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|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MEETING:</b>         | <b>PLANNING COMMITTEE</b>                                                                                                                                                                                                                                     |
| <b>DATE:</b>            | <b>11 JANUARY 2012</b>                                                                                                                                                                                                                                        |
| <b>TITLE OF REPORT:</b> | <p><b>DMS/111711/F- SITING OF TEMPORARY LIVING ACCOMMODATION FOR AGRICULTURAL WORKER AT LAND AT LOWER LYDE (PARCEL 7209), SUTTON ST NICHOLAS, HEREFORD, HR1 3AS</b></p> <p><b>For: Mr I Joseph per Mr Paul Smith, 12 Castle Street, Hereford, HR1 2NL</b></p> |

**Date Received: 27 June 2011    Ward: Burghill, Holmer and Lyde    Grid Ref: 352885,243720**  
**Expiry Date: 12 September 2011**  
 Local Member: Councillor SJ Robertson

## **INTRODUCTION**

This application was subject to a site visit on the 10 January 2012. At the time of preparation there are no updates to the original report below.

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

- 1.1 The application site lies on the west side of the C1125 road, to the north of Shelwick Green. The site is defined as the area for the temporary accommodation and a curtilage with it, measuring approx 26m x 18m. The accommodation consisting of 3 bedrooms, bathroom, kitchen/lounge and office, approx 14m x 7.5m with a ridge height of 6m. Adjacent to the site lies approx 6.75 acres of land within which are some ponds, a modest sized agricultural building, a series of lean-to sheds, an old static caravan and other assorted elements.
- 1.2 The temporary accommodation is proposed in connection with a duck rearing business.

### **2. Policies**

#### **2.1 Government Guidance**

- PPS7 - Sustainable Development in Rural Areas
- PPS4 - Planning for Sustainable Economic Growth

#### **2.2 Herefordshire Unitary Development Plan**

- H7 - Housing in the Countryside outside Settlements
- H8 - Agricultural and Forestry Dwellings and Dwellings associated with Rural Businesses
- E11 - Employment in the smaller settlements and open countryside

### 3. Planning History

|     |                 |                                                                       |   |                                      |
|-----|-----------------|-----------------------------------------------------------------------|---|--------------------------------------|
| 3.1 | 05/0020/ZZ      | Enforcement Notice removal of caravans and subsequent appeal          | - | Appeal dismissed                     |
|     | DCCW2004/3928/F | Retrospective application for the erection of a barn                  | - | Approved<br>29.12.04                 |
|     | DCCW2004/4080/F | Retrospective application for siting of caravan and subsequent appeal | - | Refused 06.01.05<br>Appeal dismissed |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Network Rail- no objection in principle, but set out regulations for safe operation on the railway and protection of adjoining Network Rail land.

#### Internal Council Advice

- 4.2 County Land Agent:

The essential feature of the land is the existence of the ponds in the northern half and that the north-east boundary in this half is bordered by a stream, a tributary of the river Lugg. The land does not include the stream.

There is a main pond just north of the central track which is approximately 18 ft. deep; the other ponds are neither so deep nor so large.

The enterprise at present is hatching ducklings for sale as ducklings – primarily for game dealers, but also for a small number of shoots.

The incubators have double the capacity required, even when expansion has taken place, to allow for any breakdowns.

After hatching, the ducklings are moved to the mobile home for 8 days to begin to harden off, then moved to an outside pen partially covered with canvas for another 8 days, and then moved on again.

The ducklings are then delivered to the dealers at 6 weeks' old. This process carries on until October, the last eggs being left with the ducks to hatch naturally.

The drakes tend to be visitors who fly in and cover the ducks so that in/line breeding is unlikely, and a broad gene base is kept.

The present system sells approximately 12,000 ducklings a year, which it is proposed to increase to 18,000. The fertility of the eggs is 75-80% on average.

The future proposals also include buying in turkeys and geese at a day old, and taking them on for sale at 20 weeks' old.

There is no mention in the report on the prevention/control of disease. Ducks are notoriously messy, and geese even more so. There will inevitably be a build-up of muck in the pens over

the years and whilst at present this is dealt with by strawing the pens as necessary, it does not clean them.

Again, it is understood that the Environment Agency are happy currently with the water quality leaving the site but will they be in 3 years' time, with half as many again – ducks plus geese and to a much lesser extent turkeys? In my opinion, a letter from the EA and a specialist waterfowl vet or recognised expert giving their opinion in the long terms is essential.

In summary, necessary for someone to live on site, long-term dependant on a number of factors.

4.3 Landscape Officer: need for landscape scheme, but no significant negative impact on landscape.

4.4 Transportation Manager- no objection, hedge to be trimmed to maintain visibility .

## **5. Representations**

5.1 Holmer and Shelwick PC: object on grounds that ducks are for game not agriculture. Uphold previous decision of Inspector who dismissed appeal for caravan. Occupant residing in dwelling contrary to previous planning decision.

5.2 Pipe and Lyde PC has submitted individual comments from members largely concerned with what might come next.

5.3 The agent has submitted an appraisal of the development, together with a design and access statement and covering letter. The essentials of the business are covered in the report from the County Land Agent above.

5.4 The full text of these submissions 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 Annex A of PPS7 sets out the tests required to justify a temporary agricultural dwelling.

- i) evidence of intention and ability
- ii) functional need
- iii) evidence of sound financial planning
- iv) availability of dwellings nearby
- v) other planning requirements.

6.2 It is considered that there is a functional need to live on site, and that this cannot be met by an existing dwelling nearby. On the basis of the information provided there appears to be a reasonable prospect of future viability. The County Land Agent concludes that a residential presence on site is required. The questions relating to future pollution issues are a matter for that time and are currently monitored by the Environment Agency. The following paragraphs consider the remaining planning requirements.

6.3 Although once on site the holding is very untidy, from the main road it is well screened by a mature hedge and steel gates. Nevertheless improvements are sought through the submission of further landscaping details, to include protection of important trees.

6.4 The highway engineer is satisfied that trimming the hedge will be sufficient to ensure highway safety is observed. It is considered that the proposal complies with policies H8 and H7 of the saved policies of the Unitary Development Plan.

- 6.5 Concern has been expressed about the future development of the site. The County Land Agent considers that any application in future for a permanent dwelling on site will have to be accompanied by evidence of a business profit of around £20k. Whilst there is a history of refusals for a similar use on site, those decisions were made on the basis of the situation at that particular time and that particular business plan. This application has been accompanied by an appraisal that has been scrutinised by the County Land Agent and it is concluded that there is a reasonable justification for this temporary accommodation.
- 6.6 It is considered that the proposal meets the requirements of Annex A of PPS7 and complies with policies H8 and E11 of the Unitary Development Plan. Consequently the proposal is considered to be acceptable.

**RECOMMENDATION**

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

- 1. **F18 Temporary permission**
- 2. **F27 Agricultural occupancy**
- 3. **F22 Temporary permission & reinstatement of land (mobile home/caravan**
- 4. **H03 Visibility splays**
- 5. **G02 Retention of trees and hedgerows**
- 6. **G10 Landscaping scheme**
- 7. **G11 Landscaping scheme - implementation**

**INFORMATIVES:**

- 1. **N15 Reason(s) for the Grant of Planning Permission.**

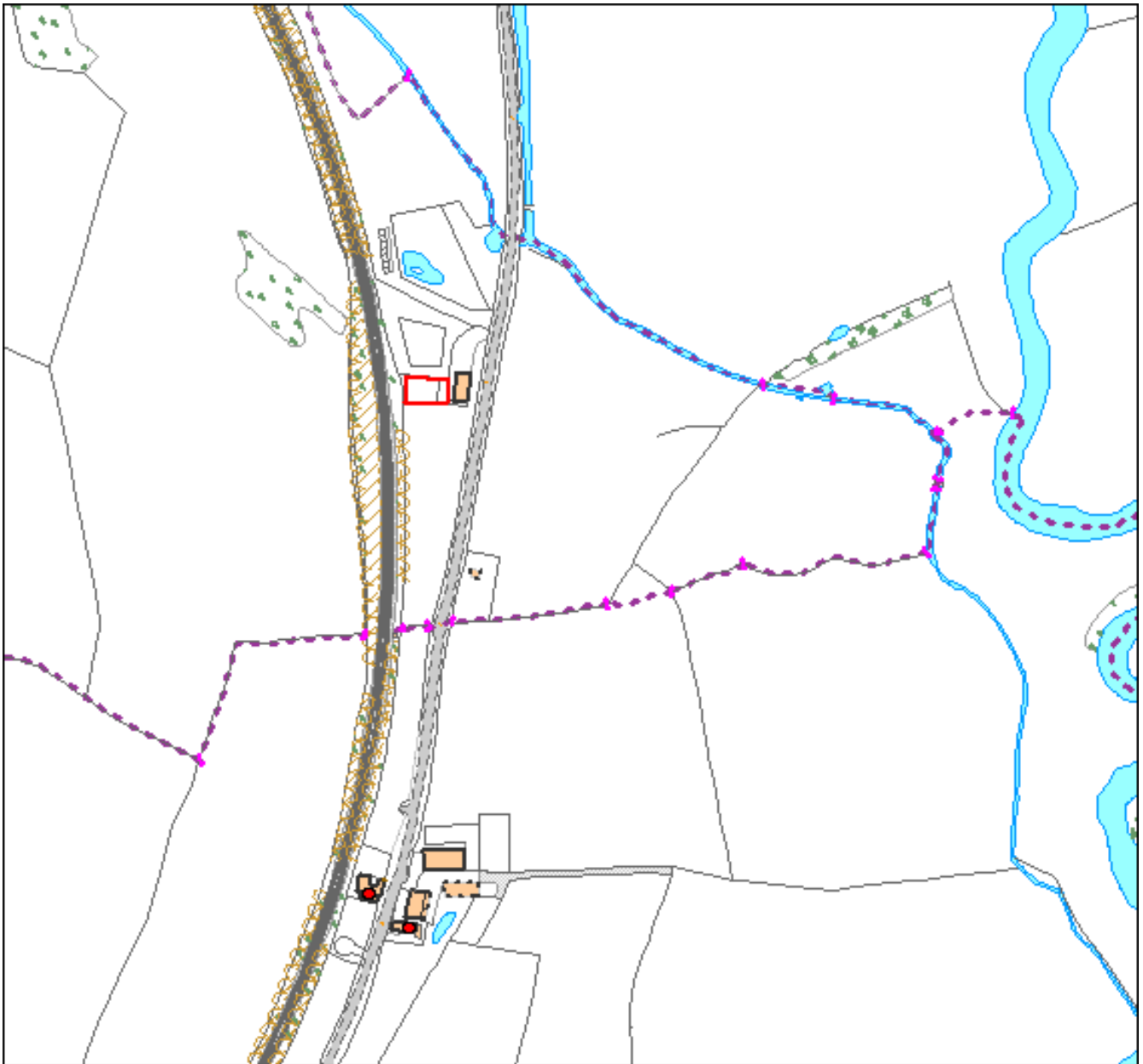
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMS/111711/F

**SITE ADDRESS :** LAND AT LOWER LYDE (PARCEL 7209), SUTTON ST NICHOLAS, HEREFORD, HR1 3AS

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815