

**DCNC2007/0586/O - SITE FOR DWELLING FOR A  
RURAL ENTERPRISE AT THE OLD BLACKSMITH'S  
SHOP, DOCKLOW, LEOMINSTER, HEREFORDSHIRE**

**For: Mr & Mrs Hill per Burton & Co, Lydiatt Place,  
Brimfield, Ludlow, Shropshire, SY8 4NP**

**Date Received:**  
22nd February 2007

**Ward: Hampton Court**    **Grid Ref:**  
56474, 57420

**Expiry Date:**  
19th April 2007

Local Member:    Councillor KG Grumbley

### **Introduction**

This application was considered by the Northern Area Planning Sub-Committee at its meeting on the 29<sup>th</sup> May 2007 when Members resolved to grant planning 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 its meeting on 29<sup>th</sup> May 2007 the Northern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

- 1. The applicant has failed to demonstrate that a functional need exists for a dwelling on the site. Without any exceptional justification the proposal is contrary to Policies H6 and H7 of the Herefordshire Unitary Development Plan 2007 and Annex A of Planning Policy Statement 7 – Sustainable Development in Rural Areas.**

In the debate the members of the Area Sub-Committee gave weight to benefits to the rural economy of the business. The applicant repairs agricultural machinery and frequently does so at short notice and at unsociable hours – thereby benefiting local agriculture. They considered that this proposal justified consideration under policy H8 on the basis that it was in connection with rural business. Furthermore there would be security advantages in having a residential presence on site. They took the view that the business was financially sound and that this justified a new dwelling.

In interpreting the policies of the Unitary Development Plan and PPS7 the following factors are relevant:

1. Policy H8 is intended to cover circumstances such as livestock farming where there was a clear need for day to day supervision/care of the animals. It is not intended to cover situations such as this whereby a business happens to be located in the countryside but has no connection with the land in the same occupation or nearby. Essentially, the principal benefit of a house on the site would be to reduce the commuting distance from the applicant's current home address in Pembridge.

2. The security of the business, i.e. the protection of any assets on the site, does not of itself justify a permanent residential presence on the site. This point was specifically considered by the Inspector in the appeal in 2001 and there have been no significant changes of circumstances since then.
3. The work which the applicant undertakes is frequently carried out at the farms themselves – there is typically no functional need to bring large agricultural machines to the shop at Docklow for repair. Consequently, whilst the applicant's business is based at the site, much of the actual work takes place elsewhere – reducing even further the need for the applicant to live at the site.
4. The fact that the business is successful is not of itself a reason for permitting a new house in open countryside which does not accord with any of the criteria in policy H8.

There is therefore a significant degree of conflict between an approval in this case and the recently adopted UDP and the decision of the appeal inspector on a virtually identical case on the same site in 2001.

In view of the fact that the decision of the Sub-Committee to approve this application raises a crucial policy issue this application has been referred to this meeting of the Planning Committee for further consideration.

The original report to the Northern Area Planning Sub-Committee follows.

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

- 1.1 The application site lies on the southern side of the A44, with an existing vehicular access directly on to it. It lies within a small paddock bounded to the south east and west by mature hedgerows and trees.
- 1.2 The paddock is set back from the road by approximately 65 metres, the area between being occupied by a workshop and yard from where the applicant runs an agricultural engineering business.
- 1.3 The application is made in outline and is for the erection of a dwelling to be occupied in connection with the agricultural engineering business. The application form reserves all matters for future consideration, although the design and access statement accompanying it states that the existing access serving the yard and workshop would be shared.
- 1.4 A general statement supporting the application is also included. This suggests that the proposal accords with policy H7 and H8 of the Herefordshire Unitary Development Plan and Planning Policy Statement Note 7 - Sustainable Development in Rural Areas.

## **2. Policies**

### Herefordshire Unitary Development Plan

H7 – Housing in the countryside outside settlements

H8 – Agricultural and forestry dwellings and dwellings associated with rural businesses

Planning Policy Statement 7 – Sustainable Development in Rural Areas – Annex A: Agricultural, Forestry and Other Occupational Dwellings

### 3. Planning History

NC2001/0631/O - Site for proposed dwelling and garage - Refused 25/04/01 and dismissed on appeal due to lack of need.

93/0355/N - Erection of a replacement workshop - Approved 13/08/93.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None required.

#### Internal Council Consultations

4.2 Transportation Manager - No objections subject to conditions.

4.3 Forward Planning Manager - There is insufficient/unclear supporting information to answer the functional and financial tests of PPS7 and therefore it is contrary to Policies H7 and H8 of the UDP.

### 5. Representations

5.1 Docklow and Hampton Wafer Parish Council - No objections.

5.2 12 letters of support have been received from a combination of local residents and customers of the applicant. In summary the points raised are as follows:

1. The applicant is a hard working member of the community.
2. A dwelling in close proximity to the business will allow it to be run more successfully.
3. It would save the applicant a lot of time and money in travelling expenses.

#### Agents Comments

5.3 The application is not accompanied by a detailed functional and financial appraisal as is required by PPS7. A statement submitted with the application advises that the applicant runs a 24 hour breakdown service and is on call most of the time. It states that he needs to be on site in order to respond quickly to emergencies. At present he has to travel from Pembridge to his workshop to collect tools and replacement parts, and then onto a client.

5.4 It also stated that there is a need for a permanent presence to received parts deliveries, to provide security and an on-site office, which is currently lacking.

5.5 The statement also advises that the business is financially viable. Figures have not been submitted, as is the norm, but a note that accounts can be made available is included.

5.6 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 site lies outside of a settlement boundary and is thus classed as open countryside. A fundamental aim of the Unitary Development Plan (UDP) is to protect the open countryside from unnecessary development. New build residential development in the open countryside is not permitted by the UDP, other than in the exceptional circumstances set out in Policy H8. One of those circumstances is where there is a clear need for accommodation for persons employed in agriculture, forestry, horticulture or other rural businesses.
- 6.2 This proposal for a new house in the countryside can also be assessed against PPS7. Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.
- 6.3 Planning permission was refused in 2001 and dismissed on appeal due to a lack of need for a dwelling. The key to this application is whether those circumstances have changed so significantly to warrant a different decision.
- 6.4 The functional requirement for a dwelling is based on a combination of convenience and a need for security, and not on any essential requirement to be permanently on site.
- 6.5 It is accepted that a journey from Pembridge to Docklow may be inconvenient and may delay the applicants arrival at a site. However, this in itself does not demonstrate a functional requirement to live on site. It is not imperative for an agricultural engineer to be on site to respond immediately to an emergency in the same manner as a livestock farmer for example.
- 6.6 The statement accompanying the application advises of two properties sold recently in Docklow for £500,000 and £400,000 respectively. Whilst these may well be out of the price range of the applicant, no details are given as to why other properties further afield have not been considered, perhaps in Leominster or other villages in closer proximity.
- 6.7 Other matters relating to deliveries and security are not in themselves justification for a dwelling and your officers are not convinced that there is a functional need for a dwelling on the site. It will always be more convenient for an individual to live closer to their place of work and this application seems to be based on this premise.
- 6.8 The business may well be financially viable. This was not used as part of the refusal reason in 2000 and it is not intended to refer to it here. Nevertheless, the proposal does not meet the functional test of PPS7 and it is therefore concluded that it is contrary to policy. The application is therefore recommended for refusal.

**RECOMMENDATION**

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

- 1 The applicant has failed to demonstrate that a functional need exists for a dwelling on the site. Without any exceptional justification the proposal is contrary to Policies H7 and H8 of the Herefordshire Unitary Development Plan and Annex A of Planning Policy Statement 7 - Sustainable Development in Rural Areas.**

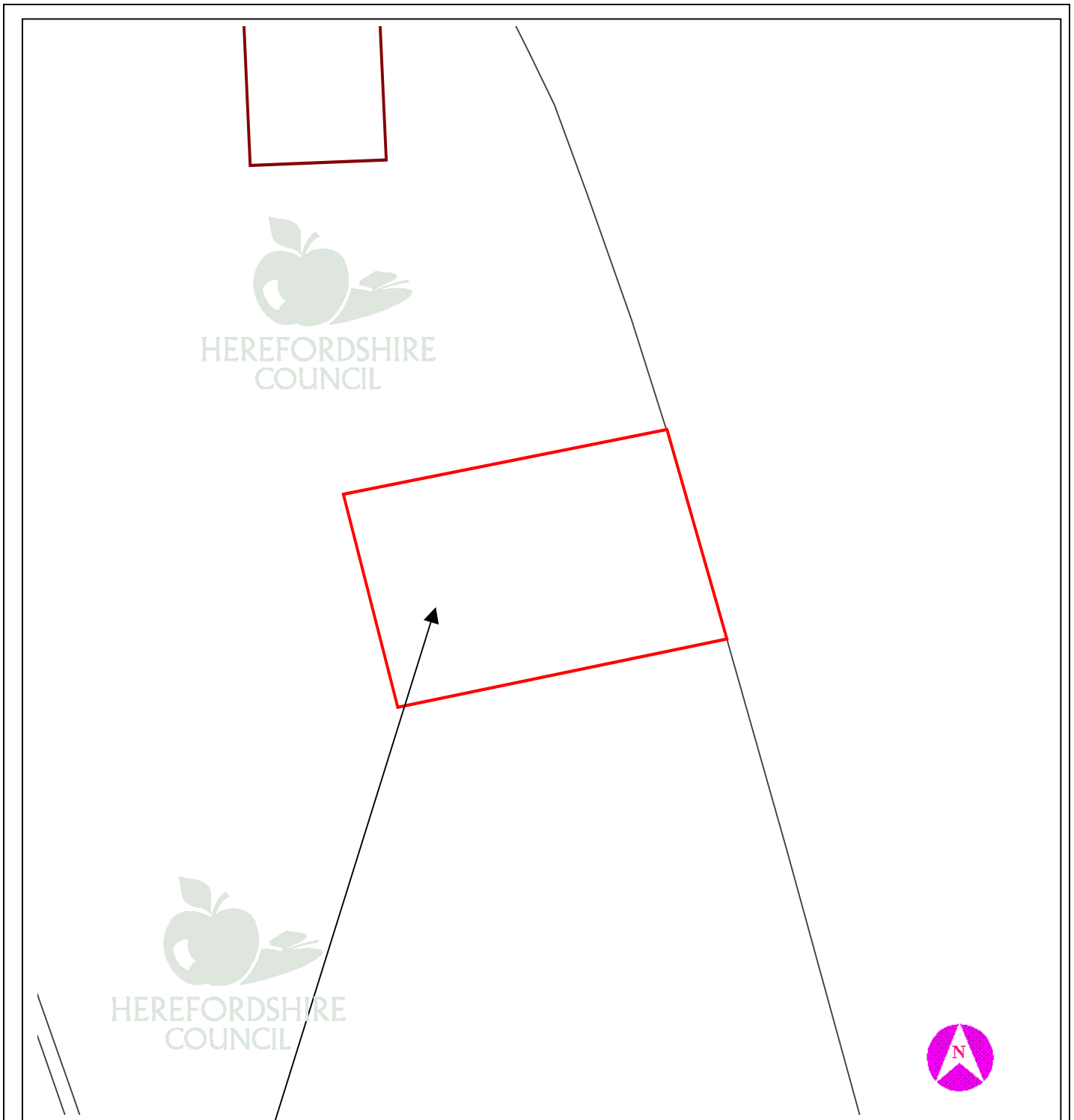
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2007/0586/O

**SCALE :** 1 : 391

**SITE ADDRESS :** The Old Blacksmith's Shop, Docklow, Leominster, Herefordshire

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