

8 DCNC2004/1529/O - SITE FOR ERECTION OF 8 DWELLINGS AT RIDDLERS PLACE, UPPER SAPEY, WORCESTER, HEREFORDSHIRE**For: Mr. M. Clarke, Wall, James & Davies, 19 Hagley Road, Stourbridge, West Midlands, DY8 1QW****Date Received:**
26th April, 2004**Ward:**
Bringsty**Grid Ref:**
70264, 63631**Expiry Date:**
21st June, 2004

Local Member: Councillor T.W. Hunt

1. Site Description and Proposal

1. Ridders Place, a vacant employment site, occupied by unused buildings that are in poor condition, with industrial waste strewn about, is located in open countryside designated as being of Great Landscape Value and on the south-west side of the B4204.
- 1.2 The site was last used by Sam Shires, who repaired wooden pallets, and prior to that by Clarcon, who manufactured heavy duty castings - manhole covers, etc.
- 1.3 The site is on rising ground and a little under 1ha.
- 1.4 This is an outline application that proposes the demolition and replacement of the industrial buildings with 8 dwellings. The application reserves all matters except means of access for future consideration. The entrance onto the B4204 is to be altered to provide 4.5m x 90m visibility splays in both directions.

2. Policies**2.1 Malvern Hills District Local Plan**

Landscape Policy 1 – Development outside settlement boundaries
Landscape Policy 3 – Development in Areas of Great Landscape Value
Employment Policy 2 – The retention of existing industrial land
Housing Policy 4 – Development in the countryside

2.2 Hereford and Worcester County Structure Plan

H20 – Development in the open countryside
CTC2 – Development in Areas of Great Landscape Value
CTC9 – Development criteria

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

DR2 – Land use and activity
S1 – Sustainable development
S3 – Housing
H7 – Housing in the countryside outside settlements
E5 – Safeguarding employment land and buildings

3. Planning History

NC2004/1528/O – Erection of 26 houses. Refused 28.7.04.

MH2934/88 - Redevelopment of industrial site for residential purposes. Refused 13.12.88. Appeal allowed 22.2.90.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Forward Planning Officer: 'Development in the open countryside is not sustainable, contrary to national guidance at PPG1, PPG3 and PPG7, future national policies set out in draft PPS1 and PPS7, and the policies contained within both the Malvern Hills District Local Plan and the Revised Deposit Draft of the UDP.'

4.3 Head of Environmental Health and Trading Standards: 'The site has been used for metal works manufacture which could be a potentially contaminative use. Also there may have been issues of fly tipping and waste accumulation on site. In view of this, should planning permission be granted, I would recommend that a contaminated land planning condition be applied to the planning permission, requiring a desk study, site investigation and risk assessment, and remediation proposals if necessary, and validation of remediation (possible further monitoring) and results if required.'

5. Representations

5.1 Upper Sapey Parish Council: ' No objections but requests that any problems with drainage, light pollution and highway access should be investigated.'

5.2 Malvern Hills District Council would have no comments to make on the application. However, if the proposal of the development was considered to be acceptable and considering all other factors, the applicant may be encouraged to make a more efficient use of the site in accordance with the density levels proposed by PPG3 and they also seek to provide a range of housing types including the possibility of affordable provision.'

5.3 Objections have been received from:

Mr. and Mrs. M.C. Carter, Sunnyside Cottage, Rock Lane, Sapey Common

Mrs. L. Vowell, Holly Tree Cottage, Sapey Common

R.M. and D. Wattis, Tally Ho Cottage, Sapey Common

N. Sargent, Fields Cottage, Park Lane, Sapey Common

Mr. and Mrs. S. Aston, Rose Cottage, 3 Park Lane, Sapey Common

S. and P. Lees-Milne, Linehill House, Sapey Common

P.R.C. and J.P. Smith, The Camp House, Sapey Common

J. Hemingway, The Cottage, Sapey Common

D. & T. Johnson, Greens Cottage, Sapey Common

W. Dipple, 2 Rock Lane, Sapey Common

The main points raised are:

- a) The site has very poor access
- b) There is a working dairy farm close by - farm animals smells abound
- c) The area is notoriously difficult in respect of sewerage
- d) The area is a SSSI
- e) The site is located in open countryside where there is a presumption against housing development
- f) There is no local need for this proposal
- g) Unsustainable location - there are no shops, schools or employment available in the locality, meaning that people will need to use their cars
- h) The land should revert back to agriculture
- i) There is no street lighting or pavements in this area
- j) Threat to wildlife

5.4 The applicant's agent advises:

- a) This site started out its industrial life as a set of buildings where heavy castings were made - manhole covers, drains etc.
- b) Following complaint of noise and nuisance, an abatement notice was served by the former Malvern Hills District Council
- c) Previous application for housing on this site was allowed on appeal on 22 February 1990
- d) The site has been marketed for employment purposes but no interest has been shown
- e) The Minister for Housing, Keith Hill, advised his LPAs that they should consider residential redevelopment more favourably on brownfield sites
- f) This is a former employment site, a brownfield site, where redevelopment should be considered favourably

5.5 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 This application proposes residential redevelopment of a vacant employment site, which is within open countryside designated as being of Great Landscape Value. There is a previous appeal decision allowing residential use on the site, which has now lapsed.

National Policy

6.2 The use of the site for employment purposes would classify the land as brownfield, as the land is previously developed. PPG3 (Housing) seeks to promote residential development on brownfield sites. However, PPG3 does not encourage the development of every brownfield site, and in these instances there is a need to protect the countryside from unnecessary and unwarranted unsustainable development. It is acknowledged that the demolition of the existing buildings on the site would enhance the appearance of this location, however this is not a sufficient reason to override District Plan policies and permit residential development in the countryside. Brownfield sites within rural areas should also be within sustainable locations and particular emphasis is placed on the importance of reducing the need to travel by private car.

This position has been upheld on appeal in other rural areas e.g. Kinnersley Garage and turkey units, Leys Lane, Bircher.

The supporting information is considered to be misleading; incorrectly implying that redevelopment of these type of sites is government policy. This is not so. The ministerial statement from Mr Keith Hill (17/7/03) has a strong theme of sustainable development and ensuring that new homes are built in the "right place", i.e. in sustainable locations. The site in Upper Sapey is not the sustainable location that this statement targets.

The latest Government guidance contained within Draft PPS7 states that:

"The replacement of non-residential buildings with residential development should be treated as new housing development, in accordance with the policies in PPG3 and, where appropriate, paragraph 11 of this PPS."

The cross reference to paragraph 11 reads:

"Isolated new houses in the countryside will require special justification for planning permission to be granted. For example, the need to enable farm, forestry or certain other workers who are essential for the effective and safe operation of rural-based enterprises, to live permanently at or near their place of work, may constitute special justification in this context..."

The statement reiterates the Government's aims to protect the open countryside and ensure sustainable development.

Malvern Hills District Local Plan

- 6.3 The site is located within open countryside. New residential development in this area is only permitted in exceptional circumstances. These are listed in Housing Policy 4. None of the criteria listed would permit new build residential development on this site.
- 6.4 Employment Policy 2 of the Malvern Hills District Local Plan seeks to protect existing employment land. The policy does however allow the redevelopment of sites provided the proposal meets the exceptional criteria as follows:

Nuisance to adjoining residential properties - the supporting information makes reference to a history of noise nuisance and a noise abatement notice has been served in the past. The number of properties actually affected is likely to be very low due to the countryside location. The site is presently unoccupied so there is no current noise nuisance, and future employment users may or may not cause problems. If however, an existing use were to be a source of complaints for a sustained period of time and have a history with the environmental health service, and they agree it is unfit, relocation of the existing business to a more suitable site may be permitted.

Relocation to an alternative site – A suitable site should be found to ensure the business is not lost. If new housing development were permitted under policy EMP2, the residential element would only be allowed as enabling development to fund the relocation and building of a new site elsewhere. As the site is not occupied or used for its established purpose, this point is irrelevant.

- 6.5 *Visual impact* – The key issue with this site is its visual appearance in its current form. The supporting information makes reference to the site being 'a complete and utter eyesore'. The site is within an Area of Great Landscape Value. It is acknowledged that the site is unattractive. However, improvements to the visual appearance of a site are

not considered sufficient on their own to override policies so as to permit residential development in the countryside.

- 6.6 In terms of the Unitary Development Plan (Revised Deposit Draft), paragraph 6.4.35 alongside Policy E5 highlights the importance of safeguarding employment sites in the countryside to assist rural regeneration. This approach is in line with guidance set out in PPG7. The paragraph also reflects upon the need to balance the benefits of retaining a site for employment use with the environmental, traffic or amenity conflicts. Policy E5 does not permit the loss of employment land unless there are "...substantial benefits to residential or other amenity...". As the site is not occupied the loss of the site would be of benefit to local amenity other than on purely aesthetic grounds. The future users of the site may or may not generate a significant amount of traffic or cause nuisance to local residents. The site is located within open countryside. New residential development in the open countryside is only permitted in exceptional circumstances. These are listed in Policy H7.
- 6.6 Retaining the site for employment uses would assist rural regeneration in line with PPG7. There is no existing occupier on the site that can cause nuisance to local residents and future users may or may not further nuisance. Past nuisance problems have little weight in determining a planning application on the site. A key issue with this site in its current form is the visual appearance within the AGLV. The supporting information is misleading by incorrectly implying that Government policy targets all brownfield sites. Although the site is in a bad state of repair, its redevelopment for residential dwellings would be contrary to both national and local policies, as it would constitute unnecessary and unwarranted unsustainable development in the countryside.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The site is outside any village and development here would consolidate the scattered pattern of development in the Sapey Common area. As such, the proposal is contrary to Housing Policy 4 of the Malvern Hills District Local Plan and Policy H20 of the Hereford and Worcester County Structure Plan. These policies indicate that there is a very strong presumption against new housing in the open countryside.**
- 2 The site is a prominent one in an Area of Great Landscape Value, and it is considered that housing in such an isolated location would detrimentally affect the appearance of this area. The proposal is considered to be contrary to Landscape Policy 3 of the Malvern Hills District Local Plan and Policy CTC2 of the Hereford and Worcester County Structure Plan.**
- 3 The proposed development does not meet with any of the exceptions listed in Housing Policy 4 of the Malvern Hills District Local Plan to warrant a departure from the well-established and founded planning policies and if permitted would set an undesirable precedent for similar proposals which the Council would find hard to resist.**
- 4 In addition, the proposal is contrary to Employment Policy 2 of the Malvern Hills District Local Plan in that it represents a loss of an employment-generating use which cannot be justified through reference to the criteria contained within.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.