Herefordshire Council

Supplement to the agenda for

Planning and regulatory committee

Wednesday 9 February 2022

10.00 am

Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP

PLANNING COMMITTEE

Date: 9 February 2022

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

204230 - PROPOSED ALTERATIONS AND DEVELOPMENT OF EXISTING EQUINE FACILITIES TO FORM A NEW INDOOR ARENA, STABLING AND AN ESSENTIAL WORKER'S DWELLING AT PRIORY FARM, STOKE PRIOR, LEOMINSTER, HR6 0ND.

For: Mr & Mrs Pearson per Mr Garry Thomas, Ring House Farm, Fownhope, Hereford, Herefordshire HR1 4PJ

ADDITIONAL REPRESENTATIONS

The following was submitted by the applicant's agent on 6 February 2022 and serves as a rebuttal to the published Committee Report.

EXECUTIVE SUMMARY

The applicant has satisfied foul and surface water drainage matters and carried out the late staged technical investigations requested by the LPA. The reports conclude the proposal would not bring about any adverse effects to the environment, in fact the proposal would be an opportunity to improve site-run-off and sequester rainwater for longer periods to reduce the propensity for overland flooding in the wider area, and the existing foul treatment system at the site has sufficient capacity and would be improved by diverting storm water to a separate swale attenuation system.

All manure arsing at the site is collected daily and is disposed off site via an ongoing contract with a farm in Worcestershire, which is outside the Lugg SAC area.

The applicant respectively draws the Committee's attention to case law, submitted in the application, which confirms a planning authority would be incorrect to suggest the applicant should sub-divide their current home in order to satisfy a need to house a rural worker. (Application reference: APP.6.2 Cussons and Sons V Sec. State for th Environment; App.6.3 Keen V Sec. State for Communities and Local Govmt.)

The applicant's son who now lives independently occupies the annexed dwelling at the farm and this is no longer available for farm workers.

DETAILED RESPONSE TO THE COMMITTEE REPORT

(Using committee report references)

***Para 6.9 /** The Appeal Inspector's decision for 183431/F dismissed a mobile home at the site based on its visual and detrimental impact within the wider landscape setting. The current application seeks to address this visual impact matter in the design to ensure the appearance of an agricultural building and not an appearance of a modern alien caravan or a contemporary sub-urban styled house.*

***Para 6.12 /** It would appear the committee report overlooks the fundamental needs of the rural equine business. Need is material in the application, given the requirement for 24-hour*

onsite supervision of mares in foal, which cannot be satisfied by remote CCTV in order to meet the national animal welfare standards. Furthermore; the groom manager's existing accommodation is not classed as a secure tenure as it amounts to nothing more than temporary 'sofa surfing' within a wood cabin adjacent to the site.

***Para 6.14** / The applicant respectively asserts there are two aspects to the equine business. Firstly; self-managed horse liveries where individual customers attend to their own horse, at location-A adjacent to Priory Farmhouse (Ref: App.7 – Location Map, Drawing reference 113); and secondly; an intensive equine business and stud at location B, where onsite accommodation is required. Therefore given the applicant's retirement from the equine business the committee report is incorrect to conclude that… 'there is suitable accommodation within the existing holding.'*

***Para 6.31 to 6.35** / The applicant has commissioned technical reports which satisfies the Planning Officer's request for a 'professional drainage report'. The reports confirm there is capacity within the current drainage systems on site and there would be an overall improvement to the existing foul and surface water drainage regime as a result of the planning approval being implemented. Furthermore, the applicant confirms their willingness to enter into planning condition on drainage matters as suggested at Para 6.35.*

OFFICER COMMENTS

With respect to the reference to case law (Application reference: APP.6.2 Cussons and Sons V Sec. State for th Environment; App.6.3 Keen V Sec. State for Communities and Local Govmt.), officers are not making a suggestion of subdividing a property to make way for a rural worker. Rather, the fact remains that the existing farmhouse benefits from an extant permission for its subdivision and indeed the second dwelling has been let on a short-term occupancy agreement. Critically, officers would note that in the period of time between the appeal decision and the submission of this application, the short-term occupancy agreement ceased and the applicant's son moved in. The Inspector at the time concluded that the use of the second dwelling could not easily be discounted given at the time, it was subject to a short-term agreement. As such, officers raise the question as to why this was not made available for the Groom Manager.

In terms of the rebuttal to paragraph 6.9, the Inspector concluded the following; *'the mobile home constitutes an isolated new home in the countryside and that an essential need for a dwelling to accommodate a rural worker to live at or near their place of work in the countryside has not been adequately demonstrated'*

With respect to the comments on Paragraph 6.12, the Planning Inspector in their decision for 183431/F was not convinced that suitable systems could not be put in place for monitoring purposes, also having regard to equine regulations and guidelines. No evidence or details have been supplied as to why CCTV would not suffice. Therefore and as set out within the Officer's Report, there are no significant changes in the nature and character of the enterprise which in this case lead officers towards a different conclusion on this matter.

The submission of the proposed foul and surface water drainage strategy as requested by the Local Planning Authority is too late to allow for a re-consultation with the relevant consultees before the scheduled committee meeting. As such, the applicant has agreed via email dated 7 February 2022 that these will not be considered, in order to allow for the item to progress to the committee meeting. As such, Reason for Refusal 1 as set out within the Committee Report stands as it cannot be concluded that the development would not have an adverse effect on the integrity of the Special Area of Conservation designated site.

Further comments following Committee Site Visit

The Council's Public Right of Way Officer has confirmed that PROW SP1 is unaltered and officers have had sight of the definitive map.

According to the Herefordshire Council Agricultural Land Classification Map, the site is classified as Grade 2.

NO CHANGE TO RECOMMENDATION

PLANNING and REGULATORY COMMITTEE

9 February 2022

PUBLIC SPEAKERS

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Mr Gwatkin Per Mr Jim Hicks	Proposed conversion of three agricultural buildings to form two dwellings and garaging with associated landscaping and infrastructure at **BARNS AT KINGSLAND, SOUTH OF LONGFORD, LEOMINSTER, HEREFORDSHIRE**	200995	**37**
	PARISH COUNCIL	**MR HARRIS (Kingsland PC)**		
	OBJECTOR	**MRS SHARP-SMITH (Local resident)**		
	SUPPORTER	**MR HICKS (Applicant's Agent)**		
7	Mr & Mrs Pearson Per Mr Garry Thomas	Proposed alterations and development of existing equine facilities to form a new indoor arena, stabling and an essential worker's dwelling at **PRIORY FARM, STOKE PRIOR, LEOMINSTER, HR6 0ND**	204230	**71**
	SUPPORTER	**MRS PEARSON (Applicant)**		
8	Mr & Mrs Price Per Mr Julian Scriven	Proposed two storey side extension at **33 BURDON DRIVE, BARTESTREE, HEREFORD, HR1 4DL**	214230	**91**
	No speakers registered			
9	Mr & Mrs Pearson Per Mr Garry Thomas	The proposal includes a 2 storey side extemsion comprising of a garage at ground floor level and a new principal bedroom at first floor level, with a further single storey section to provide workshop space in the garage. Also proposed ia a balcony with glass balustrade to the rear of the principal bedroom at **13 THE CRAFT, SUTTON ST NICHOLAS, HEREFORD, HR1 3BZ**	214263	**97**
	No speakers registered			