

20 DCNW2003/2589/RM - APPROVAL OF RESERVED MATTERS ON NEW KEY WORKER'S DWELLING HIGHFIELD, BYTON, PRESTEIGNE, HEREFORDSHIRE, LD8 2HS**For: J Rogers & Son, McCartneys, 35 West Street, Leominster, Herefordshire. HR6 8EP**

Date Received:
22nd August 2003
Expiry Date:
17th October 2003

Ward:
Mortimer

Grid Ref:
36732, 64176

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The application site comprises of roughly rectangular 0.13 hectare plot located on the north side of a farm track and adjacent to a group of existing live stock, storage and workshop buildings which together with the existing bungalow (Highfield) form the Highfields Farm complex.
- 1.2 The proposal, for Reserved Matters, is for the erection of a two-storey four bedroom dwelling. The floor area of the dwelling amounts to approximately 220 square metres excluding a conservatory and attached carport.
- 1.3 Outline planning permission was granted under code NW2002/3013/O on 29 July 2003 for a key workers dwelling. The report had originally been presented to the Northern Area Planning Committee on 29 January where it was deferred for a site inspection. At the meeting of 5 March members were minded to grant planning permission contrary to recommendation and the matter went through the referral procedure. On this occasion it was considered by the Head of Planning Services that this was not an application which need be referred on to the planning committee. The proposal is also subject of a Section 106 legal agreement which is subject to the following restrictions and obligations:
 1. Not to sell or lease for any term or otherwise dispose of a dwelling unless such a sale or lease or other disposal shall include the agricultural land.
 2. Not to sell or lease for any term or otherwise dispose of the agricultural land unless such a sale or lease or other disposal shall include the dwelling.
 3. The dwelling shall only be occupied by such person or persons (and immediate family if any, employed by the owner in the management, use or operation of the agricultural land and not for any other purpose).
 4. Not to create any tenancy of the dwelling in respect of an occupation permitted under clause 3 above and such occupation shall only be by the license of the owner.

2. Policies

Having established a principle of the erection of a dwelling on the site the usual list of policies is much reduced than would otherwise be the case.

Leominster District Local Plan

Policy A9

Policy A24 – Scale and Character of Development

PPG Note 7 – Particularly Annex I

Herefordshire Unitary Development Plan Deposit Draft

Policy H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

This particular policy makes reference to Policy H6 – Housing in Smaller Settlement and sets out a number of criteria, which dwellings should meet.

1. The dwelling size is limited to a habitable living space of 90² metres.
2. The plot size is limited to a maximum area of 350² metres and
3. The infill gap is no more than 30 metres in length.

(There are significant objections to both these policies at present).

3. Planning History

NW2003/3013/O – Site for key workers dwelling – Outline planning permission granted 29 July 2003 subject to Section 106 Agreement

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objection but have comments regarding the drainage.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no comment following grant of outline planning permission.
- 4.3 Chief Conservation Officer advises that the amended plans address some of the concerns that such a large scale house would be visually intrusive in the Area of Great Landscape Value. Also suggests that use of a single material for the whole of the building would give a simplicity of architectural character which would be in keeping with the low key character of traditional agricultural dwellings in Herefordshire. It appears that earth works will be required in order to set the house into the slope but no details have yet been submitted.

5. Representations

- 5.1 Byton Parish Council wishes its previous comments, made at the time of the application for outline permission to stand and would like to emphasise in particular that any house built should be in sympathy with the landscape for example, an oak framed or stone built house and on a scale appropriate to the business need expressed.
- 5.2 In response to amended plan Council state "we note the scale of the building has been reduced but our concern that the construction material is still red brick".
- 5.3 The previous comments referred to by the Parish Council state "The Parish Council believe that the site of the existing derelict buildings (referred to in the letter of support from the applicant's agent) should be used unless there is a clear technical objection to using this site. If so then the Council would not object in principle to the proposed alternative site, but would first wish to see a detailed planning application, for a house which is in sympathy with the landscape for example an oak framed or stone built house and on a scale appropriate to the business need expressed. Further, the Council would wish for clarification as to whether this development would allow extension of this business to a non-agricultural business. In this case, would an application for change of use be needed? There is concern among the local community that the haulage business would develop, damage the amenity of the village, and would need to have some restriction placed upon it. The Council believe that any application for change of business use should be made concurrently with the application for the key workers dwelling. Further, the Council consider that, as proposed by the applicant in supporting letter, any house should only be built with an agricultural tie".
- 5.4 No other representations have been received in response to either the site notice or neighbour notification.
- 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 proposal as it currently stands has been amended since original submission. This resulted in a reduction in a habitable floor space of a few square metres. The most significant change however was a reduction in ridge height of approximately 0.6 metres and the introduction of a hipped roof as opposed to a gable on the east elevation.
- 6.2 The concern with the proposal as it currently stands relates to the scale of the dwelling being commensurate with the established functional requirements. On this subject paragraph 11 of Annexe I states "agricultural dwellings should be of a size commensurate with the established functional requirements. Dwellings which are unusually large in relation to agricultural needs of the unit or unusually expensive to construct in relation to the income it can sustain in the long term should not normally be permitted. It is the requirement of the enterprise rather than of the owner or occupier which are relevant in determining the size of a dwelling that is appropriate to a particular holding".

Other than this there is little guidance or advice as to what is or isn't appropriate in terms of scale of all such dwellings. Further advice is available in a Deposit Draft of the

Unitary Development Plan and Policy H6 as referred to above sets out some criteria, which would help ensure that such key worker dwellings are affordable and remain so for the occupiers they are intended to serve.

6.3 The current proposal for a dwelling of approximately 220m² compares unfavourably with the suggested Unitary Development Plan limit of 90m². In this sense therefore it is considered that the scale of the dwelling is not commensurate with the functional requirement however has been designed with the particular needs of the occupier in mind. The applicant has confirmed that a four-bedroom dwelling is required since he has three children and has also provided information, which suggests that the cost of construction would not be prohibitive to him. Whether anybody else employed in an agricultural contract in haulage/business could subsequently afford a large four-bedroom dwelling in the countryside is a different matter.

6.4 Concern has also been expressed about the impact of the dwelling in the Area of Great Landscape Value this concern is clearly exacerbated by the scale of the dwelling to start with. However having accepted that this is the appropriate location for the dwelling following a site visit by the Northern Area Planning Sub-Committee it is not considered that the impact of the dwelling on the landscape is such that planning permission should be refused on that ground alone. The concern is more one of principle and ensuring that the dwelling remains affordable for the purpose intended.

RECOMMENDATION

That Reserved Matters be refused for the following reason:

- 1. It is considered that the proposed size of the dwelling is not commensurate with the established functional requirement of the business and that the future occupation of the property in accordance with the occupancy condition and the Section 106 legal agreement would be compromised due to the high value of such a property. Consequently the proposal is contrary to the advise contained in Annex I of the Planning Policy Guidance Note 7 - The Countryside - Environmental Quality and Economic and Social Development.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.