

**11 DCSE2007/1240/F - RETENTION OF TWO EXISTING FARM BUILDINGS & USE FOR AGRICULTURAL & ARGICULTURAL CONTRACTING USE AT LOWER HOUSE FARM, YATTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7RB.**

**For: K.W. Ruck & Son per Mrs. E. Mitchell, Wall, James & Davies, 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW.**

**Date Received: 25th April, 2007**      **Ward: Old Gore**

**Grid Ref: 64073, 30684**

**Expiry Date: 20th June, 2007**

Local Member: Councillor T.M.R. McLean

**1. Site Description and Proposal**

- 1.1 Lower House Farm is located on an unclassified road 0.5 km to the north west of the A449 at Yatton. The farm consists of a farmhouse, adjoining cottage and a yard with traditional and modern farm buildings. The applicant owns 15ha of adjoining land and rents a further 44ha in the locality. In addition to farming activities, an agricultural contracting business has operated from the site for over 30 years. The business supports the applicant and his two sons.
- 1.2 This application has been submitted following an enforcement investigation. The complaint related to the construction and use of two buildings submitted under the agricultural determination procedures where the applicant was notified that prior approval was not required on 23rd January 2004 (SE03/3893/S) and 17th May 2006 (SE06/1221/S). The complaint also alleged that the site is used for commercial purposes including agricultural and non-agricultural contracting together with commercial tyre retailing.
- 1.3 The two buildings concerned are 23m x 9.1m and 18.5 x 18.5m in size. They form part of the group of buildings in the farm yard and are clad in olive green sheeting with light grey roofs. The smaller building is open fronted and is mainly used for storing hay, machinery and lambing. The larger building is used for storing and working on plant and machinery used on the farm and in the contracting side of the business.
- 1.4 Officers investigated the activities taking place at Lower House Farm and the use of the two buildings. It was apparent that, in legal terms, a 'mixed use' was taking place on the farm consisting of agriculture, agricultural contracting and tyre retailing. Non-agricultural contracting is restricted to verge cutting and snow ploughing. These uses were found to be lawful in planning terms but the fact that a 'mixed use' is taking place means that planning permission and not an agricultural determination should have been sought for the construction and use of the two recently erected buildings. This application is therefore for the retention and use of the buildings for agriculture and agricultural contracting use.

## 2. Policies

### 2.1 Planning Policy Statements

PPS 7 - Sustainable Development in Rural Areas

### 2.2 Herefordshire Unitary Development Plan 2007

Policy S1 - Sustainable Development  
 Policy DR4 - Environment  
 Policy E11 - Employment in the Smaller Settlements  
 and Open Countryside  
 Policy E12 - Farm Diversification  
 Policy E13 - Agricultural and Forestry Development  
 Policy LA2 - Landscape Character

## 3. Planning History

- |     |              |                                      |   |   |
|-----|--------------|--------------------------------------|---|---|
| 3.1 | SH93/1437/PF | Erection of sheep shed               | - | Planning permission granted<br>12.1.94  |
|     | SE03/3893/S  | Proposed building for<br>hay/storage | - | Prior approval not required 31.1.04   |
|     | SE06/0894/S  | Sheep, hay and straw store           | - | Notified that planning permission<br>would be required due to the use<br>of the building for livestock within<br>400m of a protected building |
|     | SE06/1221/S  | Machinery, hay and straw<br>storage  | - | Prior approval not required 17.5.06   |

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

- 4.2 Traffic Manager does not wish to restrict the grant of permission but advises that the use should be restricted to agricultural only, given the substandard nature of the local highway network (ie not general B2 or B8 uses).

## 5. Representations

- 5.1 The applicant's agents state:-

"We have already submitted to you full details of the business operations carried out at Lower House Farm, you have inspected our clients' Books, have accepted that the agricultural contracting use here is long established and also that the ancillary agricultural tyre sales are lawful.

This submission is put forward in order to regularise the precise nature of the uses of the two buildings, both of which were erected under the Agricultural Notification

procedure, one in 2003, and the other in 2006 (your reference DCSE2006/1221/S). In that the contracting machinery (used for agricultural purposes as part of the business) was not specifically referred to as being for use mainly outside the agricultural unit at Lower House Farm and the Ruck's rented land, it is accepted that for the sake of clarity and precision this mixed use should be formally sought and regularised.

The contracting business is run solely by the Rucks themselves using their own equipment, drivers and operators. They undertake the usual range of farming operations including ploughing, baling, planting, hedging, ditching, land drainage, ground works, muck spreading, loading and hauling, all of which require specialist equipment, some of which, during the season, may be in use in excess of 18 hours a day, in order to earn its living. The equipment, when not in use, needs to be in storage away from the elements, and preferably secure. Most of the buildings, including those which are historically part of the farmyard, are used for this purpose and the Rucks have large numbers of clients in the Ledbury and Ross on Wye vicinity. This is a genuine, much needed, much appreciated personal service which is the sort of farm diversification scheme specifically encouraged by Government in PPS7 and which finds itself within your own recently adopted UDP Policies. We refer specifically to Policies E11 and E12, which include non-agricultural diversification activities where they are consistent in scale with the rural location. In this particular case since the diversification is directly related to agriculture and where use is made of existing buildings serving to maintain and to support farming and, by implication, the open countryside, we feel that there is all the more reason for an approval to be forthcoming.

In addition, we believe that the activities here do not cause any significant environmental or landscape harm. We are talking about vehicles and machinery typically associated with the rural landscape. The site is set low down in a shallow valley and the buildings are well grouped. Their location, scale and general appearance has of course recently been approved via the medium of the Agricultural Determination procedures.”

5.2 Two letters of support from local residents have been submitted with the application. These letters make the following points:-

- the business operated at Lower House Farm has not given cause for concern at any time, the property is well maintained and is an asset to the local community
- the need for additional facilities is a sign of success and should be supported. Agricultural contracting is essential to modern farming
- the buildings are of a good standard and are not detrimental to the environment

5.3 A letter of objection has been received from Berringtons on behalf of Mr J D Nicholas. Concern is expressed that the application is retrospective and implies that the planning authority could require the buildings to be removed under enforcement powers if the buildings are not given consent by the approval of this application. The objections raised are as follows:-

“1. Employment

The application does not accord with UDP Policy E11 because the scale of the development is not consistent with its rural location. It will cause (as mentioned below) an adverse impact upon the local environment, the road network and amenity.

Neither does the application fall within UDP Policy E12. Although the proposal concerns farm diversification, it does not meet the relevant criteria cited within this

policy because the proposal does not allow the retention of the open character of the countryside. First, the two new buildings are large and imposing, and cited outside the existing farmyard. Second, the traffic generated from the expansion of the business is detrimental to the surrounding countryside. Third, the proposal does not create any jobs (UDP Policy S4).

## 2. Environment

The site is located within an Area of Great Landscape Value (AGLV). This designation is in place to protect open countryside from this kind of development that does adversely affect the nature of the landscape, by impinging upon greenfield land. The applicant argues that there is no harm to the landscape because the site is set on low-lying land in a shallow valley. However, it is for precisely this reason that the development does adversely affect the landscape because both the site and the vehicle movements to and from it can be seen from so far away by the very nature of the local topography. This contravenes UDP Policy LA2.

## 3. Transport

The applicant claims that there is no significant environmental harm arising from the use of the site for agricultural contracting off the farm. This is not correct because this type of business means that large vehicles are moving in and out of the site on a daily basis because they are stored in the newly-constructed agricultural buildings overnight.

Surely the Highways Authority will not condone such a heavy use of the unclassified roads that lead to the farm? The applicant may argue that agricultural machinery is common to the area, but where farm machinery is used only on the farm itself, it has little cause to travel along the roads. But in this case, the machinery must be transported to its working destination, meaning that it is travelling along the road network in direct contravention of UDP Policy S6.

The third transport concern is public safety. Large machinery and “school-run mothers” do not mix on unclassified roads, which are mostly single carriageway. I trust that the Highways officer will consider the implications of this application very carefully, in the light of UDP Policy T8, before making his recommendation.

## 4. Sustainable Development

The application may centre on the farm diversification aspect of the proposal, but unfortunately it is not sustainable development in accordance with UDP Policies S1 (General), S2 (Development Criteria) and S7 (Natural Heritage).”

### 5.4 Yatton Parish Council state: No comment

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 The agricultural and agricultural contracting uses taking place at Lower House Farm constitute a ‘mixed use’ and are not purely agricultural in nature. As a result planning permission and not an agricultural determination should have been sought for the construction and use of the two buildings that are the subject of this application. Following the enforcement investigation it was considered appropriate to invite a retrospective planning application. The merits of this application should be considered in the same way as a planning application for proposed development.

- 6.2 The applicant's business has been established at Lower House Farm for over 30 years. National and local planning policies encourage and support rural enterprises and diversification on farms. Unitary Development Plan policies E11, E12 and E13 are relevant to the consideration of this application and the main issues are the principle of allowing further development at Lower House Farm, the landscape impact of the buildings, the effect on the road network and impact on the amenities of neighbouring residential properties.
- 6.3 Lower House Farm is located in open countryside and includes a number of agricultural buildings with a hard surfaced yard area. The scale of built development and its appearance is similar to many local farm complexes. The agricultural contracting business provides an important service to the local economy. In addition to the need to provide for more agricultural storage facilities, the larger building was needed to provide cover and security for plant and machinery which would otherwise be kept in the open yard. The buildings were erected principally to improve facilities rather than expand the business. All existing buildings are fully used and there were no opportunities to re-use or adapt existing buildings. In physical terms the scale of the business is considered appropriate for its rural location.
- 6.4 The buildings are located to the east and south of the farmyard and extend built development into adjoining agricultural land. These were the only feasible areas in which to extend and the buildings 'read' as a group when viewed from outside the site. The buildings are typical modern buildings clad in dark coloured sheeting. The roofs have been covered in a light grey sheet and not the colour agreed at the time of the agricultural determinations. Normally a dark coloured roofing material is sought to reduce the impact of the building in the landscape. In this case the light coloured roofs are not readily visible from public viewpoints in close proximity to the site. The light colouring will weather to a dull grey in time and on balance it is not considered appropriate to insist on the colouring of the roofs in this instance. The siting, design and scale of the buildings are considered satisfactory and in accordance with UDP policies.
- 6.5 The site lies close to the A449 but the immediate road network is narrow. Traffic generation chiefly involves plant and machinery being taken out by the applicant and his sons in the morning and returning in the evening. The buildings in themselves have not given rise to any increase in traffic generation and there will not be an adverse impact on the road network as a result of the proposal.
- 6.6 The buildings are located just under 100m from the nearest houses to the east and over 150m from Welsh Court, a Listed Building, to the north east. The buildings are not readily visible outside the site. The use of the farm for agriculture and agricultural contracting use is well established and the buildings do not have an adverse effect on the amenities of the occupants of nearby houses.
- 6.7 The retention of the buildings and their use in connection with the established agricultural and agricultural contracting use is in accordance with UDP policies that encourage rural businesses and farm diversification. The application is accordingly recommended for approval subject to a condition limiting the use of the buildings for agriculture and agricultural contracting.

**RECOMMENDATION**

That planning permission be granted subject to the following condition:

- 1 The buildings hereby approved shall not be used for any purpose other than agriculture and in connection with the agricultural contracting business operated from Lower House Farm only.

**Reason:** To control the use of the buildings in order to protect the amenities of the occupiers of nearby properties in accordance with policies E11, E12 and E13 of the Herefordshire Unitary Development Plan 2007.

**INFORMATIVES:**

- 1 N19 - Avoidance of doubt
- 2 N15 - Reason(s) for the Grant of Planning Permission
- 3 The applicant is informed that planning permission will be required for any future buildings for agricultural or agricultural contracting use at Lower House Farm. Planning permission would also be required to expand the business into other contracting work such as building, civil engineering and landscaping.

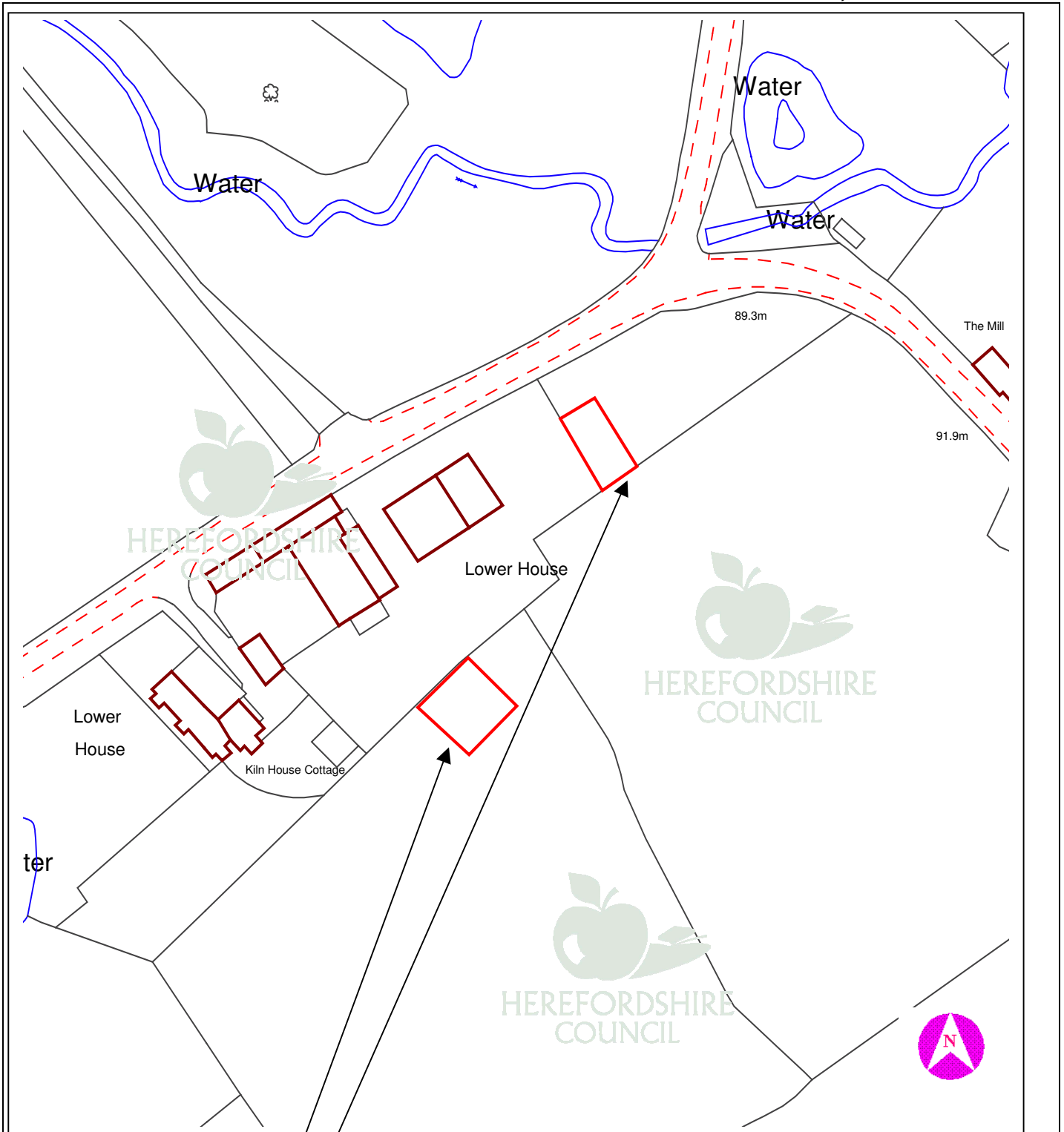
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/1240/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Lower House Farm, Yatton, Ross-on-Wye, Herefordshire, HR9 7RB

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