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| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 3 MARCH 2021 |
| TITLE OF REPORT: | 201895 - ERECTION OF A DETACHED, SINGLE STOREY, THREE BEDROOMED AGRICULTURAL WORKERS DWELLING AT LAND AT ACTON MILL FARM, THE BARROW, SUCKLEY, WORCESTER, WR6 5EJ For: Mrs R. Hooper and Mr M. Hooper per Mr John Peters, 11 St Marys Place, Shrewsbury, SY1 1DZ |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201895&search-term=201895 |
| Reason Application submitted to Committee – Re-direction | |

Date Received: 17 June 2020

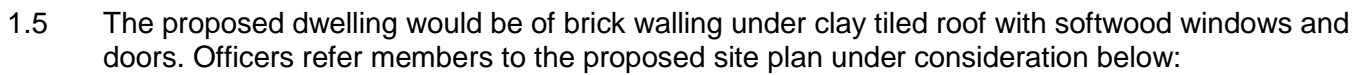
**Ward: Bishops Frome Grid Ref: 371109,250496
& Cradley**

Expiry Date: 12 August 2020

Local Member: Councillor Ellie Chowns

1. Site Description and Proposal

- 1.1 The site comprises a largely trapezium shaped parcel of land located north-east of agricultural buildings. It forms part of a holding totalling approximately 21 acres (with up to a further 100 acres rented), 10,600 square metres of barns, stables and storage facilities. Topography rises gradually heading further north, although considerable localised undulation characterises the area. Field boundaries are a mixture of post-and-rail (south boundary); wire fencing (north and west boundaries) and hedgerow (east boundary), the latter of which fronts unclassified public highway (U65622/The Barrow), which acts as a county border for Herefordshire and Worcestershire (Malvern Hills District). Agricultural land classification is Grade 2 (Very Good).
- 1.2 The site is 1 mile east of the hamlet of Acton Green, Herefordshire; 1.5 miles south-west of Suckley, Worcestershire, 3 miles north of the nearest RA2 settlement, Cradley, Herefordshire and 6.5 miles south-east of the market town of Bromyard.
- 1.3 The holding is registered and operates as a Care Farm. Established in 2003, the holding has diversified beyond rearing animals, providing education and care for a wide group of people from schools, care homes and referrals from doctors who need extra non-medical intervention and support.
- 1.4 The application seeks planning permission for the erection of a single-storey three-bedroomed dwelling to be occupied by the principal care farm manager, the applicant. It must be clarified that the applicant currently resides in accommodation within the three-storey Grade II Listed, The Watermill, approximately 80 meters south-east of site, as the crow flies.



- 1.6 Deposited with this application is a 22-page planning statement, submitted in confidence. This appraises the extent of operations and accounts and why the application has been brought forward, to provide bespoke accommodation for the applicant's son.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2011-2031 (adopted October 2015)

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| 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 |
| SS7 | – | Addressing climate change |
| RA1 | – | Rural housing distribution |
| RA2 | – | Housing in settlements outside Hereford and the market towns |
| RA3 | – | Herefordshire's Countryside |
| RA4 | – | Agricultural, forestry and rural enterprise dwellings |
| RA5 | – | Re-use of rural buildings |
| RA6 | – | Rural economy |
| H3 | – | Ensuring an appropriate range and mix of housing |
| MT1 | – | Traffic management, highway safety and promoting active travel |
| LD1 | – | Landscape and townscape |
| LD2 | – | Biodiversity and geodiversity |
| LD3 | – | Green infrastructure |
| LD4 | – | Historic environment and heritage assets |
| SD1 | – | Sustainable design and energy efficiency |
| SD3 | – | Sustainable water management and water resources |
| SD4 | – | Waste water treatment and river water quality |

The Herefordshire Local Plan – Core Strategy policies together with relevant supplementary planning documentation can be viewed on the Council's website using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 Acton Beauchamp Parish are not preparing a Neighbourhood Development Plan currently

2.3 National Planning Policy Framework (NPPF – revised February 2019)

The revised NPPF sets out the UK government's planning policies and how these are expected to be applied. Officers view the following sections are applicable to this application:

- 1 – Introduction
- 2 – Achieving sustainable development
- 4 – Decision-making
- 5 – Delivering a sufficient supply of homes
- 6 – Delivering 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
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

The NPPF, together with all relevant documents and revision, are viewable at the following link:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.4 Planning Practice Guidance (PPG)

PPG categories have been revised and updated to make it accessible and should be read in conjunction with the NPPF. PPG can be accessed at the following link:

<https://www.gov.uk/government/collections/planning-practice-guidance>

3. Planning History

3.1 P172232/F – proposed erection of four dwellings – refused and dismissed on appeal by Planning Inspectorate (APP/W1850/W/18/3198134).

4. Consultation Summary

Statutory Consultations

4.1 **Severn Trent – No objections:**

“With reference to the above planning application the company’s observations regarding sewerage are as follows. As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied”.

4.2 **Welsh Water – No objections/conditions recommended:**

“We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development”.

4.3 Transportation – No objections:

“It is noted that the access to this dwelling is to be taken from the existing farm track. The provision of the dwelling on site will potentially reduce trips (in the form of commuting). Additionally the increase in trips, setting aside this potential reduction, would likely be minimal when considering the generation from the existing farm building. As a result there is no highways objection to the principle of the development. The parking and turning areas are adequate for the scale of the dwelling. There are no highways objections to the proposal”.

4.4 Ecology – No objections/conditions recommended:

“There are no triggers requiring any HRA process or SSSI considerations at this location for the application as proposed. No loss of any hedgerows is proposed.

From information supplied and images available there are no immediate ecology related concerns with this proposal. There are no ecological records of important or Protected Species immediately on or adjacent to the site. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However a relevant information note is requested:.

Wildlife Protection Informative: The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. Any external lighting shouldn’t illuminate any highway, ‘natural’ boundary feature or increase night time sky illumination (DEFRA/NPPF Dark Skies Guidance 2019/2013).

As supported by the NPPF, the Core Strategy SS6, LD1-3 and the council’s duty under the NERC Act 2006 all developments should clearly demonstrate how they will deliver a significant enhancement of local biodiversity values. To secure this a standard condition is requested on any consent granted –

CKR: To obtain Biodiversity Net Gain: Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant’s control of ‘permanent’ Bat roosting, bird nesting, hedgehog home and pollinating insect breeding enhancements, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. All tree and shrub planting associated with the development must only consist of locally characteristic, native species.

Reason: To ensure Biodiversity Net Gain and species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3”

5. Representations

- 5.1 Acton Beauchamp Group Parish Council – No objection
“The Parish Council wish to make the following comments regarding the above planning application: No objection”.
- 5.2 16 letters of representation have been received, supporting this application. They raise the following considerations:
- Considered to be an essential need;
 - Exceptional circumstances;
 - No issues of landscape harm or residential amenity;
 - Lack of suitable alternative accommodation; and
 - Addresses climate change

All consultation responses, plans and supporting documents can be viewed on the Council’s website by the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201895&search-term=201895

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

Policy context

- 6.1 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.”* In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the NPPF require 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 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the CS was taken in 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. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.
- 6.3 The Council is currently unable to demonstrate a 5-year housing land supply, currently at 4.22 years (January 2021). The latest Housing Delivery Test results show the Council have had three good years of housing delivery and no longer (until the next results are published) need to apply a 20% buffer to the target. Instead, a 5% buffer is applied. As set out at paragraph 11 of the NPPF, which engages a presumption in favour of sustainable development, the relevant policies in the Development Plan for the supply of housing should not be considered up to date. Where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusal (11di) or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF, taken as a whole (11dii). This is consistent with Policy SS1 of the CS.

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

- 6.4 The matter of housing land supply has been the subject of particular scrutiny in a number of recent appeal inquiries and it has been consistently concluded that the Council is not able to demonstrate a 5 year supply. However, this does not render such policies irrelevant and they may still be afforded some weight. With this in mind, the spatial strategy of the Council's CS is considered sound and consistent with the NPPF; which itself seeks to avoid isolated development, as set out at Paragraph 79. It is considered Policies RA1, RA2, RA3 and RA4 of the CS continue to attract significant weight, as confirmed by previous appeal decisions in the locality. It is a matter for the decision-maker to ascertain the degree of weight to be attributed to these policies, taking into account the specific context and circumstances of the case.

Principle of development

- 6.5 The site is in open-countryside in a location where residential development is restricted to certain exceptions and engages Policy RA3 of the CS. One criterion is where a proposal meets an agricultural/forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work, which would need to comply with Policy RA4. Policy RA4 states proposals for dwellings associated with agriculture, forestry and rural enterprises will be permitted where it can be demonstrated there is a sustained essential functional need for the dwelling; where it forms an essential part of a financially sustainable business; and where such need cannot be met in existing accommodation.
- 6.6 This aligns with paragraph 79a) of the NPPF. The *Braintree* decision (*Braintree District Council v Secretary of State for Communities and Local Government & Others* [2017] EWHC 2743 (Admin) of 15 November 2017, and subsequently in the Court of Appeal judgment of 28 March 2018) is relevant, and should be given its ordinary objective meaning of 'far away from other places, buildings or people; remote'. The Appeal Court Judge stated that whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker. Officers do not consider this site 'isolated', given close proximity of dwellings north and south of site, including the applicant's current accommodation.
- 6.7 Policy RA4 clearly states that such dwellings should demonstrate that accommodation could not be provided in existing building(s); be sited to meet the identified functional need within the unit or in relation to other dwellings and; be of high quality, sustainable design appropriate to the context, making a positive contribution to the surrounding environment and rural landscape. Applying RA4 to the case, the enterprise has operated since 2003. Financial stability is not contested given the scale of investment, and there is no doubt that the enterprise is viable.
- 6.8 Supporting text to Policy RA4 at paragraph 4.8.27 of the CS outlines that such needs typically relate to providing essential supervision and management. In this case, in addition to breeding and rearing animals and on-going day-to-day activities and management that is typical of many agricultural businesses, Acton Mill provides education and care to 60 plus people, with on-site accommodation. It is accepted that any potential issues are dealt with expediently; both for the welfare of visitors and users and to prevent harm occurring to the enterprise. Whilst it is entirely accepted that the sooner such incidents are dealt with, the better, the existing accommodation used by the applicant is just 80 metres from site. To date, it has not presented itself with issues in terms of the need of the enterprise.
- 6.9 Policy RA4 also sets out that proposals will also only be supported where an identified functional need cannot be met in existing accommodation. This approach is to investigate availability of existing dwellings and ensure, quoting Paragraph 3 (iv) of Annex A to PPS7, that "*the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned*". One would look at the potential availability of any other relevant dwelling(s), in light of the need of the enterprise. Further guidance through PPG in terms of housing needs for different rural groups supplements this.

- 6.10 The close proximity of The Watermill (applicant's accommodation currently) allows a prompt response to any issues within the site. Given the applicant's level of involvement, significant weight can be given to the availability of this dwelling. Simply, the need for accommodation for the enterprise is already met.
- 6.11 As well as existing residential properties, the CS identifies preference should be given to conversion of suitable buildings before new development. Permission was granted in 2018 (P181666/F) for conversion of an agricultural building within Action Mill for new supported living accommodation. This has yet to commence and will lapse in November 2021. Modest weighting could be afforded to this, if there is no intention to implement that permission, to meet need. At the time of this report being completed, there are also 2 no. three-bedroomed dwellings at Pippin Green, Acton Beauchamp, 1.25 miles west of site. A dwelling 'off-site' can provide a desirable environment and living standard. Modest weighting could be afforded to this.
- 6.12 The enterprise need is being met by existing accommodation and whilst giving preference to converting existing buildings, this more than demonstrates viable alternatives in preference to new development.
- 6.13 Whilst noting that The Watermill is a Grade II listed building and that alterations to it would require planning permission and listed building consent, the applicants have not investigated the potential of extending the property and there have been no discussions with officers to this effect. Furthermore, there might be scope for the 2018 permission to be amended with a new application, to also help meet need. These are both options that should be fully investigated and discounted before considering granting planning permission for a new dwelling in this location.
- 6.14 Notwithstanding the above, the application has been submitted and falls to be considered on the basis on the premise that it will meet a demonstrable functional need for an agricultural worker, and as outlined above, that need is met by existing on-site accommodation.
- 6.15 Members will note third party representations that additional amenity space and a better layout is needed. A well thought out extension to The Watermill could achieve this. Representations have also mentioned a need for proximity to site during periods of inclement weather and in respect of combatting rural crime. Converting the building on site could address this. In any event, officers' view these matters can only be attributed very modest weight.
- 6.16 The CS and NPPF set out where an application can be supported and weighting has been afforded to personal circumstances. The need is already met by the applicant residing in accommodation, in their ownership, which has no occupancy restriction on it. Given the proposal is to be assessed as an agricultural workers dwelling and for no other exception, the application is contrary to Policies RA3 and RA4 of the CS, which is consistent with the NPPF. Notwithstanding the conflict identified with the development plan in respect of the principle, the remainder of the report assesses other material considerations to inform the planning balance.

Design

- 6.17 The proposal would not result in built development that would be of an unacceptable scale or over development. The dwelling would be single storey, sitting below the ridgeline of the lie of the land. Scale, mass and appearance of the dwelling is reflective of the surrounding built form. Though architecturally not the most visually appealing, it is neither harmful nor unduly offensive to the eye, and distinctly average. It is considered the proposal is of an acceptable design in line with policies SD1 and LD1 of the CS, consistent with Section 12 of the NPPF.

Residential Amenity

- 6.18 Whilst introducing a number of glazed openings, these maintain acceptable scale and positioning. Due to separation distances between the proposed dwelling and adjacent properties, impact upon residential amenity is minimal. The orientation of the dwelling and layout raises no concerns in overshadowing or overbearing that would lead to conflict with the requirements of SD1 of the CS, which strives to safeguard levels of residential amenity, and accords with paragraphs 127 and 180 of the NPPF.

Landscape Impact

- 6.19 It is not considered that the proposal departs from the character of the area, in which brick is a clear primary material on the walling of dwellings. The dwelling is sympathetic to the area with mitigating circumstances here being a bungalow and low lying meaning the footprint is within site without harming the landscape character of the area. Landscape impact is minimal and the proposal is considered to suitably conserve local character and the character of the area, in line with Policy LD1 of the CS, consistent with Section 15 of the NPPF.

Heritage

- 6.20 Based on evidence before officers, including site history and observations, there is adequate separation distance between the site and the listed buildings of The Watermill and Gugges Cottage (both Grade II Listed), as well as inter-visibility and land topography. Development would not result in harm to the character and appearance of the setting, experience and significance of these designated heritage assets. In the absence of any harm being identified, no conflict is identified with CS Policy LD4, which is consistent with Section 16 of the NPPF.

Ecology

- 6.21 As confirmed by the ecologist, no loss of hedgerow is proposed and there are no significant ecological related concerns. There are also no ecological records of important or Protected Species on or adjacent to site. The applicant has a legal duty of care towards wildlife protection under UK Legislation. Biodiversity net gain can be secured by condition, in line with CS Policies LD1, LD2 and LD3, consistent with the relevant sections of the NPPF.

Highways

- 6.22 Access is to be taken from the existing farm gated access leading onto the unclassified public highway, which has appropriate visibility and mitigated by road geometry, reducing vehicle speeds. A new access to the dwelling will be formed off the existing gated access into site. As confirmed by the area engineer, there would likely be a minimal intensification in comparing trip generation from existing activities. There are no highway objections to the proposal, with parking and turning areas suitable. It accords with Policies MT1 and SS4 of the CS, which is consistent with Section 9 of the NPPF, not contravening paragraph 109.

Drainage

- 6.23 Surface water is to be disposed of by discharging to soakaways, in line with Policy SD3 and Foul Sewerage disposed of by a Septic Tank, discharging to soakaway, in line with Policy SD4 of the CS. Neither Welsh Water nor Severn Trent object and relevant surface and foul water drainage strategies can be secured by condition. It is noted no objections locally have raised concerns over potential increased surface water flooding or drainage arrangements.

Climate Change

- 6.24 The dwelling will be built reflecting modern standards of construction and will be a low carbon build. It would slightly reduce transport emissions which presently takes place by the applicant's travelling to visit the son in Worcester/Birmingham, in line with Policy SS7 of the CS, which is consistent with the relevant sections of the NPPF.

Other considerations

- 6.25 Officers are mindful of the provisions of the Self-Build Custom House Building Act 2015 (as amended), and paragraph 61 of the NPPF which supports self-build and custom housebuilding.

Planning Balance and Conclusion

- 6.26 The NPPF has a presumption in favour of sustainable development. This is detailed at section two in which achieving sustainable development consists of three key elements, those being Economic, Social and Environmental. Proposals that meet these objectives (when taken as a whole) is considered to be sustainable development. Paragraph 11 of the NPPF applies a presumption in-favour of sustainable development for decision-making. Paragraph 11c) outlines that development proposals in accordance with an up-to-date development plan should be approved without delay. Paragraph 11d) outlines that where the development plan is silent or policies most relevant for determination of the application are out-of-date (namely housing policies), permission should be granted unless the proposed development will impact on protected areas and the policies of the framework give a clear reason for refusal, set out at 11d)i, or the adverse impact of granting permission would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole, set out at 11d)ii.
- 6.27 The application is made on the premise that a new dwelling is required to satisfy a sustained essential functional need for a care manager to live permanently on site to manage the enterprise. Evidently, the availability of existing dwellings, potential conversion of buildings, and proximity of other dwellings, more than adequately accommodates this need. Your officers have identified clear conflict with Policies RA3 and RA4 of the CS, consistent with the NPPF.
- 6.28 As discussed in the report, other alternatives to meet this need have not been fully explored and therefore officers do not consider that there is sufficient justification to grant permission for a new dwelling in this location as an exceptional circumstance at this time.
- 6.29 Applying the planning balance, a new agricultural workers dwelling here is without justification, noting conflict with the development plan. The conflict identified is significant as it relates to the principle. This would not be significantly or demonstrably outweighed by the benefits and is not representative of sustainable development. Refusal is recommended.

RECOMMENDATION

That planning permission be refused for the following reason:

1. **On the basis of the case advanced, taking into account the nature of the enterprise and circumstances of this proposal, it is considered that the identified functional need of an essential, full-time worker at Acton Mill Care Farm, can be met by suitable accommodation available within ownership, as well as potential for buildings within site that could be converted, and also nearby alternative accommodation, to meet the needs of the enterprise. As such, the proposal would introduce new residential development in an open countryside which would be representative of an unsustainable residential development without justification, contrary to Policies RA3 and RA4 of the Herefordshire Local Plan – Core Strategy and the relevant sections 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.**

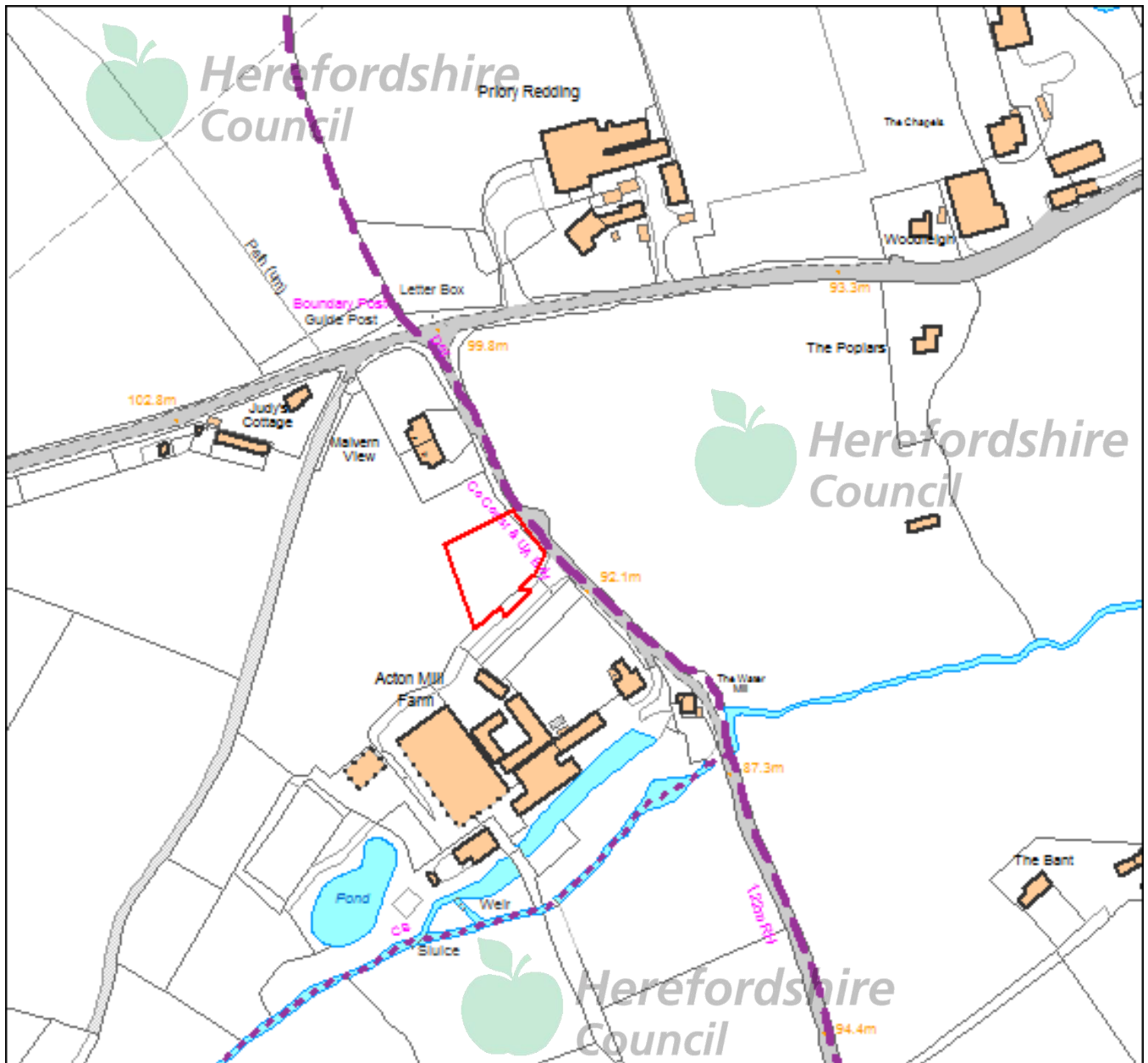
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 201895

SITE ADDRESS : LAND AT ACTON MILL FARM, THE BARROW, SUCKLEY, WORCESTER, HEREFORDSHIRE, WR6 5EJ

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