

9 SE2003/0841/F - RELOCATION OF DAIRY UNIT FROM VINE TREE FARM TO ARBOUR HILL FARM (RENEWAL OF PLANNING PERMISSION SH970699PF) ARBOUR HILL FARM, LINCOLN HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TH

For: D. Boynton & Sons per Bruton Knowles, Bisley House, Green Farm Business Park, Bristol Road, Gloucester GL2 4LY

Date Received: 17th March 2003 Ward: Kerne Bridge Grid Ref: 5878 2246

Expiry Date: 12th May 2003

Local Member: Councillor Mrs R Lincoln

1. Site Description and Proposal

1.1 Planning permission was granted in March 1998 for the erection of an extensive dairy unit at Arbour Hill Farm. The site is some 1.4 ha in area and is to the south of the existing farmhouse at Arbour Hill. It is situated on the south-east side of the unclassified road between Lincoln's Hill, Ross on Wye and Walford and about 1 km south of that town. The existing field access would be used, with the site set back some 60m from the highway. To the south of the site is a pig farm with intensive poultry units but with planning permission to redevelop the piggery with further poultry units. The surrounding land is farmland, although there is a farm worker's dwelling associated with the pig farm (not associated with the applicants' enterprise) and further dwellings to the north of Arbour Hill Farmhouse.

1.2 The intention was to construct the new dairy unit to allow expansion and to obviate environmental problems associated with the current unit at Vine Tree Farm on the southern outskirts of Ross on Wye. The existing farmhouse would serve the new complex. The planning permission included a number of conditions requiring prior approval before development commenced. The applicants have not submitted the required details in time to commence development within the 5-year period set by condition No. 1. This application is therefore to vary that condition in order to renew the permission. A Section 106 agreement was entered into relating to construction of passing places, landscaping, restricting the number of cows and proscribing intensive calf-rearing.

2. Policies

2.1 Planning Policy Guidance

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

2.2 Hereford and Worcester County Structure Plan

Policy CTC1 - Area of Outstanding Natural Beauty

Policy A3 - Agricultural Buildings

2.3 South Herefordshire District Local Plan

Policy C1 - Development Within Open Countryside
Policy C4 - AONB Landscape Protection
Policy C5 - Development within AONB
Policy C6 - Landscape and AONB
Policy C9 - Landscape Features
Policy C11 - Protection of Best Agricultural Land
Policy C17 - Trees/management
Policy ED9 - New Agricultural Buildings
Policy GD1 - General Development Criteria

2.3 Herefordshire UDP (Deposit Draft)

Policy H2 - Housing Land Allocations
Policy E13 - Agricultural and Forestry Development
Policy E15 - Protection of Greenfield Land
Policy LA1 - Areas of Outstanding Natural Beauty
Policy LA2 - Landscape Character and areas least resilient to change
Policy S2 - Development requirements.

3. Planning History

- 3.1 SH970699PF Relocation of dairy unit from Vine Tree - Permitted 18.3.98
Farm to Arbour Hill Farm.

4. Consultation Summary

- 4.1 Environment Agency has no objection to the proposal.

5. Representations

5.1 Walford Parish Council would welcome the return of a dairy herd to the parish. It has no objection to the relocation of the unit to Arbour Hill Farm, as in 1997, provided that the conditions of the access road being from B4234 at Vine Tree (unmarked on site plan), dark coloured buildings, good landscaping and care over discharge into the existing ponds are complied with.

5.2 3 letters have been received objecting to the proposal. In summary the following reasons are given:

- (1) The road is a narrow single track lane very unsuitable for large milk tankers as very few passing places.
- (2) Heavy traffic would pass through Lincoln Hill housing estate: this is obstructed by parked cars (especially Roman Road) and hazards to children would increase.
- (3) Turn from Redwood Close onto Lincoln Hill is dangerous at present as obstructions (tree, hedge, lamp standard and traffic sign) restrict visibility to left.
- (4) 24-hour collection of milk would cause considerable noise at all hours of the day.

- (5) It is pointed out that 6 years have elapsed since application first submitted during which dairy stock has been sold; that profitability of small dairy farms is extremely low and many have left the business - viability of applicants' business might therefore be doubtful.
- (6) Enquiries should be made as to what land and buildings would be used for should dairying prove unsustainable.
- (7) Reference is made to the Inspector's Report on South Herefordshire District Local Plan regarding development at Arbour Hill and subsequent housing at Vine Tree Farm. Inspector found (a) former would be contrary to aims of ED10 and ED11 (current proposal somewhat larger than that envisaged by Inspector, and (b) latter raised difficulties with regard to over-supply of housing. Inspector confirmed that Area of Outstanding Natural Beauty and open countryside should be fully protected. Paragraph 51.03 of Inspector's Report indicates that the Local Planning Authority would not support any large industrial applications including farms in AONB.

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. Officers Appraisal

- 6.1 A key issue is the development of a large agricultural complex in the Wye Valley Area of Outstanding Natural Beauty. The former South Herefordshire District Council was aware from the Committee report that the development would be intrusive in the landscape but it was concluded that this site was less harmful than the alternatives of expansion at Vine Tree Farm and the open exposed site on the pastures below Arbour Hill Farm. The South Herefordshire District Local Plan had not been adopted at the time planning permission was granted but the relevant policies are the same as in the adopted Plan. The Unitary Development Plan policies differ in wording but not in their thrust viz. the recognition that agricultural development has to be accommodated in the open countryside, if necessary on new sites, and that in the Area of Outstanding Natural Beauty priority is given to preserving the natural beauty of the landscape. There has not therefore been any changes in policy between the initial grant of permission and now. This is one of the grounds on which renewal of permission can be resisted. The Unitary Development Plan in fact allocates Vine Tree Farm for housing. However this Plan is at a very early stage and this proposal has very limited weight in relation to the current application.
- 6.2 The other main ground is that there have been significant and relevant changes in circumstances. As pointed out in the representations the applicants' no longer have a dairy herd. The environmental problems at Vine Tree Farm which was one factor encouraging the former Council to permit a new dairy unit, no longer occur. Nevertheless dairying could be resumed without the need for permission. The approved unit was restricted by planning condition to dairying and it is for the appellants' or successors to decide whether to implement the permission. A fresh permission would be needed to use or develop the current proposal for some other agricultural operation for which they may not be ideally suited or appropriately sited.
- 6.3 There seems no reason to think that the problems of additional HGV traffic and resultant noise and danger on the roads including the Lincoln Hill estate would be more

serious now than when permission was originally granted. Similarly smells and environmental pollution, loss of outlook and harm to landscape would be no more harmful. For these reasons then it is considered that there are no changes in circumstances that justify refusal to renew permission.

RECOMMENDATION

That 1) The County Secretary and Solicitor be authorised to complete a deed of variation under Section 106 of the Town and Country Planning Act 1990 and deal with any other appropriate and incidental terms, matters or issues.

2) Upon completion of the aforementioned planning obligation officers named in the scheme of delegation be authorised to issue planning permission 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 G04 (Landscaping scheme (general))

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

3 G05 (Implementation of landscaping scheme (general))

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

4 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

5 A full specification for the external finishes and colour of all other materials used in all engineering and building works shall be submitted to and approved in writing by the local planning authority before the development is commenced. Development shall be carried out in accordance with the approved specifications.

Reason: To protect the visual amenities of the area.

6 Proposals for landscaping shall include earth mounding along the land bordering the south-east, north-east and north-west of the proposed site, which shall be carried out and seeded before the buildings are brought into use.

Reason: To protect the visual amenities of the area.

7 Details for the safeguarding of the ponds on the south-eastern boundary from any contamination shall be submitted to and approved in writing by the local planning authority before the development is commenced. Development shall be carried out in accordance with the approved details.

Reason: To avoid pollution.

- 8 Before the buildings hereby approved are brought into use the internal farm roadway identified on drawing No. MB12, and the revised access arrangements at the point of access onto the Class II highway at Vine Tree Farm buildings, shall be upgraded in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the roadway and access will meet the applicants' requirements and in the interest of safety.

- 9 F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 10 Notwithstanding the provisions of Article 3, Schedule 2 and Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, no works referred to in Class A and Class B (other than those contained within this specific planning permission) shall be carried out.

Reason: Specific permission has been given to transfer an existing Dairy unit to this site. If other agricultural uses are proposed it is essential that the local planning authority assess the impact of any changes in relation to the neighbourhood where there are residential properties in separate ownership.

- 11 Notwithstanding the provisions of Section 55(2) of the Town and Country Planning Act 1990 the proposed buildings and associated structures and engineering works, subject of this permission, shall only be used for the agricultural uses described as a dairy unit and the new premises shall not be used for any other agricultural purpose without the prior written permission of the local planning authority.

Reason: Specific permission has been given to transfer an existing Dairy unit to this site. If other agricultural uses are proposed it is essential that the local planning authority assess the impact of any changes in relation to the neighbourhood where there are residential properties in separate ownership.

- 12 D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

- 13 H16 (Parking/unloading provision - submission of details)

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

- 14 The proposed improvements and upgrading of the existing access onto the county highway shall be carried out prior to the construction of the proposed buildings.

Reason: In the interests of highway safety.

- 15 F02 (Scheme of measures for controlling noise)

Reason: In order to protect the amenity of occupiers of nearby properties.

- 16** A plan shall be submitted to and approved in writing by the local planning authority which specifies the locations of any stock-piled manure resulting from this development.

Reason: To prevent environmental pollution and protect the amenities of neighbours.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.