

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager recommends objection given limited visibility achievable in a southerly direction at the junction of the access road with the unclassified road.

4.3 The Council's Property Services Manager makes the following main points:

- the farm is well run and the stock appear to be in good condition. Buildings adequate for more cattle
- lambing is done outside, there are adequate buildings for putting sheep in
- land suitable for stock rearing not arable farming
- farmhouse is adequate for one person only
- there are two traditional stone barns, one is close to the cattle yards and the other could be converted even though it is closer to farm track and farmhouse
- it is a typical small upland farm which provides a living for one family, but not productive enough for 2 livings at its present size
- the farm is suitable for one family providing approximately one living
- neither the financial test nor the SMD (Standard Man Days) are passed at present and the tests have to be as at the present time rather than in the future
- there is a need for a full time person on site but not two. No allowance can be made for the age or fitness of the applicant(s) under planning guidance.

5. Representations

5.1 Newton Parish Council's observations are awaited.

5.2 In a Design and Access Statement that accompanied the application the following main points are made:

- 215 acre holding plus some rented land. Farmed by Mr. J.D. & Mrs. M.M. Powell, together with their married son, Mr. Mark Powell, whom lives 9 miles away in rented accommodation at Kentchurch. Farmhouse too small, extending not an option either, given proximity to farm buildings. Farmhouse also base for catering business.
- Site for dwelling in corner of field. Applicant needs to live on farm for emergencies, particularly for lambing and calving, and be on hand otherwise.
- PPS.7 relevant
- Need to expand enterprise.
- Mr. J. Powell able to undertake some tasks, but not strenuous tasks. Therefore his son needs to be on site.
- Farm enterprise established for over 40 years, as regards requirements for 3 years in PPS.7.
- Farm income estimated (end of March 2007) is 21,008. The appraisal stated a need for second dwelling to meet requirements of security, supervision and comply with animal health and welfare standards.

5.3 An Agricultural Appraisal accompanied the application, it comprised a functional appraisal and a financial appraisal.

- 135 acre holding, plus tenants for further 80 acres
- some 230 metres above sea level. Farm almost entirely permanent pasture
- range of traditional stone buildings, plus steel framed modern buildings
- grass based, suckler herd of 29 cows and replacement heifers. Cattle sold as stores in Jan/Feb at 20/24 months old
- sheep enterprise: 400 ewes, intends to expand it further
- Mark Powell undertaking all physical work on the farm due to father's incapacity
- farm adversely affected by Foot and Mouth outbreak
- new perspectives for EU Rural Development supports agriculture in remote regions, and the need for promoting the quality of life in rural areas (endorsed in guiding principles in Unitary Development Plan)
- current Standard Man Day is 1.4 labour units will increase to 1.64 as livestock numbers increase
- farming business will recoup reduction in income from Common Agricultural Policy (CAP) by joining Entry Level Environmental Stewardship Scheme
- farm accounts show it has been profitable for 3 years
- dwelling can be financed without being a drain on the farm's resources
- there are no other dwellings on the holding. No redundant farm buildings either or suitable tied dwellings for sale in area
- siting well related to farmstead. Can be no highway objections
- enterprise is economically viable
- dwelling proposed is commensurate with the established financial requirements
- proposal satisfies requirements of UDP Policies H.7 and H.8. Agricultural and financial appraisals submitted demonstrate this.

5.4 8 letters of support accompanied the application from the C.L.A., R.G. & R.B. Williams (Chartered Surveyors). 4 letters from residents in area, including a Parish Councillor, local Vicar and veterinary surgeon.

- need to keep young farmers in countryside. Maintains social structure, economy, environment and landscapes in marginal rural areas
- farm suffered during Foot and Mouth outbreak
- applicant's father has a serious health problem
- very good quality of stock sold in our market
- younger generation of farmers will be lost if provision not made
- not on for farmhouse to be passed on by parents, given existence of established catering business run from it
- enterprise to be expanded to 500 ewes to maintain economic viability
- close supervision required particularly at lambing and calving time
- applicant spent long hours in last few years on farm, in addition to milking job.

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 It is incumbent upon planning authorities to carefully scrutinise applications for dwellings in the open countryside. Applications for agricultural dwellings need to satisfy functional as well as financial criteria. This is set out in Annex A to PPS.7 – Sustainable Development in Rural Areas. The relevant local planning policy is H.8 contained in the Unitary Development Plan (UDP).

- 6.2 It has to be established that there is an essential requirement for a second dwelling. It is evident that there is a need for a dwelling on the site given the case advanced; this requirement for the proper functioning of the enterprise is met by the existing farmhouse. It is not essential for two dwellings to provide accommodation for key workers. The application needs to satisfy a functional requirement as set out in PPS.7 and Policy H.8 in the UDP. The functional requirement, determined usually by the SMD (Standard Man Days), is less than 2 which equates to less than the equivalent of two key workers. Therefore the application fails to satisfy this fundamental benchmark. It is evident that the applicant is carrying out a lot of work on the farm given the poor health of his father. It is not made clear whether or not this situation will continue as currently, i.e. the applicant's father will not be undertaking the strenuous tasks on the farm. This places the application in the possible category of providing what could be a retirement property in the existing farmhouse even though it is incumbent upon the local planning authority to impose an agricultural tie on the existing farmhouse as set out in Government advice in PPS.7 and in Policy H.8 in the UDP.
- 6.3 The second related issue is the need to establish whether or not the enterprise is financially viable. There is also a need to satisfy criteria such as the siting and size of the dwelling. The Council's Property Services Manager advises that on the evidence available the enterprise does not generate sufficient income for two key agricultural workers wages. Therefore, the enterprise is not viable as determined by the criteria set out in PPS.7 and UDP Policy for agricultural workers dwellings. Applications need to satisfy this key requirement. It is not sufficient to argue that an agricultural enterprise could expand more were there to be two key workers living on the site. The planning authority can only determine applications on the basis of the needs of the enterprise, i.e. how much labour is required to manage the enterprise effectively and secondly that the enterprise is economically viable.
- 6.4 It is considered that the siting for the dwelling is acceptable given the known problems with drainage in the vicinity of the site. The site utilises trees and hedges on the western side of the site as a backdrop. The dwelling is of a size commensurate with the needs of the enterprise were this site to be approved. However, it is considered that in accordance with the provisions of Policy H.8 in the UDP it has not been sufficiently established why at least one of the stone buildings to the west of the farmhouse could not be utilised. It is stated in the case submitted that they are not redundant, however the nearest barn is only used, it is understood, partly as a kennel, with the first floor being used for fodder storage. Given that the building nearest to the farmhouse could be reasonably utilised it is considered that the application fails to satisfy one of the criteria of Policy H.8 in the UDP.
- 6.5 The final issue relates to the objections raised by the Transportation Manager. This is as regards the visibility achievable at present for vehicles joining the unclassified road (u/c 74205). Whilst visibility is satisfactory to the north it is very poor in a southerly direction. Northbound vehicles would not be visible to vehicles leaving the farm nor vice versa. Therefore, this is a further matter that constitutes a reason for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. Having regard to Policies H.7 and H.8 in the Unitary Development Plan 2007, the proposed dwelling is considered to be unacceptable. The proposal constitutes development in open countryside, divorced from any settlement and there is considered to be insufficient justification such that an exception should be made to these policies. This is also with regard to the need to utilise existing buildings in preference to new development. In addition, the erection of a dwelling in this location would be contrary to the provisions of PPS.7 that seeks to protect the countryside for its own sake from unwarranted development.
2. The proposed means of access provides insufficient visibility in a southerly direction such that increased use of the existing point on the unclassified road would be detrimental to highway safety. Therefore, the proposal is contrary to the provisions of Policy DR.3 in the Unitary Development Plan 2007.

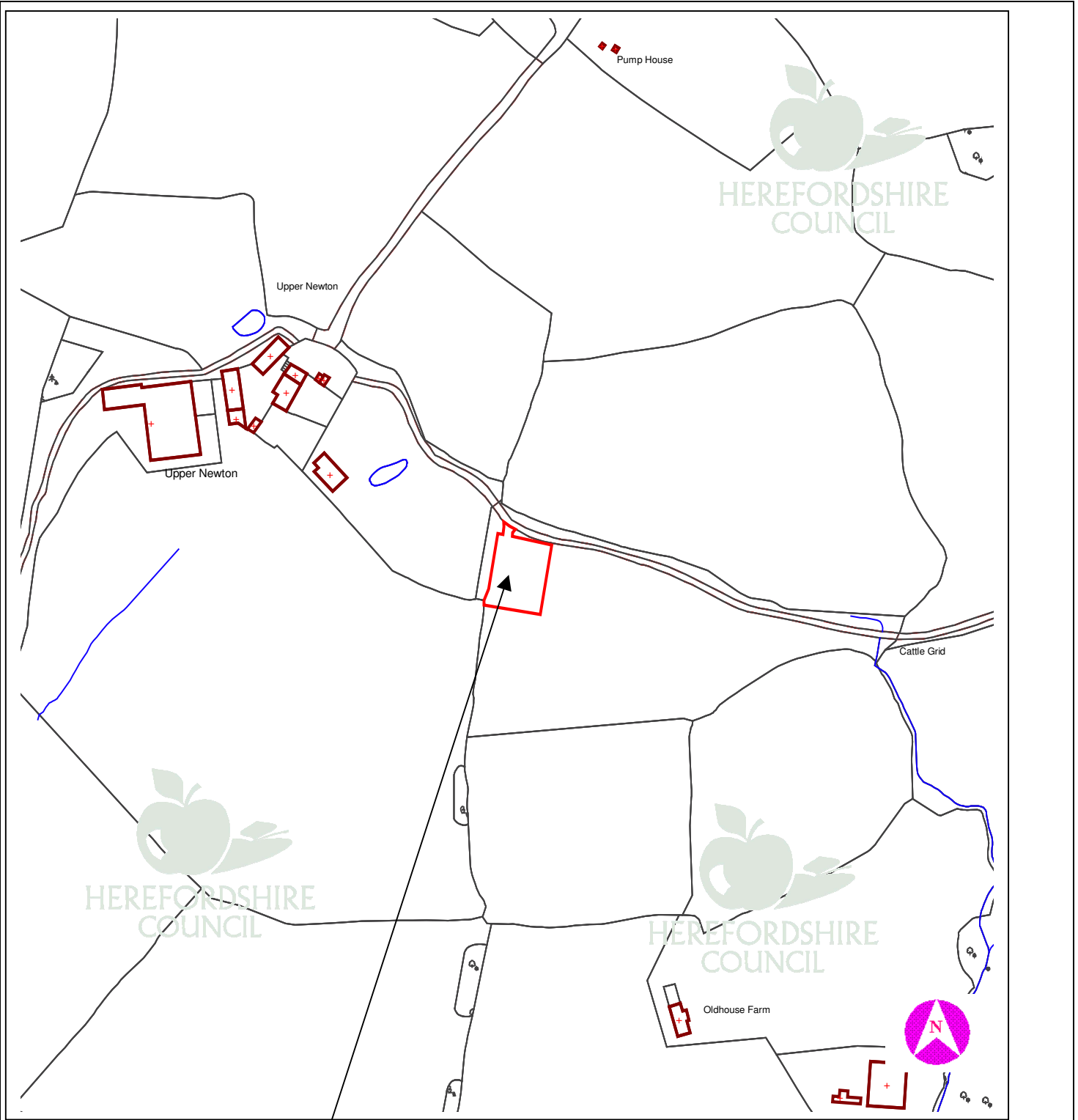
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/2010/F

SCALE : 1 : 2500

SITE ADDRESS : Upper Newton Farm, Newton St. Margarets, Vowchurch, Herefordshire, HR2 0QU

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