

9 DCNE2006/3843/F - SITING OF A MOBILE HOME FOR AN AGRICULTURAL WORKER AT THE SPONEND FARM, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT.

For: Mr. R. Coleman per McCartneys, 54 High Street, Kington, Herefordshire, HR5 3BJ.

Date Received: 5th December 2006 Ward: Frome Grid Ref: 68639, 46461

Expiry Date: 30th January 2007

Local Member: Councillor R.M. Manning

1. Site Description and Proposal

- 1.1 The application seeks full planning permission for the erection of an agricultural worker's mobile home. The site occupies a relatively isolated location approximately 100 metres to the north east of the main farm complex of Sponend Farm and 150 metres to the east of two independently occupied cottages. It is accessed by an existing track that is also a public bridleway. The land is currently used for agriculture, the proposed site positioned in the corner of the field on an east-facing slope. Well established hedgerows form the northern and western boundaries whilst aspects to the south and east are open with distant views to the Malvern Hills.
- 1.2 The application is made subsequent to 3 applications (2 submitted in 2005 and 1 in 2006) all for permanent agricultural worker's dwellings. The first was withdrawn, the second and third refused. The reasons for refusal were a lack of agriculturally based justification and the adverse landscape impact.
- 1.3 Applications have also been received for the erection of an agricultural building a short distance from the proposed residential site. These have either been withdrawn or refused.
- 1.4 The applicant owns 80 acres at Sponend, of which the site for the mobile home and agricultural buildings are part. The farmhouse and buildings are tenanted on short term agreements, with a further 20 acres tenanted at Sponend and 120 acres taken on a Farm Business Tenancy at Stretton Grandison (4 miles away). In essence, therefore, because of land ownership issues the applicant is seeking to establish what would effectively become a new farmstead in open countryside and within close proximity to the existing.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft 2004)

Policy H7 – Housing in the countryside outside settlements

Policy H8 – Agricultural and forestry dwellings and dwellings associated with rural business

Planning Policy Statement 7 – Sustainable Development in Rural Areas

3. Planning History

3.1 Agricultural worker's dwelling applications:

NE05/0154/O - Site for agricultural workers dwelling - Withdrawn
NE05/2026/O - Site for erection of agricultural workers dwelling - Refused
NE06/1431/O - Site for an agricultural dwelling - Refused

3.2 Agricultural (livestock) building applications:

NE03/1796/S - Planning permission required
NE05/0092/F - Withdrawn
NE05/2021/F - Planning permission refused
NE06/4028/F – Undetermined on this agenda

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager - No objection.

4.3 Environmental Health - No objection.

4.4 Landscapes - "The application site neither coalesces with the existing dwellings adjacent to the main road and Sponend Farm, nor is it remote from them. I believe that the development of a new farm holding in open countryside must be considered in relation to all necessary ancillary buildings to ensure integration into the wider landscape the application site is not widely overlooked and specific detrimental impact upon the landscape character or important views would be difficult to define. If the application were to be approved it would be necessary to require detailed landscaping for the scheme for the site reinforcing existing hedge boundaries, creating new hedge boundaries and incorporating some additional tree planting. On balance I would recommend refusal. Submission of a more comprehensive scheme with more detail and strong justification may be acceptable".

4.5 The County Land Agent: Concludes that the applicants should be offered a temporary rather than permanent dwelling in the first instance on account of the financial burden associated with the capital outlay required for buildings etc. At this stage the financial viability of the enterprise is not proven.

5. Representations

5.1 Parish Council - The Parish Council observed that there were no detailed plans for the structure and reserve comment. They do not comment unequivocally, but voice concern at the proposal to erect a house for 6 people and agricultural building(s), which they consider would be of detriment to the visual amenity of the area of great

landscape value. Concern is also expressed at the proposed erection of agricultural buildings.

- 5.2 Campaign to Protect Rural England - The applicant already lives on the site and there is no compelling case for another agricultural dwelling.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The applicants, Mr & Mrs Coleman live in the existing farmhouse at Sponend, which is rented on an assured short hold tenancy. An adjoining 20 acres and the farm buildings are also rented on separate short-term agreements.
- 6.2 The applicants own 80 acres adjoining Sponend (including the site for the proposed development) and rent a further 120 acres on a 5 year agreement at Stretton Grandison, 4 miles away.
- 6.3 The key issues in the determination of this application are as follows:
1. The establishment of the principle of development having regard to development plan policies and government guidance;
 2. The landscape impact

Principle of Development

- 6.4 The enterprise is run from the existing house and buildings at Sponend farm. However, the applicant's are on notice that these tenancies may have to be surrendered in the near future. The landlord is required to give two months notice to quit the house and buildings. As such, the applicants have no long-term security of tenure over the house, buildings and 20 acres of bare land at Sponend, with the effect that if forced to quit the applicants would have no dwelling or buildings upon their 80 acres at Sponend Farm.
- 6.5 The applicants and their children run the enterprise with all labour (690 standard man days) met by the family. At the time of the application the breakdown of livestock was as follows:
- | | |
|-----------|--|
| Livestock | 400 ewes lambing at approximately 1.7% |
| | 50 suckler cows |
| | 40 fattening cattle |
- 6.6 The livestock are in a farm assured scheme. There is no arable production on the 200 acres and all livestock rearing takes place at Sponend. 400 ewes produce approximately 680 lambs, 225 of which are sold fat at under 6 months. The remainder are kept on through the winter. The majority of calves are sold fat at 22-25 months.
- 6.7 In accordance with the guidance contained within Planning Policy Statement 7 – Sustainable Development in Rural Areas, new agricultural dwellings, whether temporary or permanent must satisfy the test of functionality. In essence, is the provision of accommodation *essential* to the proper functioning of the enterprise? In this case, the nature of the livestock enterprise is such that the provision of living accommodation upon the holding for a full-time agricultural worker is warranted, but

only when the tenancy of Sponend Farm is terminated. In the absence of alternatives the functional test is considered met.

- 6.8 The second fundamental test is financially based. Before permitting applications for the provision of agricultural worker's dwellings in open countryside, the local planning authority should be satisfied that the enterprise is planned on a sound financial basis and has the prospect of remaining so. When considering applications for permanent dwellings it is customary to examine the last 3 years accounts, which should demonstrate profit in at least one of these years.
- 6.9 In this case, the enterprise, although established at Sponend Farm for 8 years, is being considered as a new venture. This is because surrendering the tenancies at Sponend will require not only the provision of farm worker accommodation but also capital outlay for the provision of buildings and other infrastructure.
- 6.10 The enterprise has worked profitably at the present house and buildings but a great long term strain will be placed on the farm business by the necessity of putting in a road suitable for vehicles, erecting a dwelling and new barns, silage storage areas etc, although part of the rental costs will be removed. The financial tests are marginal without these added costs and proof of capability of showing a profit after all these costs is unlikely.
- 6.11 The Land Agent recommends that a temporary dwelling be considered, which will give the applicant the opportunity to prove that the enterprise is viable over the next 3 years, capable of sustaining a full-time living and the capital costs of establishing the farmstead. This approach is considered reasonable in the circumstances.

Landscape Impact

- 6.12 The site is located on an east-facing slope with distant views to the Malvern Hills. The site is within a landscape identified as having some intrinsic quality worthy of protection and enhancement. Typically, policies contained within the Unitary Development Plan would support refusal of development in open countryside, although the Landscapes Officer accepts that this proposal constitutes one of the exceptions where development can be considered warranted.
- 6.13 Moreover, it is also acknowledged that the site is not widely overlooked and specific detrimental impact upon the landscape would be difficult to define. The Landscapes officer concludes that if the application were to be recommended for approval, the existing landscaping should be reinforced along hedge boundaries incorporating some new tree planting.
- 6.14 On balance the application is recommended for approval subject to the conditions set out below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 - Within 2 months of the date of this permission, details of the mobile home hereby approved shall be submitted to and approved in writing by the local planning authority. Details shall include:

Elevations at a scale of 1:50 or 1:100;
 Floor plans at a scale of 1:50 or 1:100;
 Details of the external materials and finish thereto.

Development shall be carried out in accordance with the agreed details and not changed thereafter.

Reason: In the interests of visual amenity.

- 3 - E28 (Agricultural occupancy)

Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.

- 4 - E23 (Temporary permission (3 years) and reinstatement of land (mobile home/caravan))

Reason: The local planning authority is not prepared to permit a residential mobile home in this location other than on a temporary basis having regard to the special circumstances of the case.

- 5 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 6 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

Informative:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

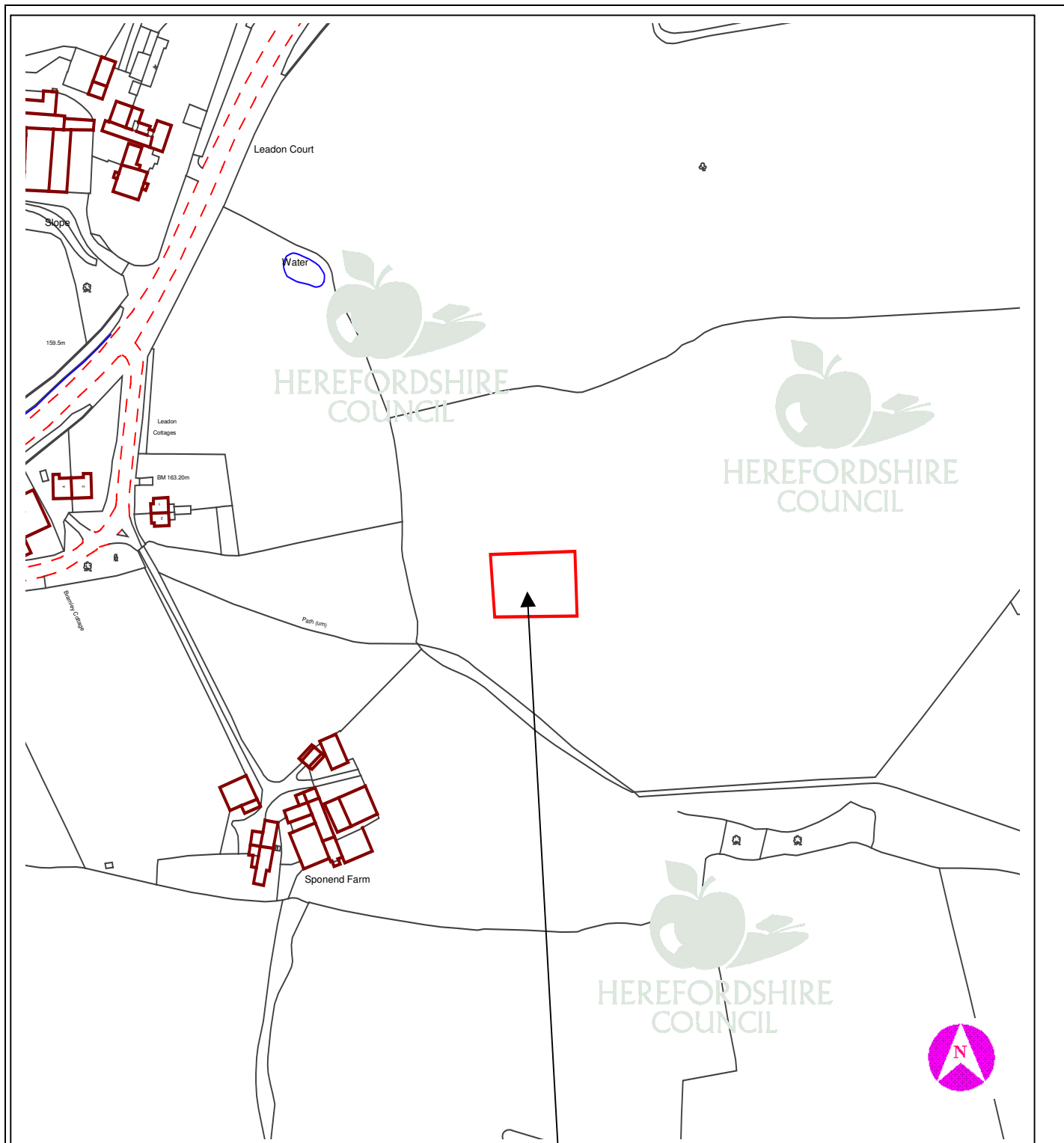
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2006/3843/F

SCALE : 1 : 2500

SITE ADDRESS : The Sponend Farm, Fromes Hill, Ledbury, Herefordshire, HR8 1HT

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