

**DCNW2008/1368/F - PROPOSED AGRICULTURAL
WORKER'S DWELLING AND GARDEN AT LOWER
WOONTON GRANGE, WOONTON, ALMELEY,
HEREFORD, HEREFORDSHIRE, HR3 6PX**

**For: Mr J. Mills per McCartneys, 54 High Street,
Kington, Herefordshire HR5 3BJ**

Date Received: 21st May 2008

Ward: Castle

Grid Ref: 35846, 51865

Expiry Date: 16th July 2008

Local Member: Councillor J Hope MBE

Introduction

The above-mentioned application was presented to the Northern Area Planning Sub-Committee on Wednesday, 2 July 2008, at which members were minded contrary to the recommendation of the report, to approve the application subject to conditions and agreements considered as necessary by officers.

The following report has been revised from that as presented to the Northern Area Sub-Committee to include Almeley Parish Council's response to the application (this was verbally reported at the Northern Area Committee Meeting), as well as additional information received since the meeting from the County Land Agents and hence the officer's appraisal amended accordingly.

1. Site Description and Proposal

- 1.1 The site is located adjacent to a modern steel-framed agricultural building (also in the applicant's control) on the South side of the A480, just to the left of the Public House.
- 1.2 Presently on the site of the proposed development is a mobile home that was granted planning permission on 23 February 2005, for the temporary housing of an agricultural worker.
- 1.3 The application proposes a two-storey agricultural worker's dwelling, with an internal floor space of approximately 125 square metres (measured externally) constructed externally of reclaimed brick under a clay tiled roof.
- 1.4 The application is accompanied by an agricultural appraisal assessing the need for a dwelling on site, as well as copies of the applicant's financial accounts for the years ending 28 February 2006 and 28 February 2007.

2. Policies

2.1 National Planning Guidance

PPS7 - Sustainable Development in Rural Areas

2.1 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

3. Planning History

3.1	NW2001/3362/F	Proposed agricultural building to store animal feed and bedding.	-	Approved 13.3.02
3.2	NW2004/3221/F	Site for temporary mobile home.	-	Approved 23.2.05
3.3	NW07/2501/O	Site for erection of permanent agricultural workers dwelling and garden.	-	Refused 03.10.07
3.4	NW07/3261/O	Site for agricultural workers dwelling	-	Refused 20.11.07
3.5	NW08/0454/F	Retention of temporary mobile home to house agricultural worker.	-	Refused 28.03.08

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Transportation Manager recommends refusal due to insufficient visibility splays on the entrance to the site from the adjacent public highway.

4.3 The County Land Agent has responded to the application with concerns about the financial justification for a second dwelling on the holding and the ability of the business to absorb the cost of a dwelling. The applicant (Mr J Mills) is presently in New Zealand (9th July 2008), where he scans ewes. It is my understanding that this is a large proportion of his scanning work. He also does scanning in England and Wales.

5. Representations

5.1 Almeley Parish Council in their response to the application have stated:

“The overall view was that this application should be approved, subject to clarification on whether the applicant can satisfy the Councils requirements and prove that the agricultural side of the business is profitable, viable and sustainable. The size of the building was questioned; the plan states that the floor area will not exceed 130 square

metres plus farm office and store to be included not to exceed 18 square metres, a total of 14 square metres. In the typed proposal (Design and Access Statement) it is stated that the dwelling will be 120 square metres. Clarification on this is essential, 120 square metres for the dwelling would be acceptable, but not larger than that for the stated purpose.”

- 5.2 Three letters in support of the application have been received. One from the Kington NFU Branch Secretary stating that it is encouraging to see a Kington farmer developing his business with a desire to invest in the future. A second letter has been received from Mr. D.J. Morgan, Herefordshire N.F.U. County Chairman, this letter stating that there is a need for someone to be on site with regards to welfare of livestock. The third letter is from Mr G E L Platt of Hay Veterinary Group, stating it is necessary for someone to live on site due to animal health welfare issues.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The application was presented to the Northern Area Sub-Committee at the Local Members request so that members could assess the 'need' for a dwelling on site.
- 6.2 The two key issues with regards to this application relate to:
- Justification for a dwelling on site.
 - Financial ability of the existing business to absorb the cost of a second dwelling.
- 6.3 Paragraph 3.4.67 in support of Policy H8 : Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses in the Herefordshire Unitary Development Plan clearly states “one of the exceptional circumstances in which residential development in the open countryside may be acceptable, is where the demands of agriculture or forestry make it essential for farm or forestry workers to live at or in close proximity to their place of work”.
- 6.4 Planning Policy Statement 7 (PPS7) : Sustainable Development in Rural Areas in Annexe A: Agricultural, forestry and other occupational dwellings states that permanent agricultural dwellings, should only be allowed to support existing agricultural activities on well-established agricultural units, providing there is a clearly established existing functional need, the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement and that the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.
- 6.5 Planning permission was granted on 23 February 2005, for a temporary mobile home on site, in order to allow the application sufficient time to prove an essential need for a permanent dwelling on site. Condition no. 1 attached to the approval notice stated that permission shall expire on 23 February 2008. The reason attached to this said condition states *“To enable the local planning authority to give further consideration of the acceptability of the proposed use once the temporary period has expired.*
- 6.6 The applicant submitted an agricultural appraisal in support of his application, this states the applicant farms a holding known as Lower Woonton Farm, Almeley, this

consists of a 91-acre holding which also contains a dwelling, this is where the applicant resides.

- 6.7 The land at which the application site, subject to this application is located at, is approx 2 miles from the main holding, and amounts to approximately 84 acres of land. Adjacent to the application site on this parcel of land is a modern steel-framed agricultural building used for the over-wintering of beef cattle.
- 6.8 Officers are of the opinion that the management system of these cattle ie over-wintering does not require an essential need for a permanent dwelling on site as they can be easily managed from the main holding known as Lower Woonton Farm, where there is located a comprehensive range of agricultural buildings.

Financial ability of the existing business to absorb the cost of a second dwelling

- 6.9 PPS7 in Annexe A: Agricultural, Forestry and other Occupational Dwellings in paragraph 8 clearly states that new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable and that a financial test is necessary for this purpose and to provide evidence of the size of dwelling which the unit can sustain and that in applying this test, local authorities should take a realistic approach to the level of probability, taking account of the nature of the enterprise concerned.
- 6.10 The applicant has submitted financial accounts in respect of his business, which trades as "Wye Valley Shepherding Services". These accounts indicate that a significant amount of income (approximately 50%) is earned from "scanning and contract", clearly income earned off the farm premises. This is as referred to in paragraph 4.3 of this report on advice received from the County Land Agent. Without this income the business would not be profitable. However with this income included in the business overall, the profit generated is below that required in order to justify two full-time agricultural workers within the business. Therefore the application fails the test as set out in PPS7 on the financial test.
- 6.11 Almeley Parish Council supported the application on the understanding that the business is profitable, viable and sustainable. Clearly, the business conducted on site is not sustainable, relying heavily on income generated off site. The accounts submitted in support of the application clearly stating approximately 50% of the income is earned 'off site'. Without this income the business would be unable to sustain one full-time worker on site, as referred to in the preceding paragraph, even with this income included the business still does not generate enough income to justify two full-time workers on site. Therefore, in officer's opinion the business conducted on site is neither profitable, viable or sustainable in order to sustain two full-time employees on site as referred to in the Parish Council's response to the application.
- 6.12 In response to Almeley Parish Council's concerns about the overall size of the proposed dwelling, the plans submitted for planning determination indicate a dwelling with a floor space of 120 square metres (measured externally). These are the measurements (on the submitted plans) that would be referred to in the event of the application being approved.
- 6.13 The Transportation Manager has recommended refusal to the application, due to insufficient visibility splays on the entrance to the site from the adjacent public highway.

6.14 This application cannot be supported as insufficient essential and functional need has been demonstrated in order to allow a permanent dwelling at this location. Furthermore the application clearly fails the financial test as set out in PPS7. The site also contains insufficient visibility splays on entrance/exit to the adjacent public highway.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 No essential need has been proven to house an agricultural worker at this specific location. Insufficient financial justification has been provided to indicate that the enterprise has been planned on a sound financial basis. therefore the application fails to comply with Policies S1 and H8 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7 : Sustainable Development in Rural Areas.**

- 2 The site lacks sufficient visibility splays on its entrance from the public highway. Therefore the proposal does not comply with Policy DR3 of the Herefordshire Unitary Development Plan 2007.**

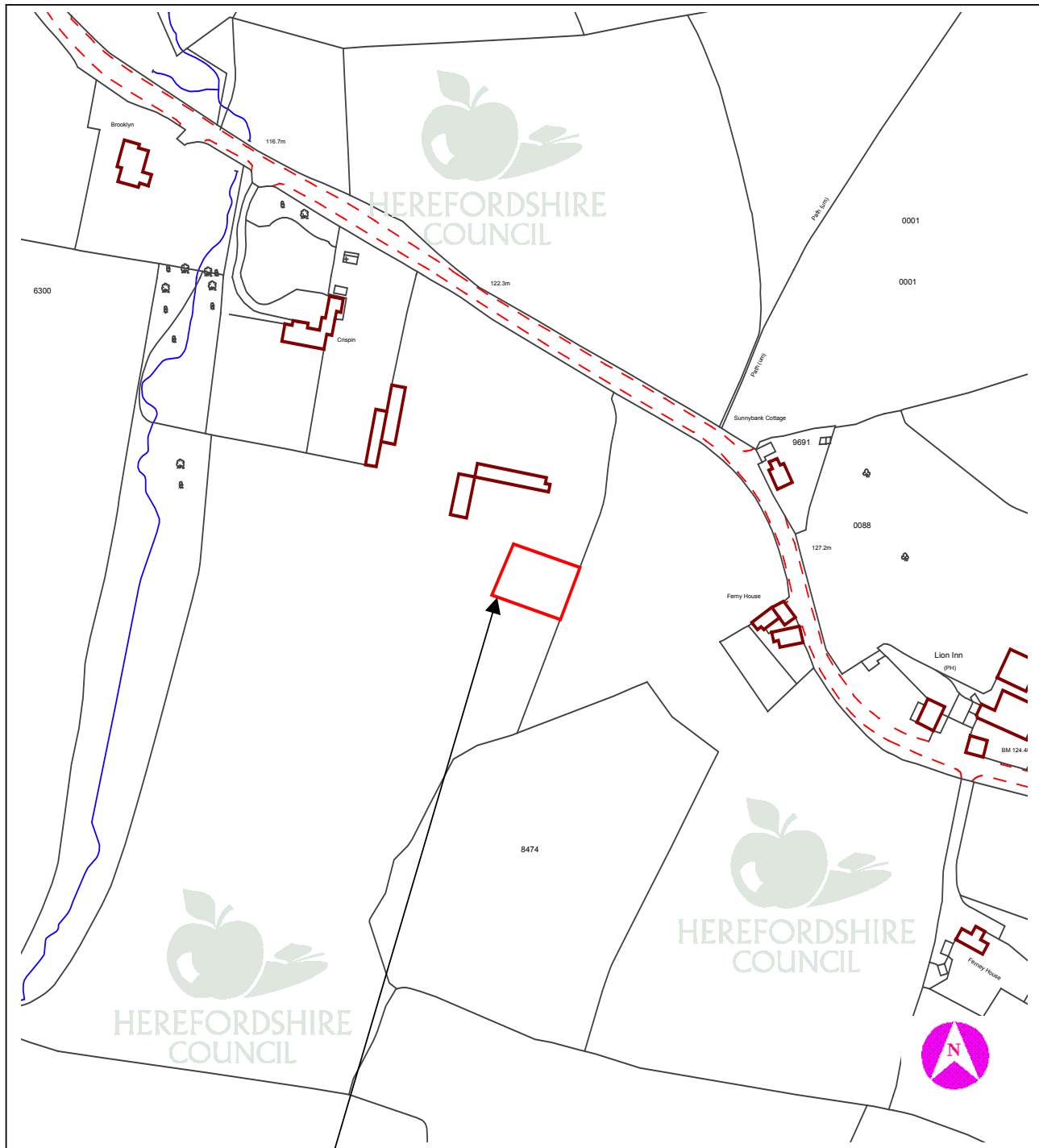
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/1368/F

SCALE : 1 : 2500

SITE ADDRESS : Lower Wootton Grange, Wootton, Almeley, Hereford, Herefordshire, HR3 6PX

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