

DCSW2007/3515/F - THE ERECTION OF A DETACHED FARM DWELLING WITH GARAGE AND SMALL STORE, UPPER NEWTON FARM, VOWCHURCH, HEREFORD, HR2 0QU**For: Mr M Powell per Mr D Cave, Sychar Cottage, The Downs, Bromyard, Herefordshire, HR7 4NU****Date Received: 9th November 2007 Ward: Golden Valley Grid Ref: 33370, 32910 South****Expiry Date: 4th January 2008**

Local Member: Councillor J. B. Williams

Introduction

An earlier 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. A site visit was carried out before the Planning Committee meeting on 28th September, 2007.

It has been referred to Planning Committee given the previous known support of the Southern Area Planning Sub-Committee.

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.

This application is a re-submission of the earlier planning application, it has though not been presented to the Southern Area Planning Sub-Committee but brought directly to this Committee.

The updated report, following re-submission, is as 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 425 ewes with the intention to increase to 500 plus ewe lambs for replacements and 15 rams.

2. Policies

2.1 Planning Policy Statement

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy H7 - Housing in the Countryside Outside Settlements
Policy H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

3. Planning History

- 3.1 DCSW2007/2010/F Erection of a farm dwelling with double garage - Refused 28.09.07

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.
- 4.3 The Council's Property Services Manager's observations are awaited.

5. Representations

- 5.1 Newton Parish Council 'strongly support the application'.
- 5.2 In a covering letter the applicant's agent states that:
 - new application following refusal by Planning Committee on 28th September, 2007
 - amended agricultural appraisal and design and access statement and 9 letters of support
 - included second store room with garage, smallest bedroom (no. 4) is now shown as a box room (gross floor area is the same)
 - applicant willing to accept normal agricultural occupancy condition upon house proposed.

5.3 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 (at 10th March 2008) is 21,578. The appraisal stated a need for second dwelling to meet requirements of security, supervision and comply with animal health and welfare standards.
- Modest 3 bedroom house would cost 168,000 to build. Funding new house, without affecting viability of farm business from Mark's Kentchurch house.

5.4 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: 425 ewes, intends to expand it further, ie. 425 to 500 ewes, plus ewe lamb replacements and 15 rams
- 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 2 labour units
- 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
- barns not redundant, cost of conversion 349,000, 181,000 above cost of new dwelling
- interest costs will be 12,654 a year, more than that for a new dwelling, as proposed.

- 5.5 9 letters of support accompanied the application from the CLA, R G & R B Williams (Chartered Surveyors), and National Sheep Association. 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
 - assists local food production: reduces food miles, need for more vigilance with disease control
 - if cost of converting building, creating a problem for other working buildings - then it should not be a consideration.

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 This new application is updated from that originally presented to the Southern Area Planning Sub-Committee and Planning Committee. Additional and revised information relating to current stocking levels which have increased, increased labour requirement and updated financial appraisal (notwithstanding that the accounts are not audited ones) have been received. There is also an additional supporting letter from the National Sheep Association. The appraisal submitted by both the agent and agricultural advisor also contends the feasibility of utilising one of the working stone barns primarily on financial grounds.
- 6.2 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).
- 6.3 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 now estimated to be 2 which equates to the equivalent of two key workers. Therefore the application would appear to satisfy this fundamental benchmark. However, 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.

- 6.4 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 advised previously that on the evidence available the enterprise does not generate sufficient income for two key agricultural workers wages. This is still contended to be the case. Therefore, the enterprise is not viable as determined by the criteria set out in PPS.7 and UDP Policy for agricultural workers dwellings. This is notwithstanding the updated financial accounts. 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.
- 6.5 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. It is stated that the costs of conversion would be higher for a new dwelling which is acknowledged for greenfield development, however this does not outweigh the need for suitable alternative buildings to be considered as required by Policy H8 in the Unitary Development Plan.
- 6.6 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. This is a matter that was addressed by the Planning Committee, and therefore does not provide an additional reason for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. Having regard to Policies H7 and H8 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 PPS7 that seeks to protect the countryside for its own sake from unwarranted development.**

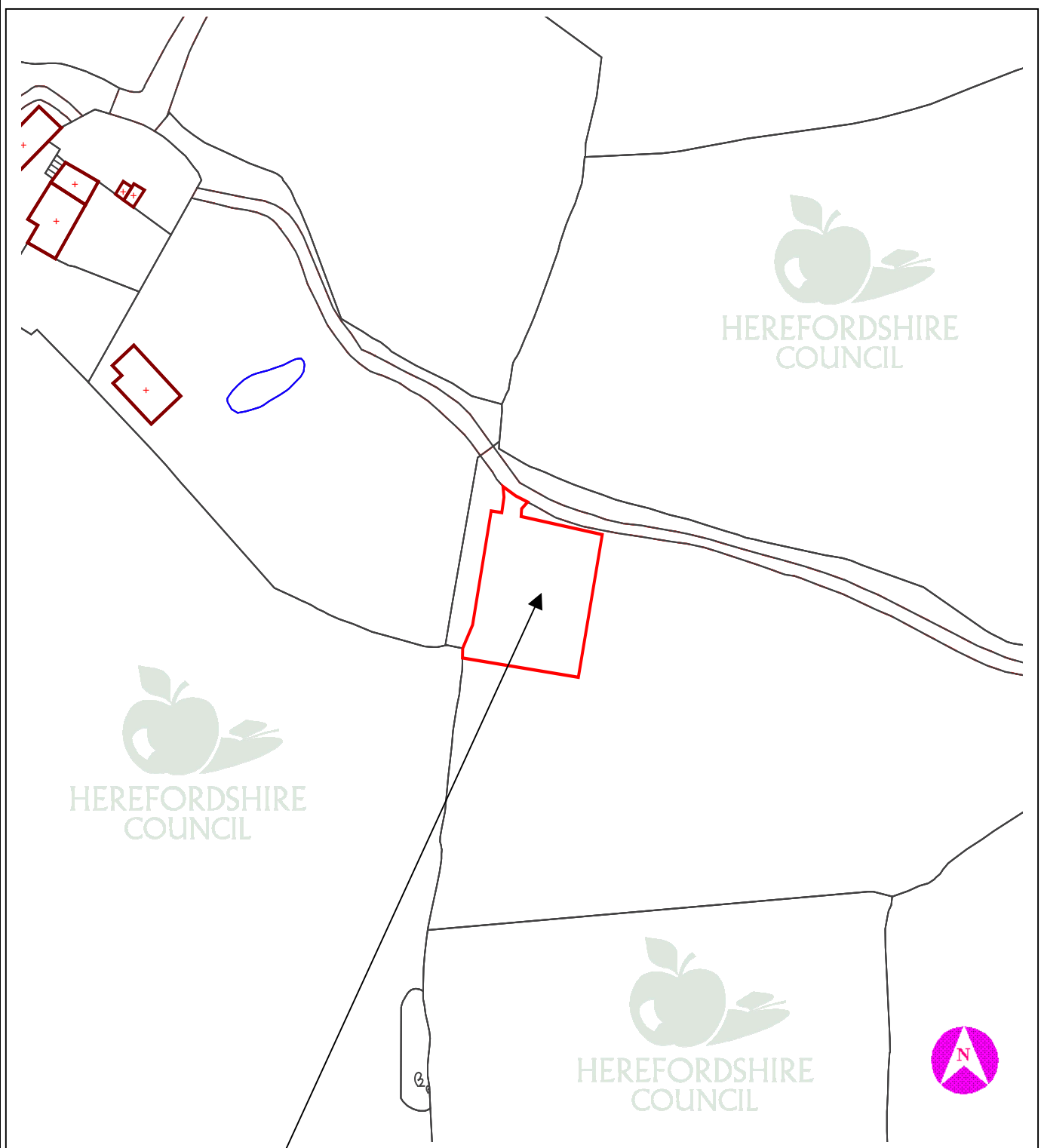
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW/2007/3515/F

SCALE : 1 : 1250

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

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