

**16 DCNW2004/2850/F - ERECTION OF PERMANENT AGRICULTURAL WORKERS DWELLING WITH GARAGE AT THE BOOZIE, UPHAMPTON FARM, UPHAMPTON, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9PA**

**For: Mr. & Mrs. J. Roberts per Bryan Thomas Architectural Design Ltd, The Malt House, Shobdon, Leominster, Herefordshire, HR6 9NL**

**Date Received: 2nd August 2004**

**Ward: Pembridge & Lyonshall with Titley**

**Grid Ref: 40074, 63485**

**Expiry Date: 27th September 2004**

Local Member: Councillor R.J. Phillips

## **1. Site Description and Proposal**

- 1.1 The application site comprises a 0.35 hectare plot located to the north east of Uphampton Farm. There is currently a mobile home providing temporary accommodation for the applicant, Mr Roberts. This accommodation was permitted in application DCNW2000/2574/F. This application seeks consent for a two storey detached dwelling house with detached two bay, cart shed style, garaging. The site is outside, but in close proximity to, an area designated as an Historic Park and Garden.
- 1.2 The application requests a permanent agricultural workers dwelling in support of mixed agricultural activities taking place on land with an approximate area of 73 hectares. The enterprise currently consists of broiler chickens, calf rearing, beef cattle, tack sheep, potatoes, and cereals. The dwelling is principally requested in support of the livestock activities on site.
- 1.3 A previous application, DCNW2004/1518/F, was withdrawn due to issues associated with the scale of the dwelling, and the operations on the farm and need for the permanent property. This application requested a dwelling with a floor area of approximately 265 square metres (excluding detached garaging). This revised application has addressed the need issue and has reduced the dwelling to approximately 206 square metres (excluding detached garaging).

## **2. Policies**

Government Guidance: PPS7

Hereford and Worcester County Structure Plan

CTC9 – Development Criteria

A4 – Development Considerations

Leominster District Local Plan

A1 – Managing the Districts Assets and Resources  
A2(D) – Settlement Hierarchy  
A9 – Safeguarding the Rural Landscape  
A24 – Scale and Character of Development  
A43 – Agricultural Dwellings

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development  
S2 – Development Requirements  
S7 – Natural and Historic Heritage  
DR1 - Design  
DR2 – Land Use and Activity  
H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

**3. Planning History**

DCNW2004/1518/F Erection of permanent agricultural workers dwelling  
Withdrawn, 9<sup>th</sup> June 2004

DCNW2000/2574/F Site for mobile home for agricultural worker  
Approved, 1<sup>st</sup> March 2001, permission expired 31<sup>st</sup> January 2004.

DCNW2000/1152/F Livestock Building  
Approved, 9<sup>th</sup> August 2000 - Erected

DCNW2000/0017/F Poultry House  
Approved, 9<sup>th</sup> August 2000

DCNW2000/0007/O Agricultural workers dwelling  
Withdrawn, 31<sup>st</sup> August 2000 - Erected

DCNW2000/0006/F Livestock building  
Withdrawn, 20<sup>th</sup> January 2000

**4. Consultation Summary**

Statutory Consultations

4.1 Environment Agency raises no objections

Internal Council Advice

4.2 Head of Engineering and Transportation has no objections to the granting of permission.

**5. Representations**

5.1 Shobdon Parish Council have no objections to the proposal subject to an agricultural tie.

5.2 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

### Principle of Development

6.1 It is considered that the most appropriate way to consider an application such as this is to first establish the acceptability of the proposal in relation the five areas of consideration specified under Planning Policy Statement 7: Sustainable Development in Rural Areas, Annex I. 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.

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

6.3 A temporary dwelling is currently found in situ on the site. It is considered that points one, two and four were effectively considered as part of the temporary permission. A supporting statement has been submitted with this application with all relevant points covered. It is standard practice for a temporary dwelling to be provided where all factors excluding the financial tests have been passed. The interim period allows for this point to be covered, potentially allowing for a permanent dwelling in the future where the long term economic viability can be demonstrated. In this case it is considered that the financial tests have now been met. It is suggested that the principle of an agricultural workers dwelling on this site has been established and can be accepted for the purposes of this application.

6.4 Point 5 will be considered in the section of this report subsequent to this but it is confirmed that the proposed siting is considered acceptable.

### Satisfaction in relation to other planning requirements

6.5 The design of this proposal is not considered problematic, the proposal is undoubtedly attractive, however once again the scale is considered to be an issue.

6.6 National and local planning policies require agricultural workers dwelling to be of a commensurate size with the established functional requirement. PPS7 states that:

*'It is the requirement of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.'*

The need on this holding is for a single dwelling. The scale of this property is an important consideration because the exceptional circumstance in planning policy that allows for dwellings such as this is specific to agricultural/forestry workers. It is therefore important in the long term for these dwellings to be retained for these. Controlling the scale of the properties is fundamental to this. A dwelling of a size such as this would command a significant market value, even with a tie. An excessive

market price, preventing it's occupancy by an agricultural worker is a regular feature of applications seeking the removal of an agricultural workers tie.

6.7 In other respects, specifically residential amenity, landscape impact, and transportation, no objections are raised to this proposal.

**RECOMMENDATION**

**That the application be refused for the following reason:**

**The proposed dwelling, in view of its overall size, would not be commensurate with the established functional requirements of the holding contrary to Annex 1 of PPS7: 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.