

DCNW2004/2007/F - ERECTION OF PROPOSED FARM WORKERS DWELLING AND ANCILLARY SINGLE GARAGE PART OS 4932, MARSH HOUSE, WEOBLEY, HEREFORDSHIRE, HR4 8RS

For: Mr & Mrs Davies per Border Oak Design & Construction, Kingsland Sawmills, Kingsland, Leominster, Herefordshire, HR6 9SF

Date Received:
1st June 2004

Ward:
Golden Cross with
Weobley

Grid Ref:
41503, 51325

Expiry Date:
27th July 2004

Local Member: Councillor J. Goodwin

1. Site Description and Proposal

- 1.1 The application site comprises a 0.1 hectare plot of land to the east of the main farm complex. The associated farm enterprise consists of land at both Marsh House and The Field. The business is a mix of sheep and arable, comprising a ewe flock of 800 and 135 acres of arable cropping. The livestock element of the operation is operated out of Marsh House, with both Mr Davies Senior and Junior residing in Marsh House. The Field is operated by Mr Davies Senior's brother, who also lives on this site.
- 1.2 The proposal consists of a two-storey, three-bedroom dwelling, with a detached, single-storey garage adjacent to the main dwelling. The dwelling is characterised by dormer openings in the front and rear, a timber-boarded, attached utility and a brickwork chimney. The dwelling would principally be of structural oak frame with render. The roof is proposed to be plain clay tiles. The dwelling would have a floor area of approximately 160 metres square.

2. Policies

2.1 National Policies

PPG1 - General Policy and Principles
PPG7 - Countryside

2.2 Hereford and Worcester County Structure Plan

H16A - Development Criteria
H20 - Residential Development in Open Countryside
CTC9 - Development Criteria
A4 - Development Considerations

2.3 Leominster District Local Plan

A1 - Managing the District's Assets and Resources
A2(D) - Settlement Hierarchy
A9 - Safeguarding the Rural Landscape
A12 - New Development and Landscape Schemes
A24 - Scale and Character of Development
A41 - Protection of Agricultural Land
A43 - Agricultural Dwellings
A70 - Accommodating Traffic from Development

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

S1 - Sustainable Development
S2 - Development Requiriements
DR1 - Design
H7 - Housing in the Countryside Outside Settlements
H8 - Agricultural and forestry dwellings and dwellings associated with rural businesses
T11 - Parking Provision

3. Planning History

NW03/3854/F - Erection of farm worker's dwelling and ancillary two-bay garage`
Withdrawn

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency – Raised no objection sibject to a condition relating to approval of a scheme of foul drainage prior to the commencement of development.

Internal Council Advice

- 4.2 Head of Engineering and Transportation - Raised no objection to the proposed development
- 4.2 Landscaping and Ecology - No objections, subject to a condition requiring landscaping

5. Representations

- 5.1 Neighbours - Three letters were received in relation to this application from the following sources:-

- The occupier, Willow Brook, The Marsh, Weobley
- Mr C Davies, Orchard Barn, Weobley Marsh, Weobley
- S W Taylor, 7, Bishops Court, Bishops Down Road, Tunbridge Wells

5.2 Two of these letters raised no objections subject to appropriate conditions, one raised an objection to the proposal. The comments raised can be summarised as follows:-

1. Requirement to protect culvert crossing site
2. Agricultural justification for dwelling
3. Development limits (Herefordshire Unitary Development Plan, Revised Deposit Draft, Policy H6).
4. Permitted Development Rights should be removed
5. Dwelling should be conditioned with Agricultural occupancy condition
6. Slates preferred as a roofing material
7. 'Security requirements are not a valid reason to allow permission to be granted, but may be considered as part of the overall application.'
8. 'According to the UDP, additional housing due to the retirement of farmers is NOT allowed.'
9. The existing farmhouse is occupied so somebody is already available on site.
10. How does the business operate at the moment without the requested accommodation.
11. Disturbance caused by gate entrance.
12. Inappropriate intensification of the access across the Common Land.

5.3 In relation to the above, the following is advised:

3. Herefordshire Unitary Development Plan policy H6 is no longer valid in the assessment of agricultural dwellings.
7. Security is not a stated reason for this dwelling
8. Retirement is not a stated reason for this dwelling

5.4 Parish Council - Weobley Parish Council raises no objections to this proposal.

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 Three key areas for consideration are assessed to be associated with this application. These are:

1. Principle of Development
2. Design and Scale
3. Residential and Visual Amenity
4. Commensurate Size

6.2 Principle of Development

It is suggested that the most appropriate way to consider an application such as this is first to establish the acceptability of the proposal in relation to the five areas of

consideration specified under Planning Policy Guidance Note 7: The Countryside, Annex 1.

These are:

1. Existing functional need
2. Requirement for full time worker
3. Establishment and profitability of the unit
4. Availability of alternative accommodation
5. Satisfaction in relation to other planning requirements

The above issues are reflected in the adopted Leominster District Local Plan, Policy A34 and the emerging Herefordshire Unitary Development Plan, Policy H8.

In relation to the first four points, supporting information has been submitted. It would appear that the agricultural functional need for Marsh House and The Field is slightly more than 3 persons. There are currently 2 employed at Marsh House, namely Mr Davies Senior and Mr Davies Junior. Both currently live on site in Marsh House. Mr Davies Senior's Brother resides at The Field and, in addition to the arable element of the operation, has a nursery business. On the basis of this information, it would appear that the existing requirement for agricultural functional need at Marsh House and The Field is three and three are currently available. The supporting information does suggest that, in the interests of animal welfare, two persons are required to be on the Marsh House site at all times. The establishment and profitability of the holding is accepted. It would appear at this time that there is no suitable affordable alternative accommodation available. Mr Davies Junior is to be married and therefore needs accommodation of his own. The requirement in this instance is therefore not for accommodation for a new staff member, but rather additional accommodation for existing staff. As has been noted, Mr Davies Senior and Junior both reside at Marsh House. It is accepted that for the farm to continue operating effectively a second worker is required on site and as such, regardless of the personal relationship of the persons involved, it is accepted that a second dwelling is now needed on site.

Point 5 will be considered in the sections of this report subsequent to this, but it is confirmed that the proposed siting is suitable and considered acceptable.

6.3 Design and Scale

The proposed dwelling is a standard Border Oak dwelling. The local vernacular includes a variety of dwelling types of mixed architectural merit. It is considered that the proposed dwelling is of an acceptable design standard and, in this, it will not appear as an incongruous feature. The size is not considered excessive in the context of the locality. Appropriate conditions relating to materials, landscaping and the access track will be attached to ensure the ultimate acceptability of this scheme.

6.4 Residential and Visual Amenity

No neighbouring properties are within the sphere of influence of the dwelling itself and, as such, no concerns relating to privacy or overbearing impact exist. The principal issue for consideration relates to the access track. Access to the dwelling is intended to be through the main farm complex, via the existing farm's main entrance,

and this is the preferred access point. The use of the gated access across the Common Land is not considered desirable. This access point does exist and may be utilised currently; however, the introduction of a track will allow for a more intensive use of it. It is suggested that the use of this access point in connection with the dwelling is undesirable for a number of reasons, not least amenity and safety. On the basis of this, a condition will be attached to specify that the access point may not be used by traffic associated with the new dwelling. This will ensure the use of the preferred access route though the farm complex, via the farm's main entrance.

By virtue of the design and scale of the dwelling, together with the landscaping condition to be imposed, it is considered that the development will not have an unacceptable impact upon visual amenity.

6.5 Commensurate Size

It is a requirement of national and local policy that an agricultural worker's dwelling be of a commensurate size to the needs of the farming enterprise. The floor area of this dwelling is in the region of 160 square metres and a single garage is proposed. As has been noted in recent applications of this type that the historic link to H6 for agricultural workers dwellings in the Unitary Development Plan has been removed in the Revised Deposit Draft. Only the term commensurate size remains. This is a problematic situation as no figurative measure of acceptability remains by which to assess applications such as this. Notwithstanding this, clearly a judgement on this application in relation to commensurate size is required.

Within the Planning Department, Officers have attempted to maintain a level on or around the level suggested by H6 in an attempt to establish a modest figure by which to work around. The suggested 160 square metres proposed here is considered excessive. In the case of this application, a figure approaching 120 sq metres was requested, but has been contested by the applicant. The importance of establishing a figure, and a modest one at that, is linked to the important issue of affordability, not just of construction, but over the longer term. Notwithstanding this, dwellings with a floor area in excess of the 160 metres proposed here have been approved by this Committee contrary to Officers recommendation. It is therefore suggested that an argument beyond that of simple floor area is required in order that this matter can be effectively assessed. The matter of commensurate size is, as noted above, important not only as a means to prevent inappropriately large dwellings in the open countryside, but also it ensures the affordability of the dwelling, an important factor in ensuring the long term retention of the dwelling as an agricultural workers dwelling.

This dwelling is a Border Oak property. Supporting evidence has been submitted with reference to the costings associated with the proposed dwelling. The evidence suggests that the dwelling may be affordable to the applicant to the extent that the cost of construction can be covered, however, as the Planning Inspector in the recent Gilberts Farm Appeal stated 'this is not the point'. The predicted market value is an issue of some concern. It is suggested by the agent that at current rates the proposed dwelling would, without an agricultural restriction, raise a **minimum** of £275,000. A restriction would reduce this by approximately a third, resulting in a market value of a **minimum** of £192,000. It is strongly suggested that this figure can in no way be considered affordable. Consideration must be given to the long term evolution of this holding. The supporting statement claims that this dwelling cannot, for reasons of access and practically, be separated from the holding. In consideration of the siting of this property this is a fact that is disputed. Members will

no doubt recall recent cases where applications for the removal of agricultural restrictions have been supported on the basis that a dwelling is not affordable. It is suggested that in the long term this is a situation waiting to happen in the case of this proposal.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposed dwelling, in view of its overall size and predicted market value, would not be commensurate with the established functional requirements of the holding and does not represent an affordable unit as required to ensure its retention as a agricultural workers dwelling. The proposal is therefore considered contrary to Annex 1 of PPG7: The Countryside, adopted Leominster District Local Plan policy A43, and emerging Herefordshire Unitary Development Plan policy H8.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.