

**7 DCSE2008/0791/F - 1/ BARN A USE OF PERMITTED BARN TO HOUSE EXTENSIVELY FARMED LIVESTOCK ON PERIODIC BASIS. 2/ BARN B PART USE OF PERMITTED BARN FOR USE AS A STABLE. 3/ DRAINAGE PROVISION OF A GREY WATER SOAKAWAY TO SERVE EXISTING OFFICE. (RETROSPECTIVE APPLICATION) TAN HOUSE FARM, LITTLE PUCKMOOR, UPTON BISHOP, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UP.**

**For: Miss M Rigby, Tan House Farm, Little Puckmoor, Upton Bishop, Ross on Wye, Herefordshire HR9 7UP.**

**Date Received: 25 March 2008**

**Ward: Old Gore**

**Grid Ref: 66302, 26956**

**Expiry Date: 20 May 2008**

Local Member: Councillor BA Durkin

## **1. Site Description and Proposal**

- 1.1 The site comprises 10 hectares of agricultural land, 2 agricultural buildings and mobile home located to the south of the U7000 within the parish of Upton Bishop. The land is within the open countryside with three residential properties bordering the site, Tan House Farmhouse to the west, The Bungalow to the north and Woodgate House to the east. The site is fairly well screened by mature hedgerows and trees.
- 1.2 The two agricultural buildings were considered under the Town and Country Planning (General Permitted Development) Order 1995 to determine whether or not prior approval was required for their erection. The decision was that the external appearance and siting were acceptable and prior approval was not required given their use for farm storage.
- 1.3 Following an investigation by the Enforcement Officer it became apparent that one of the barns was being used to accommodate livestock and the second was being used as a stable. In addition engineering work had been undertaken to provide a grey water soakaway to the buildings and a caravan. The caravan is used as a farm office and for shelter and does not require the benefit of planning permission. This application seeks to regularise the use of barn (a) for accommodating livestock, barn (b) for part use as a stable and the provision of the grey water soakaway.

## **2. Policies**

### **2.1 Planning Policy Statements**

- |      |   |  |
|------|---|--|
| PPS1 | - | Delivering Sustainable Development     |
| PPS7 | - | Sustainable Development in Rural Areas |

**2.2 Herefordshire Unitary Development Plan**

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy DR13	-	Noise
Policy E13	-	Agriculture and Forestry

**3. Planning History**

3.1	DCSE2007/2473/S	Erection of two agricultural buildings for storage purposes.	-	Prior Approval Not Required 3.9.07
	DCSE2008/0870/F	Agricultural Worker's Dwelling	-	Withdrawn 16.5.08

**4. Consultation Summary**Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager has no objection.

**5. Representations**

5.1 Upton Bishop Parish Council object to the proposal and provide the following comments:

The barns were required for fodder and storage and not for animals. There is no reason or explanation given for the change of use, just that it became 'imperative'. The PC cannot understand why it is now 'imperative' as no change has taken place in the circumstances created by the sale of Tan House Farm. In the total absence of any planning applications by Miss Rigby prior to or immediately upon the sale of the farm, it is fair to assume that the decision had been made that the livestock would not need housing. That livestock went into the barns very soon after their erection suggests that the requirement to apply for planning permission was being avoided. It is the case that this retrospective application has only been received as a result of action taken by Herefordshire Council. Furthermore, the PC considers that this is a creeping development and will form part of a sequence of events which would lead to unacceptable development within the parish.

The soakaway implies a permanency to the development and is therefore objected to by the PC. It is understood that the grey water also involves basin waste from the office, not just run off from the caravan. The PC would be interested to understand what currently happens with any human waste accumulated during a days work within the farm office.

Upton Bishop Parish Council feels that this is an attempt to get planning permission for buildings in an open field which would never had been allowed if the applicant had not sold Tan House Farm and the associated outbuildings.

- 5.2 3 letters of objection have been received from Mr and Mrs A Nicholson, Woodgate House, Upton Bishop, Ross-on-Wye, HR9 7UP, GD Ruscoe, Tedgewood Cottage, Upton Bishop, Ross-on-Wye, HR9 7UR, MA Geffert, The Tanhouse, Tanhouse Lane, Upton Bishop, Ross-on-Wye citing, in summary, the following reasons:
- Landholding comprised of shetland cattle and sheep - extremely hardy and self sufficient - mobile field shelter already on site - stock are more than fully catered for without the need for change of use of the building
  - Once beautiful parcel of land has been desecrated
  - Area is rural in character, structures would detract from the openness and attractiveness of the area
  - Drainage system should be refused on grounds of lack of 'need'
- 5.3 1 letter of support has been received from Mrs J Comerford, Tedgewood Farm, Upton Bishop, Ross-on-Wye, HR9 7UR stating that all items applied for are part of ordinary activities connected with farming and rural life.
- 5.4 The applicant has responded to the representations and has provided the following comments:
- Buildings are in place and were permitted development not requiring a planning submission. The fact that the nature of the use has changed does not automatically mean such uses are unacceptable in planning terms.
  - The use of barn (a) for periodic housing of livestock is requested for animal welfare reasons
  - This is a working farm where such agricultural structures are hardly out of character
  - Any environmental health implications can be dealt with under separate legislation - a successful visit from environmental health has been undertaken
  - Drainage is necessary and an integral part of the proposals related to the effective running of the farm
  - Non of the structures are harmful visually

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 The main issues for consideration of the application is the use of building (a) to accommodate livestock and building (b) to provide stabling and the resultant impact on the amenity of neighbouring dwellings and the 'need' for the retention of the grey water soakaway.
- 6.2 The principle of the erection of the buildings has been established. The design and siting was considered acceptable during an earlier agricultural prior notification procedure. Their initial use was for storage purposes and this was the basis of prior approval not being required. Planning permission for the use of barn (a) to house livestock is now required because of the proximity of the structures to 'protected buildings', in this instance 3 dwellings within approximately 150 metres of the barn. Planning permission for the use of barn (b) for stabling is required because the keeping of horses does not fall within the definition of agriculture.
- 6.3 Policy E13 permits the erection of agricultural buildings provided that adverse impacts on residential amenity and the environment are avoided. The buildings are located

within the northwest corner of the application site, adjacent to the existing access. They are located approximately 150m from the nearest dwellings. They are open fronted but orientated inwards, away from the adjacent residential dwellings. The boundaries of the site are well screened with existing hedgerows and trees. A condition can be imposed to ensure that all landscaping to the boundaries of the site is retained. The applicant does not farm intensively.

6.4 It is considered that owing to the orientation of the buildings, the distance from neighbouring dwellings and the existing landscaping on site the use of the buildings does not result in an adverse impact on the amenity of neighbouring dwellings.

6.5 The greywater soakaway provides drainage from a caravan on site. The caravan is used as a site office and a place to take shelter during the day. The soakaway is required to facilitate the use of the caravan. There is no landscape impact from the soakaway.

**RECOMMENDATION**

**That planning permission be granted subject to the following condition:**

**1 G02 (Retention of trees and hedgerows)**

**Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan**

**INFORMATIVES:**

**1 N19 - Avoidance of doubt - Approved Plans**

**2 N15 - Reason(s) for the Grant of Planning Permission**

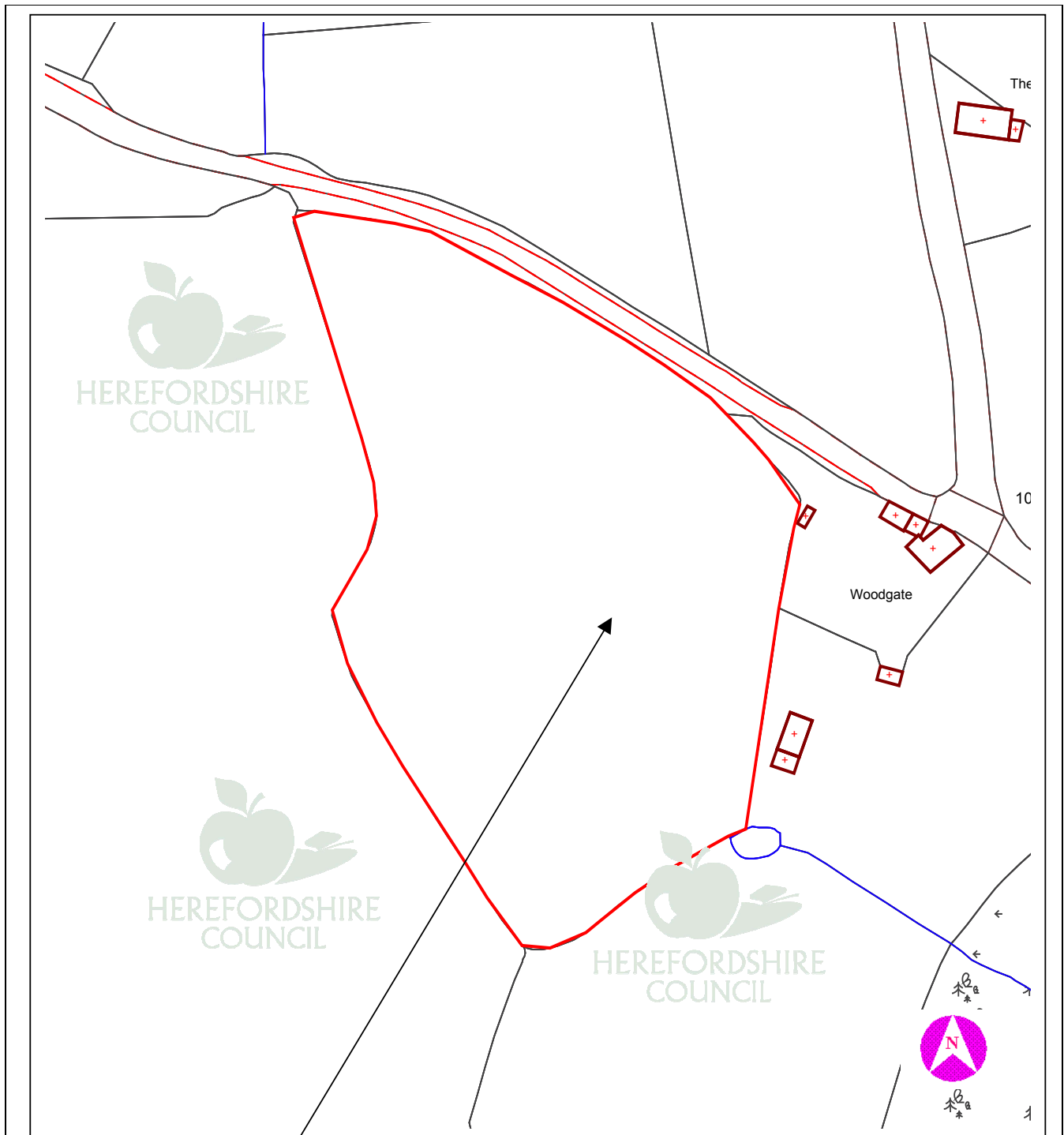
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCSE2008/0791/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Tan House Farm, Upton Bishop, Ross-on-Wye, Herefordshire, HR9 7UP

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005