

**DCSW2007/2010/F - ERECTION OF A FARM DWELLING
WITH DOUBLE GARAGE, UPPER NEWTON FARM,
NEWTON ST. MARGARETS, VOWCHURCH,
HEREFORDSHIRE, HR2 0QU**

**For: Mr M Powell per Mr D Cave, Sychar Cottage, The
Downs, Bromyard, Herefordshire, HR7 4NU**

Date Received: 26th June 2007

**Ward: Golden Valley
South**

Grid Ref: 33370, 32910

Expiry Date: 21st August 2007

Local Member: Councillor J. B. Williams

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 15th August 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 15th August 2007 the Southern Area Planning Sub-Committee was recommended to refuse this application 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 Planning Policy Statement 7, Sustainable Development in Rural Areas, which 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 in the unclassified road would be detrimental to highway safety. Therefore the proposal is contrary to the provisions of Policy DR3 of the Unitary Development Plan 2007.**

In the debate the members of the Area Sub-Committee gave weight to the nature of the farm and the family circumstances of the applicant, who currently lives 9 miles away, and his parents who currently live in the existing farmhouse. They considered that the needs of the farm were sufficient to justify a second dwelling and that the existing barns on the site were not suitable for conversion. They also considered that, given the low level of traffic, the highways objection was not one they could support. They also noted that the applicant has the full support of the Parish Council.

It was resolved to grant planning permission with an agricultural occupancy condition on the new dwelling, but not the current farmhouse.

The application raises the following issues:

1. The site has been visited by the County Land Agent who has considered very carefully the circumstances of the applicant, his family and the farming enterprise itself. He has concluded that there is sufficient justification for one dwelling on the farm holding but not a second. In his view the functional test for a second dwelling has not been met and, therefore, he did not support the application.
2. There are outbuildings on the farm in the form of traditional stone barns which appear to be capable of conversion if a functional and financial test could be passed.
3. The highways objection remains unresolved in the opinion of the Traffic Manager.
4. The proposed new dwelling would be a substantial 4 bedroomed property, with integral double garage, which is proposed to be sited on the farm holding but quite separate from the main group of farm buildings currently on the site. It would, thereby amount to a new dwelling in open countryside on a previously undeveloped site.

The proposal conflicts with the development plan policies which seek to restrict new housing in the open countryside without special justification. Consequently, the application is referred to this meeting for further consideration.

Since the application was referred the Committee has visited the site, traffic survey figures have been submitted, and a new statement submitted concerning the functional and financial requirements of the holding to establish that there is a need for more at least two full time workers on the holding.

The further observations of the Traffic Manager in response to the new traffic figures was not available at the time of drafting this report. A verbal update will be given at the meeting to confirm whether the traffic objection still stands.

The County's Land Agent has been asked to comment on the latest submitted figures and his conclusion will also be confirmed at the meeting.

The principal issue is whether there is a need for a second dwelling on the holding, i.e. one new one in addition to the existing farmhouse. Subject to the further observations of the County Land Agent my view is that there is enough work on the holding for two people to be employed, but that does not add up to a justification for a second dwelling on the holding in the terms of either Policy H.8 of the Unitary Development Plan or Planning Policy Statement 7, Sustainable Development in Rural Areas. It would pass the tests for the establishment of one dwelling on the site, but, of course, the existing farmhouse satisfies that need.

If, on the facts of the case, Members take the same view as the Area Sub-Committee, that a second dwelling on the site is justified then policy H.8 requires that such a dwelling should... "make use wherever possible of existing buildings in preference to new development". Members may have made their own assessment on the site visit of the potential of the stone barns on the site to be converted to residential development. A proposal to create a second dwelling on this basis would require a new planning application which is not before the Committee to determine and any issues such an application would raise would need to be considered separately. However, the policy gives a clear indication that a conversion of this nature should be considered first, before considering the option of building a new property in open countryside.

If, notwithstanding the recommendation for refusal and the opportunities presented by the stone barns, Members resolve to grant planning permission for the new detached house then consideration should be given to applying an agricultural occupancy condition to both

the new house and the existing farmhouse. This is necessary in order to be consistent with the argument that two dwellings are required for this holding and to prevent the original farmhouse and (and any potential dwellings in the barns) becoming available for unrestricted residential occupation (which would, in turn, leave the farm holding with only one dwelling available for occupation by agricultural workers).

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

1. Site Description and Proposal

- 1.1 Upper Newton is reached off the western side of the u/c 74205 road that leads south skirting Lower Maescoed and then onto the eastern fringes of Longtown. The unclassified road leads north to Middle Maescoed and St. Margarets. The farmstead comprising farmhouse, modern and traditional farm buildings has panoramic westward views across the Escley Brook Valley. It is proposed to erect a dwelling, some 110 metres south-east of the main farmstead. There is a line of established hedging and trees just outside the western boundary of the roughly square plot.
- 1.2 It is proposed to erect a 4 bedroom dwelling with integral double garage. The dwelling will be faced in random rubble local stone together with a render finish on the rear and side or gable elevations, under a dark grey coloured fibre cement tile roof.
- 1.3 The farm has 135 acres, together with 80 acres of long term rental land, a total of 215 acres. The enterprise is one of 29 single suckler cows and 400 sheep. It is proposed to increase sheep numbers to 500, and cattle to 30 single sucklers.

2. Policies

2.1 Planning Policy Guidance

PPS.7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy H.7 - Housing in the Countryside Outside Settlements
Policy H.8 - Agricultural and Forestry Dwellings and Dwellings Associated
With Rural Businesses

3. Planning History

- 3.1 None identified.

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 CLA, 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.**

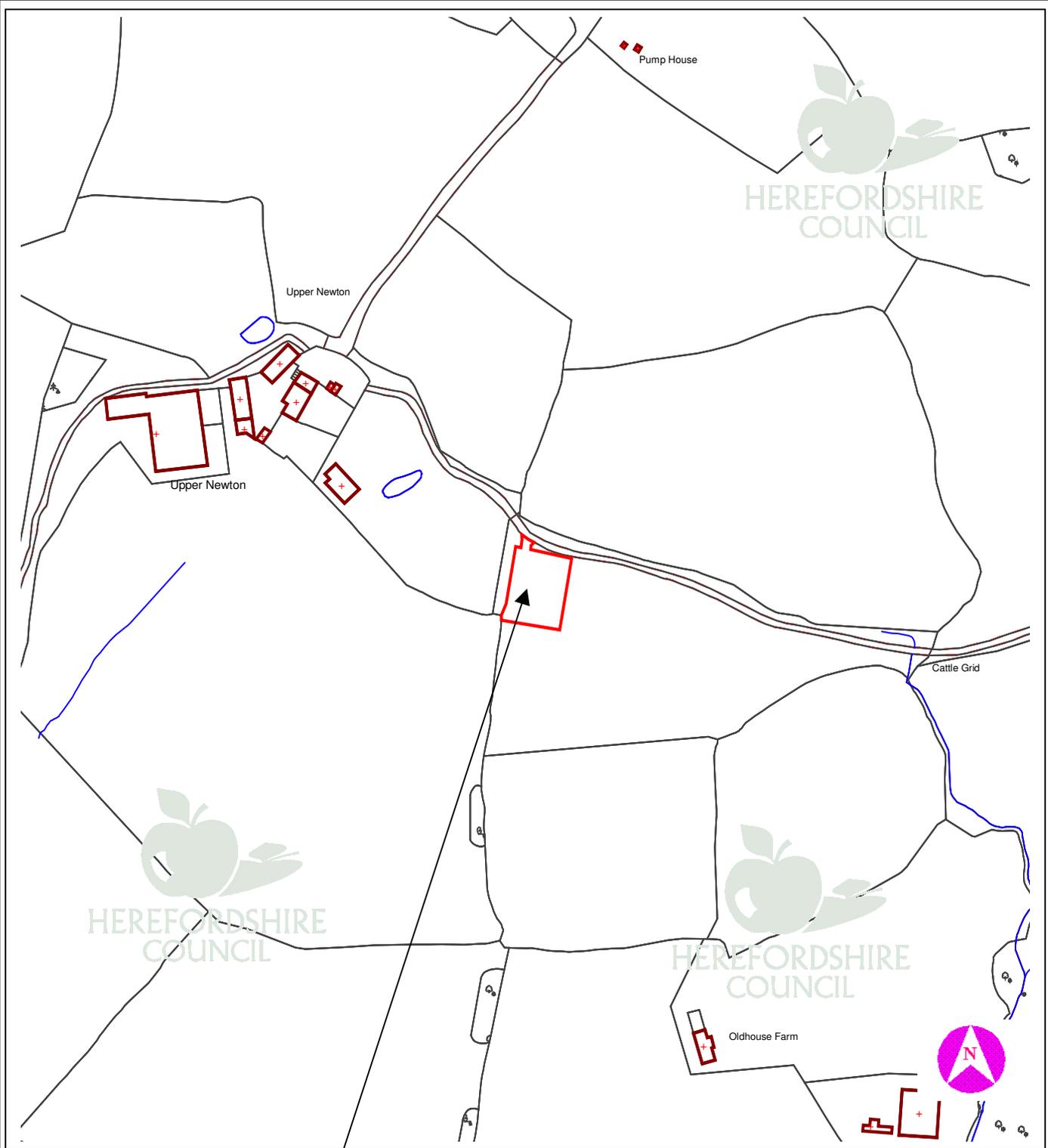
Decision:

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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