

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 6 June 2012 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor BA Durkin (Vice-Chairman)

**Councillors:** PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, RC Hunt, JA Hyde, TM James, JF Knipe, MD Lloyd-Hayes, G Lucas, RI Matthews, FM Norman, PJ Watts and JD Woodward

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors PA Andrews, AN Bridges, KS Guthrie, Brig. P Jones CBE, JG Lester and GR Swinford.

**2. NAMED SUBSTITUTES (IF ANY)**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors TM James, JF Knipe and JA Hyde attended the meeting as substitute members for Councillors PA Andrews, AN Bridges and JG Lester.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**4. MINUTES**

The Democratic Services Officer advised Members of an error on page 10 of the minutes where Mr La Barre was referred to as a local resident and not the applicant's agent. The Committee also requested that the words 'from High Town' be included when referring to the removal of trees in paragraph two of minute item 186.

**RESOLVED:** That subject to the amendments detailed above, the Minutes of the meeting held on 16 May 2012 be approved as a correct record and signed by the Chairman.

**5. CHAIRMAN'S ANNOUNCEMENTS**

The Head of Neighbourhood Planning reminded the Committee in respect of an upcoming training event covering habitat regulations scheduled to take place on the afternoon of 27 June.

**6. APPEALS**

The Planning Committee noted the report.

**7. S120237/FH - TRECORRAS FARM, LLANGARRON, ROSS ON WYE, HEREFORDSHIRE, HR9 6PG**

The Development Manager (Hereford and Southern Localities) gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Phillips, representing Llangarron Parish Council, and Mrs Joseph, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JA Hyde, the local ward member, commented on a number of issues, including:

- There was great support for the application from the local residents and the Parish Council.
- The proposed extension would improve the amenity of the applicants.
- The extension would improve and enhance the existing farmhouse.
- The extension was more suitable than a new build, which would be the alternative.
- The applicants had reduced the proposal to offer an acceptable compromise,
- The application was in accordance with H8 of the Council's Unitary Development Plan as it made good use of an existing building.

Members opened the debate by stating that the application was finely balanced and seemed to be in keeping with the National Planning Policy Framework (NPPF) which was supportive of proposals that promoted sustainable developments. They were also of the opinion that the application was in accordance with Policies DR1, H18 and HBA12 of the Council's Unitary Development Plan (UDP) and it was further noted that the application was also in accordance with Policy H8 which related to agricultural dwellings.

The Committee noted that the functional need had been clearly met with the County Land Agent of the opinion that the farm could financially sustain a substantial farmhouse. It was noted that the existing farmhouse was small and that the extension would make it a suitable family home.

In addition to the Policies previously put forward for supporting the application, UDP Policy S1 was also referred to as the Committee were of the view that the proposals constituted sustainable development. It was also noted that the proposed extension would result in the removal of the existing portacabins which would result in an enhancement to the site as a whole as well as retaining the character of the barn conversion.

In response to the points made by the Committee, the Head of Neighbourhood Planning gave some guidance in respect of the policies referred to. He advised that the NPPF was in keeping with the UDP in as much as it encouraged the conversion of rural buildings. He added that HBA12 was clear in its aims to retain buildings rather than provide homes. He advised the Committee that the proposal would double the size of an existing dwelling and as a result of this the officers had deemed that it was contrary to policies HBA12 and H8 of the Council's UDP.

The Committee made further reference to the NPPF and quoted paragraph 9 which referred to improving the conditions in which people live. It was noted that at present that applicants' two teenage sons had to share a bedroom and that their conditions would be improved greatly if the application was approved.

Members continued to debate the application and were all of the opinion that it was finely balanced. It was felt that if the application was approved it may be beneficial to include an agricultural tie condition to ensure that the farmhouse was not sold separately at a later date. The Committee on balance felt that the proposed extension made the farmhouse more aesthetically appealing as well as improving the character of the area through the removal of the unsightly portacabins.

In response to a question regarding the proposed doubling in size of the dwelling through the extension, the Development Manager (Hereford and Southern Localities) confirmed that this calculation had not taken into account the existing portacabins and related solely to the floor plan of the existing dwelling.

Following the debate Members were of the opinion that the concerns raised in respect of an agricultural tie and the removal of the portacabins could be addressed through suitable and appropriate conditions.

The Locum Lawyer (Planning and Regulatory) addressed the mover and the seconder of the motion to approve the application contrary to the case officer's recommendation. She asked for clarification that they were satisfied that the application complied with UDP Policies HBA12, H18, and DR1, and the other relevant policies were as set out in the report. This was confirmed by both Members. She went on to address conditions with the Committee confirming that they were happy to delegate the final wording of the conditions and the imposition of any additional conditions to the officers, although it was noted that the conditions should include highways; materials; the removal of permitted development rights; compliance with submitted plans; an agricultural tie for the whole building; the removal of the existing portacabins as well as any other necessary conditions. It was also agreed that the final wording of the decision notice be delegated to officers in consultation with the Chairman and the local ward member.

In addition to the legal points addressed by the Locum Lawyer (Planning and Regulatory), the Development Manager (Hereford and Southern Localities) advised Members in respect of Policy HBA12. He advised them that the policy stated that the extension should not adversely affect the existing building. He noted that during the debate Members had stated that they did not believe that this would be the case and that they had stated that they believed that the extension would in fact improve the existing building and area. The mover and seconder of the motion agreed that: the development was in accordance with Policy S1 as the proposal was a sustainable farming enterprise; that weight should be given to the improvement of the site by the removal of the portacabins; and that the development would mean the building would be more in keeping with normal farmyard conversions. The Committee also gave additional weight to the imposition of an agricultural tie.

Councillor JA Hyde was given the opportunity to close the debate. She reiterated her opening remarks and requested that the application be approved.

**RESOLVED:**

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.**

- 3 Before work commences, details of the finishes to be used for all external joinery shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority**

**Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the character of the building and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.**

- 4 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.**

**Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of the Herefordshire Unitary Development Plan.**

- 5 The occupation of the dwelling shall be limited to a person solely or mainly working or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.**

**Reason: It would be contrary to Policies H7 and H8 of the Herefordshire Unitary Development Plan to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.**

- 6 Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking of 3 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.**

**8. S113491/F - 1 BIRTLETONS, UPTON BISHOP, HEREFORDSHIRE, HR9 7UF**

The Development Manager (Hereford and Southern Localities) gave a presentation on the application and updates / additional representations received following the publication of the agenda.

In accordance with the criteria for public speaking, Ms Floyd, the applicant, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor BA Durkin, the local ward member, commented on a number of issues, including:

- The application was straightforward and should be approved.
- The application was for a modest dwelling and would make available the applicant's current social housing in the area.

- The proposed plot was secluded with no overlooking issues.
- Subsidence had been referred to in the report however this could be resolved through the removal of a number of trees which were not subject to preservation orders.
- NPPF paragraph 2.2 indicated a presumption in favour of sustainable development, the proposed application fell into this category.
- The Parish Council supported the application.

The Committee noted and understood the applicant's personal circumstances and her wish to be closer to her mother in the hamlet of Upton Crews. Reference was also made to the possibility of the application being in accordance with the forthcoming Upton Bishop Neighbourhood Plan, the applicant was advised to engage with the Parish Council in respect of this matter.

In response to the reference made to a Neighbourhood Plan, the Head of Neighbourhood Planning advised that Upton Bishop Parish Council had not formally notified the Council of their intention to prepare a neighbourhood plan.

Members continued to discuss the application and noted that the proposed dwelling was of a similar scale to the existing dwelling at 1 Birtletons. The general consensus was that a small extension or annexe to the original dwelling may have been looked on more favourably by the Committee. Concern was also expressed in respect of the loss of garden space and trees as a result of the application.

In response to a point raised by the Committee, the Development Manager (Hereford and Southern Localities) advised that the Traffic Manager had recommended conditions but that these were not included in the report as the case officer had summarised his comments. In response to a further question he advised that the trees on the site were not protected through tree preservation orders.

Members went on to debate the issue of the care of elderly family members. A number of examples were given where people had wanted to move closer to their family members but had been unable to do so due to issues with Homepoint or the planning process. Some Members felt that there should be some leniency shown in the application of planning policies where people are giving up their time to care for the elderly.

Some concern was expressed in respect of the definition of open countryside in the Council's Unitary Development Plan. It was noted that there were a number of houses within the vicinity of the proposed dwelling but it was still classed as being in open countryside in policy terms.

In response to a question, the Development Manager (Hereford and Southern Localities) advised Members that due to the scale of the proposal in relation to the existing house it would not be justifiable in planning terms to impose a condition to tie the new dwelling to the existing one. He further added that this would not be as problematic if the application was for a small extension or an annexe to the original house.

Councillor BA Durkin was given the opportunity to close the debate. He reiterated his opening remarks and requested that the application be approved.

## **RESOLVED**

**That planning permission be refused for the following reasons:**

1. **The application site is located in the open countryside in a location that is not considered accessible by a choice of modes of transport, nor well related to local services or amenities. Accordingly, the proposal, in the absence of any overriding exceptional circumstances represents an unsustainable form of development that would be contrary to policies S1, H7, H9 and H10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

**9. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

The meeting ended at 11.35 am

**CHAIRMAN**