

MEETING:	PLANNING COMMITTEE
DATE:	16 MAY 2012
TITLE OF REPORT:	S113542/F - CONSTRUCTION OF FARM ACCESS ROAD (PART RETROSPECTIVE) AT WESTHIDE, HEREFORDSHIRE, HR1 3RQ For: Mr Thompson-Coon per Mr Bryan Thomas, The Malthouse, Shobdon, Leominster, Herefordshire, HR6 9NL
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=113542&NoSearch=True

Date Received: 16 December 2011 **Ward: Hagley**

Grid Ref: 358704,244267

Expiry Date: 1 March 2012

Local Member: Councillor DW Greenow

Introduction

The following report has been updated to include additional representations received following publication of the previous report, presented to Committee on 25 April 2012. The application was deferred to enable members to make a visit to the site on 15 May 2012.

1. Site Description and Proposal

- 1.1 The site is a parcel of agricultural land of 1.04 Ha to the North of farm buildings associated with the Westhide Court Farm Estate. It is bordered by the C1131 to the north, The Old School House and St Bartholomew's church to the west, the bridleway WS2 and Poolhead Cottage to the east.
- 1.2 The proposal is for the retention of a new farm access track across the agricultural land to service agricultural buildings on the estate. Initial construction works were commenced on 15th October 2011 without prior approval being sort therefore planning permission is required to retain the development.
- 1.3 The applicant was not aware of the prior approval process; they had carried out their own research into the planning requirements for the track. The outcome of which, they concluded, was that the work would be permitted development.

2. Policies

2.1 National Policy

NPPF - National Planning Policy Framework

2.2 Herefordshire Unitary Development Plan

DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
ARCH 1	-	Archaeological Assessments & Field Studies

3. Planning History

3.1 No relevant planning history

4. Consultation Summary

4.1 Transportation: No objection

4.2 Conservation (Landscape & Habitat): The track does not have significant negative impact on the wider landscape character. Due to the track's raised position, in relation to the public highway and bridleway, it has minimal visual impact in the locality other than from adjoining properties.

4.3 Conservation (Historic Buildings): No objection

4.4 Archaeology: The evaluation undertaken by Border Archaeology has indicated that there are no remains of archaeological interest directly within the scope of the track works.

4.5 Public Rights of Way: No objection, but recommends that a condition regarding a 40 metre section of the bridleway WS2 between the proposed track and the road (C1131) is made suitable for the intended use.

5. Representations

5.1 Withington Group Parish Council:

"Object to the application on the basis of the following:

1. There is no explanation given for the need for another farm access. The whole (re)development of Westhide Court Farm appears to be being undertaken on a piecemeal basis with no overall plan having been submitted. This is potentially leading to a cumulative impact on surrounding highways by increased traffic generation and noise and disturbance to properties and residents in the village. This has been exacerbated by the (hopefully temporary) closure of the main farm access.
2. There is clearly very little agricultural usage of the farm buildings with stabling appearing to be the main remaining agricultural activity.
3. The access proposed is from a Bridleway and public right of way. There is no indication of the vehicular usage of the proposed access and the likely impact on the users of the bridleway/prow.
4. The existing main farm access from Westhide between Westhide Court and Porch House is adequate for the level of vehicular usage of the farm.
5. A recently converted hop barn is being used for business use. If change of use has been granted, as stated to the Chairman of the Parish Council by the planning officer, what were the agreed access and parking arrangements? Planning application No. SH970188PF for this change of use was recorded as "not determined" according to the file, originally having been recommended for refusal. Any continued use for B1 – Office, is therefore unauthorised, and enforcement action should be pursued.
6. As there are now a significant number of private cars and other vehicles using the bridleway to gain access to this unauthorised use (up to 25 vehicles have been reported as being 'parked'), where a car park has also been provided, this use of the access is

also unauthorised, as is the car park. It is understood that the bridleway was a cul-de-sac until 2011 and not a farm access. It is considered that a planning application should have been submitted for the development of this additional access to the premises. This also brings into doubt as to whether the bridleway can be lawfully used as an access to an unauthorised use.

7. The majority of the additional traffic entering the site is now driving right through the village.
8. The proposed new access runs across the former curtilage of Poolhead Cottage. The status of this land is unknown – for example, was it the subject of change of use to residential curtilage in the past?
9. The positioning of the access will result in vehicles entering and exiting the site having a significant impact on the quiet enjoyment of the dwelling, Upper House, and on other village properties, including Poolhead (notwithstanding its ownership by the applicant). As the access is at a higher level than the dwellings, this will be particularly disturbing through the shining of their lights directly into the living accommodation (Upper House) and through the additional engine noises as vehicles negotiate the turn from the bridleway. Poolhead is also a listed building on which the proposed development will have a negative impact.
10. The route of the proposed access divides a field into two. What is the proposed use of these two smaller fields? There is also a possible archaeological impact on the field as seen from an aerial photograph.
11. Without prejudice to the objection, if planning permission is granted it is considered that the use of the proposed access should be restricted solely for agricultural vehicles linked only to agricultural use of Westhide Court Farm and for no other vehicles generated by non-agricultural vehicles operating on land owned by the applicant but not directly farmed by the applicant.
12. It is requested that the application be referred to the Planning Committee for determination, as there are serious doubts as to the legal status of the present use of the farm and to the status of the bridleway.

5.2 The Ramblers Association have submitted the following comments:

There is local concern regarding the surface of the bridleway and the increase in traffic to the farm entrance beyond Pool Head cottage.

5.3 Seven letters of objection have been received, in summary:

- The proposal should respect the amenity of existing neighbourhood uses. It would result in a new road that would be above neighbouring gardens effecting amenity.
- The new road would increase traffic in the village.
- The proposed track would affect users of the bridleway.
- The track is unnecessary as there is an existing access to the agricultural buildings via another part of the estate.
- The proposal is retrospective and should be seen in the context of the stealthy development of the site.
- The buildings the track will service have not been used for 18 years it seems unlikely there is any intention to use the buildings for farm use now.
- The land forms part of an unregistered park and garden and should be afforded protection.

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

6. Officer's Appraisal

6.1 The main considerations in this application are:

- The intended use of the access and its impact on the surrounding dwellings.
- The impact of the proposal on the use of the bridleway the development is accessed from.
- The impact of the proposal on the heritage assets identified within the site.

The application is part-retrospective, as the track has been partly constructed.

- 6.2 Had the prior notification procedure been followed the track would ordinarily be permitted development under class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. However as the track is now in place the development cannot be considered under the agricultural notification procedure and therefore full planning permission is required.
- 6.3 There is local concern regarding the intended use of the track not being solely for agricultural vehicles and will be used to access other areas of the estate. In pre application discussion on site the estate manager indicated that the track would only be used by agricultural vehicles that would service a group of agricultural buildings. Additional comments received from the applicant confirm this.
- 6.4 The majority of objections focus upon the use of the estate, the bridleway, an alternative access and the development of the estate without planning permission. These are separate issues not connected with this application for the development of a farm track.
- 6.5 The use of the bridleway WS2 by vehicular traffic has been raised with Public Rights of Way, they have confirmed that if the landowner has granted permission for this use it is not a breach of the highways act and is therefore permitted.
- 6.6 Policy DR2 requires that development does not affect the amenity or continued use of land or buildings. The nearest dwelling to the proposed track is Poolhead cottage which is a holiday let in the ownership of the estate, the track is 35m from the property and 5m from its garden curtilage. The property Upper House referred to in the parish council comments is 38m from the track; its garden is 10m away.
- 6.7 It is considered that the use of the track by agricultural vehicles would not give rise to any significant additional noise or disturbance that would affect the amenity of the local area to the extent that planning permission could reasonably be withheld.
- 6.8 Poolhead Cottage is a listed building which the proposed track passes; the Senior Building Conservation Officer has been consulted and has confirmed no objection to the proposal.
- 6.9 The land in question forms part of the unregistered park and garden at Westhide Court; the Senior Landscape Officer has commented that the track does not have a negative impact in the landscape and a minimal visual impact in the locality.
- 6.10 The Archaeology Officer had identified that there are heritage assets within the site. The application did not provide any detail on the effect the development would have on the archaeological significance and sensitivity of the site. An archaeological field evaluation was carried out by Border Archaeology commissioned by the applicant using a briefing note from Herefordshire Councils archaeology advisor. The evaluation comprised of the excavation of two trial trenches to would provide the required information. That evaluation has now been undertaken and as a consequence there are no archaeological objections to the application.
- 6.11 The use of the field will remain as agriculture or for the grazing of horses; there was no indication of future intensification of the use of the land or buildings during the pre-application discussion.

6.12 The Parish Council has suggested, if approved, a condition should be attached to the permission. The intention of the condition would be to restrict the use of the track to agricultural vehicles used by the applicant on land farmed by the estate. This condition would not be enforceable.

RECOMMENDATION

That planning permission be granted without planning conditions.

INFORMATIVE:

- 1 **In making this decision and noting that the development had been commenced the local planning authority concluded that the development would not harm the visual or residential amenity of the area, would not have an adverse impact on the listed building in the vicinity and does not affect any archaeological interest in the area.**

The local planning authority concludes that the development is in accordance with the following policies of the Herefordshire Unitary Development Plan 2007.

- DR1 – Design**
- DR2 – Land Use and Activity**
- DR3 – Movement**
- ARCH1 – Archaeological Assessments and Field Studies**

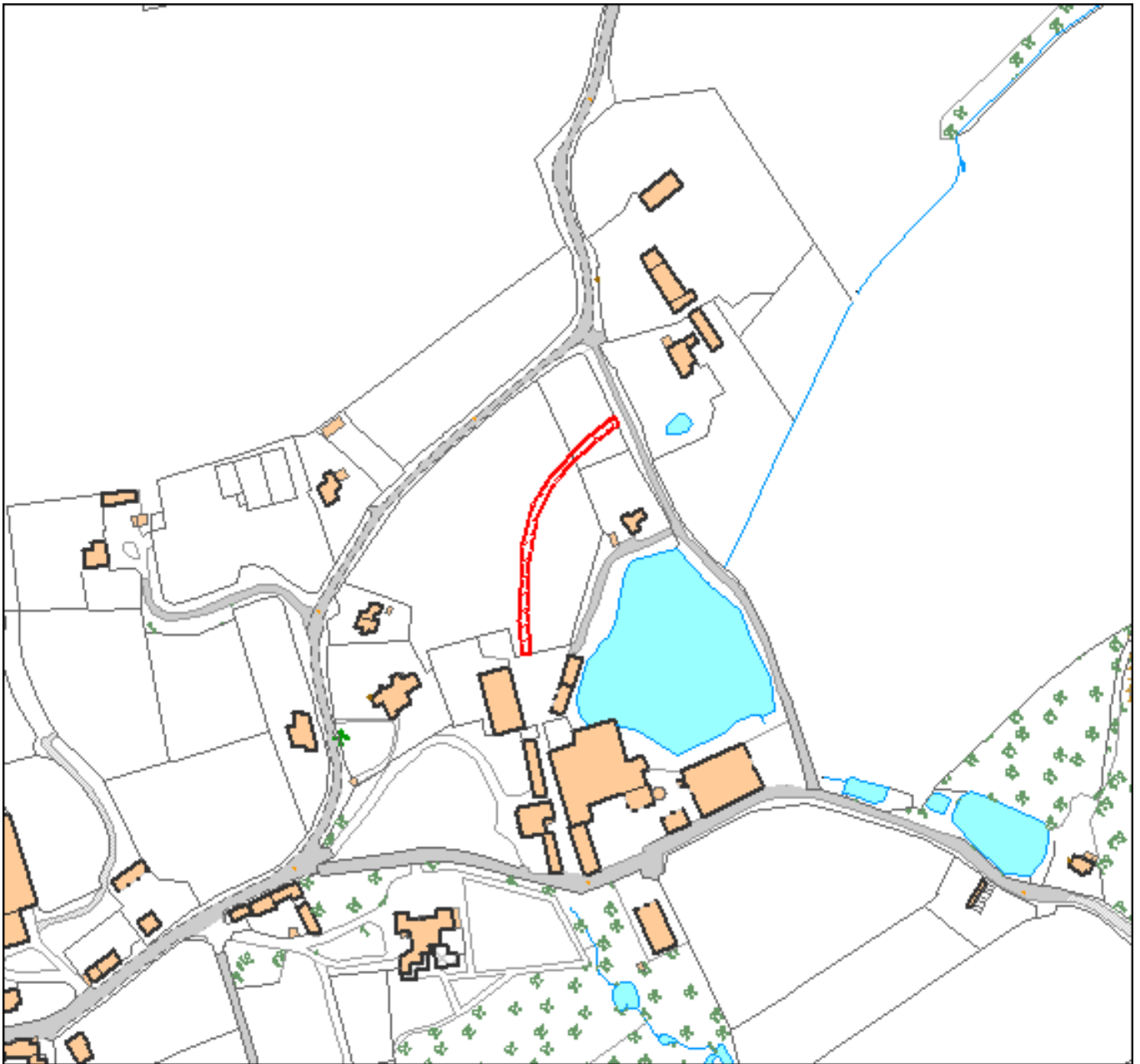
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/113542/F

SITE ADDRESS : WESTHIDE, HEREFORDSHIRE, HR1 3RQ

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Further information on the subject of this report is available from Mark Lane on 01432 260474