

**DCNW2004/1173/F - MOBILE HOME ON SITE FOR
RESIDENTIAL USE AT THE BUILDINGS, BRILLEY,
WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE,
HR3 6JH**

**For: Mr S F Anning Agent: McCartneys 54 High
Street, Kington, Herefordshire HR5 3BE**

**Date Received:
31st March 2004**

**Ward:
Castle**

**Grid Ref:
25422, 50104**

**Expiry Date:
26th May 2004**

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The application site comprises land and buildings located in an Area of Great Landscape Value to the north-west of Brilley. The main complex of buildings is arranged around an area of hardstanding accessed directly from the adjacent, unclassified road and set back behind a mature roadside hedgerow.
- 1.2 To the south-west of the buildings and on slightly elevated land are the two mobile homes which, together, form L-shaped living accommodation occupied by the applicant, his partner and their three children. The accommodation is served by its own private drive and a large garden area has been formed.
- 1.3 The applicant is principally engaged in agricultural contracting (Wye Valley Contractors), although the holding also runs as a mixed livestock farm. The holding amounts to an approximate total of 24.3 hectares of grassland, of which about 2 hectares is taken on a 15-year Farm Business with the remainder secured on an annual basis.
- 1.4 Retrospective planning permission is sought for the retention of the mobile homes, in order to provide adequate supervision of the established contracting and livestock enterprises.

2. Policies

Government Guidance

PPG7 – The Countryside – Environmental Quality and Economic and Social Development

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas

H20 – Housing in Rural Areas Outside the Green Belt

CTC2 – Area of Great Landscape Value

CTC9 - Development Requirements

A4 – Agricultural Dwellings

Leominster District Local Plan

A1 – Managing the District's Assets and Resources

A2 (D) – Settlement Hierarchy

A9 – Safeguarding the Rural Landscape

A43 – Agricultural and Forestry Dwelling

Herefordshire and Worcester Development Plan (Revised Deposit Draft)

S1 – Sustainable Development

S2 – Development Requirements

DR1 – Design

DR2 – Land Use and Activity

H7 – Housing in the Countryside Outside Settlements

H8 – Agricultural and Forestry Dwellings and Dwellings associated With Rural Business

LA2 – Landscape Character and Areas Least Resilient to Change

3. Planning History

NW2003/3603/F - Mobile home on site for residential purposes.

Withdrawn 20 January 2004.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Head of Engineering and Transportation raises no objection.

4.3 Chief Conservation Officer comments that the site is well contained and, as such, would not result in harm to the landscape character of the Area of Great Landscape Value.

5. Representations

5.1 The application is accompanied by an Agricultural/Business Appraisal, the contents of which can be summarised as follows:

- summary of the contracting and agricultural enterprises in terms of main responsibilities and stock levels
- details of the existing workshop, livestock and storage buildings
- breakdown of the seasonal requirements of the contracting business
- a summary of the availability of accommodation in the area
- a functional and financial test relating to the established farm enterprise.

5.2 Brilley Parish Council fully supports the application. The comments can be summarised as follows:-

- fully supportive of retaining young, local people living and working in the area
- existing dwellings in Brilley area are way beyond the means of local people
- application would help to stimulate a sustainable rural economy
- provide an important local service to the community
- government guidance supports principle of dwellings to support other rural enterprises

5.3 There are no other private representations

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 In the absence of any identified impact on the character and appearance of the Area of Great Landscape Value, the determination of this application is based upon the demonstration of a justification for a full-time residential presence to support the contracting and agricultural enterprises operated by the applicant.

6.2 It is advised that the principal activity associated with The Buildings is the agricultural contracting business, which accounts for approximately 70% of the applicant's time. The main services undertaken by Wye Valley Contracting include muck-spreading, silaging, ploughing, hedge trimming, corn and grass planting, combining, mowing, baling, potato carting, excavation work, bulldozing and snow clearing for Herefordshire Council and the Police Authority. The appraisal illustrates that these activities, together with repairs and maintenance, is a year-round responsibility that often involves shift work and working at unsociable hours. In order to meet these demands, Mr Anning employs four full-time people and more part-time employees from the local community are taken at pressurised times in the year.

6.3 It is submitted that the residential need from this main part of Mr Anning's enterprise results from the requirement to undertake maintenance work throughout the night to service equipment, ready for the next day's work and to ensure the security of the plant and equipment stored at The Buildings.

6.4 Having regard to relevant Government guidance and emerging policies in the Herefordshire Unitary Development Plan (Revised Deposit Draft), which introduce the potential for "other rural enterprise" to require a full-time residential presence, rather than the more traditional agricultural and forestry enterprises, the importance of this business to the local community must be acknowledged. However, it is considered that the late night maintenance requirements and security needs of the contracting business should not outweigh the strong presumption against the policy requirement to protect the open countryside from isolated residential development.

- 6.5 It is not considered that an essential functional need for a full-time residential presence to support the contracting business exists, but rather that the need is more a matter of convenience that could adequately be met in a location remote from the buildings and yard themselves.
- 6.6 The appraisal does also attach weight to existing agricultural activities at the holding. The current annual stocking levels are recorded as being a total of 5 cows and calves, 5 store cattle, 20 calves reared on bucket and 200 breeding ewes. A total of 24.3 hectares (2 hectares on a 15-year Farm Business Tenancy and the remainder rented on an annual basis).
- 6.7 It is clearly acknowledged that the mixed livestock activities on this relatively modest holding are a secondary element of the applicant's income and, in this case, the fact that the entire holding is tenanted is such that the long-term viability of the agricultural enterprise must be questioned. It is considered that, to support a temporary arrangement would, in time, make it very difficult to resist a permanent dwelling on a potentially very small holding and therefore, notwithstanding the functional and financial tests submitted, your officers are not convinced that the current tenanted arrangements would enable the applicant to demonstrate a firm intention and ability to develop the farming enterprise, since he is not in full control of the associated grassland.

Conclusion

- 6.8 The application to retain the existing mobile home, which has been on site for approximately 12 months, and is submitted primarily due to the perceived requirement to aid the efficiency of the agricultural contracting business and security of the site. These are not strong grounds upon which to allow a dwelling, even on a temporary basis. A case has been submitted in respect of the livestock activities operated from the holding, but, notwithstanding the required man hours and farm income, the fact that Mr Anning only owns a very small area of land leads to serious doubts as to the long-term viability of this smaller part of his business.
- 6.9 Notwithstanding the local support for this application, it is not considered that the case submitted would outweigh the strong presumption against residential development in the open countryside and, as such, the recommendation is one of refusal.

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

- 1. It is not considered that a functional need has been demonstrated with regard to the contracting and farming enterprises associated with The Buildings at Brilley and, furthermore, there is a lack of evidence of a firm intention and ability to develop the farming enterprise. Accordingly, this retrospective proposal would be contrary to Policies H20 and A4 of the Hereford and Worcester County Structure Plan, Policies A2(D) and A43 of the Leominster District Local Plan, the emerging Policies H7 and H8 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and the guiding principles set out in PP67 – The Countryside – Environmental Quality and Economic and Social Development.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.