

**24 DCNW2003/3247/F - REMOVAL OF CONDITION NO.S  
3, 7 AND 19 OF NW2001/1318/F AT UNIT 1, DAIRY  
HOUSE, LOWER YATTON, LEOMINSTER,  
HEREFORDSHIRE, HR6 9TL**

**For: Mr M Perrott, Walford Lodge, Leintwardine.**

**Date Received:**  
27th October 2003

**Ward:**  
Mortimer

**Grid Ref:**  
42997, 66689

**Expiry Date:**  
22nd December 2003

Local Member: Councillor Mrs O. Barnett

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

1.1 Unit 1, The Dairy House represents the first completed conversion of a complex of attractive stone and brick built barns at Lower Yatton Farm. The Dairy House is positioned at the main entrance into the courtyard. The main farmhouse is located to the north and the remaining barns which are currently being converted by the applicant are positioned immediately to the west.

1.2 Permission was granted for the application building and the larger buildings in the complex to a total of 3 live-work units pursuant to application reference NW2001/1318/F. The permission was subject to three restrictive conditions which are relevant to this current application :

- 3) The occupation of the dwellings shall be limited to a person solely or mainly employed or last employed in the business premises associated with that dwelling, or a widow or widower of such a person, or any resident dependants.

Reason: It would be contrary to the policy of the local planning authority to grant planning permission in this location without the associated business use.

- 7) The workshop units shall only be used for B1 purposes as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

- 19) Before occupation of the dwelling(s), the workshops/studios/offices shall be available for use as such.

Reason: To ensure that the employment element of the proposal on which the conversion to residential relies, is provided, in accordance with Policy A60 of the Leominster District Local Plan (Herefordshire).

- 1.3 The workshop element approved in association with Unit 1, The Dairy House was relatively small with an overall floor area of 46 m<sup>2</sup>.
- 1.4 Planning permission is sought for the removal of Conditions 3, 7 and 19 in respect of Unit 1. This would enable the building to be used for wholly residential purposes. The application is accompanied by a market testing appraisal indicating that the building has been actively marketed by Lane Fox and that it has been registered on the Council's Property Register since 25 June 2003.

## 2. Policies

### Leominster District Local Plan (Herefordshire)

- A35 Small Scale New Development For Rural Businesses Within Or Around Settlements
- A36 New Employment Generating Uses For Rural Buildings
- A60 Conversion Of Rural Buildings Outside Settlements To Residential Use

### Herefordshire Unitary Development Plan (Deposit Draft)

- E10 Employment Proposals Within or Adjacent to Rural Settlements
- E11 Employment in the Countryside
- HBA12 Re-Use of Traditional Rural Buildings
- HBA13 Re-Use of Traditional Rural Buildings for Residential Purposes

## 3. Planning History

NW2001/1318/F - Conversion of farm buildings to form 4 dwellings with workshop/office space.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Head of Engineering and Transportation raises no objection.

### Internal Council Advice

- 4.2 Chief Forward Planning Officer advises that the principle of wholly residential use should be assessed against an appropriate market testing exercise.
- 4.3 Head of Community and Economic Development advises that since June 2003 only 2 poorly matched enquiries have been received in respect of Unit 1, The Dairy House.

## 5. Representations

- 5.1 Aymestrey Parish Council state :

'a) the original permission was granted on the basis that the characteristics of the building be retained. The condition to include workshop complied with this and should not be removed.

b) It is believed that it is the developer, not the occupier of this building that is requesting the removal of these conditions as the property is currently unoccupied. The conditions should not be removed on both these accounts.'

- 5.2 There are no other representations following the consultation exercise.
- 5.3 The full text of this letter 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 issue for consideration in respect of this application is whether the subsequent marketing of The Dairy House indicates a lack of demand for the workshop space originally approved alongside the residential conversion. It is advised at this stage that the original permission which related to the complex as a whole was considered to be an appropriate compromise in the absence of market testing by the previous owner of the Lower Yatton Farm barns. The result was a permission which incorporated the restrictive conditions which are now being challenged.
- 6.2 The applicant, who is the new owner of the complex, has carried out the necessary marketing in accordance with the Council's Supplementary Planning Guidance and whilst it is acknowledged that the original permission is a very recent one, no formal offers have been made for the property. The reason for this would not appear to arise from a lack of demand since the estate agent advises that 3 suitable parties have come forward but subsequently withdrew their offers when the implications of the planning conditions were explained. This position is borne out by approaches made to the local planning authority since the building was put on the market.
- 6.3 It seems therefore that it is the restrictive nature of the conditions and the subsequent problems with mortgage companies that are precluding the occupation of the building. These factors coupled with the fact that Unit 1 only contained a very modest workshop area have led to the conclusion that there is little economic benefit in retaining the conditions in place so far as Unit 1 is concerned.
- 6.4 Had the full market testing exercise been carried out when the original conversion application was submitted, it is likely that the conditions would not have been imposed on this unit. As it has been carried out subsequently it is considered appropriate to now release this unit from those requirements.

## **RECOMMENDATION**

**That conditions 3, 7 and 19 in permission NW2001/1318/F issued on 8 January 2002 be deleted and replaced by the following condition(s):**

- 1 - This permission relates solely to the converted barn known as Unit 1, The Dairy House, Yatton.**

**Reason: The remaining building(s) have not been the subject of market testing in accordance with the Council's Supplementary Guidance in respect of The Re-Use and Adaptation of Traditional Rural Buildings.**

- 2 - A10 (Amendment to existing permission )**

**Reason: For the avoidance of doubt.**

- 3 - The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

**A60 Conversion Of Rural Buildings Outside Settlements To Residential Use**

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.