proposal:

Introduction
Achieving sustainable development
Section 1 – Building a strong, competitive economy
Section 4 - Promoting sustainable transport
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 8 - Promoting healthy communities
Section 11 - Conserving and enhancing the natural environment

2.4 NPPG

2.5 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

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3. Planning History

3.1 160643/F – Detached dwelling and garage – Withdrawn 11 April 2016

DC2006/3581/F – Proposed temporary mobile home to allow independent living for a disabled person – Approved 20 December 2006

DC2004/3369/F – Single-storey rear conservatory – Approved 19 November 2004

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water:

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Internal Council Consultations

4.2 Transportation Manager has not responded to date.

5. Representations

5.1 Parish Council

The Planning Committee of Humber, Ford & Stoke Prior Group Parish Council considered this application at its meeting on 21 November 2016, at which the applicants were present. The Committee resolved to submit the following comments:

The Council supports the application, and recommends that it be considered by the Planning Committee of Herefordshire Council as having material considerations (namely the requirements of a disabled person and their carers) which fall outside of approved planning policy, as provided by the NPPF paragraph 2. The proposed development is aimed at meeting the particular housing needs of a resident, which is a general principle of the overarching NDP Policy HFSP1. It specifically meets the needs of a person with disabilities and their carers, under paragraph 50 of the NPPF, but on which the Core Strategy and NDP are silent. Although outside the Settlement Boundary for Risbury, the proposed dwelling is in part a replacement for an existing dwelling (under Core Strategy Policy RA3) and the exceptional circumstances of the application justify this having to be larger. The design of the development complies with the requirements of the Core Strategy and Policy HFSP5, and earlier objections from neighbours in this respect are reported to have been overcome by the revised proposal.

5.2 Two letters of support have been received raising the following points:

- Revised application, objected to siting for previous proposal, now support new siting. Have always supported principle
- Will not affect neighbouring property
- Clear need: sustainable care
- With cuts to adult care, even more paramount that care be provided

5.3 A petition with 11 signatures has been received

- I, the undersigned, submitted a letter of support (see attached) for a previous application to develop a dwelling at The Field Stud Farm (reference: 160643) in order to ensure ongoing support for the applicants' son's disability needs.
The applicants, have amended their application to build supported accommodation for Stuart, their disabled son, as a replacement dwelling for a mobile home, in which he has resided for almost 10 years.
- This revised application and proposal (reference: 163322) which I fully support, will consist of a double housing unit comprising a single bedroom dwelling for Stuart, with a two bedroom 'dormer' style bungalow attached thereto for occupation by Mr and Mrs Harcombe, who will remain as his principal carers. This will enable their daughter, Sarah, and her family to move into the main house of The Field Stud Farm to provide sustainable ongoing support for her brother, and her parents, the applicants, as the depredations of age emerge for them. Most importantly, it will ensure the current level of support and assistance for Stuart may continue.

5.4 A further petition received appended by 111 signatures

- support double housing unit, comprising a independently accessed single –storey dwelling as replacement dwelling for an existing mobile home occupied for 10 years without objection or complaint and a two bedroom one and a half storey dormer bungalow to enable continued role as primary carers for their son.

5.5 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163322&search=163322

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>

6. Officer's Appraisal

6.1 The legal starting point for the consideration of this application is that set out in section 38 (6) of the Planning and Compulsory Purchase Act 2004. This states that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 The development plan is, for the purpose of this application for residential development, the Herefordshire Local Plan – Core Strategy 2011-2031 (CS). The Humber Neighbourhood Development Plan (HNDP) was adopted on 18 August 2016.

6.3 The National Planning Policy Framework (NPPF) is a material planning consideration in decision taking. It promotes sustainable development and recognises that there are three dimensions to this: economic, social and environmental. It states that these three roles are not to be undertaken in isolation, as they are mutually dependent. Similarly to the NPPF, the pursuit of sustainable development is a central principle of the CS. Again, the pursuit of these objectives falls under similarly worded headings of 'social progress', 'economic prosperity' and 'environmental quality'. CS Policy SS1 reflects the positive presumption in favour of sustainable development and the NPPF paragraph 14 decision-making process insofar as development according with the CS should be approved unless material considerations indicate otherwise. Where policies are silent or otherwise out of date, CS policy SS1 follows the same two-limb approach set out in paragraph 14 of the NPPF.

- 6.4 In terms of new housing provision across the County CS policy RA1 identifies that Herefordshire's rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The policy states that the dwellings will be broadly distributed across the identified seven Housing Market Areas (HMAs), with specific indicative housing growth targets set to reflect the different housing needs of these areas. CS policy RA2 - Housing in settlements outside Hereford and the market towns, states that sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15 and this will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned.
- 6.5 The proposal site is located outside of the adopted settlement boundary of Risbury, the main concentration of development in the settlement will be along the main thoroughfare that starts at Risbury crossroads and leads eastwards to Pencombe and comprises residential development on both sides of the highway. Therefore, given that the proposal site is outside the defined settlement boundary the proposal falls to be determined by Policy RA3 of Core Strategy.
- 6.6 The preamble to CS policy RA3 advises that outside of settlements listed in figures 4.14 and 4.15, new housing will be restricted to avoid unsustainable patterns of development. It confirms that residential development outside of these listed settlements will therefore be limited to those proposals which meet the criteria listed in Policy RA3. This policy limits residential development to proposals which satisfy one or more of the following seven specified criteria:
1. Meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or
 2. Accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or
 3. Involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or
 4. Would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or
 5. Is rural exception housing in accordance with Policy H2; or
 6. Is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or
 7. Is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.
- 6.7 It is stated that this is an application that constitutes one for a replacement dwelling, one of the accepted exceptions for development that the Group Parish Council confirms constitutes development in the open countryside. This is though not the case given that the dwelling proposed to be replaced is a mobile home and is not a dwelling with a lawful use as stipulated by Policy RA3 of Core Strategy and Paragraph 55 of NPPF.
- 6.8 This policy, taking a similar stance to CS policy RA3, indicates that outside of the settlement boundary only dwellings in line with Core Strategy policies H2, RA3, RA4 and RA5 should be permitted. As the application is outside of the settlement boundary of Risbury, and would not comply with any of the exceptions set out in CS policies H2, RA3, RA4 or RA5, the proposal is not compliant with the HFSPNDP. The NDP is the development plan for Risbury and defines the terms of new residential development. Paragraph 50 of the NPPF is referred to by the Parish

Council and the applicants, as providing support for the proposal. This paragraph in the NPPF requires that local authorities provide for a range of groups in communities including amongst others 'people with disabilities'. This is referred to in the text to Policy SS2 of Core Strategy. This requirement does not though fall within the exceptions to development in Policy RA3 of Core Strategy and is a matter that should be addressed in the remit of NDPs i.e within defined settlement boundaries. Paragraph 50 of NPPF does not provide justification for residential development outside of settlement boundaries. The HFSPNDP sets the local planning context for appraising the proposal in line with the Government's promotion of localism, and in this case the scheme does not accord with these locally prepared policies. Furthermore, it does not meet the vision of the plan as the proposed dwelling is not in an area agreed by local people in the Neighbourhood Development Plan.

- 6.9 The applicants are contending that the personal circumstances stated meet the criteria set out in CS policy RA3, however the CS and NDP policies are quite clear that it should be prevented, as it would not be a sustainable form of development.
- 6.10 Whilst the personal circumstances cited are appreciated, they are not unique nor so compelling such that they would outweigh the well established policy position to protect the countryside from unjustified residential development. No weight should be given to these circumstances as there is no legal mechanism to ensure that the dwelling and annex proposed would ever be occupied by the applicants, even in the very short term, despite their intentions, if permission is granted. This is because a condition attempting to restrict occupation in such a manner would fail to meet the tests for the use of planning conditions set out in the NPPG. This states that '*A condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building.*' It is understood that the applicants clear intention is to construct and live in the dwelling proposed, but circumstances could change such that this is not ever realised, or only in the short term.
- 6.11 The Council currently cannot demonstrate that it has a 5 year housing land supply. However, Risbury has an adopted NDP and the housing supply exceeds 3 years and in accordance with a Ministerial Statement of 12 December 2016 this factor has a material bearing on the determination of this proposal. This is given that it is stated that 'where a planning application conflicts with a NDP that has been brought into force, planning permission should not normally be granted', which is the case for this proposal.

Conclusion

- 6.12 The proposed development would be contrary to the relevant housing CS policies and the adopted Neighbourhood Development Plan, being an unjustified dwelling in the open countryside. The new development is outside the defined settlement boundary in the NDP and does not accord with any of the exceptions allowed for in Policy RA3 of Core Strategy.
- 6.13 Taking all of the above into account, it is considered that the proposal would not constitute sustainable development. The personal circumstances are acknowledged but in the planning balance such considerations cannot outweigh the provisions of the development plan.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposal represents unjustified and unsustainable new residential development in an open countryside location contrary to Herefordshire Local Plan Core Strategy Policies SSI, SD1, RA2 and RA3 and Humber, Ford and Stoke Prior Neighbourhood Development Plan policies HFSP3 and HFSP5 and the relevant aims and objectives of the National Planning Policy Framework.**

INFORMATIVE:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.

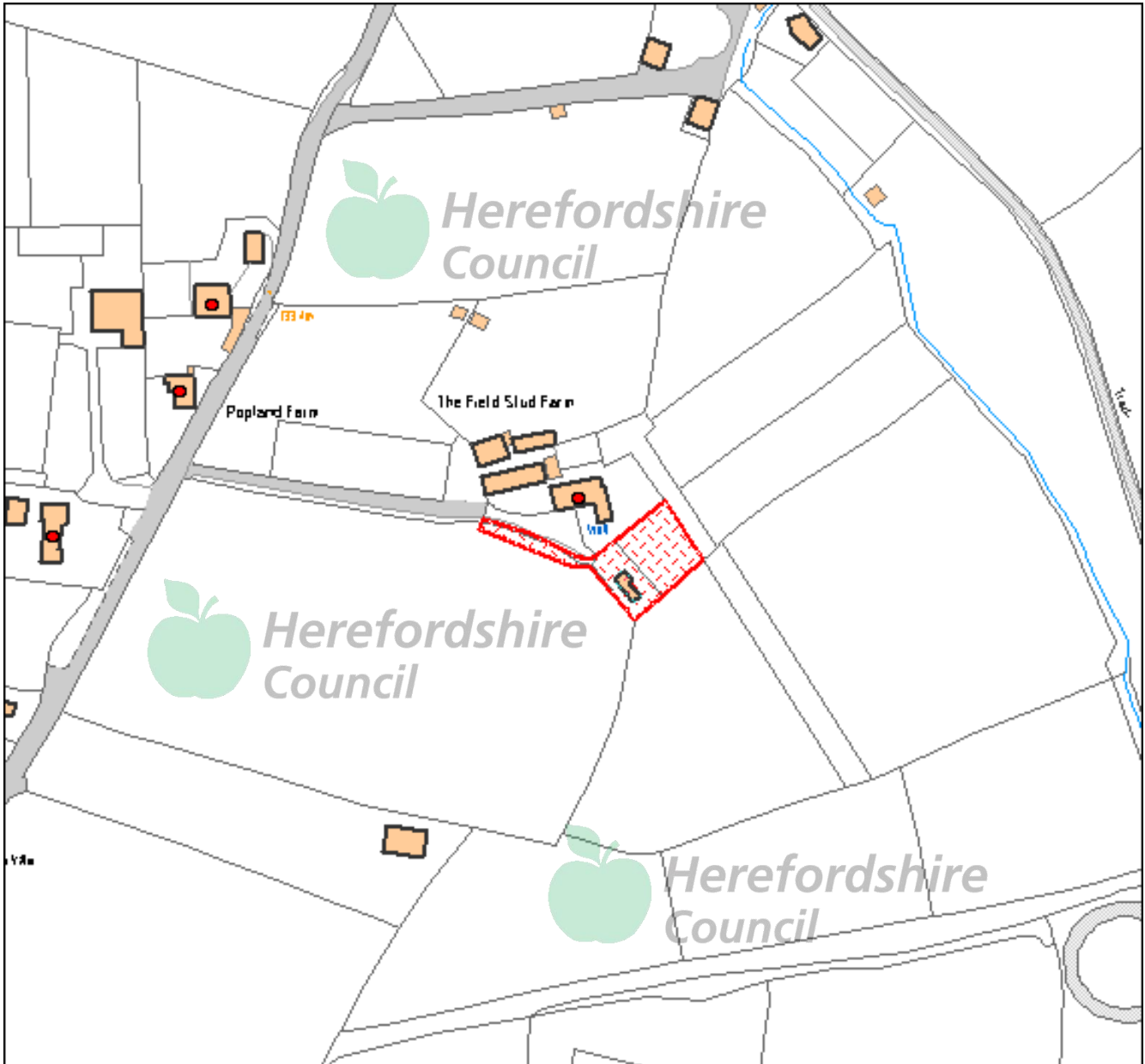
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163322

SITE ADDRESS : LAND AT THE FIELD STUD FARM, POPLANDS LANE, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NN

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Further information on the subject of this report is available from Mr Andrew Prior on 01432 261932