

DCSE2007/0852/F - CHANGE OF USE OF FARM BUILDING TO B1 USE WITH TREATMENT PLANT AND ANCILLARY WORKS AT EVERSTONE FARM, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LH

For: F. M. Green per Brian Griffin P&CC Ltd, The Cottage, Green Bottom, Littledean, Glos. GL14 3LH

Date Received: 21st March 2007 Ward: Llangarron Grid Ref: 55246, 25003

Expiry Date: 16th May 2007

Local Member: Councillor Mrs J A Hyde

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 29th May 2007 when Members resolved to refuse 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 29th May 2007 the Southern Area Planning Sub-Committee was recommended to approve this application for the following reasons:

1. This range of former agricultural buildings are located in open countryside where UDP and national planning policies encourage use for economic development as a strong preference to residential uses. In particular the proposals complied with UDP policies E12, HBA12 and E11.
2. There is a significant recent appeal history: in 2006 an appeal was lodged against a refusal of permission to convert the buildings to holiday lets. The appeal was dismissed with the Inspector being particularly concerned with the degree of alteration required to convert them to a residential use and the impact that the domestication of the building would have on the rural character of the site and its setting. He did, however, find the buildings to be structurally adequate for conversion for some use.
3. Access problems had been overcome to the satisfaction of the Highways Agency (access is taken from the A49 trunk road)
4. The proposed Use Class B1 use would, by definition, not have an adverse effect on the amenities of nearby dwellings (formed from barn conversions on other parts of the same farm complex)

In the debate the members of the Area Sub-Committee gave weight to the objections from residents of the nearby barn conversions, especially their concerns over traffic likely to be generated by the use. They considered that the proposal was unacceptable on highway safety grounds. They also considered that residential conversion was preferable, notwithstanding the policy objection to such use and the recent appeal history. They also considered that any form of "Industrial" use would have an adverse impact on residential amenities, notwithstanding the definition of B1 use. In particular they felt that a mixed use of residential on one part of the farm complex and B1 use on another part would be

inappropriate. They also noted the objections of the Traffic Manager who felt that there was inadequate car parking for the proposed use within the site.

It was resolved to refuse permission on the grounds of highway safety and residential amenity.

A refusal of permission would be both difficult to sustain in the event of an appeal, and the Sub-Committee's preferred use, residential, would be inappropriate for the following reasons:

1. A highway safety objection could not be defended on appeal given the acceptance of the Highways Agency for the access arrangements. The access to the A49 already exists and is acceptable for the proposed use. The Traffic Manager's concerns about car parking provision can be easily satisfied by providing more on-site parking within the site.
2. The residential amenity objection would not be possible to sustain on appeal because the proposed use, use class B1, is by definition compatible with residential use. In any event, the nearest residential dwellings are approximately 45 metres away from the building and there would be no direct adverse effect.
3. The suggestion of the Area Sub-Committee that a residential use should be preferred would be directly contrary to Herefordshire Council's own policies for the re-use of rural buildings and would also fail to take account of the recent appeal decision to dismiss a proposal for the use of these same buildings for residential holiday lets.

In the light of the above the application as been referred to this Committee for further consideration.

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

1. Site Description and Proposal

- 1.1 The application building is a sizeable pre-fabricated concrete structure. It is sited within a field to the south of the A49(T) about 250m to the west of the Red Lion Inn at Winter's Cross and about 50m to the east of a complex of converted barns and former farmhouse (Everstone House). The building is set back from the highway by about 25m with a hedgerow along the field boundary. It is of concrete construction: the frame, roof structure, wall and roofing panels all being made of reinforced pre-cast concrete. Beneath the windows blockwork has apparently replaced wooden doors (a few of which remain). The building is sub-divided internally for the accommodation of livestock (pigs).
- 1.2 The current application is for conversion of this building into 5 small commercial/industrial units (within Class B1 of the Town and Country Planning (Use Classes) Order) of about 350m² gross external floor area. Externally no significant changes are proposed. Internally the sub-divisions would be cleared and partition installed to form the five units, each of which would be provided with a wc/washroom.
- 1.3 A new access off the A49(T) was formed as part of the conversion of Everstone Farm Barns. The access drive would be extended to the appeal building and a parking and turning area of about 300m² would be formed to the west of the building.
- 1.4 This application follows refusal of planning permission for conversion into holiday units (SE2005/4154/F). The subsequent appeal was dismissed and a copy of the Inspector's reasoning is included as an appendix to this report. As noted above,

Everstone Farm Barns have been converted into dwellings. Planning permission (SE2000/2693/F) for conversion of farm buildings to form 7 dwellings was granted on 30th April, 2002 and for conversion of a barn to form a single dwelling (SE2003/1147/F) on 29th July 2003.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy HBA12	-	Re-use of Rural Buildings
Policy E8	-	Development of Redundant Rural Buildings
Policy E11	-	Employment in the Countryside
Policy E12	-	Farm Diversification

3. Planning History

3.1	DCSE2005/4154/F	Conversion of building to three holiday units. Access track, car park, turning area and treatment plant.	-	Appeal dismissed 30.8.06
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4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency advises that the increase in trip generation from the site can be accommodated by the existing access which is of a suitable standard. Therefore, the Highways Agency considers that the proposals will have no impact on the A49. The Agency does not therefore propose to give a direction restricting the grant of planning permission.

Internal Council Advice

- 4.2 The Traffic Manager expresses concerns that parking provision is not to recommended standard for B1 use (14 spaces and one lorry space) plus secure cycle store for two cycles or one within each unit. Recommends refusal.

5. Representations

- 5.1 A supporting statement has been submitted by the applicant's agent. The key points made are:

- (1) The proposal is to diversify the farming business as another income stream is essential to maintain the level of profitability of a family farm. The building is near other protected property with good access on to a Trunk Road.
- (2) An economic tourism use was previously proposed, but was refused by the Council and latterly on appeal.
- (3) Discussions were held to discuss finding a suitable use and it was concluded that an employment use, i.e. B1 (light industry) rather than B8 (storage and distribution) could be acceptable. Use of the units will be first offered to the occupiers of the nearby seven converted barns for use as their workshops and ancillary storage purposes.

- (4) A new short hard cored access track will be provided from the former farmstead to the building with a suitable turning and parking area for vehicles (crushed local stone).
- (5) Reference is made to Government guidance in PPS7 in particular paragraphs 15-17 and 30 and to UDP policies HBA12 and E12.
- (6) The UDP policies list criteria that must be satisfied if planning permission is to be granted. These could be met as:
 - development is appropriate in scale in this rural location and would retain the open character of the countryside
 - building is of permanent and substantial construction
 - would not be substantially altered or extended
 - would not prejudice farm and village vitality
 - B1 use sought so HGVs and noisy activities do not affect nearby residents' amenities.
- (7) It is concluded that with appropriate conditions on hours of working this proposal overcomes the concerns of the appeal Inspector about introducing a new residential type of use into the open countryside by converting a non-traditional building with the addition of some cladding.
- (8) In a separate letter the applicant's agent confirms that the applicant has a right of way to his building and is not required to contribute towards maintenance of the access road.

5.2 7 letters have been received from nearby residents objecting to the proposal. In summary, their concerns are:

- (1) The access to the A49(T) is hazardous despite being improved and there have been major incidents nearby in the past year – the additional traffic would increase the probability of further accidents; has a traffic impact assessment been undertaken? Large vehicles would not be able to enter or leave the site.
- (2) There would be a major adverse environmental impact on this small residential community in relation to:
 - Safety – children live in 4 of the 7 houses and not being able to safely access the road would change the community nature of the area – there is no street lighting.
 - Noise, which would destroy tranquillity of community as a whole; has a noise assessment been carried out?
 - Pollution – would toxic and hazardous substances be involved? Could result in health problems.
 - Loss of privacy
 - Proposals at the Everstone Barns have been turned down as within a Conservation Area – statement in application that not within such an area is therefore incorrect.
- (3) The access drive is a right of way for all residents and not reasonable that they should bear maintenance cost from industrial user; questioned whether industrial use is allowed; neither the surface of this road nor its scale is suitable for industrial traffic.

- (4) Llangarron Ward has about 2000 residents and little or no employment – given available units in Ross and on Duchy Estate (62 units within 2 miles in fact) the need for these units is questioned; where is evidence of demand? Little public transport links and no facilities nearby.
- (5) No residents have been consulted by developer or offered one of the units.
- (6) Structural soundness of building is questioned – has there been a survey? Also what are the ancillary works?
- (7) Would reduce the value and saleability of the nearby residential properties.

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 Proposals which support farm diversification are encouraged by Policy E12 of the UDP and re-use of rural buildings for business purposes is encouraged by Policies HBA12 and E11. This accords with advice in PPS7 which states that "The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable" (paragraph 17). Although not within a village the building would have access onto a trunk road with an hourly bus service (38 Ross – Hereford). Compared to most farms therefore the proposed diversification scheme would be less reliant on private cars for travel to work, even if there is no demand from current occupiers of the adjacent dwellings. In principle therefore this proposal would comply with the above policies.
- 6.2 Key issues raised by local residents include the effect on their amenities and road safety within the Everstone Barns complex and at the access to the A49(T). On the first issue it is important to note that the use is for purposes within Class B1 only. This is defined in the Town and Country Planning (Use Classes) Order as:
 - (a) an office other than financial and professional services,
 - (b) for research and development of products or processes, or
 - (c) any industrial process

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Consequently any process carried out on the land and in the buildings or other activity which would harm residential amenity would not be lawful (assuming planning permission is granted). Thus noisy machinery or frequent deliveries resulting in noise and disturbance or processes giving rise to unacceptable fumes and smells would be precluded. Furthermore the building is about 47m from the nearest dwelling which I consider would be adequate separation between the residential and commercial/industrial uses. Hours of work could be controlled by planning condition, as suggested by the applicant's agent, to ensure no deliveries or activity during unsocial hours. Small units are less likely than general industrial or storage uses to require frequent deliveries and collections by large lorries, which is of particular importance in view of the access drive passing the rear gardens of the barns and the

front entrances of unit 6 and the former farmhouse. A programme of refurbishment would be necessary which may improve somewhat the building's appearance and planting would help screen the parking area.

- 6.3 The proposal has been considered by both the Highways Agency and the Council's Traffic Manager with regard to road safety at the A49(T) access and within the site, respectively. Neither has objected on safety grounds. The residential units each have private gardens and the main parking area for residents is at the front of the former barns, separate from the access to the proposed B1 units. The main access to the A49(T) was formed on the advice of the Highways Agency and replaced accesses that had more limited visibility. In these circumstances I do not consider that the increased risks to the safety of residents is sufficient to justify refusal of planning permission. Additional parking and cycle storage to meet the Council's standard can be required by a planning condition.
- 6.4 With regard to other matters raised by objectors, there is no direct evidence of demand for these proposed units. In general however the Council's Economic Development Officer considers that there is a need for 'high'tech' premises, particularly 'live-work' units and is seeking to encourage their provision. The structural stability of the building was considered by the Planning Inspector who concluded that conversion would not require significant re-building or structural repair work.

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 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 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

6 E06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

7 E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

8 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

9 No process shall be carried out and no goods, equipment or material shall be stored except within the units hereby permitted.

Reason: To protect the visual amenities of the area.

10 F14 (Time restriction on music)

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

11 H15 (Turning and parking: change of use – commercial)

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

12 H29 (Secure parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

INFORMATIVES:

1 N19 - Avoidance of doubt

2 N15 - Reason(s) for the Grant of Planning Permission

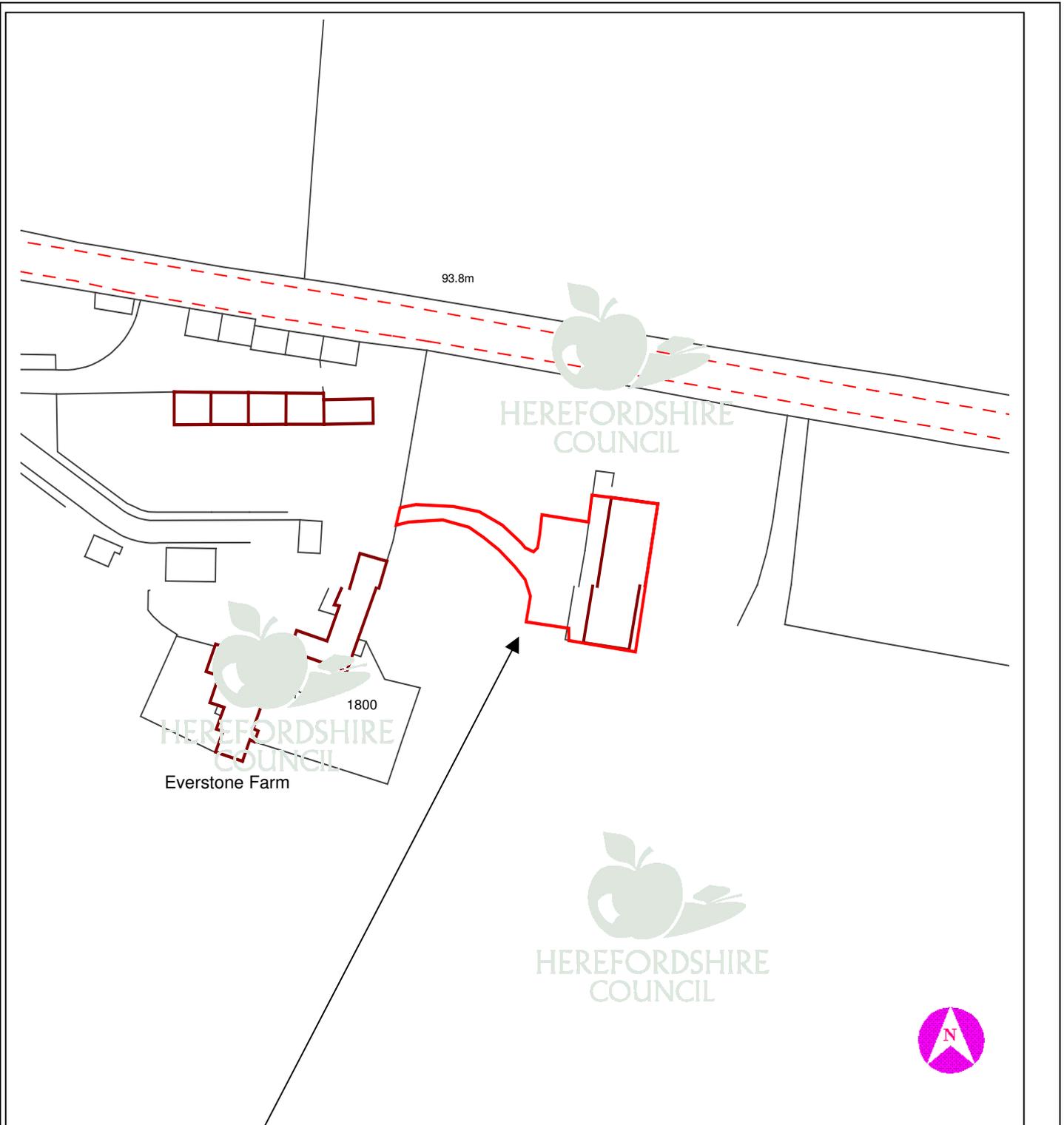
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/0852/F

SCALE : 1 : 1250

SITE ADDRESS : Everstone Farm, Peterstow, Ross-on-Wye, Herefordshire, HR9 6LH

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