

**6 DCCE0009/1340/F - PROPOSED BARN FOR AGRICULTURAL PURPOSES, ADJACENT TO THE COTTAGE, WEST LYDIATT, HEREFORD, HR1 3PY**

**For: Mr. I. Baldwin per Mr. J.I. Hall, Principle, New Bungalow, Nunnington, Hereford, HR1 3NJ**

**Date Received: 19 June 2009**

**Ward: Hagley**

**Grid Ref: 55847, 43010**

**Expiry Date: 14 August 2009**

Local Member: Councillor DW Greenow

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

- 1.1 The site for the proposed development is situated in the north east corner of the field immediately south of The Cottage in West Lydiatt, home of the applicant. The applicant has a smallholding of 5.10 hectares. The application proposes a steel framed building to be used for agricultural purposes. The building will be accessed directly off West Lydiatt Lane, which is an unadopted unmade access track serving eight residential properties.
- 1.2 The proposed building measures 18.3 by 9.5 metres with a height of 5.4 metres and fronts on to West Lydiatt Lane. It is proposed to construct the building from a steel frame with profile box sheets. According to the plans the building will be used for 'purposes of agriculture storage of hay and straw bales with the possibility of sheep during lambing together with agricultural machinery'.
- 1.3 A post and rail fence screened with trees and a hedge is proposed on the south and west boundaries. To the immediate north of the application site the boundary consists of a mature dense hedgerow with a coppice of trees. A new access from West Lydiatt Lane is to be created just south of the existing, with the existing to be closed. It has been noted from site visits that the applicant has already removed the hedgerow to make room for the proposed new access.
- 1.4 There is a public footpath immediately south of the proposed access which runs south down to the A4103 Worcester Road. The application site is surrounded by open countryside, although the small cluster of houses which forms West Lydiatt is immediately to the north and the village of Withington close by to the east.

### **2. Policies**

#### **2.1 Herefordshire Unitary Development Plan**

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
E13	-	Agricultural and Forestry Development
E15	-	Protection of Greenfield Land

LA2	-	Landscape Character and Areas Least Resilient to Change
NC1	-	Biodiversity and Development

## 2.2 Planning Policy Document

Planning Policy Statement 7: Sustainable Development in Rural Areas

## 3. Planning History

- |     |                 |   |   |                  |
|-----|-----------------|---|---|------------------|
| 3.1 | DCCE2007/3906/F | Additional bay to existing barn for agricultural purposes   | - | Refused 13.02.08 |
|     | DCCE0009/0481/S | Erection of an agricultural barn (for the purposes of agriculture, storage of cattle and sheep and hay) | - | Refused 14.04.09 |
|     | DCCE0009/1123/S | Barn for agricultural purposes  | - | Refused 15.06.09 |

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

- 4.2 The Highways Manager has no objection to the grant of permission.
- 4.3 The Public Rights of Way Warden: 'The proposed barn for agricultural purposes would not appear to affect the use and enjoyment of public footpath WT12 which passes in front of the site on the east side and the PROW Manager has no objections to this application. However it has been noted that fencing and mature hedging has been removed adjacent to the stile on the application site and also at the other end of the path where it meets the A4103 making them unstable. The old grass pasture which is mentioned in the design and access statement as having being ploughed up for re-seeding has a public right of way running over it, which at the time of inspection on the 17th July 2009 had not been re-instated to a suitable standard for walkers. A letter has been written to the applicant reminding him of his duties in this respect, and asking that the path be re-instated within fourteen days'.

## 5. Representations

- 5.1 Withington Parish Council: 'The Withington Group Parish Council objects to the proposal as there is no apparent justification for a building of this size (18.3 x 9.27m) to serve a holding of just 5 hectares. There is also no access from the field to the barn without using the West Lydiatt Lane. This Lane (private road) is narrow and unsuitable for large agricultural vehicles transporting sheep or hay. The potential visual impact on the nearest cottage is also unacceptable as the existing tree screen will be largely devoid during the late autumn to late spring period. If a barn is justifiable then it should be located in front of the existing garage/storage unit'.

5.2 4 letters of objection have been received from:

Mr. and Mrs. C.R. Mullis, Ivy Cottage, West Lydiatt  
Mr. and Mrs. E. Jones, No.1. West Lydiatt, Withington  
Richard and Diana Perks, West Lydiatt Farm, Withington  
Jim and Carol Bendle, New Drive, West Lydiatt, Withington

The letters can be summarised as follows:

- No consideration to the siting of the building.
- Unsympathetic position and size.
- Applicant has other buildings in his ownership.
- No business plan new or existing.
- Concerned noise and odours if building is to be used for livestock.
- West Lydiatt Lane not suitable for the additional traffic.
- No agricultural justification.
- Building will be used as a workshop/garage as the existing buildings in the applicants ownership are.
- Agricultural business not yet established as land has only recently been acquired by the applicant following refusal of previous applications.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

6.1 The application has been referred to Committee at the request of the local ward Councillor. The key issues with regards to this application are:

- Impact on the surrounding landscape
- Justification for a new agricultural building

### Impact on the surrounding area

6.2 The application site is located to the northwest of the village of Withington and does not occupy a prominent location on or close to the skyline. The landscape pattern means that mature hedgerows break up distant views from the northeast and the south. This is of some benefit as this provides a degree of natural screening. However the site will be visible from distant viewpoints from the southwest and the east. Although the design of the building now reflects the character of the countryside, the proposed building is of some significance in terms of its size, and is considered to have a more localised impact on the landscape and visual amenity of the area by virtue of its isolated siting and scale.

### Justification for a new agricultural building

6.3 The application proposes a steel framed building with a floor area of approximately 167 square metres. The design of the building has changed from that previously proposed and is now constructed with Yorkshire boarding and doors either end. The design and access statements submitted in support of the application states that the building will be used for the storage of hay produced on the holding and the machinery needed to produce the hay. Although the design of the building is now considered more suitable for the storage of hay and agricultural machinery, the agricultural need for the building on the site must to be justified.

- 6.4 The applicant has a smallholding of 5.10 hectares, which consists of the field in which the proposed building is located. It is understood that this land has been in the applicant's ownership since the summer of 2008, therefore the use of the land as an agricultural holding is relatively new and not fully established. The land, which was pasture, has recently been ploughed up and according to the design and access statement will be reseeded in the autumn. In the 2-4 years after the hay has been established it would be possible for the applicant to get two cuts of hay per year, with up to 1000 bales from each cut.
- 6.5 In 2007 when the applicant first applied for an extension to an existing agricultural barn the application stated that the building would be used for the storage of agricultural machinery only. The existing building was being used as a garage/workshop. In March 2009 an application for prior approval was made for the erection of a new agricultural barn to be used for the storage of cattle and sheep and general agricultural storage. The design of this proposal was identical to that refused previously and was not considered to be suitable for agriculture activities especially not for the keeping of livestock or for the storage of machinery. A further prior approval application was submitted in May 2009, however the design had been changed following discussions with the planning officer and the use was now for agricultural storage of hay and straw bales with the possibility of sheep during lambing. This application was refused as the Local Planning Authority was not convinced there was a genuine need for the building on site. In conclusion there has been an inconsistency with the intended use of the building and the requirements in relation to the design.
- 6.6 The proposed plans under consideration in this application do not show any access directly from the field to the proposed building, therefore access to the building would be obtained using the West Lydiatt Lane. Direct access from the field to the building would be more convenient for the applicant and would also reduce the use of West Lydiatt Lane.

#### Conclusion

- 6.7 Having considered all the information submitted in support of the application, the Local Planning Authority is not satisfied that a genuine need for the proposed building has been demonstrated or established on the site. The viability/need for the proposed agricultural building is a material planning consideration and therefore the application is considered to be contrary to policy S1 of the Herefordshire Unitary Development Plan which promotes sustainable development and the Government's objectives contained within Planning Policy Statement 7, which aims to safeguard the countryside for its own sake from unnecessary development.

#### **RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1. The local planning authority is not satisfied that the proposed building located within the open countryside is reasonably necessary for the purposes of agriculture within the unit. In the absence of any satisfactory agricultural justification it is not considered that this is an appropriate form of development and it is therefore contrary to Policies S1, LA2 and E13 of the Herefordshire Unitary Development Plan and PPS7: Sustainable Development in Rural Areas, which aim to safeguard the countryside.**

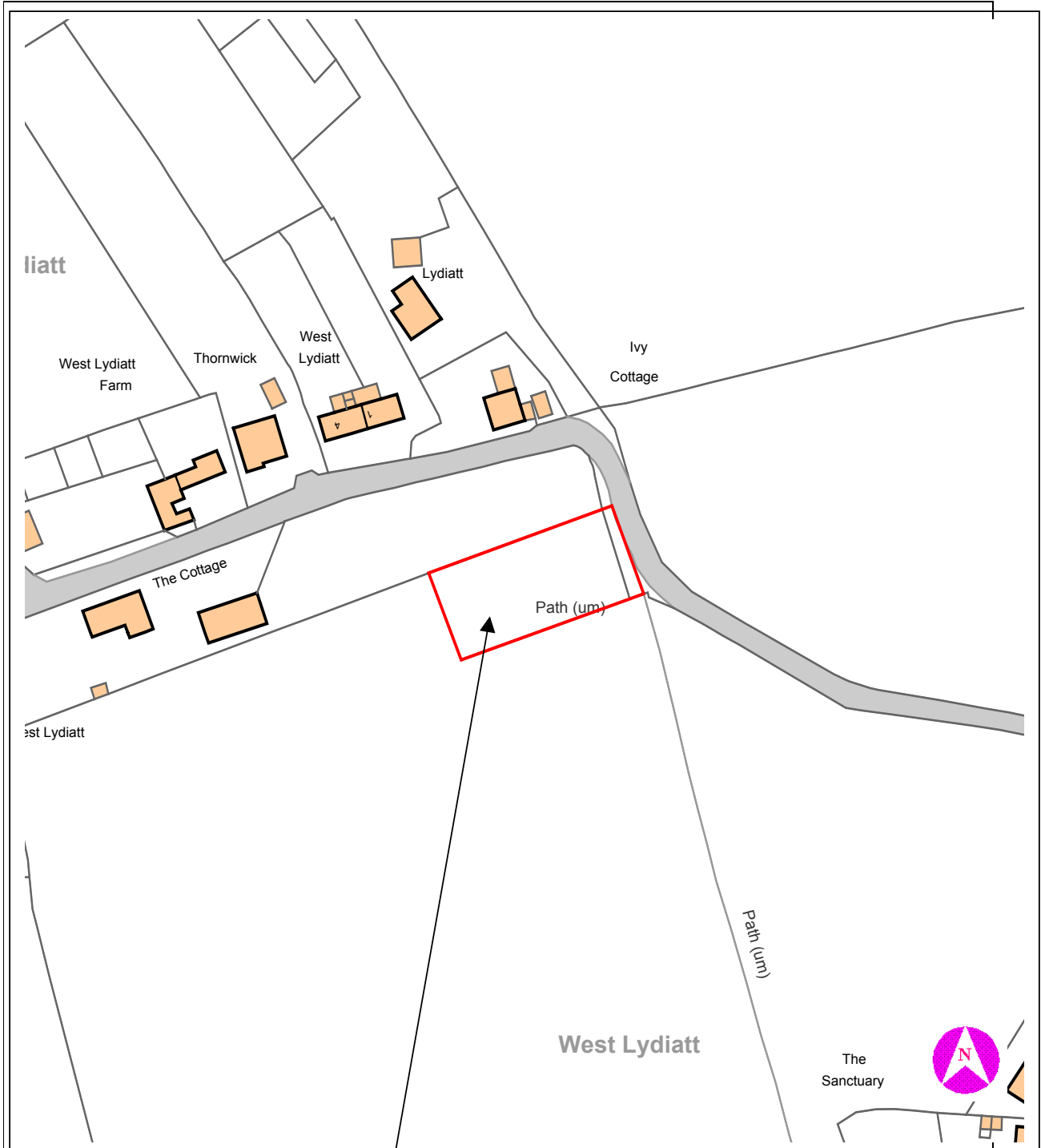
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** DCCE0009/1340/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Adjacent to the cottage, West Lydiatt, Hereford, Herefordshire, HR1 3PY

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