

3 CE2003/0002/F - CONTINUED SITING OF BUS CARAVAN USED AS FORESTRY WORKERS DWELLING AT TRILLOES COURT WOOD, LITTLE DEWCHURCH, HEREFORDSHIRE, HR2 6PS

For: Mr. S.W. Keogh, 1 The Clusters, Kings Caple, Hereford, HR1 4UD

Date Received: 22nd November, 2002 Ward: Hollington Grid Ref: 54588, 32489

Expiry Date: 17th January 2003

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 Trilloes Court Wood comprises a 16 ha area of mixed woodland situated in a rural area to the east of Little Dewchurch. The woodland is managed by the applicant and an assistant. The applicant lives on site in a converted bus. Until recently the assistant also lived on site in a mobile home. Both the bus and mobile home are unauthorised and the subject of enforcement investigations.
- 1.2 The proposal is to retain the bus on site as residential accommodation for the applicant. The bus is set well into the woodland and, as such, is not visible from any public vantage point outside of the site. The bus remains on wheels and potentially mobile.
- 1.3 A separate planning application to retain the mobile home for a forestry assistant was refused planning permission in July 2003 primarily in view of the lack of any demonstrable forestry need. The mobile home is now vacant awaiting removal from the site.
- 1.4 The applicant is a traditional forestry worker who carries out management of the woodland (including bringing-on of young trees and cutting down/pollarding of older trees), charcoal burning, and furniture/fence/other manufacture using traditional methods and tools. He exhibits at country shows and events.

2. Policies

2.1 Hereford & Worcester County Structure Plan:

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| H20 | - | Housing in Rural Areas Outside the Green Belt |
| A4 | - | Agricultural Dwellings |

2.2 South Herefordshire District Local Plan:

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| GD1 | - | General Development Criteria |
| C1 | - | Development Within Open Countryside |
| C8 | - | Development Within AGLV |
| C13 | - | Protection of Local Nature Conservation Sites |
| SH11 | - | Housing in the Countryside |

SH17	-	Agricultural Worker's Dwellings
SH18	-	Imposition of Agricultural Occupancy Condition
SH26	-	Residential Caravan/Mobile Homes

2.3 Herefordshire UDP (Deposit Draft):

H7	-	Housing in the Countryside Outside Settlements
H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
H10	-	Residential Caravans
LA2	-	Landscape Character and Areas Least Resilient to Change
NC1	-	Nature Conservation and Development
NC4	-	Sites of Local Importance

3. Planning History

- 3.1 SH980055PF - Forestry workers residence. No decision.
- 3.2 CE2003/0001/F - Continued siting of mobile home for forestry worker. Refused 1st July, 2003.

4. Consultation Summary

- 4.1 Herefordshire Nature Trust: No response received.
- 4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

- 5.1 In support of the application the applicant makes the following representation:

"Trilloes Court Wood is 16 hectares of 'Ancient Semi-Natural' woodland that was historically managed as 'mixed coppice with standards and suffered the general decline of this style of management from the 1920's. The wood was neglected until 1978 when it was largely clear-felled by the Forestry Commission. Four ha were re-planted with larch trees and the remainder was left to its own devices. As a result of natural regeneration and re-growth of the under-storey the wood is now over-burdened with small diameter mixed broad-leaved trees. Half of this is Ash and Hazel coppice. The trees desperately need thinning so that the better ones might prosper. The coppice is being brought back into rotation for the sake of the wildlife and its distinctive, historical character as managed coppice. This work would usually be non-viable as the value of such low grade timber would be insufficient to recover the felling and extraction costs. By adding volume to this timber at its source it is feasible.

I began learning traditional woodland management and craft skills in 1992 and after buying Trilloes Court Wood in 1997 I left an 18 year career in industry to become a full-time 'woodsman'. The income is relatively low and generally hard earned. A key portion of that income is from the production of barbecue charcoal using small diameter round-wood, derived from coppicing.

Charcoal making is a very involved and time consuming process. The procedure is to use the daylight hours to unload the kiln (sieving, grading and weighing into logs), re-load it to a specific pattern and 'fire' it again. Once under way, the 'burn' is monitored

throughout the night, the following day and into part of the second night. A burn can take anything up to 30 hours and requires two-hourly checks increasing in frequency towards the 'shut-down' time. Successful production depends on keeping an evenly distributed fire in the base of the kiln - hot enough to dry out and bake the wood above and not allowing this fire to develop enough for complete combustion of the entire contents. This is achieved by controlling how much air enters the kiln and where it enters. There are eight ports evenly spaced around the base of the kiln which may serve either as air inlets or chimneys according to need. Air intake is governed by adjusting restrictor plates over the inlets and the 'draw' on the fire is controlled by the number and positioning of the chimneys. The kiln cannot be left unattended for very long.

Charcoal burning begins in early February and continues until mid-October. The average frequency is about 1 burn per week. A burn produces around 200kg of saleable charcoal which wholesales at £1.00 per kg.

The accommodation for which continued siting is applied for has been in-situ for the past six years. It is used continuously throughout the year for the charcoaling season and the coppicing season."

- 5.2 Forestry Commission: The Forestry Commission is keen to encourage the good management of woodlands in Herefordshire, particularly those as Trilloes Court, which are valuable environmentally. The kind of woodland management planned by Mr. Keogh is in the process of being renewed under our Woodland Grant Scheme and will greatly benefit the woodland.

In the long term, the surest way to safeguard any woodland is to make it pay its own way. Mr. Keogh has amply demonstrated that he has the ability and commitment to do this in Trilloes Court Wood by turning the various raw materials available into a wide range of saleable products.

It is the Forestry Commission's belief that Mr. Keogh's endeavours and therefore the future of Trilloes Court Wood will benefit greatly from his having a residence on site.

- 5.3 Bolstone Parish Council: No objection.

- 5.4 One objection letter has been received from Mr C.J. Hughes of Trilloes House, Little Dewchurch summarised as follows:

- The size of the wood is insufficient to justify two full time forestry workers;
- Inevitably the granting of any permanent site will lead to the eventual granting of planning permission for a dwelling and there should not be the possibility of two houses being built in this location.

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

6. Officers Appraisal

- 6.1 The main issues in this case are the principle of allowing residential accommodation in this countryside location, and if accepted, the impact of the accommodation on visual amenity.

- 6.2 Policy C1 of the Local Plan sets out a presumption against new residential development in the countryside except in limited circumstances including for the essential purposes of agriculture or forestry. Policy SH17 provides specific criteria for agricultural/forestry workers dwellings requiring, in particular, clear demonstration of long term need, appropriate relationships with existing built development, no adverse environmental harm, an appropriate scale, and association with a financially viable business. PPG7 sets out further 'tests' and in respect of forestry workers accommodation specifically states that 'under conventional modern methods of forestry management, which use a largely peripatetic workforce, a new forestry dwelling is unlikely to be justified except perhaps to service intensive nursery production of trees'.
- 6.3 The proposal in this case is slightly unusual in that the proposed accommodation is contained in an old bus which remains essentially mobile (although not necessarily roadworthy). Furthermore, the applicant has adopted a sylvan lifestyle, living and working in the woods using traditional and largely un-mechanised management and lifestyle practices. These personal circumstances are a material consideration in the determination of the planning application.
- 6.4 Having regard to the PPG and policy tests for forestry workers dwellings, it is evident that the applicant has a firm intention, and the ability, to develop his enterprise. He has been managing the woodland and manufacturing charcoal and other wood items for a period in excess of six years, and to this end he has invested in tools and equipment, and laid out forestry tracks.
- 6.5 Regarding functional need (the 'test' to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times to, for example, deal quickly with emergencies that could otherwise cause loss of plants), PPG7 makes it clear that under conventional modern methods of forestry management it is unlikely that a forestry workers dwelling can be justified. In this case actual forestry activities comprise planting and bringing-on of relatively small numbers of young trees, and pollarding/clearance of older trees. These activities in themselves would not justify a dwelling. Additionally, however, the applicant produces charcoal in a kiln on site for some eight months of the year, and this by its nature is a labour intensive process requiring regular monitoring and stoking of the fire throughout the day and night. Traditionally charcoal production takes place at the wood source as in this case, and consequently it is considered an appropriate activity for the location and an associated part of the applicant's overall forestry enterprises. Again, in itself it would not justify a dwelling although in combination with other activities contributes towards a need.
- 6.6 The applicant also manufactures wooden items at the site including furniture, ornaments, fencing and other building materials. This 'production' side of the enterprise would not justify a dwelling although contributes to the traditional lifestyle adopted by the applicant, and also raises issues of security at the site (again, security would not normally justify a dwelling in its own right but is a contributory factor to need).
- 6.7 It is evident from the foregoing that no one part of the applicant's enterprise can justify a permanent dwelling at the site. In combination, however, the requirements of the woodland management, charcoal burning and security of the site do amount to a 'functional need', albeit a transitional need to reflect the temporary/transitional nature of the enterprises. These factors, together with the applicant's chosen lifestyle, justify a transitional form of accommodation (namely the bus). To reflect the personal circumstances a personal permission is considered necessary, and to reflect the

traditional nature of the enterprises a longer, temporary permission only (and an informative note advising the applicant that a permanent structure is unlikely to be acceptable under present circumstances).

- 6.8 The other 'tests' require the enterprise to be planned on a sound financial basis. The applicant has not supplied copies of accounts although has stated that the business has been in existence now for over six years. The applicant has a sound customer base for his products, and regularly exhibits/presents his traditional methods at shows and events. On this basis it is considered that the enterprises are sound. In the unlikely event of circumstances changing the personal and time limiting conditions would require removal of the accommodation.
- 6.9 With regard to visual amenity, the bus is situated deep in the woods and, as such, is not visible from any public view point. There would, therefore, be no adverse impact on visual or residential amenity, and no detriment to the landscape quality of AGLV. If circumstances change the bus could be removed without trace.
- 6.10 In conclusion, the need for the accommodation is justified albeit as a consequence of a number of enterprises requiring the applicant to be on site – namely, woodland management, charcoal manufacturing and security for the woodworking activities. These activities, together with the applicant's chosen lifestyle, amount to justification for retention of the bus although on a personal and time limited basis only. There are no environmental health or nature conservation issues.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 E25 (Personal and time limited permission)

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

2 E26 (Cessation of personal/time limited permission)

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

Note to Applicant:

- 1 The applicant is advised that this planning permission has been given on an exceptional basis only having regard to the particular circumstances of the site and the 'temporary' woodland enterprises carried out. Having regard to these circumstances the applicant is also advised that under present conditions it is unlikely that a permanent planning permission would be given to retain the bus caravan or erect a dwellinghouse.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.