

MEETING:	PLANNING COMMITTEE
DATE:	19 DECEMBER 2012
TITLE OF REPORT:	N122403/O - SITE FOR PROPOSED RURAL WORKERS DWELLING AT HOLLOWAY COMMON FARM, HAMPTON CHARLES, TENBURY WELLS, HEREFORDSHIRE, WR15 8PY For: Mr & Mrs Bemand per Wall James Chappell, 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122403&NoSearch=True

Date Received: 28 August 2012 **Ward: Hampton Court** **Grid Ref: 360058,260920**
Expiry Date: 5 November 2012
Local Members: Councillor JW Millar

1. Site Description and Proposal

- 1.1 Holloway Common Farm is located 300m to the east of the C2088, a minor highway in Hampton Charles. The application site is to the south of the farm drive and has an area of 0.03ha. The farmhouse and buildings are located further on along the drive. The site is surrounded by agricultural land to the north, east and south, there is however a residential property to the west which is not in the applicants ownership. The farmhouse is also not in the applicants' ownership, although the buildings are.
- 1.2 This application seeks outline permission for a new permanent dwelling for an essential rural worker. As the application is in outline the appearance, scale and layout are all left for further consideration.
- 1.3 The dwelling is in connection with Bemand Contracts Ltd which operates from the farm buildings. The business was started in 1973 and was originally know as P.G & B. Bemand. In 2005 however the applicant, Mr Tom Bemand, and his father became equal shareholders and the business was changed to Bemand Contracts Limited. According to the design and access statement submitted in support of the application, the business combines agriculture (arable farming) and agricultural contracting, with plant hire and ground works. A dwelling is required in order to provide efficient out of hours service and immediate access to plant and machinery in times of emergency, such as reconnecting water serveries and snow clearing. The dwelling is to be occupied by the applicant, Mr Bemand and his family.
- 1.4 The applicants do not own the existing dwelling on the farm, which is lived in by Mr Bemand's brother. Mr Bemand currently lives in a house in Tenbury which he owns. In the design and access statement it is stated that the need to live on site relates to the long and anti-social hours for call out and living on site would provide a better level of service having swift access on site to the required machinery and so reduce impact of emergencies on those affected by allowing a quicker response time. It is outlined in the supporting statement that between 12 November 2011 and 6 June 2012, the business was called upon once for snow clearance. Other callouts in this period included burst water mains in Ombersley and at McCartneys livestock markets in Ludlow and Worcester.

Further information on the subject of this report is available from Ms R Jenman on 01432 261961

1.5 The intention is to build a dwelling over 2 floors with a maximum habitable floor space of 150m².

2. Policies

2.1 National Planning Policy Framework 2012 (NPPF)

The NPPF was published in March 2012 and established a clear presumption in favour of sustainable development unless other material considerations indicate otherwise.

Paragraph 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 55 states 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 in the countryside.

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
H7	-	Housing in the countryside outside of settlements
H8	-	Agricultural and forestry dwellings and dwellings associated with rural businesses
LA2	-	Landscape character and area least resilient to change
NC1	-	Biodiversity and development
NC5	-	European and nationally protected species
NC6	-	Biodiversity Action Plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
NC9	-	Management of features of the landscape important for fauna and flora

2.3 Conservation of Habitats and Species Regulations 2010

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

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

3. Planning History

3.1 N120850/O – Rural workers dwelling. Refused 29th May 2012

4. Consultation Summary

Statutory Consultees

4.1 None

Internal Council Advice

Traffic Manager

- 4.2 Has no objection to the granting of planning permission as there are no highway Implication

Conservation Manger (Landscape)

- 4.3 Considered the proposed dwelling would be highly visible from the public highway and would be seen as an isolated dwelling in the landscape. It would be more preferable for any new building to be grouped with the existing farm complex. However overall there is no landscape objection to the principle of a new dwelling however if approved a landscaping scheme should form part of a reserved matters application and an assessment of the cumulative impact of the whole farm development, together with proposals for enhancement across the wider landscaping.

Conservation Manger (Ecology)

- 4.4 Advises that the ecological assessment provided in support of the application is a basic assessment of the site and there will need to be a great crested newt survey to assess nearby ponds that could be affected by the development and a habitat protection and enhancement scheme submitted. No objection otherwise.

Environmental Health Officer

- 4.5 Site is identified as an unknown filled ground. If approved a condition is recommended requiring an assessment of the site should be undertaken by a suitably competent person.

County Land Agent

- 4.6 Raises no objection.

5. Representations

- 5.1 Hampton Charles Parish Council – see no reason why the application should not go ahead. 'Need to support our local families who have lived in the parish for many years'.
- 5.2 Five Letter of support have been received from local neighbours and land and estate agents.

In summary the points raised are as follow:

1. Bemand Contracts' Limited provide a quick response within normal working hours, living on site would enable them to provide a quick response around the clock.
2. On hand to clear the local roads in flooding and snow
3. Benefit the whole parish having the family living on site

- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-
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

6. Officer's Appraisal

- 6.1 The main issue to be considered is whether the principle of a new dwelling in this location would accord with local and national policy relating to the provision of rural workers dwellings

in the countryside. I consider this to be whether there is an essential need for the applicant to live at or near his place of work.

- 6.2 The National Planning Policy Framework advises in paragraph 55 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 in the countryside. Saved policy H7 in the Herefordshire Unitary Development Plan (March 2007) provides that permission will be granted for an agricultural worker's dwelling providing the development is clearly necessary in connection with agricultural or forestry and cannot be located in a settlement and complies with policy H8. The policy also permits proposals which are a necessary accompaniment to the establishment or growth of a rural enterprise. Policy H8 which deals specifically for agricultural and forestry dwellings and dwellings associated with rural businesses, requires all proposals to demonstrate that a long term genuine need exists for the dwelling as an essential part of a financially viable business, and that such a need cannot be met in existing accommodation.
- 6.3 The NPPF aims to encourage, through its presumption in favour of sustainable development and support for a prosperous rural economy, rural enterprises, Nevertheless, it is necessary to establish whether the needs of the enterprise require someone to live on site, rather than an existing dwelling nearby, and that there is a functional need for a dwelling on the land.
- 6.4 The proposed dwelling is to be occupied by the applicant and his family . The applicant is in a partnership with his father. The planning statement states that 'a dwelling is required in order for a full time worker to permanently reside on the site in order to provide efficient out of hours service and immediate access to plant and machinery in times of emergency, such as reconnecting water services and snow clearing'. Tom Bemand and his father are equal shareholders of the business 'Bemand Contracts Limited', and both are employed on a full time basis with 4 other full time employees. The business also employs additional seasonal extra labour when required. A qualified secretary is also employed 4-8 hours a week.
- 6.5 The applicant currently lives around 5 miles to the north of the application site in Tenbury Wells, where he has lived since February 2007. The HUDP states that it is essential to scrutinise applications in order to identify speculative proposals that attempt to abuse the concessions that the planning system makes for new occupational dwellings in the countryside. It needs to be considered if it could be as convenient and more sustainable for workers to live in nearby towns and villages, or existing dwellings, so as to avoid new and potentially obtrusive development in the countryside. The fundamental basis of Policy H8 is the importance to establish that the enterprise requires one or more people engaged in it to live nearby. There is no doubt that the business provides a valued and much appreciated service to locals and business and has done so for some time. Bemand's Contracts Limited are a long-established drainage and construction enterprise. Its buildings are all located to the east of the application site on Holloway Common Farm, and it would appear that the business has always operated from the site. This being the case, it needs to be considered why a functional need now exists for permanent accommodation to serve the business.
- 6.6 It is clear from the information contained within the appraisal that the nature of the business can require some tasks to be done outside normal working hours, i.e. Snow Clearing, faulty water supply to livestock. However, it is not this simple fact alone that should be used to determine the requirement for additional accommodation, but whether there is both a functional and financial need for on-site supervision. Much emphasis has been put on the fact Mr Bemand has to drive to the site to obtain spare parts or appropriate machinery before responding to call outs. However paragraph 5.4.68 in the HUDP makes it clear that where proposals are advanced in association with non-agricultural businesses it should also be established that the business could not exist without close and continual supervision.

6.7 The financial accounts submitted in support of the application show that the business has been viable since 2007. Furthermore a number of the letters from existing customers make reference to the quick response time and service they already receive. It is clear therefore that to date the business has been operating successfully and become well-established without a dwelling on the site. There does not appear however, to be any special characteristics of the business which make it essential that it be carried out on this particular site in the open countryside.

6.8 In accordance with Policy H8, the applicant has failed to demonstrate that there is a functional need for a permanent residential accommodation on the land. The majority of the tasks referred to in the functional need analysis are carried out during normal working hours and not on the site. The tasks which are carried out of hours are also more than likely to be carried out off site, and are not considered to be on a regular basis. The evidence provided in support of the application does not demonstrate that there is a requirement for the applicant to live on the land and that a 24 hour presence is an essential requirement for the day to day running of the business. I consider that the special circumstances envisaged in paragraph 55 of the NPPF justifying an isolated new dwelling in the countryside do not exist.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The applicant has failed to demonstrate that there is a functional need for a permanent residential accommodation on the land, contrary to the requirements of policy H8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework. The proposal therefore constitutes the provision of a new dwelling in the open countryside without any exceptional justification or special circumstance and is therefore also considered to be contrary to Policies H7 and H8 of the Herefordshire Unitary Development Plan and advice contained within Chapter 6, and specifically paragraph 55 of the National Planning Policy Framework.**

Informative:

- 1. 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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason for refusal, approval has not been possible.**

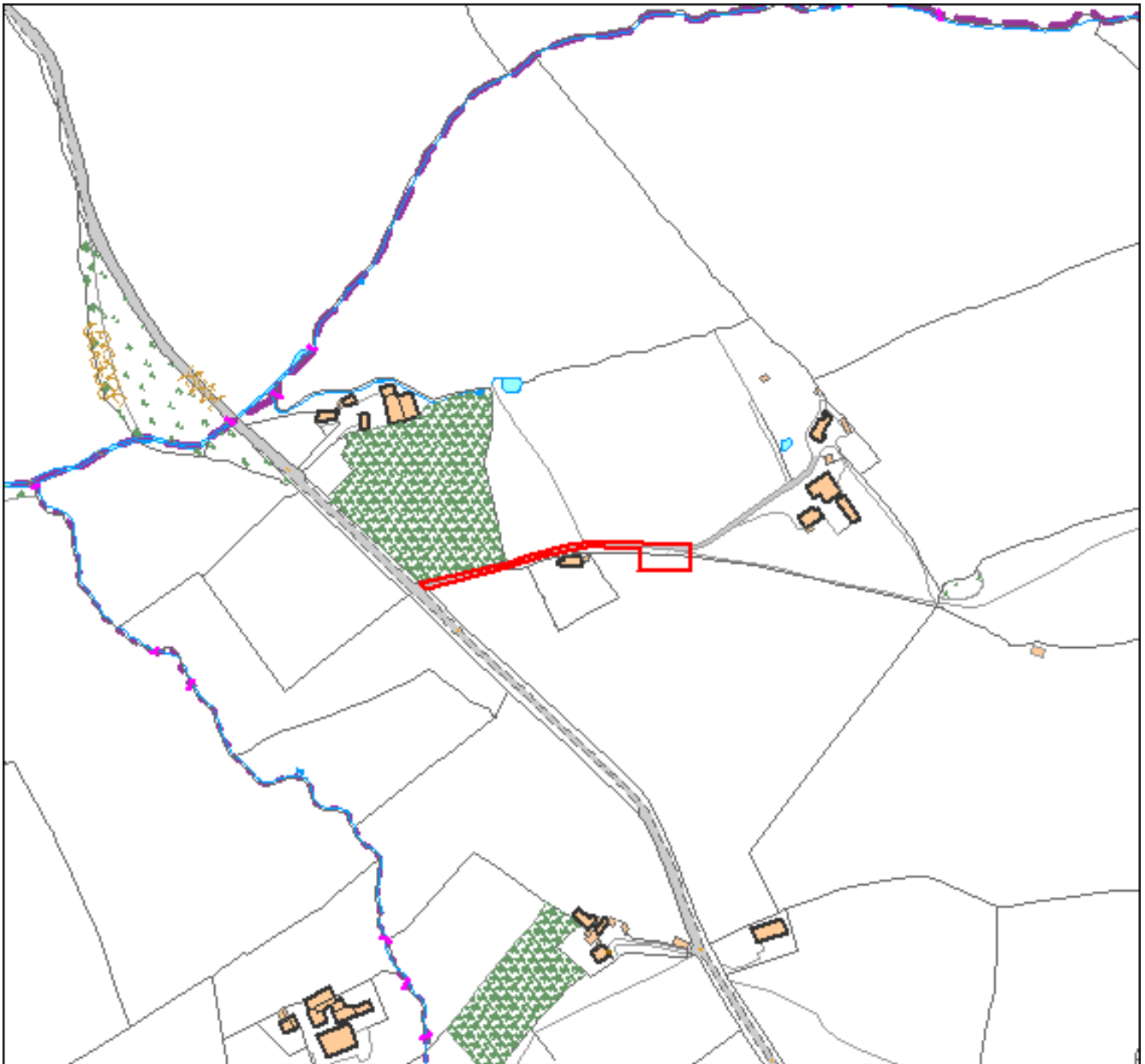
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/122403/O

SITE ADDRESS: HOLLOWAY COMMON FARM, HAMPTON CHARLES, TENBURY WELLS,
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