

12 DCNW2003/2418/F - PROPOSED TWO DWELLINGS OF NEGATIVE ENVIRONMENTAL IMPACT USING SELF CONTAINED WATER SUPPLY, RENEWABLE ENERGY, WASTE RECYCLING, TO BE RUN IN CONJUNCTION WITH SUSTAINABLE SYSTEMS OF FOOD PRODUCTION. THE WHOLE LIFESTYLE EXPERIENCE TO BE MADE AVAILABLE TO FAMILY/EDUCATIONAL GROUPS ON A SHORT RESIDENTIAL BASIS AT LAND ADJOINING LEMORE, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LR

For: Mr J Glyn-Jones, September Organic Dairy, New House Farm, Almeley, Herefordshire

Date Received:
7th August 2003

Ward:
Castle

Grid Ref:
31010, 51591

Expiry Date:
2nd October 2003

Local Member: Councillor John Hope

This application was reported to the Northern Area Planning Sub-Committee on 15 October 2003. Members were minded to support the application, which at that time was against officer recommendation, on the grounds that the proposal had merit in terms of providing tourism related and educational benefits to Herefordshire, and the diversification of the existing farm activities. Reference was also made to the varying interpretation of relevant policies within the Leominster District Local Plan (Herefordshire) and other adopted Local Plan policies for other areas and the lack of any local objections to the proposal.

The Head of Planning Services has examined the proposal and referred the application to the Planning Committee on the basis that Policies H16A and H20 of the Hereford and Worcester County Structure plan and Policy A2(D) of the Leominster District Local Plan (Herefordshire) establish a strong presumption against new residential development unless there are exceptional circumstances to justify otherwise. At this time it was not considered that sufficient evidence to support the long-term viability of the project and a permanent residential presence had been sufficiently submitted.

Since the Sub-Committee's consideration of this proposal, the applicant has provided further additional financial information seeking to demonstrate the viability of the project and discussions have taken place with respect to the imposition of appropriate conditions to restrict the use of the 'main house' element of the proposal in particular. The outcome of these detailed deliberations is that there is now considered to be a basis for supporting this application and as such the attached report has been amended to take account of the updated position. The original appraisal and recommendation are attached as an Appendix to this report for comparative purposes. It should also be stressed that the opportunity to change the description of the proposal to more accurately reflect the applicant's intentions has been taken in this interim period.

1. Site Description and Proposal

- 1.1 The application site comprises 0.7 hectares of agricultural land located to the west of New House Farm (operating as the September Organic Dairy). The site is accessed via a private track shared with 3 other properties including Campbell Manor, a residential nursing home. The access onto the A4111 is located some 2kms north of Eardisley.
- 1.2 The field in question is well screened along all boundaries by existing hedgerows and is characterised by a dilapidated agricultural/stable building located on the southern boundary adjacent to the field access to the site. It forms part of a larger holding the majority of which is farmed on a tenanted basis from Herefordshire Council.
- 1.3 Planning permission is sought for the erection of two lodges on the site to provide accommodation associated with the applicants plans to establish an educational and recreational facility promoting sustainable technology and systems of food production. It is intended that the 'main house' would generally be occupied by groups (with the emphasis on families) on a short- term residential basis and during the winter months it would be occupied on a more permanent basis by an individual or family who would oversee the management of the site. The 'bunk house' would be used to provide short-term accommodation for groups throughout the year, focusing more specifically on schools and other interested organisations.
- 1.4 Alongside the two lodges it is proposed to establish a permaculture garden within the application site with the potential for sustainable/organic fish production given the local water supply. The site would also be supported by grey water irrigation and sustainable foul drainage systems. In addition to these features a polytunnel is proposed together with a composting toilets.
- 1.5 The proposal entails the demolition of the existing dilapidated stable building on the site.

2. Policies

Central Government Guidance

PPG 7- The Countryside – Environmental Quality and Social and Economic Development

Hereford & Worcester County Structure Plan

| | |
|--------------|---|
| Policy H16 A | Housing in Rural Areas |
| Policy H20 | Housing in Rural Areas Outside the Green Belt |
| Policy E20 | Tourism Development |
| Policy CTC 9 | Development Requirements |
| Policy A1 | Development on Agricultural Land |
| Policy A2 | Diversification |
| Policy TSM 1 | Tourism Development |
| Policy TSM 2 | Tourism Development |
| Policy TSM 3 | Tourism Development |
| Policy TSM 6 | Tourism Accommodation |
| Policy TSM 7 | Tourism Accommodation |
| Policy LR1 | Leisure and Recreation Development |
| Policy LR2 | Leisure and Recreation Development |

Leominster District Local Plan (Herefordshire)

| | |
|---------------|--|
| Policy A1 | Managing the Districts Assets & Resources |
| Policy A2 (D) | Settlement Hierarchy |
| Policy A9 | Safeguarding the Rural Landscape |
| Policy A10 | Trees and Woodlands |
| Policy A12 | New Development and Landscape Schemes |
| Policy A14 | Safeguarding Water Resources |
| Policy A15 | Development and Watercourses |
| Policy A16 | Foul Drainage |
| Policy A24 | Scale and Character of Development |
| Policy A35 | Small Scale New Development for Rural Businesses |
| Policy A38 | Rural Tourism and Recreational Activities |
| Policy A39 | Holiday Chalet, Caravan and Camping Sites |
| Policy A41 | Protection of Agricultural Land |
| Policy A45 | Diversification on Farms |
| Policy A61 | Community, Social and Recreational Facilities |
| Policy A68 | Water Supply |
| Policy A70 | Accommodating Traffic from Development |

Herefordshire Unitary Development Plan (Deposit Draft)

| | |
|---------------|---|
| Policy S1 | Sustainable Development |
| Policy S2 | Development Requirements |
| Policy S7 | Natural and Historic Heritage |
| Policy S8 | Recreation, Sport and Tourism |
| Policy DR1 | Design |
| Policy DR2 | Land Use & Activity |
| Policy DR4 | Environment |
| Policy H7 | Housing in Countryside Outside Settlements |
| Policy E12 | Farm Diversification |
| Policy E15 | Protecting Greenfield Land |
| Policy LA2 | Landscape Character and Areas Least Resilient to Change |
| Policy LA6 | Landscape Schemes |
| Policy RST 12 | Visitor Accommodation |
| Policy RST 13 | Rural and Farm Tourism Development |
| Policy RST 14 | Static Caravans, Chalets, Camping and Touring Caravan Sites |

3. Planning History

3.1 None relevant.

4. Consultation SummaryStatutory Consultations

4.1 Environment Agency state :

'The site is located on Raglan Mudstone which under the Policy and Practice for the protection of Groundwater as being Minor aquifer with Intermediate vulnerability, important for local supplies and maintaining river baseflows. There are no source protection zones within the local area. As this proposal involves no foul drainage to surface or groundwater, the Agency has no objections in principle.

Internal Consultation Advice

- 4.2 Head of Engineering and Transportation raises no objection subject to conditions preserving visibility at the junction with the A4111 and upgrading of private track to the site.
- 4.3 Head of Environmental Health and Trading Standards raises no objection.
- 4.4 Chief Conservation Officer raises no objection to the proposal in terms of impact on the character and appearance of the surrounding countryside but recommends a condition regarding landscaping and ecological mitigation in relation to the loss of habitat through the siting of additional buildings.

5. Representations

- 5.1 The applicant has submitted a statement – please see appendix.
- 5.2 Eardisley Parish Council raise no objection but raise concern regarding access for emergency vehicles.
- 5.3 Almeley Parish Council (neighbouring parish) raise no objection.
- 5.4 There are no private responses from neighbours or other interested parties.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The basis of ongoing discussions in this case has been focussed on establishing the acceptability of the principle of the residential element associated with the 'main house'. The proposal as submitted will entail a combination of permanent residential and holiday accommodation since it is maintained by the applicant that in the off-season (October – April) it would be necessary to facilitate a residential presence to ensure that the sustainable drainage systems and permaculture garden are kept operational when the site is not otherwise occupied.
- 6.2 Traditionally, the demonstration of a functional need for a dwelling is based on a case associated with a new or expanding agricultural enterprise and it has been explained that this proposal does not fall neatly into any of the land-use classification set out in adopted Local Plan policy. A strict interpretation therefore might lead to a continuing recommendation of refusal. However, it is now considered that greater weight can be given to other material considerations relating to the merits of the proposal as a whole.
- 6.3 The main basis of this has centred upon the submission of a financial appraisal which indicates that the initial capital expenditure to establish the site would be in the region of £85,000-£90,000. It has been indicated by the application that a significant proportion of this cost would be covered by the compensation received following the loss of his dairy herd to foot and mouth. Although clearly regrettable in its own right it does provide a sound financial basis to establish this new project. The figures produced estimate an initial first year return of £13,310 based on the income from the holiday lets, specialised courses and seasonal demonstrations. It is envisaged that the rental income from both the main house and bunkhouse elements could increase by up

to 20% over a period of 4-5 years which would then make it comparable to other similar tourist and educational establishments.

- 6.4 The figures also demonstrate the modest income generated by the existing farming activities demonstrating the importance of the project to the holding as a whole. It is considered that this exercise indicates that the enterprise has a realistic chance of success and has been planned on a sound financial basis with direct benefits through the support of the existing agricultural activities at New House Farm.
- 6.5 In addition to this, the residential element would be limited to a 5-6 month period during the winter months and the applicant is agreeable to the imposition of a temporary 3 year period in order for a more detailed assessment to be made of the project in due course. It is clear that the promotion of issues of sustainability is supported by both current and emerging policies and furthermore encouragement is offered to the establishment of tourist/educational related development in the open countryside in terms of an acceptance of the broad principle.
- 6.6 On balance therefore, having regard to the financial information provided and the material consideration set out above, the recommendation is now one of approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 - A07 (Development in accordance with approved plans) (Drawing Nos. 3, 4, 5, 6 and JGJ 001 received on 31 July 2003)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3 - The building known as the bunk house on the approved plans shall be used for holiday accommodation only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enting that Order with or without modification.**

Reason: The local planning authority are not prepared to allow the introduction of an additional unit of residential accommodation in this rural location.

- 4 - The occupation of the building known as the main house on the approved plans shall be limited to a person solely or mainly employed in the business occupying the plot edged red on the attached plan or shall otherwise be used for holiday accommodation only.**

Reason: It would be contrary to the Development Plan policies to grant planning permission in this location without the need to provide on site accommodation and in recognition of the flexibility required by the applicant in terms of the seasonal use of the building.

- 5 - The residential use of the main house shall permanently cease on or before 28 November 2006 unless prior to the end of the period further consent is granted in writing by the local planning authority.

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

- 6 - F18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 7 - G04 (Landscaping scheme (general)) (including provision for mitigation of the loss of existing grassland within the application site)

Reason: In order to protect the visual amenities of the area.

- 8 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 9 - The development hereby approved shall not be brought into use until details of the surfacing of the access, turning and parking areas have been submitted to and approved in writing by the local planning authority and those areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 10 - The development hereby approved shall not be brought into use until the existing building on the southern boundary of the application site has been demolished and permanently removed.

Reason: To enhance the character of the site and to safeguard the amenity of the area.

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies

APPENDIX

Appraisal and recommendation contained in report to Northern Area Planning Sub-Committee on 15 October 2003**6. Officers Appraisal**

6.1 The key issues for consideration in the determination of this application are as follows:

- a) The principle of establishing an educational/recreational facility and nature of the accommodation proposed.
- b) Impact of the proposed use and associated structures on the character and appearance of the site and surrounding countryside.
- c) Access, and;
- d) Drainage Issues

Principle of the Facility

6.2 The starting point in respect of assessing the application is established in Policy A2(D) of the Leominster District Local Plan (Herefordshire). This sets out a strong presumption against development in the open countryside unless it accords with a set of exceptional circumstances. In terms of this proposal the relevant criteria relate to the establishment of a dwelling in the open countryside and the development of a small scale employment generating/recreational facility. It should be recognised however that the nature of the proposal as a whole does not fit neatly into the land use classifications set out in the Policy.

6.3 The proposal as submitted incorporates both of these elements namely residential and employment, and of fundamental concern is the limited justification for the presence of the 'main house'. It has been advised by the applicant that during the peak season the main house would be occupied on a short term basis in a similar way that a holiday cottage would be occupied, whilst over the winter it would be more likely to be occupied on a longer term basis. Notwithstanding this distinction it is considered that this element of the proposal would be tantamount to the erection of a new dwelling in the open countryside, which in the absence of an exceptional need, would be contrary to Policy A2(D) of the Leominster District Local Plan (Herefordshire). No business plan has been submitted to suggest that the proposal has a prospect of being viable, in the same way that an applicant would in proposing a new farm dwelling for instance.

6.4 The bunk house element is more appropriately assessed in relation to Policies A38 (rural tourism and recreation activities) and A39 (holiday chalet, caravan and camping sites). It is clear that the proposal as a whole has tourist related and educational benefits which are supported by policies set out in the Local Plan and the Hereford & Worcester County Structure Plan. However both Local Plan policies set out above establish strict criteria against which proposals for new development must be assessed. It is advised that these policies do not rule out the principle of new development but they do require that its scale and character is appropriate to the locality and ancillary to the primary proposal.

- 6.5 It is not considered that this proposal meets the more specific tests set by Policies A38 and A39 for reasons that are addressed in more detail below. In essence whilst the sustainable aspects of the use proposed could be supported the associated new-build elements are not generally supported by these more specific policies.

Impact of the Proposal on the Character and Appearance of the Site and Surroundings

- 6.6 The main concern here is the introduction of the two lodge buildings. The main house measures some 8.5 metres by 7.2 metres on the ground with a maximum height of 6.4 metres whilst the bunk house has a floor area of 8 metres by 6.3 metres with a height of 4.4 metres.
- 6.7 This relatively substantial combined scale coupled with what is considered to be an inappropriate 'Scandinavian' appearance would result in development out of keeping with the character of the surrounding countryside and isolated from any established development. It is acknowledged that the site is well screened and not readily visible from public vantage points but guidance set out in PPG 7 advises that this in its own right is not justification for development that is otherwise inappropriate since it could be repeated to the detriment of the landscape as a whole.
- 6.8 On the basis of the proposal as submitted it is considered that it fails to conserve or enhance the character and setting of the countryside and accordingly would be contrary to Policy A9 of the Leominster District Local Plan (Herefordshire). This concern links back to the policies that seek to promote tourism and recreational activities in the countryside but not to the detriment of its landscape character.

Access

- 6.9 No objection has been raised by the Head of Engineering and Transportation subject to the retention of the visibility splay at the junction with the A4111 and the upgrading of the access track. The latter issue which could be controlled by condition would serve to overcome the concerns raised by Eardisley Parish Council so far as access for emergency vehicles is concerned.

Drainage

- 6.10 The application proposes systems of sustainable drainage, which in their own right should be encouraged. The Environment Agency state that they have no objection to the proposal in this respect but would require more technical information regarding the design of the systems. This would be satisfactorily dealt with by way of a condition.

Conclusion

- 6.11 The applicants desire to promote issues of sustainability are supported and furthermore encouragement is offered to the establishment of tourist/educational related development in the countryside in terms of an acceptance of the broad principle. Although the proposal purports to represent a form of farm diversification, there are no details or evidence as to how this proposal will aid an existing farming operation. This proposal raises specific issues in respect of the establishment of what would amount to a permanent dwelling in the open countryside as well as new development that would be out of keeping with the prevailing character of the locality. In this instance it is the policies of restraint, namely Policy A2(D) and Policy A9 of the Leominster District Local Plan (Herefordshire) that have been afforded greater weight and result in this recommendation of refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The main house element of the proposal would result in development tantamount to the erection of a new house in open countryside, which in the absence of any exceptional circumstances, would be contrary to Policies H16A and H20 of the Hereford & Worcester County Structure Plan and Policy A2 (D) of the Leominster District Local Plan (Herefordshire).**
- 2. The proposal as a whole would result in the introduction of isolated lodge buildings out of keeping with the character and appearance of the site and the surrounding countryside which would be contrary to Policies E20, CTC9, A2, TSM1, TSM5, TSM6 and LR2 of the Hereford and Worcester County Structure Plan and Policies A1, A9, A24, A38, A39, A45 and A61 of the Leominster District Local Plan (Herefordshire).**