

6 DCCE2007/3205/F - CHANGE OF USE OF TWO MOBILE HOMES TO FACILITATE REST ROOM ACCOMMODATION FROM 1ST SEPTEMBER TO 2ND FEBRUARY IN ANY YEAR. LEYS FARM, TARRINGTON, HEREFORDSHIRE, HR1 4EX

For: Mr. I. Musto, per Mr. D.A. Thompson, Agriculture House, Tillington Road, Hereford, HR4 9QJ

Date Received: 15th October, 2007 Ward: Backbury Grid Ref: 61281, 40596

Expiry Date: 10th December, 2007

Local Member: Councillor JE Pemberton

1. Site Description and Proposal

- 1.1 Planning permission is sought for the use of two mobile homes as gamekeeper's rest rooms throughout the duration of the game season. The mobile homes are currently found within an agricultural building at The Leys Farm, Tarrington, 0.5km west of the village. The original farm complex is found immediately to the east, the historic barns having been converted to residential use.
- 1.2 The mobile homes are presently subject to an enforcement notice requiring the cessation of residential use and removal from the building. Also required by the notice is the removal of the foul drainage connection and demolition of a kennel block located in the south east corner of the building. An enforcement appeal has been withdrawn pending the outcome of this application, although the requirements of the notice remain in force.
- 1.3 The residential use of the mobile homes has ceased, although they remain within the barn. It is assumed, in view of the proposed use, that the connection to the mains drainage also remains. The agent promotes this application as an appropriate use of the mobile homes in connection with the sporting rights over the Stoke Edith Estate.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable development
- S2 - Development requirements
- DR2 - Land use and activity
- E13 - Agriculture and forestry development
- RST14 - Static caravans, chalets, camping and touring caravan sites

3. Planning History

- 3.1 EN2007/0117/ZZ - Enforcement notice requiring cessation of residential use of mobile homes, removal from the building of the mobile homes, disconnection to the main drainage and demolition and removal of kennel blocks.

The notice was served on 11th July, 2007 to take effect on 20th August, 2007. An appeal was lodged, but has since been withdrawn. The enforcement notice remains in force.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: No comment.

5. Representations

5.1 Tarrington Parish Council: The Parish Council strongly objects to the application and is concerned that the existing problem on the site might continue. It would be difficult to ensure that the mobile homes would not be used for residential purposes, especially as it is not clear what is meant by rest home accommodation, and the parish council queries whether they would remain empty for the remainder of the year.

5.2 Five letters of objection have been received from occupants of the adjoining Leys Farm barn conversions. The content of the letters can be summarised as follows:

- The caravans have become permanent fixtures and there is no justification for their retention as is evidenced by the requirements of the enforcement notice;
- The existing use of the building, including the kennelled dogs, continues to blight the residential amenity of adjoining properties;
- This application is an attempt to sidestep the original issues and achieve the (alleged) end objective of achieving residential use of the mobile homes.

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

6. Officer's Appraisal

6.1 The application seeks, in effect, the retention of the two existing mobile homes within the barn, for the purposes of providing rest room accommodation for male and female gamekeepers for the duration of the game season: 1st September - 2nd February. The application is slightly unusual in that there is no directly applicable policy. Nonetheless, the key issues in the determination of the application are considered to be:

- The principle of allowing the retention of the mobile homes for the purposes applied for, paying due regard to the previously alleged breaches of planning control and the requirements of the enforcement notice.
- The impact that the retention of the mobile homes for the purposes applied for would have upon the residential amenity of the adjoining dwellings.

Principle of Development

- 6.2 The use of the caravans as rest rooms/offices etc for bona fide agricultural workers would not, in most circumstances, require the benefit of planning permission. Whilst it is recognised that the use of the caravans as gamekeeper's rest rooms does not fall within the definition of agriculture, the proposed use would be incidental to an activity that, by definition, has to take place within the countryside. Hence it is not considered unreasonable that some form of ancillary building or facilities is required in conjunction with the exercising of sporting rights.
- 6.3 In this instance, the intention is to retain two mobile homes for the duration of the sporting season. In landscape terms, the existing location within the building provides a high degree of screening from the public vantage points. The mobile homes are not visible other than from within the building or the concrete apron to the immediate west. None of the letters of representation comment on landscape impact. In this respect the proposal satisfies the landscape related requirements of Policy E13 (Agricultural and Forestry Development). The principle of allowing retention of the mobile homes for the purposes specified in the application is considered acceptable.

Impact upon Residential Amenity

- 6.4 A number of the letters of representation make reference to the continued disturbance caused by the housing of dogs within the building. In this respect, the enforcement notice requires demolition of the kennel block and will be pursued as a separate issue.
- 6.5 In essence therefore the principle concerns of residents do not relate to the current application but rather uses that have been enforced against and irrespective of the recent history of the site the local planning authority is duty bound to consider this application on its merits.
- 6.6 It has already been noted that the retention of the mobile homes has no impact upon the quality or character of the local landscape.
- 6.7 In relation to residential amenity, it is considered that suitable conditions could mitigate potential adverse impacts. The application specifies that the use of the mobile homes would endure for the duration of the game season i.e. 5 months between September and February, and a condition could be imposed to ensure non-use outside those dates. Likewise a condition could be framed to prevent residential occupation of either of the mobile homes, and the fallback position, should this occur, is the continued existence of the enforcement notice.
- 6.8 Subject to the imposition of and compliance with planning conditions, the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The use of the mobile homes identified in positions A and B on the approved plan shall be solely for the purposes described in the application and for no other purpose without the prior written consent of the local planning authority.**

Reason: In the interests of preserving residential amenity and in recognition that no justification presently exists for alternative uses.

- 2. The mobile homes shall not be used between 2nd February and 31st August in any given year.**

Reason: The continued use of the mobile homes is only acceptable for purposes incidental to the game season.

Informatives:

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 2. N19 - Avoidance of doubt.**

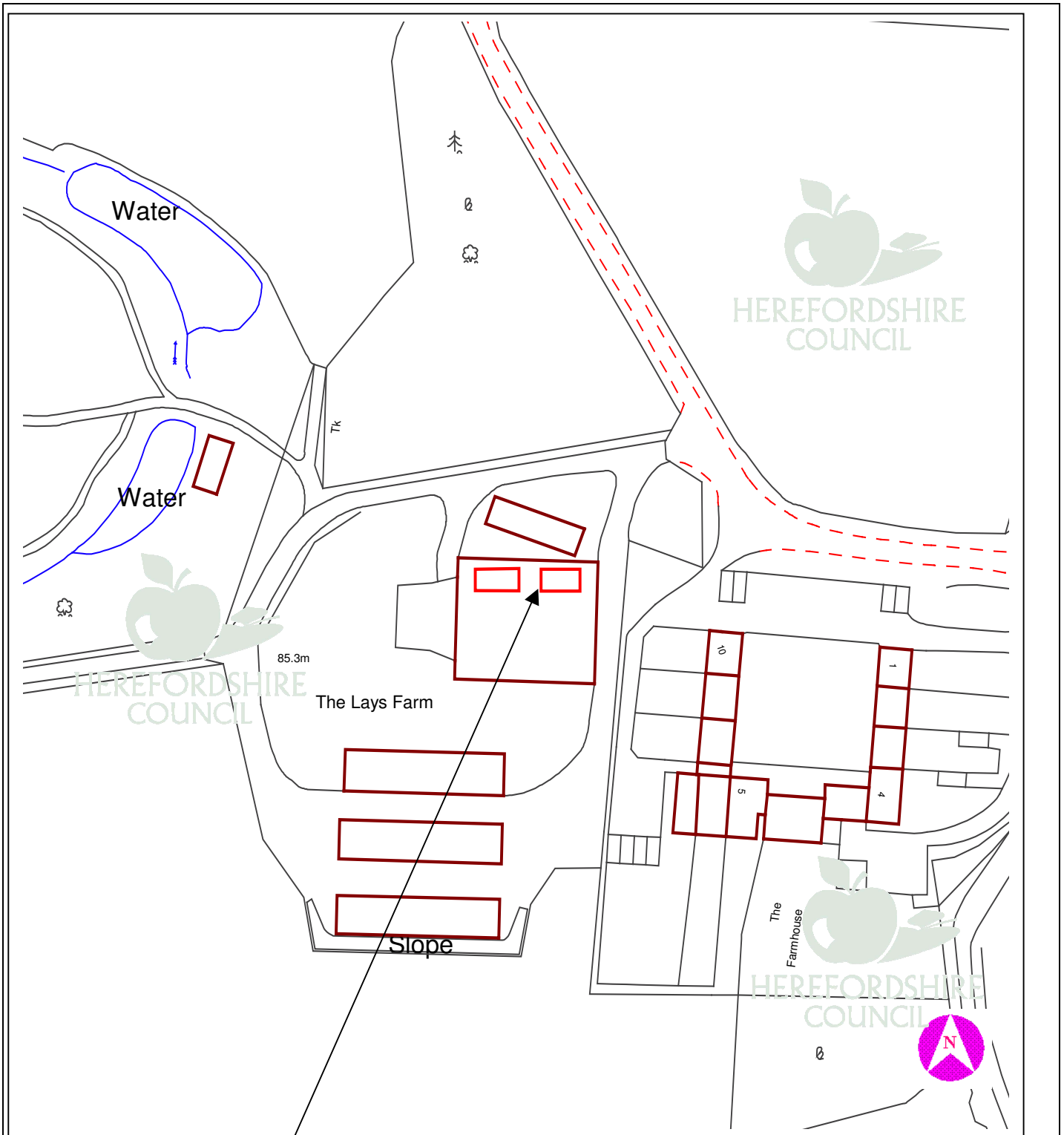
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/3205/F

SCALE : 1 : 1250

SITE ADDRESS : Leys Farm, Tarrington, Hereford, Herefordshire, HR1 4EX

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