

**DCSE2004/0220/F - PROPOSED BUILDING FOR THE STORAGE AND REPAIRS OF AGRICULTURAL, HORTICULTURAL, AUTOMOTIVE AND PLANT MACHINERY AT THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE**

**For: Mr S Cole per Mr C F Knock, 22 Aston Court, Aston Ingham, Ross-on-Wye, Herefordshire HR9 7LS**

**Date Received: 20th January 2004    Ward: Kerne Bridge    Grid Ref: 59867, 20872**  
**Expiry Date: 16th March 2004**

Local Member: Councillor Mrs R Lincoln

**1. 1. Introduction**

1.1.1.1 This application was reported to the Southern Area Planning Sub-Committee on 17<sup>th</sup> March 2004. The Sub-Committee were minded to support the application contrary to the officer recommendation. The reasons for this were that the applicant provides a vital service for the local agricultural community, there is considerable local support and that the applicant had taken steps to ensure that the size and location of the building would not be harmful to the Area of Outstanding Natural Beauty.

1.1.1.2 Head of Planning Services has examined the proposal and refers the application to the Planning Committee for the reason that the decision of the Sub-Committee entails a conflict with key Development Plan policies.

**2. 2. Site Description and Proposal**

2.1 This application is for a revised scheme for the erection of a building for storage and repair of automotive and plant machinery. The building would be about 36.6 m long x 10.7 m wide x 7.7 m to ridge. This compares to the earlier proposal for a building 46 m long. Siting has also been altered by moving the building further to the north-east and by lowering the finished floor level by 3.5 m. The external materials of the building would be plastisol coated steel sheeting (slate blue in colour). The proposal also involves extensive earth works, and improvements to the existing access, closure of 2 other accesses and formation of a turning area.

2.2 The site is triangular in shape and about 0.6 ha in area. It comprises sloping land on the south-east side of the Coughton - Howle Hill road, which has been partly terraced. Above the site is woodland. It is about halfway up the hillside which rises from the River Wye floodplain.

2.3 The earlier proposal (SE2003/1002/F) was considered by the Committee in October 2003 but determination of the former was deferred in order for the site to be visited. The proposal was withdrawn after the site visit but before consideration

by the Committee. An accompanying application for retention of a hay barn was granted permission at the December meeting of the Committee.

- 2.4 It is understood that the use of land at Orchard House for a plant/haulage contractor's business, which is not authorised, would transfer to the new site if permission is granted and the land at Orchard House be returned to agricultural use.

### **3. Policies**

#### **3.1 3.1 Planning Policy Guidance**

- PPG.7 - The Countryside: Environmental Quality and Economic and Social Development

#### **3.2 3.2 Hereford and Worcester County Structure Plan**

- Policy CTC.1 - Areas of Outstanding Natural Beauty  
Policy CTC.2 - Areas of Great Landscape Value  
Policy E.6 - Industrial Development in Rural Areas  
Policy A.3 - Agricultural Buildings

#### **3.3 3.3 South Herefordshire District Local Plan**

- Policy C.1 - Development within Open Countryside  
Policy C.2 - Settlement Boundaries  
Policy C.4 - Areas of Outstanding Natural Beauty Landscape Protection  
Policy C.5 - Development within Areas of Outstanding Natural Beauty  
Policy C.6 - Landscape and Areas of Outstanding Natural Beauty  
Policy C.8 - Development within Area of Great Landscape Value  
Policy C.9 - Landscape Features  
Policy C.11 - Protection of Best Agricultural Land  
Policy ED.5 - Expansion of Existing Businesses  
Policy ED.6 - Employment in the Countryside  
Policy ED.9 - New Agricultural Buildings  
Policy GD.1 - General Development Criteria  
Policy T.3 - Highway Safety Requirements

#### **3.4 3.4 Unitary Development Plan – Deposit Draft**

- Policy S.7 - Natural and Historic Heritage  
Policy LA.1 - Area of Outstanding Natural Beauty  
Policy LA.2 - Landscape Character and Areas Least Resilient to Change  
Policy E.6 - Expansion of Existing Businesses  
Policy E.8 - Design Standards for Employment Sites  
Policy E.11 - Employment in the Countryside

### **4. Planning History**

- |     |               |   |   |                       |
|-----|---------------|---|---|-----------------------|
| 4.1 | SE2003/1002/F | Building for storage and repairs of agricultural, horticultural, automotive and plant machinery | - | withdrawn<br>22.10.03 |
|     | SE2003/2157/F | Retention of replacement hay barn, hardstanding and terrace.                                    | - | Permitted<br>5.11.03  |

**5. Consultation Summary**

Statutory Consultations

- 5.1 Environment Agency has no objection subject to conditions.

Internal Council Advice

- 5.2 Head of Engineering and Transportation recommends that conditions be imposed if planning permission is granted.

**6. Representations**

- 6.1 A detailed submission in support of the application is included in full in the Appendix to this report.
- 6.2 In addition the applicant's agent refers to the views of the Parish Council and points out that the application has been modified in the following ways:
1. Reduced in size by 2 bays.
  2. Set lower in the ground.
  3. Extra tree planting.
  4. Extra bunding.
- 6.3 A petition in support of the application with 85 signatures from 69 addresses has also been included with the planning application plus 8 letters of support. These were originally submitted in relation to the earlier proposal (SE2003/1002/F). The reasons given are summarised as follows:
- - create local employment (2 new jobs)
  - - support local farming community - many farms, as well as businesses and householders rely on the applicant for repairs, contract work and hire of earth moving equipment; 90% of his work is within 10 mile radius
  - - would ensure existing site next to Orchard House was cleared
  - - new site is less visible; building would not be seen from road and no noticeable impact on landscape
  - - all services exist or are readily available; would be secure site both as regard equipment and safety of children; highway aspect agreed by Council's Transportation Unit; vehicle movements would be kept to a minimum
  - - majority of local people support proposal for above reasons
  - - only field applicant owns and he needs to diversify, develop and consolidate his business
  - - his personal qualities are referred to; very honest and hard working.

6.4 Parish Council's observations are as follows:

A public meeting was held which 45 people attended, although not all lived in the parish. They were unanimously in favour of the application. However, the majority of Parish Councillors objected to the application, following policies laid down by national and local government. The chief reasons were that this was a commercial/industrial development, not for agriculture nor forestry, in open country within an AONB on a prominent site with substandard road access.

Points raised in favour:

- a) a) The building was needed to clear vehicles from the field next to Orchard House, a long-standing eye-sore in the locality and not in the applicant's ownership
- b) b) The building was needed to aid a local business.
- c) c) In this second application, the new site for the proposed smaller building will be less obtrusive as it is lower down and sunk into the hillside and will be hidden by a tree- planted bund.

Points raised against:

- a) a) A development control decision affecting an AONB should favour conservation of natural beauty of environment (PPG7 4.8). If erected, the building would set a precedent for other sites to be so developed.
- b) b) Access road is poor, being narrow, twisting and steep. Difficulties of downhill vehicles stopping in time for unseen slow moving vehicles turning in or out.
- c) c) The proposed building is commercial, not agricultural, and should be sited in an industrial estate not in open country
- d) d) Sympathy for residents who want existing site cleared, but the solution is not to move it to another greenfield site.

If consent is given, the following conditions were requested:

- e) e) An environmental impact assessment is needed
- f) f) Access must be improved before sitework is begun.
- g) g) All vehicles should be housed inside the building at all times.
- h) h) All vehicles should belong to the applicant so that the site does not develop into a general repair shop, attracting further heavy goods vehicles on to the road system
- i) i) The building should be of a dark colour
- j) j) Exterior lighting should be kept to an absolute minimum on this elevated site
- k) k) Noise should be kept to a minimum at all times
- l) l) Care is taken concerning pollution into the Castlebrook below and thus to the River Wye

6.5 4 letters have been received expressing objections to the proposal. The following is a summary of these representations:

- - this is not an agricultural development and is totally inappropriate in an Area of Outstanding Natural Beauty and would conflict with policy (GD.1), intentions for Area of Outstanding Natural Beauty (to protect its natural beauty, flora and fauna) by allowing an eyesore; totally contrary to Council's Development Plan.
- - Until 3 years ago the field was open pasture and extensive earth moving has created plateau and used for storage of road builder's materials and waste rubble
  - - earth moving is itself detrimental to landscape
  - - extremely conspicuous site from adjacent highway and public footpath
  - - vehicles and machinery may be stored outside as well as waste materials and liquids, further harming Area of Outstanding Natural Beauty
  - - this would set disastrous precedent for further development in Area of Outstanding Natural Beauty, exacerbating harm identified above and with far reaching consequences way beyond the immediate area
  - - site is awkwardly placed near blind bend on narrow road and half way up a hillside with traffic speeding downhill - turning movements of large machinery into and off site and trying to pass other large vehicles would cause considerable problems and compromise highway safety; have been several near accidents already
  - - concerned about noise and oil pollution; bound to be spillage of petroleum and detergent products which will leech into ground with possibly appalling consequences for wildlife
  - - site is extremely conspicuous and building would be a real eye-sore to this attractive area of largely unspoilt countryside
  - - understand that Walford PC have objected and agree with their objection
  - - sympathise with those living near present site but should be located to a site in keeping with such an enterprise not a greenfield site in AONB
  - - one local resident in Coughton has complained regularly to Parish Council regarding HGV movements and this will aggravate her problem and increase traffic on already overloaded country road.

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

## **7. Officers Appraisal**

7.1 7.1 There are three main issues to be considered. Firstly the relevant policies and the need for the building, secondly the impact on the landscape and thirdly highway safety.

7.2 7.2 Both the County Structure Plan (HWCSP) and Local Plan (SHDLP) (Policies E.6 and ED.5 respectively) encourage the expansion of existing businesses. The latter specifically refers to expansion on new sites as follows:

In its efforts to promote economic development, the Council will support appropriate proposals to develop a new site when existing businesses have outgrown their original sites and operate in cramped conditions to the detriment of surrounding residents and other land users. The Council will also support the expansion of a business activity in a settlement or countryside location where this

will not give rise to serious environmental problems or have a damaging effect upon the landscape or nature conservation.

- 7.3 There is clearly an existing business operating from the field adjoining Orchard House but insufficient evidence has been submitted on two occasions to satisfy the Council that this use, which started without planning permission, has now become lawful. As the use is unauthorised it is considered that the above policies do not necessarily apply. Even so this policy only encourages new sites where the landscape will not be damaged. The erection of a new commercial building is referred to specifically or by inference in Policies C.1 and ED.6 (SHDLP) and in both cases it is specifically stated that "special justification" is required. Policy ED.6 reads as follows:

"WITHIN THE COUNTRYSIDE, PROPOSALS FOR EMPLOYMENT-GENERATING USES WILL ONLY BE PERMITTED WHERE THEY ARE FOR SMALL SCALE PROJECTS ON APPROPRIATE SITES WHICH ACCORD WITH THE COUNTRYSIDE POLICIES OF THE PLAN, AND ANY ONE OF THE FOLLOWING CRITERIA:-

- (i) THE DEVELOPMENT IS REQUIRED FOR THE ESSENTIAL OPERATION OF AGRICULTURE OR FORESTRY OR THE WINNING OF MINERALS; OR
- (ii) THE PROPOSAL IS FOR A FARM DIVERSIFICATION OR TOURISM PROJECT WHERE NO OTHER SITE EXISTS IN OR ADJOINING A SETTLEMENT AND WHICH ACCORDS WITH POLICY ED.8 AND POLICY TM.1 RESPECTIVELY; OR
- (iii) THE PROPOSAL IS FOR A REUSE OR ADAPTATION OF A RURAL BUILDING IN ACCORDANCE WITH POLICY ED.7;

NEW DEVELOPMENT OR BUILDINGS WILL ONLY BE PERMITTED PROVIDING IT CAN BE DEMONSTRATED THAT THERE IS NO OPPORTUNITY FOR THE RE-USE OR ADAPTATION OF EXISTING BUILDINGS AND SUCH NEW DEVELOPMENT SHOULD PREFERABLY BE LOCATED EITHER WITHIN OR ADJOINING EXISTING BUILT DEVELOPMENT. **A REASONED JUSTIFICATION WILL NEED TO BE SUBMITTED WITH ANY PROPOSALS OF THIS TYPE DEMONSTRATING WHY AN EXCEPTION TO COUNTRYSIDE POLICY SHOULD BE MADE. PROPOSALS FOR SUCH DEVELOPMENT SHOULD ALSO BE IN UNOBTRUSIVE LOCATIONS CAUSING NO ADVERSE IMPACT UPON THE NATURAL ENVIRONMENT, THE ROAD NETWORK OR LOCAL AMENITY.**" [emphasis added]

- 7.3.7.3 The reasons put forward in support of the proposal refer to the need to find an alternative site, that attempts to secure premises locally have been unsuccessful and that this is the only land available. Furthermore, it is pointed out that the business serves the local farming community and other businesses and would create additional employment. Relocation into a secure building away from houses would allow the land at Orchard House to be returned to agriculture thus improving the appearance of the area. In assessing these considerations it is accepted that the business is conveniently located in the countryside but such a location does not seem to be essential. The business serves non-farming enterprises as well as local farms, according to the representations. Both the existing land and the relocation site are in the Wye Valley Area of Outstanding Natural Beauty in which

priority is given to protecting the natural beauty of the countryside. The effect on the landscape is thus critical to whether an exception should be made to the policy that new commercial buildings should not normally be constructed in the open countryside.

7.4 7.4 In order to try to screen this sizeable building extensive earthworks are proposed. The site of the building would be excavated up to 8m below the existing ground level according to the sectional drawing submitted. Two bunds would be formed parallel with and close to the highway. In addition a new wider vehicular access and turning area would be required. These engineering works would alter substantially in contour the character and appearance of this former pasture, introducing angular and alien shapes into the countryside and further tarmacadam surfacing. These new features would all be highly visible and yet the building would not be screened from public view as there is a public footpath which passes just within the adjoining woodland along the south-east boundary and the building would be open to view from the adjoining highway to the south of the proposed bunds. It is considered that this would seriously harm the natural beauty of this part of the Wye Valley Area of Outstanding Natural Beauty.

7.5 7.5 The access could meet the requirements of the Council's Head of Engineering and Transportation who is satisfied that highway safety would not be compromised. However as noted above the access and turning area would require significant engineering works, involving further loss of hedgerow. Thus whilst this is not in itself grounds for refusal it would add to the harm to the Area of Outstanding Natural Beauty.

7.6 7.6 It is concluded that the harm to the countryside would be sufficiently serious as to outweigh any benefits from the development. The criteria in Policies ED.3, 5 and 6 for acceptable development in the countryside would not therefore be met and it is not considered that the case for making an exception has been made.

**RECOMMENDATION**

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

**The Council does not consider that there is special justification for a new building in open countryside in view of the serious harm that would be caused to the natural beauty of the landscape which is within the Wye Valley Area of Outstanding Natural Beauty and defined as of Great Landscape Value. The proposal would conflict therefore with Policies E.6, CTC.1 and CTC.2 of Hereford and Worcester County Structure Plan and ED.5, ED.6, C.1, C.5, C.6 and C.8 of South Herefordshire District Local Plan.**

Decision: .....

Notes: .....

.....