

**7 DCSE2008/2835/RM - DWELLING FOR STUD WORKERS AT EQUINE CENTRE O.S. MAP REF SO653321, NR BODENHAM FARM, MUCH MARCLE, HEREFORDSHIRE.**

**For: Colin Goldsworthy MCIAT MaPS, 85 St Owens Street, Hereford, Herefordshire, HR1 2JW.**

**Date Received: 18 November 2008      Ward: Old Gore      Grid Ref: 65217, 32041**

**Expiry Date: 13 January 2009**

Local Member: Councillor BA Durkin

**1. Site Description and Proposal**

- 1.1 The Singing Stud occupies about 8ha of land between the A449 and the unclassified road between Lyne Down and Old Pike to the north of Bodenham Farm, a Grade II Listed building. There is access off the unclassified road to the stud farm. Public footpath MM2A is to the north of the site of the proposed dwelling.
- 1.2 This application is for the approval of reserved matters following the appeal decision that established the principle of a dwelling in connection with the stud farm under reference DCSE2005/3806/O.
- 1.3 It is proposed to locate the dwelling on the southeast side of the yard and foaling boxes adjacent to a vertical wooden boarded fence that defines the boundary between The Singing Stud and Bodenham Farm. The site of the dwelling falls gently from boundary fence towards adjoining fields/paddocks that is to the east of the site. The slab level of the dwelling is shown to be set at 88.200 AOD. There is a wooded area adjacent to the boundary fence.
- 1.4 The dwelling will accommodate an office, living room, dining/meeting room, kitchen, utility/drying room, shower, WC on the ground floor with 3 bedrooms and en-suite bathrooms at first floor. A stand-alone double garage is proposed between the dwelling and the yard. The dwelling will be accessed off the existing access track that exits onto unclassified 70006 which leads from Lyne Down to Old Pike.

**2. Policies**

2.1 Planning Policy Statements

PPS1 Delivering Sustainable Development  
PPS7 Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

S1 Sustainable development  
S2 Development requirements  
DR1 Design

H7 Housing in the countryside outside settlements  
H8 Agricultural and forestry dwellings and dwellings associated with rural businesses  
H13 Sustainable residential design

**3. Planning History**

- 3.1 DCSE2005/0795/F Continuation of use as an equine stud. Approved 15.7.2005
- 3.2 DCSE2005/1015/F Continuation of a use as equine stud farm, training area, hay barn, winter barn, stables including grooms flat. Refused 30.6.2005
- 3.3 DCSE2005/3770/F Fenced training ring at equine centre. Refused 16.1.2006. Appeal allowed 5.6.2006
- 3.4 DCSE2005/3806/O Dwelling for stud farm worker at equine centre. Refused 20.6.2007. Appeal allowed 4.2.2008
- 3.5 DCSE2006/1486/F Retention of two field shelters. Refused 17.5.2006
- 3.6 DCSE2006/1495/F Retention of foaling boxes and one infill stable. Refused 20.6.2007. Appeal allowed 4.2.2008
- 3.7 DCSE2007/0704/F retrospective application for blockwork skin to existing stable. Refused 20.6.2007. Appeal allowed 4.2.2008
- 3.8 DCSE2007/0705/F retention of lean-to building for storage purposes. Refused 20.6.2007. Appeal allowed 4.2.2008
- 3.9 DCSE2008/1195/F Variation of condition. Approved 24.6.2008
- 3.10 DCSE2008/2037/RM Dwelling for stud worker. Withdrawn
- 3.11 DCSE2008/2427/F Retention of 2 field shelters with new external cladding. Approved 10.12.2008

**4. Consultation Summary**

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required

Internal Council Advice

- 4.2 The Traffic Manager - No objection.
- 4.3 Public Rights of Way Officer - No objection.

**5. Representations**

- 5.1 A Design and Access Statement has been submitted

Existing site:

The existing, gently sloping site is currently part of the field adjacent to The Singing Stud stable yard, within an area approved under DCSE2005/3806/O;

Proposed use:

The proposal is for self-contained accommodation, including a garage, garden space, dedicated office for the running of the stud farm and clientele;

Amount of development:

The proposed building sits within the identified site. It has 3-bedrooms each with en-suite facilities and communal living space with adequate storage and utility areas; The building is designed to provide adequate storage and utility areas to service the needs of the occupants;

Design and appearance:

The building is cut into the slope of the site, with the detached garage at the highest level. This cut and fill method will reduce the amount of earth works and allows the building to nestle into the contours;

The garage and the proposed accommodation/office will be rendered blockwork. The house will have timber board cladding at first floor only. Blue/black natural slates are proposed for the roof;

A rainwater harvesting system will be incorporated into the design;

The entrance to the dwelling is deliberately screened from the drive to direct visitors towards the office;

Landscaping

Paving around the building will be constructed using pervious brick pavers;

Landscaping will be divided into the public and private sections;

Fencing will match existing;

The track from the existing yard to the new gate will be a gravel drive;

Access:

The proposal will be accessed off the yard; and

The new drive will follow the slope of the field but will level off to provide a level approach from the proposed parking spaces.

5.2 Much Marcle Parish Council - "Dwelling too large, outside planning area. Should have restriction for stud worker dwelling only - agricultural tie if consent given."

5.3 Objections have been received from:

B Morgan, Bodenham Farm, Much Marcle, Ledbury, HR8 2NJ

N Pope, Avenue Cottage, Much Marcle, Ledbury, HR8 2NU

- The appeal was granted for a single dwelling for a stud worker (singular). This application is for, quote, "stud workers", each with their own en-suite accommodation. The Access Statement refers to "the convenience for the grooms (PLURAL) and decrease the disturbance during foaling". This is not a

single dwelling for a stud worker but hostel accommodation with office facilities attached;

- The Property Services Manager in a report to the Southern Area Planning Sub-Committee on 29th May '07 stated, "In my opinion there is a need for some form of accommodation that will be suitable for an experienced stud groom (SINGULAR) to occupy" (para. 4.4);
- In the same report the planning officer, Mr S Holder, wrote, "Careful siting, excavation of the sloping land and design probably a bungalow would minimise the harm". (para. 6.2.);
- Southern Area Planning Sub-Committee on 20th June '07 rejected the application for "probably a bungalow" on the grounds that it "would be erected in a prominent location and would thereby harm the landscape character of this attractive rural area, in conflict with policies H8, LA2, LA4, S1, S7 & DR1";
- Mr Holder's Statement of Case to the planning inspector on 26th November '07 (para. 2.9) refers to "This outline application relates to the erection of a stud farm workers bungalow on land within the stud farm." Please note that the above refers to a single occupancy bungalow;
- It would follow that what was in the mind of the appeal inspector was a small, single person or small family bungalow in keeping with its surroundings - "I shall impose conditions limiting occupation of the dwelling as planning permission is only granted as an exception to development plan policies";
- It therefore follows that it could amount to an abuse of authority for either an officer of the council or a planning committee to allow what has now been proposed by the applicant. Something that exceeds all reasonable relation to what was allowed on appeal;
- "Dwelling for stud worker at equine centre" (description from application title), which presumably may include their immediate family, does not include the building of "professionally staffed" offices and a meeting room;
- This proposal is not just for a dwelling for an equine worker. It has areas "divided into public and private sections", and an office and meeting room. How does this fit as being living accommodation for a stud worker?
- Design & Appearance states that the building will be cut into the slope, but it would appear that no elevations show any such work to be carried out.
- The development is too large and too high for the original purpose that was proposed, i.e. dwelling for farm worker;
- The style of building is not compatible with any of the local buildings, having more of a commercial look than a farm worker's dwelling.
- The application is faulty in that it has omitted to supply the listing information about Bodenham farmhouse, situated close to and overlooked by this development;
- There are footpaths (MM2A & MM11) that run just to the north and west of the site. Post and rail fencing will enable the house to be seen by all using either of the paths. To quote the planning officer's submission to the Southern Area Planning committee on 29th May '07 "It would be visible from the A449 by Bodenham Farm even if single-storeyed and as the land to the north and north-west is fairly level and open, widely visible from that direction. Furthermore, footpaths from the four points of the compass converge just to the north-west of the application site allowing public views of the site from close at hand.";
- The proposed two-storey building will be able to be seen from the A449, not only as one travels south from the Much Marcle post office direction, but also from the main road south east of the site;
- It will form a skyline development for those exiting the conservation area of Homme House;

- This development with a total footprint of over 200 square metres, including the 36 square metre garage, is certainly the largest new building to be built within Much Marcle in the last twenty years. Hardly the perceived residence of a tied occupancy;
- There is a theory that this residence, in a prime location with views of the Malvern Hills, if built, will ultimately become available for sale, or be the abode of one or both of the owners. The apparent over generous accommodation for a staff member would seem to give weight to this theory.
- Amount of development - "being built to serve an equine farm it is expected to be of a standard that reflects the image of such establishments". The remainder of this make-do hotchpotch of buildings grandly called a stud does not give credence to this statement;
- Professional advice that I have taken estimates, purely on the size of the footprint, that new build costs for such a building would conservatively be in the region of 0.9 million. How can this amount be justified for a stud, according to their website, that this year had only seven mares covered and where only seven mares have been covered for next year.

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 principle of a dwelling in connection with the stud farm on this site was approved on appeal, DCSE2005/3806/O refers. This application is for the approval of reserved matters - appearance, landscaping, layout and scale - following the outline planning permission. Given the outline planning permission has established the principle of a dwelling on this site the determining factors in the application relate to the scale and form of the proposal and how it meets the functional requirement of the enterprise and landscape impact.
- 6.2 While, the appeal decision established the functional need of a dwelling, policy H8 which deals with agricultural and forestry dwellings and dwellings associated with rural businesses requires:
- Make use wherever possible of existing buildings in preference to new development;
  - Be carefully sited within the unit or in relation to other dwellings;
  - Be of a scale and design which is appropriate to its surroundings; and
  - Be of a size commensurate with the established functional requirement.
- 6.3 This application proposes a square form dwelling with single-storey wing that will accommodate living room and office and reception, and a stand-alone double garage. The dwelling, excluding the garage, will have a floor area of 208m<sup>2</sup>. Policy H8 requires the dwelling to be commensurate with the established functional requirements of the enterprise, and in allowing the appeal, the Inspector acknowledged the need for someone to be readily available at most times representing a functional need. The Inspector also said that based on the number of stabled horses of the business a labour requirement of up to 6 full time workers existed. There are currently 2 full-time workers and 3 part-time members of staff. The proposed dwelling has been designed to accommodate either 3 workers living as a single household or a single worker with family as a family home. It is stressed that in planning terms there is no land use distinction made between such living

arrangements with both being regarded as a dwellinghouse under the terms of the Town and Country Planning Use Classes (Amendment) Order 2005. Given the Inspectors acceptance of functional need for up to 6 full-time workers it is considered the proposed dwelling is of a size that meets the functional requirements of the business and offers a degree of flexibility in meeting this need.

- 6.4 In the matter of landscape impact the Inspector acknowledged “the stud farm is located in an elevated position to the west of the Ross to Ledbury road (A449). The land to the north of the road is open with few trees but the site is bordered by a high close-boarded fence. Whilst siting and design are matters reserved for subsequent approval, I do not consider that the dwelling would be readily visible from the road, though glimpsed views may be possible. Several public footpaths pass near to the site, including one which passes through the yard. However, I am satisfied that an appropriately sited scheme on this site could be designed to fit in with its surroundings and not appear unduly prominent in the landscape.”
- 6.5 The square form of the dwelling and use of materials are considered appropriate to this rural location. While, it is acknowledged the dwelling will be visible from the A449 it is considered the proposal when seen against the backdrop of adjoining trees will assimilate the proposal into the landscape so as not to appear as an intrusive feature in the locality. The dwelling will be closely associated with the group of buildings at the Singing Stud so as not to appear as an isolated development. Given the sloping nature of the site, the dwelling will be cut into the site. The submitted plan shows the slab level of the dwelling to be set at 88.200 AOD. It is considered this will further reduce the impact of the proposal on the locality.
- 6.6 While, there is a public footpath, MM2A, that runs through the complex of buildings, the dwelling will be sited in a position that will not affect the right of way. Accordingly, the PROW has no objection.
- 6.6.1 In conclusion it is considered that this revised proposal comprises a form of accommodation that addresses the functional needs of the enterprise in an appropriate manner and would not appear overly intrusive in the landscape such that the refusal of these reserved matters would be warranted.

## RECOMMENDATION

**That approval of reserved matters is approved subject to the following conditions:**

**1 C01 (Samples of external materials)**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

**2 F07 (Domestic use only of garage)**

**Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

**3 F14 (Removal of permitted development rights)**

**Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.**

**INFORMATIVES:**

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 N19 - Avoidance of doubt - Approved Plans**
- 3 N09 – Approval of reserved matters**

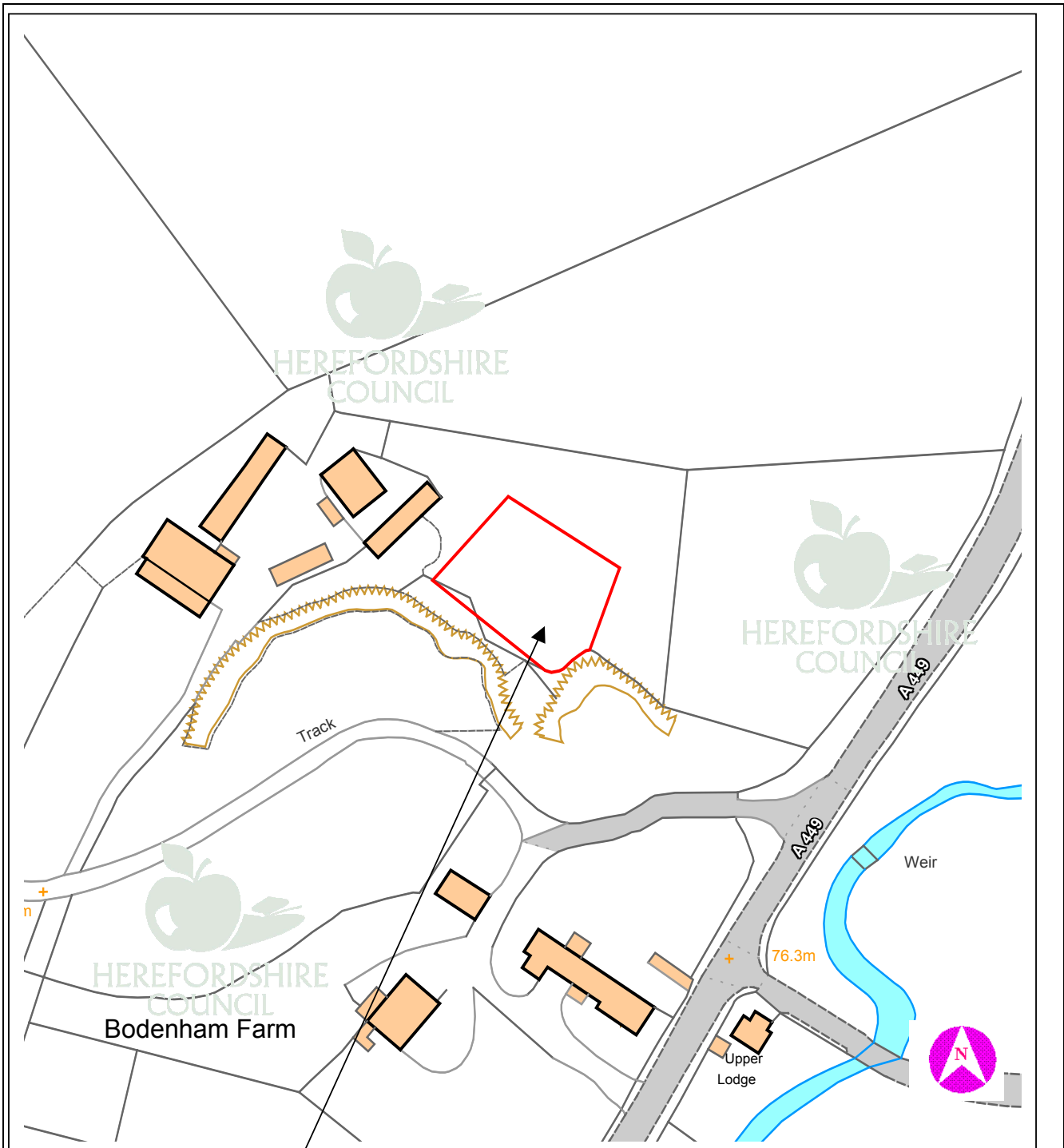
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2008/2835/RM

**SCALE :** 1 : 1250

**SITE ADDRESS :** O.S. Map Ref SO653321, Nr Bodenham Farm, Much Marcle, Herefordshire

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