

**DCSE2006/3238/O - PROPOSED AGRICULTURAL DWELLING WITH GARDEN AT STEPPE HOUSE FARM, PENCRAIG, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HR**

**For: Mr D Mutlow per Mr C Goldsworthy, 85 St Owen Street, Hereford, HR1 2JW**

**Date Received: 6th October 2006      Ward: Llangarron      Grid Ref: 56502, 20498**

**Expiry Date: 1st December 2006**

Local Member      Councillor Mrs J A Hyde

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 20th December 2006 when Members resolved to grant permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At the meeting on 20<sup>th</sup> December 2006 the recommendation was that planning permission be refused for the following reason:

- 1. The Council is not satisfied that the need for a permanent dwelling has been shown and the proposal would conflict therefore with the adopted and emerging policies which seek to protect the countryside, particularly in the Wye Valley Area of Outstanding Natural Beauty, from unnecessary residential development. The policies referred to are H7, H8 and LA1 of the Herefordshire Unitary Development Plan (Revised Deposit Draft), SH11, SH17, C5 and C8 of the South Herefordshire District Local Plan and H20, CTC1 and CTC2 of the Hereford and Worcester County Structure Plan.**

In the debate the members of the Area Sub-Committee considered that permission should be granted for the following reasons: -

1. In their opinion the functional case for a dwelling had been made.
2. With regard to the financial situation the farm had been profitable for many years but had suffered in recent years.
3. The existing farmhouse was no longer available.
4. The applicant had been forced to sell the existing farmhouse and barn conversions
5. The land had been farmed by the same family for 98 years and a permission was appropriate so as to enable them to continue to live on the land
6. This could be seen as an exception to policy.

They resolved to grant planning permission subject to an agricultural occupancy condition, delegating any further appropriate conditions to the Head of Planning Services.

The policies referred to in the recommended reasons for refusal are those dealing with new agricultural workers' dwellings whereby both national and local policies take a very restrictive stance. In particular:

1. the applicants have recently sold residential properties on the farm including a barn conversion for four units and the original farmhouse, even though they occupied the farmhouse at the time the decision was made to sell it. In these circumstances the advice in Planning Policy Statement 7 suggests that the fact of selling the existing farmhouse on the property can be indicative of a lack of agricultural need. The relevant UDP policy similarly implies that the normally restrictive open countryside policies should not be circumvented by selling existing farmhouses simply to create a farm with no on-site residential accommodation thereby requiring a new farmhouse. Both policies advise against such practice in order to prevent the creation of sporadic residential development in open countryside;
2. with regard to the functional requirement for a dwelling having regard to the advice of the County Land Agent, as set out in the report, it is concluded that this largely arable farm holding does not justify a farmhouse;
3. furthermore the financial test has not been met by the current proposals.

Consequently, irrespective of the past existence of a farmhouse on the property, the proposal to erect a new farmhouse does not meet the policy tests for new residential development in open countryside as set out in Planning Policy Statement 7 and the Herefordshire Unitary Development Plan. .

A grant of planning permission in these circumstances would be in clear conflict with established policies intended to protect the open countryside from unnecessary development. The resolution of the Southern Area Sub-Committee to approve this application thereby raises a crucial policy issue and, consequently, the application is referred to this Committee for determination.

The original report to the Southern Area Planning Sub-Committee is set out below.

## **1. Site Description and Proposal**

- 1.1 Steppe House Farm is a small family farm with land on the north-west side of the A40(T) at Pencraig. The main farm buildings are at Steppe House Farm complex and comprise a number of modern farm buildings. The farmhouse (which is listed) and a range of traditional stone farm buildings have been sold off within the last year or so, with the latter now converted into 5 dwellings.
- 1.2 The current application is for an agricultural worker's dwelling which would be sited to the south of a recently constructed farm building and to the west of the original farmstead. The site is about 0.1 ha in area. The application is outline permission with all matters reserved for later decision except the means of access. As part of the barn conversion scheme a new access onto the A40(T) was approved. This will be provided, it is understood, as soon as the construction details have been agreed by the Highways Agency.
- 1.3 The reasons why a new farmhouse is proposed are explained in paragraph 5.1 below.

## **2. Policies**

### **2.1 Planning Policy Statements**

PPS7 - Sustainable Development in Rural Areas

### **2.2 Herefordshire Unitary Development Plan (Deposit Draft)**

Policy H7 - Housing in the Countryside Outside Settlements

Policy H8	-	Agricultural and Forestry Dwellings and Dwellings Associated With Rural Businesses
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy HBA.4	-	Setting of Listed Buildings

## 2.2 Hereford and Worcester County Structure Plan

Policy H20	-	Housing in Rural Areas
Policy A4	-	Agricultural Dwellings
Policy CTC1	-	Area of Outstanding Natural Beauty
Policy CTC2	-	Area of Great Landscape Value

## 2.3 South Herefordshire District Local Plan

Policy SH11	-	Housing in the Countryside
Policy SH17	-	Agricultural Workers' Dwellings
Policy SH.18	-	Imposition of Agricultural Occupancy Condition
Policy C5	-	Development within Areas of Outstanding Natural Beauty
Policy C8	-	Development Within Area of Great Landscape Value
Policy C29	-	Setting of a Listed Building
Policy GD1	-	General development criteria

## 3. Planning History

3.1	DCSE2004/2744/F	Conversion to form 4 dwellings	-	Approved 08.03.05
	DCSE2006/1454/O	Agricultural workers' dwelling	-	Withdrawn 12.10.06

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Highways Agency does not propose to give a direction restricting the grant of planning permission.

### Internal Council Advice

- 4.2 Property Services Manager has considered the agricultural need for a dwelling. The labour requirement in terms of standard man days may not cover one man. He points out that none of the 3 year accounts show a profit. The proposals for the future are sound but the level of future profitability is uncertain.
- 4.3 Conservation Manager does not object but notes that Steppe House Farm has an attractive core of traditional buildings and the proposed house should consider its relationship with the existing buildings. Being in open fields, the site is relatively prominent in views from the A40 to the south and warrants a higher standard of design than might be acceptable in less sensitive locations.

## 5. Representations

- 5.1 The applicant's agent states:

- (i) My clients are aware that usually Herefordshire policies discourage a replacement dwelling following the sale of an existing home. There are however exceptional circumstances in this case.
- (ii) Mr Mutlow has lived all his life at Steppe House Farm and following their marriage his wife joined him on the farm. They have a son, Richard, who also works on the farm and he will eventually inherit the property.
- (iii) Like many other similar businesses they acquired a capital debt that they were struggling to repay. The application for the development of the barns was made so that upon sale and with a permission to develop as dwellings this would deal with the debt.
- (iv) The only viable purchaser made his offer conditional, upon selling the farmhouse as part of the deal.
- (v) The bank was insistent that this offer had to be accepted and would not give them more time to seek another offer.
- (vi) My clients had hoped that the option would not be taken up, and are utterly distraught at having to vacate what has been the family home for 98 years. The option has now been implemented.
- (vii) They are not able to purchase any of the converted properties because the developer wants to divorce the farming activities from the development and there are no other dwellings for sale that are suitably located.
- (viii) Because of the occupation and trading record we believe that a 3-year temporary accommodation is inappropriate in this instance.
- (viiii) Because of the exceptional circumstances we trust that your authority will see fit to approve this application.

In addition letters from the estate agent, developer and bank are included and details of the agricultural enterprise have been submitted.

5.2 Marstow PC has no objections to the proposal.

5.3 The adjacent PC (Goodrich) has no objections to the proposal.

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.

## **6. Officer's Appraisal**

6.1 The site is in open countryside and residential development would only be acceptable if it falls within one of the exceptions specified in Policy H7 (UDP) which includes dwellings that are clearly necessary in connection with agriculture. Policy H8 states that such dwellings "will only be permitted where it be demonstrated that a long term genuine need exists....as an essential part of a financially viable business, and that such need cannot be met in existing accommodation." In this case the existing farmhouse would meet the need and a further dwelling would not be justified. Furthermore the severance of an existing farmhouse from the agricultural enterprise

and sale of buildings suitable for conversion to dwellings “could constitute evidence of lack of agricultural need” (paragraph 5 of Annex A, PPS7). Both the farmhouse and barns with planning permission for residential conversion have been sold recently to a developer and the barns have now been converted. I understand that the farmhouse will be vacated shortly.

6.2 The difficult circumstances in which the applicants find themselves are explained in paragraph 5.1 above. If these are held to be compelling grounds to allow a new dwelling it would still be necessary to establish that both the functional and financial tests set out in Annex A of PPS7 would be met. A dwelling must be necessary to the farming enterprise and that enterprise must be economically viable. The functional requirement in terms of standard man days may be below the level of one agricultural worker. The farm is not large and of the 350 acres, 200 acres are arable, with 150 acres down to grass (350 ewes). On the information available the functional test has not been clearly met. Steppe House Farm has not made a profit in the last 3 years and according to the applicant’s submission the sale of the barns was necessary to clear outstanding debts. The proposals for the future are considered by the Property Services Manager to be sound but future level of profitability is not clear and there is no evidence of the size of dwelling which the unit can sustain (paragraph 8 of Annex A, PPS7). In these circumstances granting permission for a permanent dwelling now would not accord with both national and local policies and guidance.

6.3 The location of the proposed dwelling is considered to be acceptable. It would be screened by the existing farm buildings and converted barns to the north and north-east, with a row of trees close to the western boundary. The site is open to the south where the land falls to Luke Brook. Nevertheless views from this direction from public viewpoints would be from a long distance and the house would be seen against the backdrop of a much larger, modern agricultural building. The house would be set away from the Listed farmhouse. Consequently subject to suitable design and material the proposal would not harm significantly the setting of the Listed Building.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1 The Council is not satisfied that the need for a permanent dwelling has been shown and the proposal would conflict therefore with the adopted and emerging policies which seek to protect the countryside, particularly in the Wye Valley Area of Outstanding Natural Beauty, from unnecessary residential development. The policies referred to are H7, H8 and LA1 of the Herefordshire Unitary Development Plan (Revised Deposit Draft), SH11, SH17, C5 and C8 of the South Herefordshire District Local Plan and H20, CTC1 and CTC2 of the Herefordshire and Worcester County Structure Plan.**

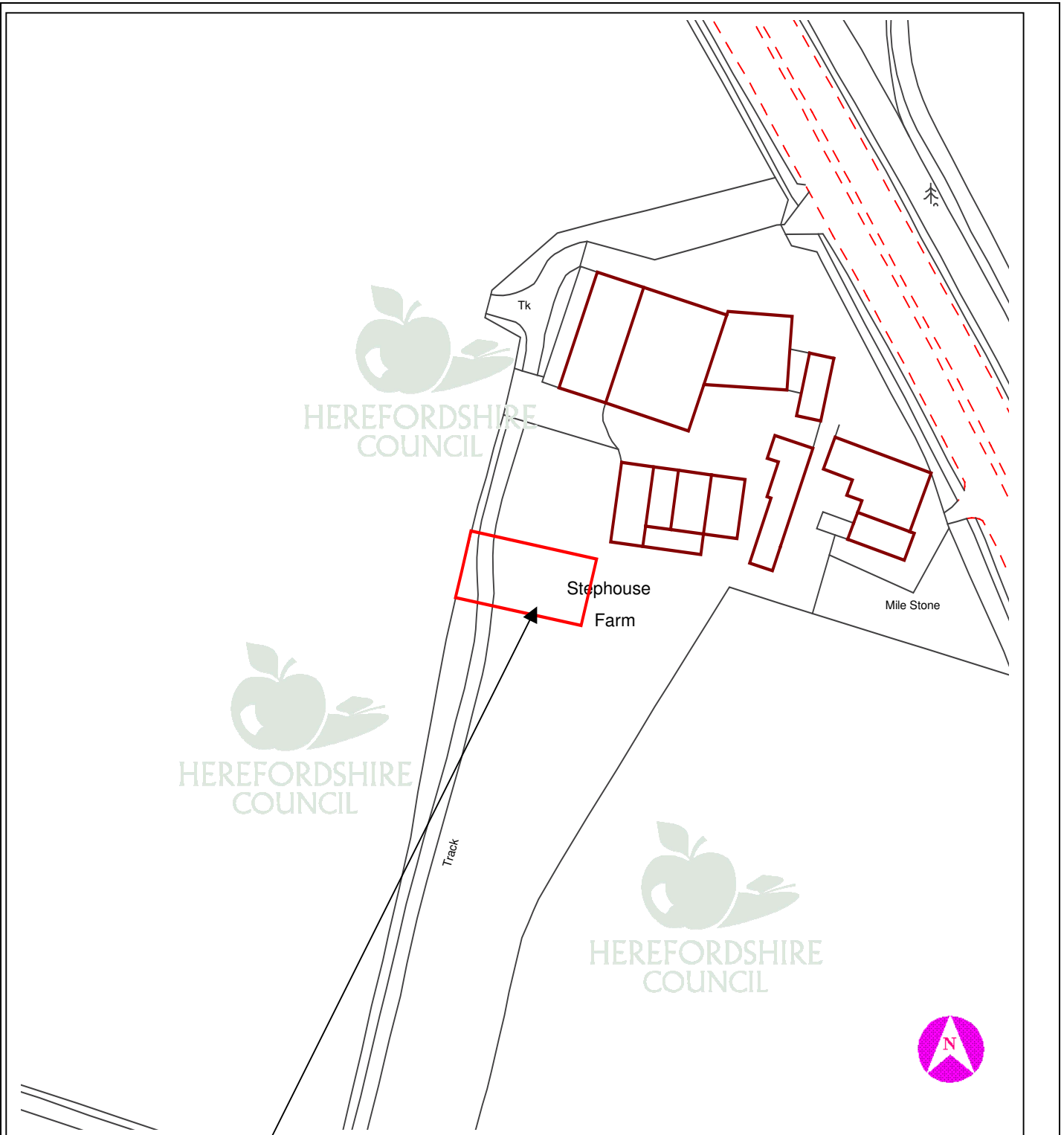
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2006/3238/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Steppe House Farm, -, Pencraig, Ross-On-Wye, Herefordshire, HR9 6HR

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