

**MINUTES of the meeting of Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 15 August 2008 at 10.00 a.m.**

Present: Councillor TW Hunt (Chairman)
Councillor *RV Stockton (Vice Chairman)

Councillors: ACR Chappell, PGH Cutter, GFM Dawe, BA Durkin,
PJ Edwards, JHR Goodwin, DW Greenow, B Hunt, MD Lloyd-Hayes,
G Lucas, R Mills, PM Morgan, AP Taylor, DC Taylor, WJ Walling,
PJ Watts and JD Woodward

27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Davies, KS Guthrie, JW Hope, J Pemberton and RV Stockton.

28. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed:-

Councillor BA Durkin for Councillor J Pemberton.
Councillor J Goodwin for Councillor JW Hope.
Councillor Lloyd Hayes for Councillor H Davies.
Councillor R Mills for Councillor KS Guthrie.

29. DECLARATIONS OF INTEREST

Councillor PJ Edwards declared a personal interest in Agenda item No. 11, Minute No. 37 (Herefordshire Unitary Development Plan: Outcome of Legal Challenge).

30. MINUTES

RESOLVED: That the Minutes of the meeting held on 4th July, 2008 be approved as a correct record and signed by the Chairman

31. CHAIRMAN'S ANNOUNCEMENTS

COUNCILLOR RBA BURKE

The Chairman expressed his sadness at the recent loss of Councillor RBA Burke and the Committee stood in silent tribute to his memory.

REEVES HILL WIND TURBINE

The Council has received a planning application accompanied by an Environmental Impact Statement for the erection of 4 wind turbines at Reeves Hill in the northwest of the County. The application is in the midst of public consultation with a view to it being submitted to a future meeting of the Committee. A site visit will be undertaken prior to the meeting and existing turbines in Gwynedd will be viewed to note their impact on a rural setting.

32. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 2nd & 30th July 2008 be received and noted.

33. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 9th July & 6th August 2008 be received and noted.

34. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 23 July 2008 be received and noted.

35. DCNW2008/1368/F - PROPOSED AGRICULTURAL WORKER'S DWELLING AND GARDEN AT LOWER WOONTON GRANGE, WOONTON, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6PX

The Senior Planning Officer presented a report about the application which had been referred to the Committee because the Northern Area Planning Sub-Committee was mindful to approve it contrary to planning policies and officer advice. He referred to correspondence received from the applicant and described the application site and what it was used for, pointing out that it was part of the main farm complex which was situated some two miles from the application site.

In accordance with the criteria for public speaking, Mr Gwilliam, the applicant's agent, spoke in favour of the application.

Councillor GW Greenow said that he supported the application because he was of the view that there was a legitimate need for the development. He felt that although part of the business was based in New Zealand, the majority was located in the UK and that and that an agricultural worker needed to be on site because of the particular breed of cattle which required greater attention to breed and manage to maximise market prices compared to some other breeds which were easier to manage. He felt that every assistance should be given for a local person to be able to remain in agriculture near to his family because of the 24 hour nature of the job.

The Senior Planning Officer said that the Officers had observed the site on a number of occasions and had not seen any evidence of essential need such as providing help for cows that were calving there. The key issues about the application related to the justification for a dwelling on site and the financial ability of the existing business to absorb the cost of a second dwelling. The application site was comprised of approximately 84 acres of land with an adjacent modern steel-framed agricultural building used for the over-wintering of beef cattle.

Officers were of the opinion that the management system of the cattle did not have an essential need for a permanent dwelling on site as this could be done from the main holding of Lower Woonton Farm which had a comprehensive range of agricultural buildings. The Senior Planning Officer was of the view that the application could not be supported because insufficient essential and functional need had been demonstrated for a permanent dwelling. Furthermore he felt that the application failed the financial test as set out in PPS7. The site also contained insufficient visibility splays on entrance/exit to the adjacent public highway.

The Committee discussed the merits of the application and the functional and

financial tests that were applicable. The type of agricultural work undertaken by the applicant was noted, particularly that involving ewe scanning in New Zealand and the UK. The Senior Planning Officer answered a number of questions raised by Members about the application, the relevance of animal welfare issues, whether an agricultural condition could be imposed and the issue of acceptable visibility splays. The Planning Policy Manager emphasised that the application did not meet the criteria for an agricultural worker to be present 24 hours per day and that the existing farm had sufficient accommodation to meet all the current requirements of the applicant. If it was granted the application would constitute a new dwelling in the open countryside. Having carefully considered the points made in favour and against the application, the Committee concurred with the view of the Officers that it should be refused.

RESOLVED

That planning permission be refused for the following reasons:

- (i) No essential need has been proven to house an agricultural worker at this specific location. Insufficient financial justification has been provided to indicate that the enterprise has been planned on a sound financial basis. therefore the application fails to comply with Policies S1 and H8 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7 : Sustainable Development in Rural Areas.**
- (ii) The site lacks sufficient visibility splays on its entrance from the public highway. Therefore the proposal does not comply with Policy DR3 of the Herefordshire Unitary Development Plan 2007.**

36. DCNW2008/1391/F - PROPOSED TWO STOREY EXTENSION AND CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL AT KEEPERS COTTAGE, WINFORTON, HEREFORD, HEREFORDSHIRE, HR3 6EB

A report was presented by the Senior Planning Officer about an application which had been referred to the Committee because the Northern Area Planning Sub-Committee was mindful to grant planning permission contrary to recommendation and Officer advice. He said that the proposal was contrary to policy because of its scale and mass compared to the original building which had originally been constructed as an octagonal water tower. It had been converted to living accommodation and altered and extended since. The Planning Policy Manager said that extensions should be commensurate with the original building but that in this case the application would lead to the dwelling becoming three times the size of the original building. It would therefore have a considerable impact on the landscape and reduce the number of smaller dwellings in the countryside.

Councillor TM James was of the view that the building and rebuilding of dwellings was commonplace in the countryside and that in this instance the owners were making a genuine attempt to preserve and renovate an unusual building and provide adequate accommodation to cater for the requirements of their family. He felt that the octagon formed a central feature of the building and that the proposed extension would considerably improve its visual appearance and give it greater balance. Councillor JHR Goodwin echoed this view and noted that the unique building was in a remote location, would not overlook any other properties and felt that the proposals would considerably improve its appearance. There had been no objections to the application and he felt that the recommendation from the Sub-Committee should be endorsed. Councillors Mills and Dawe were concerned at the implications for the

housing stock in Herefordshire and felt that the building had already been adequately extended. The Head of Planning and Transportation said that the application constituted a significant departure from the Council's policies and that although it appeared to be a good scheme, it was in the wrong location and did not comply with the aims of the Herefordshire Unitary Development Plan.

Having considered all the implications of the application the Committee felt that because of the unique building involved, a departure could be made to the Council's planning policies without setting a precedent and that it could be granted.

RESOLVED

That planning permission be granted subject to any appropriate conditions felt to be necessary by the Head of Planning and Transportation

37. HEREFORDSHIRE UNITARY DEVELOPMENT PLAN: OUTCOME OF LEGAL CHALLENGE

It was noted that the Dinedor Hill Action Association had successfully challenged the allocation of a site for 300 new houses at Bullinghope within the Herefordshire Unitary Development Plan (UDP), by way of Judicial Review. The case was heard in the High Court of Justice in June and the judgement was that the allocation should be deleted from the UDP. No change was made to the Settlement Boundary for Hereford because that boundary was the subject of a separate policy and the Dinedor Hill Action Association was out-of-time to challenge that policy. Although the proposed site for the 300 houses remained within the Settlement Boundary it was not allocated for development. This was not felt to be a problem in the judgement because the removal of the site from the list of allocations would be a material consideration in the determination of any planning application on it. The Legal Practice Manager reported that the Council, as an interested party, had recently been served with a Notice of Leave to Appeal by Bloor Homes, the proposed developers of the 300 dwellings. The outcome of this matter therefore needed to be known before the Council could decide whether any further action was merited.

RESOLVED THAT:

- (i) the outcome of the High Court decision which is the subject of appeal be noted;**
- (ii) the proposed amendments to the Herefordshire Unitary Development Plan be noted.**

38. HEREFORDSHIRE LOCAL DEVELOPMENT FRAMEWORK: CORE STRATEGY: DEVELOPING OPTIONS PAPER CONSULTATION

The Planning Policy Manager presented a report to inform Members of the methods of public engagement, consultation and publicity undertaken as part of the Core Strategy Developing Options Paper. He said that Core Strategy Options set out the vision for the County and its places for 2026, and included 9 objectives and 4 strategic spatial options. The Paper also proposed a number of "Place shaping" options including:

- options regarding the future role of the City and market towns;
- the strategic distribution of housing, including an indication of potential

directions of growth;

- the potential for economic diversification;
- retail provision in the market towns and the integration of the City centre with the Edgar Street Grid redevelopment; and
- any transportation infrastructure requirements

As well as the strategy options and place shaping policies, the Paper included a number of general policies which would help to manage development. This includes affordable housing, renewable energy, waste and flooding. The Planning Policy Manager explained the process that had been involved in the participation exercise, the views expressed and the written responses that had been received. A considerable amount of information had been received which would be disseminated and the subject of a future report to the Committee. Councillor PGH Cutter expressed his appreciation for the invaluable work undertaken by the Officers on the matter.

RESOLVED THAT:

the Committee note the initial public response to the Developing Options paper and awaits further progress reports on the emerging Core Strategy.

39. DATE OF NEXT MEETING

26 September 2008

The meeting ended at 11.50 a.m.

CHAIRMAN