

MEETING:	PLANNING COMMITTEE
DATE:	2 NOVEMBER 2011
TITLE OF REPORT:	<p>DMS/112513/F - CHANGE OF USE OF REDUNDANT RURAL BUILDING TO ONE DWELLING. AT FOUR FOXES VINEYARD, LONGWORTH LANE, BARTESTREE, HEREFORD, HR1 4BX</p> <p>For: Mr Crilley per Mr Paul Smith, 12 Castle Street, Hereford, Herefordshire, HR1 2NL</p>

Date Received: 9 September 2011

Ward: Hagley

Grid Ref: 356250,240851

Expiry Date: 14 November 2011

Local Member: Councillor D W Greenow

1. Site Description and Proposal

- 1.1 The site lies to the west of Longworth Lane, Bartestree outside of the main village settlement boundary as defined in the Herefordshire Unitary Development Plan. The site is part of the Four Foxes Vineyard. It is accessed via an unmade track, some 310 metres in length. To the south the land slopes downwardly and the land is used as an orchard.
- 1.2 At present there is a building on the site, which was granted planning permission in 1993 (SH92/1505/PF) for use as a retail wine shop in connection with the adjacent vineyard. Permission was subsequently granted to permit the sale of other specified goods and a coffee shop. The building is 11 metres in length (north-south orientation), 5.1 metres in width (east-west orientation) and has a roof ridge height of 4.3 metres. The slate roof is hipped and the elevations have a brick plinth with white painted render above. The fenestration is timber and the rainwater goods are black uPVC. There is a wooden verandah along the eastern elevation that wraps around the southern elevation. There is an area of hardstanding to the front (east) of the building and a hedgerow to the rear (west).
- 1.3 It is proposed to change the use of the building from a mixed retail and coffee shop use to a dwelling. Only minimal changes are proposed to the building to accommodate the new use. The property would provide two bedrooms, a bathroom, a kitchen and living room with French doors and front door accessing the verandah. The curtilage would predominantly lie to the south and southwest on an existing area of hardstanding and the base of an approved wine cellar, which has not been completed.

2. Policies

- 2.1 National Planning Guidance:

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
- H7 - Housing in the Countryside Outside Settlements
- H16 - Car Parking
- LA2 - Landscaped Character and Areas Least Resilient to Change
- HBA12 - Re-use of Traditional Rural Buildings
- HBA13 - Re-use of Traditional Rural Buildings for Residential Purposes

2.3 Supplementary Planning Guidance - Re-use and Adaptation of Rural Buildings

3. Planning History

- 3.1 SH92/1505/PF - Proposed retail wine shop. Approved 22 March 1993.
- 3.2 SH96/0012/PF - Proposed wine cellar. Approved 14 February 1996.
- 3.3 CE2002/0713/F - Change of use of existing wine shop to incorporate coffee shop and snacks, sale of local crafts and cottage garden plants, all alongside existing wines and associated products. Approved 25 April 2002.
- 3.4 CE2002/3711/F - Extended wine shop, kitchen and toilets linked to private living accommodation built off existing cellar slab. Refused January 2003, appeal withdrawn 12 August 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: A private treatment works is proposed, the applicant is advised to contact the Environment Agency.

Internal Council Advice

- 4.2 Traffic Manager: No objection. Visibility to the south of the access would benefit from improvement by cutting back the existing hedge.
- 4.3 Conservation Manager: Objection. It is the cornerstone of both local and national policy that where rural buildings are considered for residential re-use, there should be 'acknowledged historical (and) architectural benefits of retaining the building, as Policy HBA13 put it, this justifies the exception of a general planning policy. A 1993 farm shop of utilitarian design does not fulfil these criteria. No landscape objection. With regards ecology there is potential for bats to be present, but proposal would not affect the roof. Informative note is recommended.

5. Representations

5.1 Lugwardine Parish Council: Support.

5.2 A Planning, Design and Access Statement were submitted with the application. In summary this states:

- The building was used for its permitted use until December 2006, when it closed due to a series of unprofitable years. The building has remained closed, although the vineyard continues to grow grapes.
- The building has been market tested, but no offers were made for the building. This is not surprising given its size and that an increase in size to expand the retail use was previously considered unacceptable.
- National and local policies support the proposal.
- The proposal complies with Policy HBA13, because whilst in open countryside, it is not beyond reasonable access to a main village, and as such there is no requirement to comply with one of the four specified criteria justifying conversion for residential use.
- Draft National Planning Policy Framework carried little weight at present, but it includes the Government's policy of a presumption in favour of sustainable development.
- The proposal would comprise previously developed land and it is close to a settlement with facilities. Residential use would cause no harm to the host environment.
- The continued non-use of the building serves no useful planning purpose and constitutes the waste of a valuable resource.

5.3 The consultation period expires on 26 October 2011, after the deadline for preparation of this report. Any comments received before the Committee Meeting will be reported in the Update sheet.

5.4 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The main considerations in the determination of this application are the principles of the development, highway safety and landscape impact.

6.2 The site lies in open countryside, outside of the settlement boundary for Bartestree. As such Policy H7 of the Herefordshire Unitary Development Plan applies. This policy sets a presumption against new residential development in the open countryside, unless the proposal complies with one of the specified exceptions. Of these exceptions Number 3 is applicable, as the proposal comprises the re-use of a rural building. The exception requires the re-use to accord with Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

6.3 Policy HBA12 of the Herefordshire Unitary Development Plan provides the criteria for the re-use of rural buildings. The preamble to this policy, and HBA13, states that the re-use of rural buildings has an important role to play in meeting the needs of rural areas for commercial, agricultural diversification, industrial development, tourism, sport and recreation. Continuing it states that in defined settlements it can also contribute towards new housing (paragraph 9.6.39). It stresses that the Plan does not seek to encourage residential development in the open countryside (9.6.43). This preamble sets the context for the policies and the outline for their purpose.

6.4 The building subject to the proposal, being relatively modern, is capable of re-use without the need for reconstruction. In addition there is no need for extension or significant alteration to accommodate the proposed use. The proposal is small in scale, being for a single, modest dwelling. The adjacent orchard use is considered to be compatible with a dwelling on the site.

As such the proposal accords with the requirements of Policy HBA12 of the Herefordshire Unitary Development Plan.

- 6.5 Turning to Policy HBA13 , which sets out the criteria for residential re-use of rural buildings, it is required that for sites in the open countryside and beyond reasonable access of urban areas, main villages and smaller settlements that residential proposals will only be supported where they comply with one of four specified criteria. In summary these are that there are acknowledged historical, architectural, local landscape or amenity benefits of retaining the building, that the accommodation is required to meet a demonstrated local housing need, that it is a necessary accompaniment to a new business or the growth of an existing and established rural business or its is the subordinate part of a wider scheme for a business use.
- 6.6 The applicant has asserted that whilst the site is in open countryside it is not beyond reasonable access of the main village of Bartestree and as such it is unnecessary for the proposal to comply with any of the four listed criteria of the policy. It is considered that this interpretation of the policy is incorrect. As set out in Section 6.3 of this report the preamble to the policies outlines the thrust and objectives. The policies seek to re-use rural building for beneficial purposes and not to encourage residential development in the open countryside. Whilst it is accepted that the site is not an excessive distance from facilities, it is not just the distance that needs to be considered, but also the context and conditions. The site is accessed via an unlit, unmade length of track some 310 metres in length. Furthermore, a section of Longworth Lane has no street lighting or footpath. These conditions are not conducive to walking or cycling. Occupiers would be likely to be reliant on the use of a car.
- 6.7 It is considered that reference in Policy HBA13 to 'beyond reasonable access' is to confirm that even where the site is in an unsustainable location in open countryside it may be permitted so long as it complies with one of the specified criteria. Considering the Development Plan as a whole document and its aims and objectives it would be perverse to allow the residential conversion of the building subject to this application without compliance with one of the four criteria, simply because it is within reasonable access of a main village as asserted by the applicant, particularly when considering the policy presumption to refuse new open market housing immediately adjacent to a settlement boundary.
- 6.8 Assessing the building against the four listed criteria, it is considered that the building is of no historic or architectural merit, it being of modern construction and utilitarian in appearance. Moreover, it does not contribute to the landscape and there are no amenity benefits in its retention. The re-use is not for a demonstrated local housing need or in connection with a new or existing business use. The Conservation Manager has objected to the proposal. For the reasons set out above the proposal fails to comply with the requirements of Policy HBA13 and consequently Policy H7 of the Herefordshire Unitary Development Plan.
- 6.9 With regards the impact of the proposal on highway safety it is considered that there would be no adverse impact, subject to improvements to the visibility to the south from the access.
- 6.10 Turning to the landscape impact it should be noted that there is an existing building to be re-used. It is considered that its conversion and the creation of a residential curtilage would not adversely impact upon the landscape.
- 6.11 In conclusion, the proposal is considered to be contrary to local planning policies and there are no material planning considerations that would outweigh this.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. **The building subject to this proposal is of modern construction and lies in open countryside. It has not been clearly demonstrated that the building is of acknowledged architectural, historical, local landscape or amenity value, or that it would satisfy a demonstrated local housing need or be a necessary accompaniment to a new business or the growth of an existing, or be subordinate to a wider scheme for a business use. Therefore, the proposal is contrary to the requirements of Policies S1, H7 and HBA13 of the Herefordshire Unitary Development Plan.**

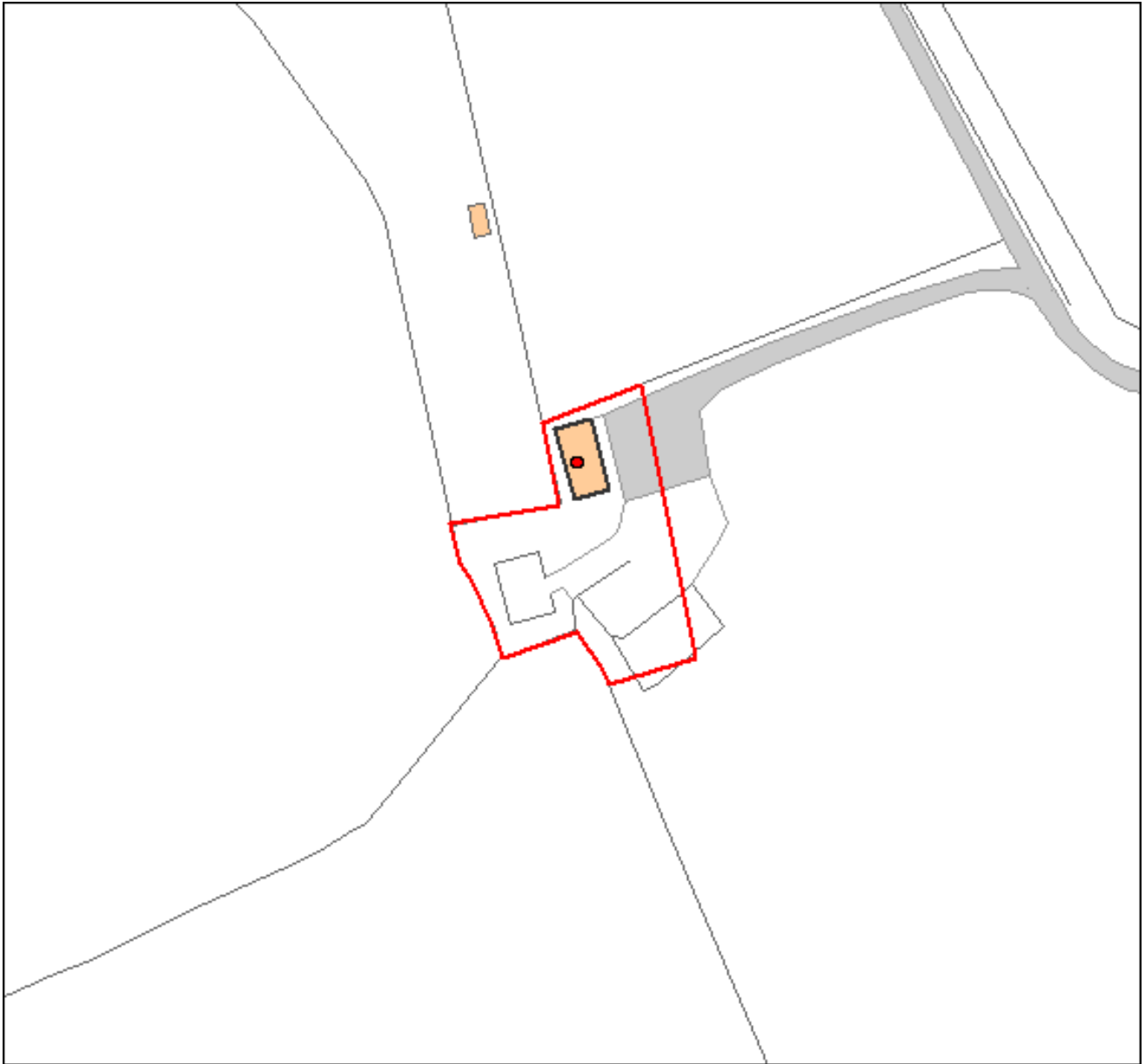
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/112513/F

SITE ADDRESS : FOUR FOXES VINEYARD, LONGWORTH LANE, BARTESTREE, HEREFORD, HR1 4BX

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Further information on the subject of this report is available from C L Atkins (Mrs) on 01432 260536