

**21 DCNW2003/2807/O - AGRICULTURAL WORKER'S DWELLING AT OAKCHURCH FARM, STAUNTON-ON-WYE, HEREFORDSHIRE, HR4 7NE****For: Mr & Mrs J.M. & A.E Price per Burton & Co, Lydiatt Place, Brimfield, Ludlow, Shropshire SY8 4NP****Date Received:  
15th September 2003****Ward:  
Castle****Grid Ref:  
37427, 44819****Expiry Date: 10th November 2003**

Local Member: Councillor J Hope

**1. Site Description and Proposal**

- 1.1 The application site comprises a 0.125 hectare plot forming part of a larger field which is located in an elevated position flanked on its north and west side by an unclassified road which links the A438 to the south to the village of Staunton on Wye to the north west.
- 1.2 The site lies to the west of the Parish Church, a listed building and Church House whilst to the north is the farm complex associated with Oakchurch Farm. This includes an existing tied bungalow, a range of general purposes agricultural buildings and a group of some 17 mobile homes used for providing accommodation for seasonal workers. Within this general complex is an unconverted barn which has an extant planning permission for conversion to residential use. There is currently a mobile home located on the application site which has been occupied by the applicant, his wife and their young family since May 2002.
- 1.3 In addition to the above, the Oakchurch Farm enterprise includes a farm shop and garden centre which has been expanded significantly since it was originally established in 1991.
- 1.4 The farm holding extends to 102 hectares (253 acres) with a further 21.5 hectares (53 acres) rented on a short term tenancy arrangement in close proximity. The current breakdown of activities which comprises the enterprise are as follows:  
  
16 hectares (40 acres) of horticultural and soft fruit  
24 hectares (60 acres) of strawberries grown under polytunnels  
8 hectares (20 acres) of corn  
2 hectares (5 acres) of peas  
68 hectares (170 acres) of grassland and pasture
- 1.5 In addition to the cropping activities approximately 180 cattle are fattened and finished each year and since August 2002 a small head of pedigree Aberdeen Angus cows have been introduced with the intention of producing off-spring for herd expansion or sale. A further 1000 lambs are fattened over winter for sale in the Spring.
- 1.6 Planning permission is sought for the permanent dwelling to provide accommodation for the applicant and his family. The application is in outline form with all matters reserved for future consideration. This application therefore seeks a determination in respect of the principle of a full-time residential presence at the farm in addition to the existing dwelling.

## 2. Policies

### **PPG7 - The Countryside, Environmental Quality and Economic and Social Development.**

#### **Hereford & Worcester County Structure Plan**

Policy H16 A	Housing in Rural Areas
Policy H20	Housing in Rural Areas Outside the Green Belt
Policy RC1	Residential Caravan Sites
Policy RC2	Residential Caravan Sites
Policy CTC 9	Development Requirements
Policy A4	Agricultural Dwellings

#### **Leominster District Local Plan (Herefordshire)**

Policy A1	Managing The District's Assets And Resources
Policy A2(D)	Settlement Hierarchy
Policy A9	Safeguarding The Rural Landscape
Policy A16	Foul Drainage
Policy A18	Listed Buildings And Their Settings
Policy A24	Scale And Character Of Development
Policy A43	Agricultural Dwellings
Policy A54	Protection Of Residential Amenity

## 3. Planning History

- 3.1 Oakchurch Farm has a lengthy planning history relating to the established farm buildings and the farm shop/garden centre although this is not directly relevant to this application. The following applications relate specifically to the defined site and the unconverted barn, which is considered relevant in this case.

94/0434 - Conversion of redundant barn to dwelling - Approved 12 September 1994.

NW2000/2914/O - Site for proposed agricultural dwelling - Refused 7 March 2001.

NW2001/3130/O - Proposed agricultural workers dwelling - Refused 10 January 2002.

NW2002/1073/S - Proposed farm track - Prior Approval Not Required - 25 April 2002.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency raises no objection subject to a condition requiring details of foul drainage works to be submitted.

### Internal Council Advice

- 4.2 Head of Engineering and Transportation raises no objection subject to a sealed surface being provided between highway and existing gate.
- 4.3 Chief Conservation Officer raises no objection subject to a condition requiring an archaeological watching brief to be undertaken.

## 5. Representations

5.1 One letter of objection has been received from PS Berry of Oakchurch House, Staunton on Wye HR4 7NE. The concerns raised can be summarised as follows :

- existing mobile home is in contravention of planning regulations
- planning permission has been previously rejected
- existing dwelling already at the hub of the farm
- if approved development is likely to become focussed on new site
- harm to setting of listed Church
- further development would damage water supply to property
- existing dwelling closer to the mobile homes than the application site
- better sites in the existing complex

5.2 A total of 10 letters of support have been received from the following persons :

- Nick Marsden, Sales and Procurement Director, KG Fruits Ltd
- RH Loxton, Post Office, Norton Canon, Herefordshire
- J Handford, Soft Fruit Advisor, Farm Advisory Services Team Ltd, North St, Sheldwich, Faversham, Kent
- S Graham, NFU West Midlands Region, The Cattle Market, Love Lane, Kington
- CR & J Jenkins, Bliss House, Staunton on Wye
- Mr D Chant, Standale, Staunton on Wye
- RB Montague, Edmont, Preston on Wye
- K Dale, Willow Cottage, Preston
- C Creed, Senior Consultant (ADAS Horticulture), Boxworth, Cambridge
- PJ Buckingham, Arrowfield Veterinary Group, Willowdale, Slough Lane, Presteigne

5.3 Staunton on Wye Parish Council raise no objection in the interest of encouraging local employment but request that the dwelling is sited at the lowest level possible and that landscaping is provided to minimise the visual impact on the surrounding area.

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

- a) the principle of establishing a permanent dwelling in the open countryside;
- b) the visual impact of the proposal in respect of the character and appearance of the countryside and the setting of the Listed Church and;
- c) drainage.

### Principle of Residential Development

6.2 The relevant guidance relating to the determination of need associated with new permanent dwellings in the open countryside is set out in Annexe I of PPG 7 and more specifically paragraphs I5-I13. Five specific tests are established but in this case it is considered that the evidence relating to the functional need of the enterprise and the availability of existing suitable accommodation in the local area are the key factors.

- 6.3 In this case it is argued that the functional need is derived from the welfare of the established livestock activities, the management and supervision of the seasonal workforce (a maximum of 90 casual workers are employed from early May through until the end of September of which 60-70 are students of Eastern European origin) and the need to react to emergencies such as a break down in the irrigation system or adverse weather conditions associated with successfully growing strawberries in a highly competitive market.
- 6.4 The planning history of this site indicates a consistent concern on behalf of the local planning authority in respect of the functional need and it is advised that this concern remains valid in respect of this current application. The management and supervision of the casual workforce is not considered to be a strong argument for a permanent residential presence in addition to the existing well placed agricultural dwelling and furthermore the approach adopted with regard to this case is that the normal day-to-day requirements of managing an albeit extensive strawberry growing enterprise would not demand constant 24 hour supervision. It is not argued that an additional dwelling to supplement the Oakchurch Farm complex would not be extremely convenient but rather that the requirements do not amount to the demonstration of an essential need for another permanent dwelling.
- 6.5 Weight is also placed upon the expanding livestock interests of the enterprise by the applicant but it is respectfully argued that the needs of this aspect of the business could be met by the existing tied dwelling at the farm.
- 6.6 In addition to the issue of establishing a functional need it is also advised that planning permission exists for the conversion of a barn that is well placed to meet such a need if it were considered to exist. It is argued by the applicant that this is not available since it is owned by the applicants brother and was and remains the intention to provide for the long term accommodation needs of the brother who has a serious illness. This is acknowledged in reaching the recommendation but on balance it is considered that if the current need for accommodation is derived from the farming activities this should be directed towards the barn conversion in the first instance.
- 6.7 The officers appraisal necessarily summarises a complicated case and whilst the financial viability of the enterprise and particularly the strawberry growing element is recognised it remains the case that a functional need for a further permanent on-site presence has not been met and furthermore if this were the case there are opportunities to meet such a need in the immediate vicinity of the site that would negate the justification for a permanent dwelling.

#### Visual Impact

- 6.8 The application site is relatively well located in terms of the case set out by the applicant, being close to the established farm buildings and occupying a generally inconspicuous position in the wider landscape and as such a modest single storey development would not have a significant adverse impact on the character and appearance of the countryside.
- 6.9 Furthermore, it does not visually relate to the Listed Church to the extent that its presence would detract from its setting.

Drainage

- 6.10 Local concern has been raised in respect of the impact of the development on the local water supply and possible contamination by additional private drainage arrangements. Although it appears that works undertaken at the site to construct the access had an impact on a neighbours water supply there is no evidence to suggest that this would be a problem repeated by the construction of a dwelling and as such it is not considered that this issue alone would be sufficient to warrant the refusal of planning permission. Clearly the applicant would need to take precautions to ensure that the local aquifer was not irreparably damaged.
- 6.11 The Environment Agency recommend that there would be no objection in respect of the principle of a private foul drainage system subject to an appropriate design . This could be covered by means of a condition.

**RECOMMENDATION**

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

- 1. **Notwithstanding the supporting appraisal it is not considered that an essential need has been demonstrated that would justify an additional dwelling on the holding, particularly in view of the potential availability of the uncompleted barn conversion, and as such it is considered that the proposal would be contrary to Policies H20 and A4 of the Hereford & Worcester County Structure Plan, Policies A2(D) and A43 of the Leominster District Local Plan (Herefordshire) and the guiding principle set out in Annexe I of PPG7 - The Countryside, Environmental Quality and Economic and Social Development.**

Decision: .....

Notes: .....

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**Background Papers**

Internal	departmental	consultation	replies.
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