

11 SW2003/1227/O - SITE FOR ONE DWELLING, LOWER TOMLINS FIELD, ST. WEONARDS, HEREFORD, HR2 8QE**For: Mr S.D. Methven per Mr Griffin ADAS, The Patch, Elton Newnham, Gloucester GL14 1JN**

Date Received: 24th April 2003 **Ward: Pontrilas** **Grid Ref: 4740 2517**
Local Member: Councillor G. W. Davis

1. Introduction

- 1.1 This application was first reported to the Southern Area Planning Sub-Committee on 10th September, 2003. A Sub-Committee site visit was then undertaken and the proposal was presented back to Sub-Committee on 8th October, 2003. Members were minded to support the application contrary to the officer recommendation on the basis of the exceptional circumstances involved and the unique service provided by the applicant.
- 1.2 Head of Planning Services has examined the proposal and referred the application to the Planning Committee on the basis that the decision entails a conflict with key development plan policies.
- 1.3 The Council has received a Certificate of Lawful Use application relating to the engineering business, this was registered by the Council on 20th October, 2003.

2. Site Description and Proposal

- 2.1 The proposal site is an area of farmland immediately adjacent to the western side of the unclassified road (u/c 71418) that joins the C1234 road to the north and the C1236 road to the south, close to Treferanon Farm. The site is approximately one mile south of the junction of the unclassified 71418 and the C1234 road, also known as Ross Road.
- 2.2 This is an outline application but with the only matter to be determined at this stage being siting, which is identified with a cross as being 10 metres west of the metalled edge of the unclassified 71418 road, and 30 metres north of the existing track that divides Lower Tomlins Field and the application site. The other matters are reserved for subsequent approval.
- 2.3 The site has roadside frontage of 44 metres along the line of existing established hedgerow and trees that screen the site from the unclassified road. The site is 16 metres wide where it adjoins the aforementioned track serving the farm and dwelling at Lower Tomlins Field, widening to 20 metres on the northern boundary.

3. Policies**3.1 Planning Policy Guidance**

- PPG.7 - The Countryside: Environmental Quality and Economic and Social Development

3.2 Hereford and Worcester County Structure Plan

- Policy CTC.2 - Area of Great Landscape Value
- Policy CTC.9 - Development Criteria
- Policy H.16A - Housing in Rural Areas
- Policy H.20 - Housing in Rural Areas

3.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
- Policy C.1 - Development within Open Countryside
- Policy C.8 - Development within Area of Great Landscape Value
- Policy SH.11 - Housing in the Countryside

3.4 Unitary Development Plan

- Policy H.7 - Housing in the Countryside outside Settlements
- Policy H.8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

4. Planning History

- 4.1 SW2002/1327/O Site for single dwelling - Refused 24.06.02

5. Consultation Summary

- 5.1 The Environment Agency has no objections in principle, but would recommend that conditions be attached in the event of planning permission being granted.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

6. Representations

- 6.1 In a supporting statement that accompanied the application, the applicant's agent makes the following main points:

- following refusal (SW2002/1327/O) applicant is re-submitting with a justification based upon the needs of a rural service business
- client is now the owner of the site
- Lower Tomlins Field is a small holding comprising 2 hectares of land, dwelling and group of buildings. Small scale agricultural enterprise exists, but does not justify an agricultural dwelling
- for over 10 years my client has undertaken an agricultural engineering and emergency call-out and repair service to local agricultural businesses and other rural businesses in locality
- work includes repair to hydraulic hoses, welding, work to electrical circuits, modifying machines to improve performance, maintenance of specialist machinery and carrying essential spare parts and materials to fabricate repairs
- work undertaken on site and on location

- repair works often late in day, and machinery repairs after working day, i.e. late, over a third to half of such work is after 6pm in planting and harvesting season
- repairs at weekend common
- list of recent customers set out
- my client plus two part-time workers for busy times
- my client and his wife have lived in a number of local rented properties, currently at Northgate Lodge, St. Weonards until they have to vacate the property
- have lived in three different addresses in last 5 years
- my client is the owner occupier of the proposal site and has a life-long lease of the building which is the base for his business
- remainder owned by Mrs. Tomlins senior, client will inherit the remaining buildings and land, but not his mother's dwelling
- the Deposit Draft (September 2002) recognises the changing rural economy given it allows for in Policy H.7, dwellings that are a necessary accompaniment to the growth of rural enterprise, including tourism and farm diversification schemes and complies with Policy H.8
- justification for a dwelling is given "where a worker is required day and night for supervision, inspection or emergency responses. Security is not in itself sufficient to justify a dwelling, but it may be a contributing factor"
- UDP Policy H.8 provides criteria to be satisfied, that are very similar to the criteria to justify agricultural/forestry dwellings
- my client works in excess of 60 hours per week
- business is viable (accounts for 1998, 1999 and 2000 can be forwarded). Income exceeds agricultural workers wage
- need for dwelling is due to out of hours service for clients who require emergency repairs at short notice, either at Lower Tomlins Field or on site
- no buildings suitable for conversion
- recent building erected on nearby site, in a far more prominent position than site applied for
- previous application was not refused by Highways (subject to conditions) nor the Environment Agency.

6.2 The Parish Council has no objections.

6.3 14 letters of support have been received in which the following main points are made:

- very essential service
- farming is not 9 - 5, need help up to 11pm
- key part of community
- repairing agricultural machinery for over 30 years
- if not approved, would be detrimental to my business
- on call at least 16 hours per day
- good for security
- quality of life for applicant would improve
- no loss of privacy
- would not adversely affect anyone
- would not spoil surrounding area.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

7. Officers Appraisal

- 7.1 The main issue is considered to be the principle of erecting a dwelling on this site in the open countryside.
- 7.2 The previous application, a dwelling refused under delegated powers in June 2002, was accompanied by letters from the applicant and the NFU. The case advanced was on grounds that the applicant was managing the smallholding, including feeding stock and completing paperwork. No mention was made at that time of the business carried out by the applicant to the rear of the farmhouse. This business requires planning permission or a Certificate of Lawfulness. It is understood that one building to the rear of the farmhouse is used in connection with the applicant's business.
- 7.3 The relevant development plan policies are Policy H.20 contained in the Hereford and Worcester County Structure Plan, and in particular H.20(c) that refers to the necessary accompaniment of a new dwelling to the establishment and success of a new enterprise which needs to be located outside a settlement. It is considered that the existing use does not need to be located outside a settlement. The fact that it would be more convenient is not sufficient reason in itself to outweigh the policy requirement. Therefore, it is also contrary to the provisions of Policy SH.11, as it constitutes development in the open countryside. Policy H.8 in the Unitary Development Plan is the subject of representations during the deposit stage, therefore it cannot be given much weight, i.e. over existing policies in the Development Plan cited above. There is in any case a dwelling serving the smallholding.
- 7.4 The applicant's agent makes reference to a decision made by the Secretary of State in North Shropshire. It is not considered that this appeal case is directly relevant given the personal circumstances cited in the Inspector's decision letter. An application determined by your officers more recently was the subject of appeal for a bungalow at a site adjacent to a workshop at Llangarron. It was dismissed on appeal. The Inspector did not consider that the need for a dwelling was so compelling as to warrant justifying a dwelling in open countryside. There is also an existing dwelling nearby, which was not the case for the Llangarron appeal decision.
- 7.5 Clearly, this proposal constitutes development in the open countryside that does not meet the stringent tests established in Government advice contained in PPG.7 nor policies contained in the Development Plan. These policies essentially affirm that the countryside should be protected for its own sake.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The site is in open countryside, within the designated Area of Great Landscape Value and having regard to Hereford and Worcester County Structure Plan Policies H.16A, H.20, CTC.2 and CTC.9, and South Herefordshire District Local Plan Policies GD.1, C.1, C.8 and SH.11, the local planning authority consider the proposed development to be unacceptable. The erection of a dwelling in this open countryside location would, in the absence of sufficient justification such that the above policies can be set aside, be harmful to the character and appearance of the countryside**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.