

**13 DCNW2004/1236/F - AGRICULTURAL WORKERS
DWELLING AT THE LIMES, NORTON CANON,
HEREFORDSHIRE, HR4 7BP****For: Mr. D. Palliser per Mr. A. Last, Brookside Cottage,
Knapton, Birley Herefordshire HR4 8ER****Date Received:**
5th April, 2004**Ward:**
Castle**Grid Ref:**
36777, 47888**Expiry Date:**
31st May, 2004

Local Member: Councillor J.W. Hope

Introduction

This application was deferred at the meeting of the Northern Area Planning Sub-Committee on 16th June, 2004, with a resolution to seek a reduction in the size of the dwelling proposed in the planning application.

In response to the resolution, the applicant has reduced the overall floor area of the dwelling from the 198 sq. metres originally submitted to approximately 177 sq. metres. It remains a 3-bedroom dwelling but, as revised, it would have one ensuite bathroom, as opposed to three, with a bathroom now located off the landing rather than a sitting room as previously submitted.

At the time of writing, a further two letters of objection have been received from Mr Lovelace of Pool Cottage, Norton Canon, and from Mr, & Mrs, Marpole of Leys Cottage, Norton Canon. The concerns raised in their letters reiterate previous objections, but can be summarised as follows:-

- new brick building in small hamlet out of character and unjustified when there are 2 redundant traditional barns on site;
- barns are surely not essential for agriculture when they are shown on plans as intended for conversion to holiday/B & B accommodation;
- barns are not too expensive to convert;
- approval of this application will have significant implications for development throughout Herefordshire and engender cynicism in local people.

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.

Notwithstanding the responses and having regard to Members' previously expressed views in respect of the unacceptability of the potential to convert the existing barn and recent cases for agricultural dwellings, it is considered that the applicant has addressed the remaining issue of the commensurate size of the dwelling.

Accordingly, a revised recommendation is set out below. The original report and recommendation is set out as an appendix to this updated report for ease of reference.

Recommendation:

That planning permission be granted, subject to the following conditions:

1. A01 – (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. A06 – Development in Accordance with Approved Plans

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B01 – Samples of External Materials

Reason: To ensure that the materials harmonise with the surroundings.

4. E16 – Removal of Permitted Development Rights

Reason: To exercise control over further extensions to the dwelling in order to maintain its size, commensurate with the functional and financial needs of the enterprise.

5. E28 – Agricultural Occupancy

Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.

6. G04 – Landscaping Scheme (General)

Reason: In order to protect the visual amenities of the area.

7. G05 – Implementation of Landscaping scheme

Reason: In order to protect the visual amenities of the area.

8. H01 – Single Access – not footway

Reason: In the interests of highway safety.

9. H03 – Visibility Splays

Reason: In the interests of highway safety.

10. H12 – Parking and Turning (Single House)

Reason: In the interests of highway safety.

Informatives:**HN1 – Mud on Highway****HN4 – Private Apparatus within highway****HN5 – Works within the highway****HN10 – No drainage to discharge to highway****N15 – Policies A2(D), A9, A15, A24, A43, A54 and A70****Original Report****1. Site Description and Proposal**

- 1.1 The Limes comprises land and buildings located on the southern side of an unclassified road between Norton Canon and Norton Wood. The main complex of modern and traditional farm buildings is located close to the road and adjacent to its junction with Kittys Lane, which provides access to the A480 to the north.
- 1.2 The holding comprises approximately 56 hectares and is farmed as a mixed livestock enterprise with an annual stock level of some 400 lambing ewes and 75 calves with about 8 hectares of land used for arable production.
- 1.3 The land was purchased by the applicant, who has since secured temporary planning permission for a mobile home (recently renewed for a further year) and approval has been given to the erection and extension of modern farm buildings within the holding.
- 1.4 Planning permission is sought for the erection of a permanent dwelling which takes the form of a three-bedroomed, detached property with three ensuite facilities and a large landing/sitting area on the first floor, together with large reception hall, living/dining/sitting area, kitchen, farm office/study and utility room. The gross floor area of the property extends to some 198 sq. metres , including the farm office/study.
- 1.5 This application is a re-submission of a refused proposal relating to a site to the south-west of the main farm buildings and which included a large, detached garage. The siting as proposed is now closer to the established farm complex, in between the traditional and modern buildings.

2. Policies**Government Guidance**

2.1 PP67 – The Countryside – Environmental Quality and Economic and Social Development

Hereford and Worcester County Structure Plan

Policy H.16A – Housing Development in the Open countryside

Policy H.20 – Housing Development in the Open Countryside Outside the Green Belt

Policy CTC.9 – Development Requirements

Policy A4 – Agricultural Dwellings

Leominster District Local Plan

Policy A1 – Managing the District's Assets and Resources
Policy A2(D) – Settlement Hierarchy
Policy A9 – Safeguarding the Rural Landscape
Policy A15 – Development and Watercourses
Policy A43 – Agricultural Dwellings

Herefordshire UDP (Revised Deposit Draft)

Policy S1 – Sustainable Development
Policy S2 – Development Requirements
Policy DR1 – Design
Policy DR2 - Land Use and Activity
Policy DR7 – Flood Risk
Policy H7 – Housing in the Countryside Outside Settlements
Policy H8 – Agriculture and Forestry Dwellings and Dwellings Associated with Rural Business
Policy LA2 – Landscape Character and Areas Least Resilient to Change

3. Relevant History

NW2004/0010/F - Agricultural Worker's Dwelling and detached garage. Refused: 1 March, 2004.

NW2003/1840 - Renewal of permission for temporary mobile home. Approved: 22 August, 2003.

NW2002/3205/F - Amendment to Planning Permission NW2000/1165/F from two buildings to one. Approved: 7 April, 2003.

NW2002/3150/F - Extension to farm buildings. Approved: 7 April, 2003.

NW2000/2333/F - Removal of railway embankment and return to agricultural land. Refused. Appeal allowed 27 April, 2001.

NW2000/1165/F - New farm buildings. Approved: 17 July, 2000.

NW2000/0965/F - Siting of temporary mobile home. Approved 12 July, 2000.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency raise no objection, but make comments regarding the principles of sustainable drainage, culverting of watercourses, foul drainage arrangements and waste excavation.

Internal Consultee Advice

- 4.2 Head of Engineering and Transportation raises no objection.
- 4.3 Head of Environmental Health and Trading Standards raises no objection.

- 4.4 Chief Conservation Officer comments that the site has been the subject of previous applications which have partly compromised the views of the Black Mountains from the bottom of Calver Hill. The dwelling will serve to further affect this stunning outlook, but it does relate better to new and proposed buildings and the preservation of the view itself is unlikely to be of sufficient concern to justify refusal.

5. Representations

- 5.1 A total of 6 letters of objection have been received from local residents, who raise the following concerns:-

- proposed new brick-built dwelling out of character with the area
- existing timber-framed barn is ideal for conversion
- application contradictory - timber-framed barn is mentioned as being used for agriculture, but on plans is shown as holiday accommodation
- if a house can be afforded, the conversion of this building can
- functional test fails in view of availability of property in the area
- income from farming business is overstated and appears to be funded from other income
- others have converted buildings in the area, why not the applicant
- dwelling must be tied to the agricultural business
- property will still be highly visible
- old barn no longer required with modern buildings having been constructed
- conversion costs no greater than new build costs
- overlooking of our property

- 5.2 Two letters of support have been received from the occupiers of Darkley House and Slate Cottage, Norton Cross

- 5.3 Norton Canon Parish Council state:-

"We accept the change to size and position, but have strong reservations of the mention to converting the nearby barn to holiday lets or B & B accommodation, which will require further consideration as an alternative."

- 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 The key issues for consideration in the aftermath of this application are as follows:-

- a) The principle of a permanent dwelling to support the established farm enterprise; and
- b) The impact of the proposed dwelling upon the character and appearance of the site and surrounding area

Principle of a Permanent Dwelling

- 6.2 Annexe I of PPG7 sets out the guidelines against which proposals for permanent dwellings should be considered and clarifies that these should only be allowed to support existing agricultural activities on well-established agricultural units, providing:-
- (i) there is an established existing functional need;
 - (ii) the need relates to a full-time agricultural worker;
 - (iii) the agricultural activity on the farm unit has been established for three years and has been profitable for at least one;
 - (iv) the functional need could not be fulfilled by another dwelling on the unit or existing accommodation in the area, which is suitable and available; and
 - (v) other normal requirements, such as siting and access, are satisfied
- 6.3 Having regard to this particular proposal and setting it against the extensive planning history of the Limes site, it is considered that the key functional and financial tests established by Annexe I of PPG7 have been satisfied. There has been significant investment in new farm buildings since the temporary permission for the existing mobile home was granted in July, 2000. It has also been shown that increases in the ewe flock to 400 lambing ewes, the introduction of a small suckler herd with six cows and calves together with acceptance into the Countryside Stewardship Scheme have all occurred, which are all indicators of a well planned and steadily growing enterprise. This steady increase is reflected in the profitability of the farming activities, which have grown since 2000 and accord with the basic requirements of PPG7.
- 6.4 In this case, it is clear that the potential availability of dwellings in the area and the status of the timber-framed barn on the site are material considerations, which require very careful consideration. A number of concerns have been raised locally and detailed information has been supplied regarding a number of properties which have been available for purchase or rent in the Norton Canon area over the past 9-12 months. In response to this, the applicant has reaffirmed his assertion that, at lambing time, it is vital to be very close at hand to deal with emergencies and satisfy animal welfare legislation and, as such, a significant number of the dwellings suggested would be too far away from the established need. Furthermore, it is advised that the budget for providing the permanent dwelling is between £100,000 and £150,000 and all the properties that have been on the market have exceeded this budgetary constraint. In essence, the cost implications are a material consideration and, since a functional need has been established, albeit on a temporary basis within the holding itself, it is not considered that there is a justification to refuse planning permission in respect of the dwellings that have been on the market in the surrounding area
- 6.5 Far more significant in your officers' view is the potential for converting the timber-framed barn, which is clearly well placed to meet the functional needs of the enterprise. The applicant indicates that this building is still used for agricultural

purposes, providing storage for hay and straw and accommodating sheep during the lambing period. It is further submitted that the approximate cost of converting the barn would be £200,000, which is beyond the current budget of the applicant. However, it is a clear intention of the applicant to seek permission to convert the building to tourist accommodation in the future and observations indicate that the building could be retained through conversion. The expansion of the modern farm buildings would facilitate the shifting of activities currently operating from the timber-framed barn and, as such, it is not considered that this would be critical to the ongoing viability of the enterprise.

- 6.6 At this stage, it is considered that to allow a new dwelling when there is a reasonable opportunity to convert an existing building for residential use would be premature and that, in this context, the granting of a further temporary permission for the mobile home to allow further funds to be raised would be an acceptable compromise, necessitating the refusal of this application. The weight one attaches to this is a matter of opinion, but it is a relevant material consideration and one which has been afforded weight in this recommendation.
- 6.7 On a final issue, the guidance set out in PPG7 requires the scale of the dwelling to be commensurate with the needs of the enterprise. Although the floor space linkage between the size of the agricultural dwellings and local needs affordable housing has been severed in respect of policies contained in the Herefordshire Unitary Development Plan (Revised Deposit Draft), it is considered that, as proposed (198sq.metres), the dwelling is too large and its future affordability would be questionable on this basis.

Impact on Character and Appearance of surrounding Area

- 6.8 The re-siting of the dwelling has brought it into the area between the traditional and modern farm buildings and significantly reduced its visual impact, as well as reflecting more closely the pattern of development in the area. The scale of the dwelling is a concern with respect to the need to ensure it is commensurate in size with the farming enterprise but, in this case, it is not felt that there would be a wider landscape impact.
- 6.9 The design and use of materials is a matter which is relevant within this sensitive, rural landscape but, on balance, the harm in this area characterised by a mixture of materials, including brick, stone render and slate, is not considered to be sufficient to warrant the refusal of planning permission.

RECOMMENDATION

That planning permission be refused for the following reason:-

(1) The proposed dwelling, in view of its overall size, would not be commensurate with the established functional requirements of the holding and, furthermore, the existing timber-framed barn could be converted to meet the functional need. Accordingly, the proposal would fail to meet the tests set out in Annexe 1 of Planning Policy Guidance Note 7 - The Countryside - Environmental Quality and Economic and Social Development, and would also be contrary to Policy A43 of the Leominster District Local Plan (Herefordshire).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.