

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 DECEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<b>N121564/F - A NEW FARM WORKERS DWELLING AT LAND AT BURNT HENGOED, BRILLEY, HEREFORDSHIRE</b>  <b>For: Mr &amp; Mrs Lloyd per Mr Ben Corbett, Lion Court, Broad Street, Leominster, Herefordshire, HR6 8BS</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121564&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121564&amp;NoSearch=True</a>

**Date Received: 29 May 2012**

**Ward: Castle**

**Grid Ref: 326559,252019**

**Expiry Date: 19 September 2012**

Local Member: Councillor JW Hope MBE

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

- 1.1 The site is located in the open countryside, in an isolated position and forms part of an agricultural holding known as 'Burnt Hengoed', Brilley, Herefordshire.
- 1.2 The application site consists of part of a grassland field which abuts the access road leading to the farmstead itself. Alongside the application site's eastern boundary is a detached single-storey dwelling known as 'Hengoed bungalow', this also forms part of the farm holding.
- 1.3 Application proposes construction of a single-storey detached dwelling with floor space of approx. 130 square metres, (measured externally).
- 1.4 An agricultural appraisal has been submitted in support of the application demonstrating the need for an additional worker on the holding.

## **2. Policies**

### **2.1 Herefordshire Unitary Development Plan**

- S1 - Sustainable developemnt
- S2 - Development requirements
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning obligations
- H7 - Housing in the countryside outside settlements
- H8 - Agricultural and forestry dwellings and dwellings associated with rural businesses
- E13 - Agricultural and forestry development
- E15 - Protection of greenfield land
- LA2 - Landscape character and areas least resilient to change
- NC1 - Biodiversity and development

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

2.2 The National Planning Policy Framework

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

### **3. Planning History**

3.1 91/0552/0 – Site for an agricultural workers dwelling. Withdrawn on February 7<sup>th</sup> 1992.

3.2 77/0460RM – Site for erection of agricultural bungalow – Approved 13<sup>th</sup> September 1977.

3.3 76/0542/0 – Site for erection of agricultural bungalow. – Approved 6<sup>th</sup> December 1976.

### **4. Consultation Summary**

4.1 The Transportation Manager raises no objections.

4.2 The Landscape Manager has responded to the application stating:

The landscape character type is ancient timbered farmlands. This is a sensitive landscape that should be conserved as it has one of the oldest field patterns in the county. The settlement pattern is of sparsely scattered farmsteads and wayside dwellings. Burnt Hengoed farm is typical of this. Hengoed bungalow, however, is not - it is not locally distinctive and is situated halfway along a local lane, rather than close the farm or the main road.

The selected site next to the existing bungalow provides some context of built development. The proposed building shown on the revised submission, drawing no. BH.1D is of a similar scale and design to the existing bungalow, therefore creating a direct relationship between the two. Retention of the existing lane side hedgerow is welcomed, as is the proposal for tree planting to the rear and side - these should ideally be native species.

This proposal will do little to enhance or conserve the landscape character of the area. If there is a proven need for a new dwelling and no other opportunities are available, then given the context of the existing bungalow, it will not have a significant negative impact on the wider surroundings.

4.3 The County Land Agent has responded to the application raising concerns as follows:

The present position is that there are 2 dwellings on the holding; no account can be taken of the person living in one of them, being semi-retired.

The labour test is almost met and is border line for a pass, therefore it is accepted that it is just met. The financial test is not passed in any of the 3 years.

With regard to the need, there are only 40 calving's a year and the lambing which takes no longer than 2 months, therefore the need for a further person to be on site full-time is not met, in our opinion therefore it would be convenient but not essential.

### **5. Representations**

5.1 Huntington Parish Council raises no objections, indicating the proposal will hopefully help to retain employment in the Parish. The response states they strongly agree/recommend that an agricultural tie is put on the farmhouse as well as the proposed bungalow.

- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-  
[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## 6. Officer's Appraisal

- 6.1 The key issue in relationship to this application is whether there is an essential need for a third dwelling on the holding.
- 6.2 Policy H8: Agricultural and forestry dwellings and dwellings associated with rural businesses in the Herefordshire Unitary Development Plan states that dwellings will only be permitted where it can be demonstrated that a long term genuine need exists for the dwelling as an essential part of a financially viable business.
- 6.3 The National Planning Policy Framework clearly puts great emphasises on 'sustainable development, indicating that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work. (par. 55).
- 6.4 The farming business subject to this application is a typical upland livestock rearing family farm where the applicants Mr. & Mrs. Lloyd live in the farmhouse and Mrs. Lloyd, senior, lives in an agricultural occupancy restricted bungalow on the farm in compliance with the occupancy planning restriction placed upon it.
- 6.5 The farming business is managed and operated by Mr. & Mrs. Lloyd who reside in the farmhouse, the farming business mainly comprises of up to 40 head of sucker cows and heifers producing calves that are reared for beef production and approx. 400 breeding ewes that produce lambs, also for the meat trade.
- 6.6 It is considered that the only essential need to be on site in relationship to this business refers to the beef production, where up to 40 head of cows and heifers calve during a period of approx. 10 months of the year producing calves for the beef trade. The sheep enterprise produces lambs, which are born on the holding during a period of approx 2 months of the year and therefore any welfare issues of concern in relationship to ewes lambing can be catered for (if considered necessary), through use of temporary accommodation which is classed as permitted development.
- 6.7 Although it is recognised adequate animal welfare is of paramount importance, the holding clearly has a staff of two full-time persons residing on site, and given the nature of the business this is considered sufficient in relationship to essential need to be on site 24 hours a day. It is noted that the farm appraisal submitted in support of the application, in section 2.4 indicates that '*there is a need for a minimum of two people to be permanently housed on site to manage the calving of in excess of 40 suckler cows throughout the year and the lambing of 400 ewes*'. Therefore it is considered that if the holding requires any additional staff in order to successfully operate the business, this person(s) do not need to reside on site but could live in the surrounding community.
- 6.8 Whilst it is fully acknowledged that the farming enterprise concerned is financially viable, with adequate cash reserves in order to cover the costs of the construction of a third dwelling on the holding, the financial accounts submitted in support of the application, that cover three of the last four financial years do not indicate a sufficient average operating profit in order to

support a third dwelling on the holding. Therefore the proposal is not considered sustainable from an operating profit perspective.

**Other material considerations**

6.9 The siting of the proposed dwelling is considered acceptable in relationship to the farmstead itself, being within close proximity and walking distance of the farmyard and adjacent to the second dwelling on the holding, that is subject to an agricultural occupancy restriction. The scale, design and size of the proposed dwelling, (approx. 130 square metres), is also considered acceptable.

**Conclusion**

6.10 The farming business subject to this application has not demonstrated sufficient essential need for a third worker to be housed on site. Whilst it is acknowledged that the occupant of the second dwelling on the holding fully complies with the agricultural occupancy restriction placed upon it, insufficient essential need has been demonstrated in order to allow a third dwelling on the holding. Further still the operating profit of the business, for the three financial years in accordance with the accounts submitted in support of the application do not indicate a sufficient operating profit, on which basis to allow a further dwelling on the holding. Therefore the proposal is not considered a sustainable form of development in the open countryside, where policies strictly control the nature of residential development.

**RECOMMENDATION**

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

**Insufficient essential on site need has been demonstrated to a business that is not considered financially sustainable in order to allow a third dwelling on the holding. Therefore the proposed development is considered contrary to Policies S1, H7 and H8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

**Informative:**

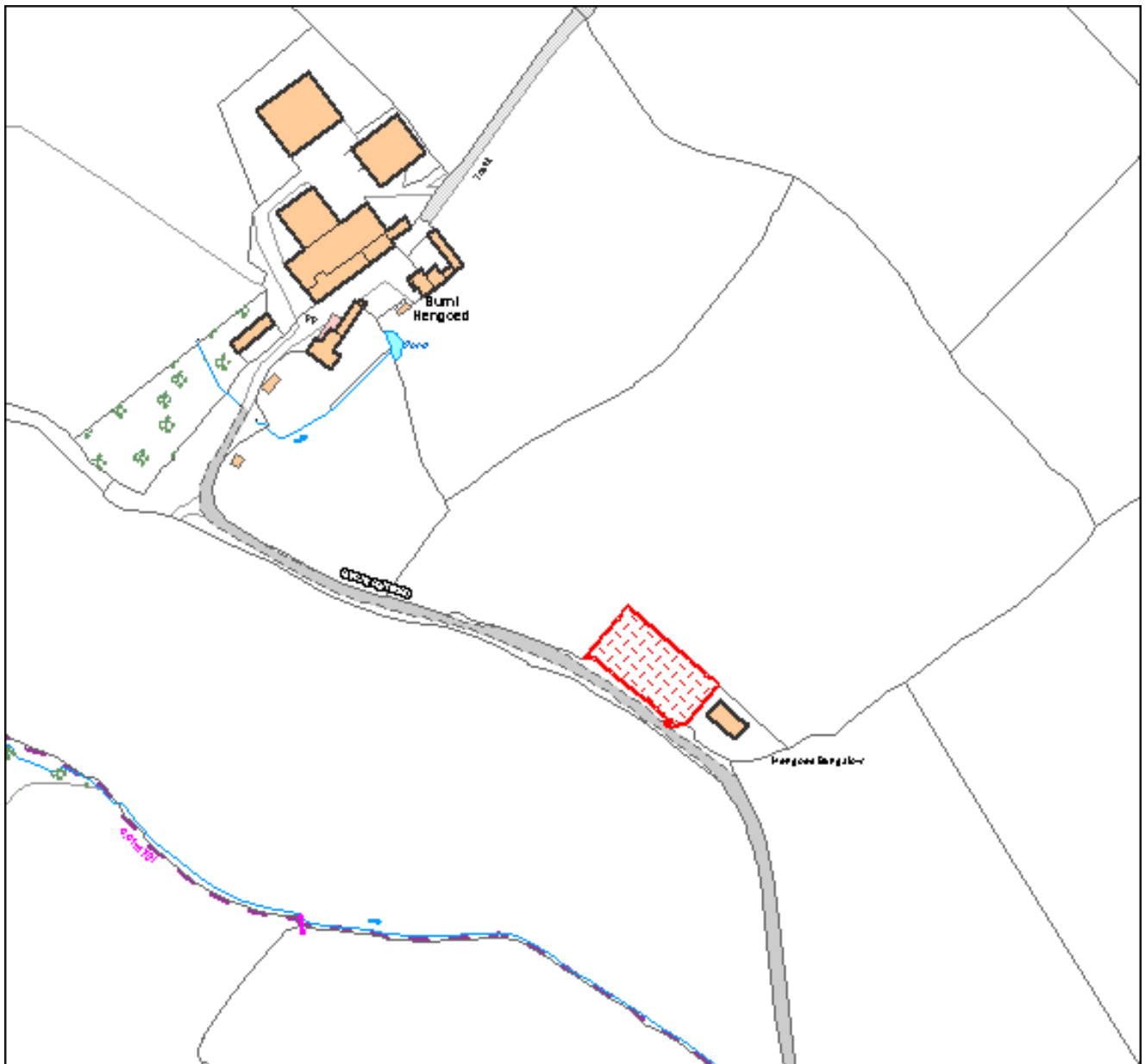
**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** N/121564/F

**SITE ADDRESS:** LAND AT BURNT HENGOED, BRILLEY, HEREFORDSHIRE

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