

APPENDIX 1

PLANNING COMMITTEE

20 JANUARY 2010

9 DMSW/092133/O - OUTLINE PLANNING APPLICATION FOR CONSTRUCTION OF A THREE BEDROOM DWELLING AT LAND ADJACENT TO SUN COTTAGE, GARWAY HILL, HEREFORDSHIRE, HR2 8EZ

For: Mr A Heath, Turpins, St Weonards, Herefordshire, HR2 8QG

Date Received: 29 September 2009

Ward: Pontrilas

Grid Ref: 344740,224877

Expiry Date: 24 November 2009

Local Member: Councillor RH Smith

Introduction

The Southern Area Planning Sub-Committee considered this application on 25 November 2009 and resolved to approve the application contrary to the Officer's recommendation. The decision was accordingly referred to the Head of Planning and Transportation to determine if it should be reported to the Planning Committee for further consideration.

The Members of the Southern Area Planning Committee attached significant weight to the importance of supporting the applicant and to enable the continuation and expansion of his existing blacksmiths business currently operating from Oldfields Farm approximately 1 kilometre away from the site for the proposed dwelling. It was stated that the business, which includes the repair and maintenance of farm equipment, was an important service to the local community and required a permanent residential presence to ensure that the business could function effectively. The currently undetermined application for a new workshop building also located at Oldfields Farm was not seen as fundamental since the applicant was already running a business from an existing building at the site.

The debate also clearly established that Members were satisfied with the future viability of the business as a basis for supporting the dwelling.

In addition to the needs of the business, the local connection of the applicant to the community was given weight as was the lack of opportunities for young people to remain resident in the Garway area due to the lack of affordable housing.

In addition to the principle of the proposed residential development, issues concerning the sustainability of the location, highway safety and landscape impact were considered but were either outweighed by the overriding justification for the dwelling or capable of being satisfactorily controlled by way of conditions and careful treatment of the design, scale and appearance of the dwelling.

Members were advised that even in the event that a case for a dwelling were substantiated, a location adjacent to the existing (and potentially new workshop) would serve to improve the sustainability of the proposal, whilst resolving concerns about the landscape impact of the dwelling.

The Head of Planning and Transportation is concerned that to grant planning permission would be fundamentally contrary to Policies H7, H8 and H10 of the Herefordshire Unitary Development Plan and the principles of sustainable residential development in isolated rural locations set out in Planning Policy Statement 7: Sustainable Development in Rural Areas and accordingly the application was referred.

Further information on the subject of this report is available from Mr A Prior on 01432 261932

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1. Site Description and Proposal

- 1.1 The application site is on the southern side of the C1238 road and is opposite Upper Sun Cottage to the north. The area of ground is roughly triangular in shape which adjoins the C1234 road on the eastern side and on the northern side an unadopted track which inclines steeply towards the entrance to Garway Common and further up slope to Garway Hill. This site is elevated in the landscape enjoying views to the east and north east and is described as having been used for rough sheep grazing. Access into the site is via a gateway off the unadopted track leading to Garway Common and two other detached dwellings further south and uphill.
- 1.2 This outline planning application is made with all matters reserved. An indicative block plan submitted with the application positions the dwelling in the north west corner of the site with the means of access via an existing gateway at the most southerly point of the site, where it adjoins the C1234 road.
- 1.3 The applicant has a blacksmith enterprise at Oldfield Farm just over one kilometre to the south. The local planning authority is currently considering an application for a new detached workshop building at Oldfield Farm. This farm comprising traditional stone rubble barns and modern farm buildings which belongs to the applicant's grandfather. The proposed dwelling is submitted on the basis of the applicant's desire to live close to his blacksmiths enterprise.

2. Policies

2.1 Planning Policy Statements

- PPS1 - Delivering Sustainable Development
PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

- Policy S1 - Sustainable Development
Policy S2 - Development Requirements
Policy S6 - Transport
Policy DR3 - Movement
Policy H7 - Housing in the Countryside Outside Settlements
Policy H8 - Agricultural and Forestry Dwellings Associated with Rural Businesses
Policy H13 - Sustainable Residential Design
Policy LA2 - Landscape Character and Areas Least Resilient to Change

3. Planning History

- | | | | | |
|-----|-----------------|--|---|----------------------|
| 3.1 | DCSW2009/1030/O | Proposed construction of a dwelling | - | Withdrawn
24.6.09 |
| | DCSW2009/0019/F | Construction of new bungalow (On adjoining site in different ownership) | - | Refused
11.02.09 |
| | DCSW2009/1524/F | Erection of new bungalow and garage (On adjoining site in different ownership) | - | Refused
24.8.09 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

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Internal Council Advice

4.2 Traffic Manager states that the access location is substandard, visibility a lot better to the south than to the north west. A lot of hedgerow would need to be removed.

5. Representations

5.1 Orcop Parish Council fully supports this application on the grounds that young people should be encouraged to stay within the Parish.

5.2 No comment received from Garway Parish Council.

5.3 A Design and Access Statement has been submitted with the application:

- New three bedroom detached house on small piece of approximately 1.5 acres.
- Conveniently located for my place of business.
- Solely for my occupation; considered to be no impact on neighbours.
- House would be of conventional design(brick/stone). Garage would be detached.
- House approximately 15 metres in length, 6 metres wide and 7.5 metres to the ridge. Garage would be 6 metres long and 3 metres wide.
- Access would be taken from southerly point of field via an existing gateway. Road visibility good in both directions.
- Position of dwelling in field probably on south west boundary of site. Electricity and water available. Drainage will be in area sloping to east of proposed site.

5.4 In a letter that accompanied the application, the applicant makes the following main points:

- I am a 26 year old full-time working, self-employed blacksmith. I trained at Holme Lacy College. Started business from scratch over 3½ years.
- Live within a mile of the business. Need to live close to workshop in the interests of the business.
- Marrying next year. Housing projects at Orcop and Garway have not taken off.
- Need to live closeby for emergencies during busier times of the farming year.
- Access will be either off the track to Garway Hill Common or at southern most point of field directly onto highway.
- I need a new workshop as I have outgrown my existing facilities.
- Need an extra pair of hands, already have a couple of part-time workers.
- Now reasonably profitable, after struggling initially. See confidential finalised accounts, please note upward trend in business and see my turnover.
- Also included an inventory of my equipment paid for from profits or savings.
- Following concerted marketing my business profile is rising. I produce curtain poles, gates, railings, door and window furniture, household items i.e fire irons. Undertaken work for Hereford Cathedral and Chepstow Castle.
- I have demonstrated at Monmouth Show, Llagattack Ploughing Match and the Hereford Cider Museum and in local magazines.
- There are no suitable buildings on the farm, I do not own them and they are still used for storage of hay and grain.
- I enclose a statement from Merrivale Accounting Services. They demonstrate my financial viability and my need to live in close proximity to the business, in order for it to function properly.

5.5 Financial accounts were also submitted covering the three years up to 5 April 2009. These relate to Oldfield Forge, which is located at the applicant's grandfather's property Oldfield Farm

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further to the south along the C1234 road. A full profit and loss account was not provided but the Chartered Accountant states that taking into account invoices raised from 6 April 2009 to 31 July 2009, and extrapolating at this rate the annual turnover and net profit is good.

5.6 The papers which accompanied the headline figures set out the applicants case, which can be summarised as follows :

- Business growing with more rigorous promotion at agricultural shows and publicity in magazines.
- It is a soundly based rural enterprise.
- No need for external funding.
- Next step crucial i.e taking on extra pair of hands.
- Needs to be close to workshop and be based in locality in order to carry out emergency repairs to farm machinery. Time factor is crucial.
- Needs to be able to provide supervision/advice to new apprentice.
- Often customers find it convenient to visit workshop out of hours. Better if located nearby.
- Security for new building, subject to approval. Security system would be linked to house.
- Business cannot function efficiently if applicant lives some distance away from premises.

5.7 Two letters of objection have been received from :

Mr & Mrs C Phillips, Sun Farm, Garway Hill, Herefordshire HR2 8EZ

The following main points are made:

- Site outside designated area in open countryside
- Application site only purchased a couple of years ago.
- Have been refused twice on adjacent site for genuine health reason.
- Owned our site for over 30 years

5.8 A letter of objection has been received from Mrs West, Hom Green Ross-on-Wye. The following objections are made

- application site was in my father's ownership, it was then passed to my sister and I
- it was made clear by Planning Department that residential development would not be supported
- sold site as a grazing paddock to applicant. The sale reflected existing use
- applicant is seeking to tie site to workshop one kilometre to south. This business has yet to prove itself
- catchment area for business sparsely populated
- why is dwelling not sited close to workshop at Oldfield farm? Farm is in ownership of applicant's family
- if approved site would attract premium future sale price given views and location
- should application be approved in complete contravention of the Unitary Development Plan and given previous refusals in area. We would pass this matter onto the Local Government Ombudsman

5.9 A letter of support has been received from Mr R Whistance, Little Garway Farm, Garway Hill. The following main points are raised :

- difficult to find affordable housing
- applicant needs to live in local vicinity for the sake of his livelihood

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- a service is provided to the community, helping repair farm equipment, making utensils for households and builders
- Herefordshire people employed
- Applicant has worked hard over a number of years .With a place of his own he would have the best chance to run a stable business

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

6. Officer's Appraisal

- 6.1 It is considered that the main issues relate to the principle of development, the visual impact of the site and the means of access off the C1234 road.
- 6.2 The applicant has made an application for a new workshop at Oldfield Farm which is just over a kilometre away. However, at the time of drafting this report this planning application had not been determined. This application should therefore be approached as being for an enterprise which does not have the benefit of planning permission. It is considered that the erection of a dwelling on this elevated site divorced from the enterprise which it will potentially serve, does not satisfy the functional criteria in Government advice in PPS7 or UDP Policy H8. This criteria establishes that, for agricultural enterprises and those rural enterprises which need to be located in the countryside, the new dwelling needs to be well related to the enterprise and that it is the needs of the enterprise which are the determining factor and, not the particular circumstances of the applicant. It is considered that when applying the criteria for new dwellings in the open countryside, a case has not been substantiated for a dwelling on the site as applied for. It would be convenient but would not assist with future security, since the enterprise is located on a farm lived in by the applicant's grandfather and some distance from the site. These are not reasons for setting aside established planning policy and Government advice contained in PPS7, for dwellings serving established rural businesses. It is also considered that in the absence of full profit and loss accounts, the financial case for a new dwelling has not been substantiated at this time. The application does not satisfy the criteria of Policies H7 and H8 of the Unitary Development Plan and supporting Government advice contained in PPS7. It is also the case that the rural enterprise which the dwelling is proposed to serve does not have the benefit of planning permission and therefore it would be premature to approve the principle of a new dwelling at this time.
- 6.3 The application site is an elevated one which would be prominently viewed on what is a sensitive hillside which is publicly accessible by locals and tourists alike and visible from the adjacent track and footpath on the northern side of the application site which serves Garway Common. The erection of a dwelling would therefore in the absence of an overriding justification result in a dwelling being erected which would detract from the openness of the hillside. Government advice in PPS7 indicates that the countryside should be protected for its own sake from unwarranted development, which would be the case in this instance. There is also the need for development to reduce reliance of use of the motor vehicle. This too would not be the case for this isolated site in the open countryside and therefore the proposal is contrary to Policies S1 and S6 of the Unitary Development Plan. An issue made more concerning by the desire to provide a house in a location away from the business operation.
- 6.4 The final issue relates to the means of access. It is evident from the advice submitted by the Traffic Manager that the means of access at the southern most point of the site is severely deficient in providing visibility to the north west. It would also result in a loss of at least 40 metres of hedgerow. The applicant has indicated that alternative access could be taken onto the unadopted track serving Garway Common and two other dwellings on the northern side of the property. This is a matter which cannot be ascertained without firm details and in the

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absence of such details it is considered that the means of access is of sufficient concern given the limited visibility on the C1234 road, to warrant the refusal of planning permission.

6.5 It is not considered that a compelling case has been advanced for the erection of a dwelling on this hillside location. There is no functional reason which has been made for this dwelling given that if justified it should be sited where practical as close as possible to the enterprise it serves. This is also for an enterprise which does not currently have the benefit of planning permission and therefore it would be premature to even consider such a proposal for this reason also. The erection of a dwelling would therefore also not be sustainable. The means of access is unsatisfactory and for these reasons my recommendation is for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal is contrary to Policies H7 and H8 of the Herefordshire Unitary Development Plan and the guidance contained in PPS7 : Sustainable Development in Rural Areas. It is not considered that a justification for a permanent new dwelling has been made either in terms of a functional need to serve the rural enterprise or on the basis of its long-term financial viability.**
- 2. The development of the site would not be sustainable and would place reliance on the use of the motor vehicle. Therefore the proposal is contrary to Policies S1 and S6 of the Herefordshire Unitary Development Plan.**
- 3. The erection of a dwelling on this elevated and prominent site in close proximity Garway Hill would detract from the character and appearance of the landscape. The proposal is therefore contrary to Policy LA2 of the Herefordshire Unitary Development Plan.**
- 4. The proposed means of access does not demonstrate that an appropriate level of visibility can be achieved and accordingly it would be contrary to Policies DR3 and T8 of the Herefordshire Unitary Development Plan.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

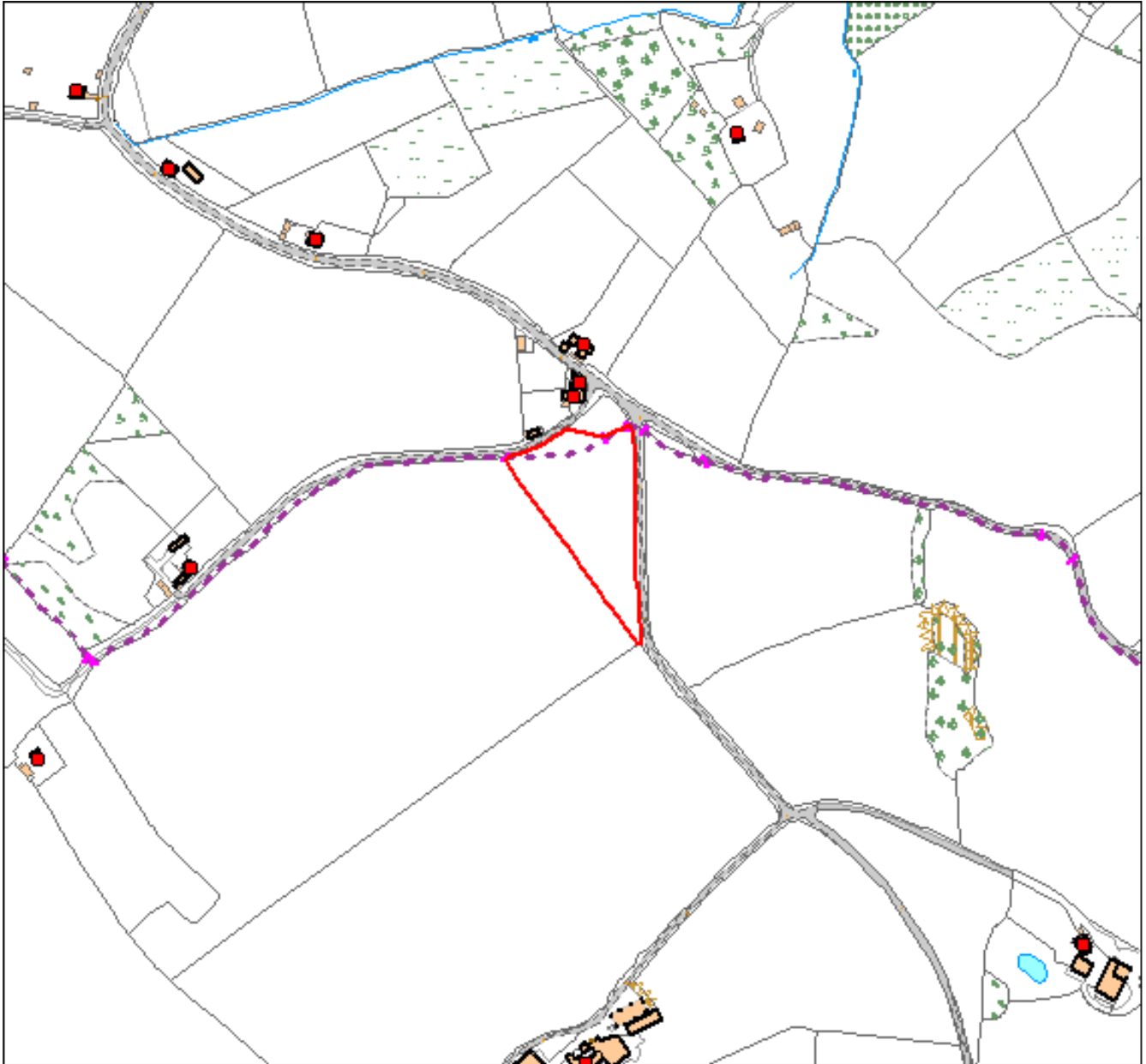
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