

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>9 OCTOBER 2013</b>
<b>TITLE OF REPORT:</b>	<b>130997/F - ERECTION OF FOUR BED DETACHED DWELLING FOR FARM MANAGER AT LAND AT UFTON COURT FARM, UFTON COURT, HOLME LACY, HEREFORD</b>  <b>For: Mr &amp; Mrs Goodwin per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire, HR9 6PG</b>
<b>WEBSITE LINK:</b>	<a href="http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130997&amp;NoSearch=True">http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130997&amp;NoSearch=True</a>

**Date Received: 11 April 2013**

**Ward: Hollington**

**Grid Ref: 354153,235194**

**Expiry Date: 24 June 2013**

Local Member: Councillor P Sinclair-Knipe

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

- 1.1 The application site is located in open countryside on the northwestern side of an unclassified road (UC72006) between Holme Lacy, located some 1.3 kilometres to the east and Little Dewchurch, approximately 3 kilometres to the south. The locality is predominantly agricultural with scattered woodland and sporadic small clusters of properties.
- 1.2 The site is set back from the highway and accessed via a long farm track (approximately 600 metres). Widows Wood lies to the south of the site and public footpaths run along the southeastern boundary and to the east of the site.
- 1.3 Planning permission was granted in 2005 for a new complex of agricultural buildings including a livestock building, machinery store and storage building and a combined grain/cold and general store, set within a new raised earth bund around the yard area. The approved scheme originally comprised three separate buildings, the largest being the combined grain/cold and general storage building measuring some 58 metres by 30 metres, which was sited on the lefthand side of the access driveway and concrete apron enabling access to the irrigation pond beyond to the northwest. To the righthand side as originally approved there were two buildings, one to be used for cattle, measuring 9.1 metres by 27.4 metres and the other to be used for cattle and a machinery store, which would be 24.3 metres by 27.4 metres. In 2012 permission was sought to resite the detached cattle building so that it would be attached to the other cattle building and machinery store and the plans were annotated stating that it would be used as a storage building, thus reducing the number of buildings to be used for cattle. To date these buildings have not been completed, and the bund has not been provided in its entirety. At the time of the site visit the metal framework and roofs had been provided for two of the buildings on the right hand side.

- 1.4 An agricultural manager's dwelling is proposed, to enable the relocation of the applicants farmstead from the existing site in Watery Lane, Lower Bullingham. The dwelling would be sited in the southern corner of the site, demarked by the approved bund. This siting would occupy the area of land previously approved for the cold store and approximately half of the grain store section of the largest agricultural building approved for the site in 2005. The submitted site plan indicates three farm buildings that would be sited on the righthand side of the site with none of the approved buildings on the lefthand side of the site to be built. The farm buildings indicated on the site plan do not tally with either the size or siting of the approved plans. A separate drive, accessed via a gate, would serve the proposed dwelling at the point of access into the bunded area, with the approved bund realigned along an east to west line between the farm buildings and yard and the proposed dwelling. No details of the height of the realigned bund or the landscaping proposed along its line have been provided. The previously approved bund is approximately 3.5 metres in height above the slab level of the yard.
- 1.5 The dwelling would be timber framed, part rendered and part timber clad. It would have a footprint of some 204 metres, with accommodation over two floors. This would be provided in both a full two storey building and a one and a half storey section that would include dormer windows. The accommodation provided would comprise a double garage, plant room, boot/decontamination room, shower room, lobby, utility room, office, farmhouse kitchen/dining area, hall, porch and sitting room at ground floor and four bedrooms, one with an ensuite bathroom, a study area, family bathroom and store at first floor. The elevations indicate a rooflight to serve an attic store within the roof void. Externally the elevations would have a brick plinth and a combination of timber framing and render and timber boarding, timber fenestration and with roofing materials unspecified at this stage. A gravelled parking area is proposed to the north of the proposed dwelling with a driveway through a gap in the proposed realigned earth bund. New native species tree planting is indicated to the south of the proposed dwelling.

## 2. Policies

### 2.1 National Planning Policy Framework

#### Achieving Sustainable Development

- |            |   |  |
|------------|---|--|
| Chapter 1  | - | Building a Strong Competitive Economy            |
| Chapter 3  | - | Supporting a Prosperous Rural Economy            |
| Chapter 7  | - | Requiring Good Design                            |
| Chapter 11 | - | Conserving and Enhancing the Natural Environment |

### 2.2 Herefordshire Unitary Development Plan

- |     |   |  |
|-----|---|--|
| S1  | - | Sustainable Development  |
| 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 Business |
| H16 | - | Car Parking  |
| LA2 | - | Landscape Character and Areas Least Resilient to Change                          |
| LA5 | - | Protection of Trees, Woodlands and Hedgerows                                     |
| LA6 | - | Landscaping Schemes  |
| NC1 | - | Nature Conservation – Biodiversity and Development                               |

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Further information on the subject of this report is available from Mrs C Atkins on 01432 260536

2.3 Supplementary Planning Document: Planning Obligations.

2.4 Herefordshire Local Plan Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS6	-	Environmental Quality and Local Distinctiveness
ID1	-	Infrastructure Delivery
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
RA3	-	Herefordshire Countryside
RA4	-	Agricultural, Forestry and Rural Enterprise Dwellings
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel

2.5 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 CE2004/4218/F - New agricultural buildings and irrigation pond. New access and drive. Approved 1.6.2005

3.2 S121480/F - Variation of condition 2 of planning permission DCCE2004/4218/F. Approved 17.7.2012

**4. Consultation Summary**

4.1 Traffic Manager: No objection to the grant of permission.

4.2 Conservation Manager (Landscape): Object.

Landscape character

The landscape character type is principal settled farmlands. The proposal is for a new dwelling in open countryside, introducing a residential use that will completely change the existing landscape character. The application does not provide any landscape assessment; this is contrary to UDP Policy LA2. The site is close to several public footpaths, but no visual or amenity impact assessment has been provided. It is noted that the site is already levelled, with permission for agricultural buildings. There is no overall site masterplan showing how this development would all work together as a co-ordinated new farmstead. The building is not orientated to correspond to any existing landscape features or the proposed buildings (as per recent planning approval 121480/F). No information is provided in consideration of alternative sites, as from a landscape point of view it would be more appropriate for any new dwelling to be located adjacent to the main road, in keeping with the existing pattern of residential development in the area.

Landscape scheme

The application does not include a landscape scheme, as required by UDP Policy LA6. It is noted that new hedgerow planting has already been undertaken along the access track, however this does not take account of creating a residential setting. The outline information provided on the site plan does not create a scheme that would integrate the building with its surroundings. In particular additional information would be required on boundary treatments,

existing and proposed levels, hard and soft landscape proposals. It is not clear why the bund is needed to separate the house from the farm, as if a dwelling is required at this location then the site should be integrated to work together as a single new farmstead.

### Conclusion

The application does not demonstrate that landscape character has influenced the design, scale, nature or site selection, contrary to UDP Policy LA2. The proposal will affect the visual amenity and character of the location and therefore a landscape scheme is required to ensure the development integrates appropriately into its surroundings - without this the application is contrary to UDP Policy LA6.

#### 4.3 Conservation Manager (Ecology):

My main concern is the proximity of the site to the adjacent Ancient Woodland (Widow's Wood) and the potential for disturbance at the woodland edge, particularly from light at night. It will be important to ensure that there are no exterior lights on the southern elevations of the proposed new dwellinghouse. An application of this nature in the open countryside should include measures to enhance biodiversity at the site. Additional planting to provide a buffer along the woodland edge would be appropriate as well as the installation of boxes or other features to provide roosting sites for bats and birds. I note that there are records for dormice and barn owl in the area and provision of measures to enhance the site for these species would be particularly appropriate. If this application is to be approved, I recommend the inclusion of a non-standard condition regarding a habitat protection and enhancement scheme and details of exterior lighting.

#### 4.4 Public Rights of Way Manager:

Originally submitted site plan: The applicant's plans do not show public footpath HL14. It appears that the boundary of the property will be on top of the footpath, and so PROW objects to the development. If plans can be submitted showing the correct location of the footpath, and that it will be protected during and after development works, we will remove this objection.

Amended site plan: Having looked at the amended plans showing public footpath HL14, and photographs showing that the path will be separated from the development by a hedge, I can confirm that PROW removes their objection. It will remain the landowner's responsibility to maintain the hedge so that it does not encroach on the footpath as it matures. If building works/construction traffic were perceived to be a threat to path users, then a temporary closure order should be applied for.

#### 4.5 County Land Agent: Initial comments: The present farm buildings are not suitable for their present use for any length of time due to the proposed development of the area. Also it is not tenable to have a farm house so far away from new farm buildings, particularly in view of the problems with arson that Messrs Goodwin have had with arson in the past, and the problems of obtaining insurance.

Land Owned: 1,000.09ac

Enterprises:	Arable cropping	826.09 ac
	Cider fruit	109.49 ac
	Pasture land	64.51 ac

Cropping	Arable	250 ac Winter Wheat
		250 ac Winter Oats
		250 ac Oil Seed Rape
		80 ac Potatoes

Cider fruit	109.49 ac
Pasture (grazing)	64.09 ac

Farm entitlements are not included in the accounts as a separate item, there is no mention of the areas involved in conservation schemes.

Farm house and cottages: The farmhouse is in the area zoned for housing and will be some miles away from the proposed new farm buildings/new farmstead.

There are 3 cottages, all are occupied by Partners of Goodwin Farming.

Farm buildings: The main set of farm buildings at present are at Watery Lane, which is in the area proposed for development and in due course they will be demolished. The proposed new farm buildings will be sited at Ufton on the site that already has planning permission for the required buildings including livestock buildings. The proposed buildings will be adequate for all the present farm's requirements, and the access is already in place.

Labour: The requirements are met by 3 full time persons, Mr J Goodwin, Mr T Goodwin and Mr K Nicholls plus contract workers as and when required.

Family enterprises: The farming of the 1,000 acres, no others are mentioned in the report.

Future proposals: The site at Ufton will be the farmstead and centre of operations for Goodwin Farming:

1. In the past the farm was a mixed farm but due to the arson problems at Watery lane and insurance no longer being available even at a premium price for fodder and straw storage stock farming had to cease, however it is proposed that the two buildings that have planning permission for stock will be used primarily for cattle, it is also anticipated that there will be a sheep flock. This will enable the majority of the farm to be on a grass/arable rotation.

2. Labour requirements

The present requirements exceed the number required to justify an agriculturally tied dwelling and the requirement is for more than 4 full time persons, therefore the Labour test requirements are passed.

3. Financial test

The accounts show a very varying profit from a loss to a very substantial profit. The enterprise is very well backed with assets well exceeding liabilities. The business is sound and sufficiently profitable to justify a substantial farm house.

In our opinion the value of £780 per sq m is very low when one off detached house is estimated to be £1,275 per sq m bringing the total cost to £405,450.

In my opinion the financial test is passed.

4. Budget and plans for the future

The plans for the future involve running the farm as a stock/arable enterprise which will result in sustainable farming with all the stock muck going back onto the land to keep the soil in a good and fertile condition.

## 5. Summary

The farm is of an economic size and with the amount of traffic generated by business the quantity is only likely to increase and at all times of the day and night. The moving of the farm buildings to a more suitable site, which already has P P for agricultural buildings, including stock buildings, and has good access to the majority of the land and is, in my opinion, both logical for the farm business and of benefit to the locality in that the enterprise is taken away from a residential area to one that will not be a nuisance in terms of heavy traffic, noise, smell etc.

Concerning the proposal for a new house in my opinion is justified due in part to the problems that the business has had at Watery Lane and the vulnerability of this site, due to its remoteness and being well hidden from other properties, making it vulnerable to any similar incidents and from the animal welfare position due to the proposal to return to carrying stock and the necessity of complying with animal welfare regulations.

Revised comments: Security alone is not a reason for a new agriculturally tied dwelling and in this case the land at present being arable, in spite of the arson and other problems it would be against policy to grant an agriculturally tied dwelling on security alone. Concerning the stock enterprise this had to be given up for the reasons given previously and therefore can be described as a new enterprise, which would be the main justification for the proposed new agriculturally tied dwelling and therefore would require a temporary dwelling for the first 3 years to allow for the new enterprise to develop and as part of the whole enterprise the required profitability will need to be demonstrated. The cattle enterprise needs to be breeding stock to justify a dwelling under the policy. A sheep enterprise, unless lambing is to continue through the majority of the year, which is highly unlikely, does not give rise to the need for an agriculturally tied building under the present policy because lambing is not normally for more than 3 months, 4 at the most, and therefore temporary accommodation will suffice.

## 5. Representations

- 5.1 Holme Lacy Parish Council: Do not see any objection. Site is not easily visible. Will it be subject of an agricultural restriction?
- 5.2 Open Spaces Society: Originally submitted site plan: The proposals may have an effect on registered public footpaths. These public rights of way should be annotated on the plans, as required by the validation criteria for proposals.
- 5.3 24 letters of support and 3 letters of objection have been received. The content of these are summarised as follows:

Support:

- Support relocation from Watery Lane which is engulfed by expansion of the city and housing.
- Should be continued support for farming in a county renowned for its agricultural heritage.
- Farming need for a dwelling in terms of management, safety, logistics and security.
- Imperative for and a natural progression of the business.
- Dwelling would allow reintroduction of livestock.
- Proposal would enhance local community.
- Applicants' family are forward thinking and have farmed for many generations, next generation should be supported.
- Planning permission for farm buildings so logical to allow dwelling.

- Site is ideally suited to mixed farming - grassland, livestock and arable crops. If dwelling is not permitted the land is likely to be used for continuous arable rotation, which is less sustainable than mixed farming.
- Temporary dwelling, part time accommodation and CCTV are all inadequate.
- Applicants farm in an exemplary manner, if denied permission for a dwelling they could halt commitment to their investment in farming, sending out the worst message to others wishing to invest.
- Modern family home, of 'Border Oak' design would blend into the surroundings.
- Dwelling would be less obvious than the approved barns.
- Site is not elevated so no impact upon skyline.
- Care should be taken to ensure proposal and landscaping would not adversely affect the use of the PROWs or the views from them of the surrounding countryside.
- Granting permission for a dwelling at Ufton Court Farm would allow the applicants to farm it as their main farm and would reduce the nature and number of insurance claims and continue the excellent progress they have made in the industry.

Object:

- No need for a dwelling, land not used for livestock, enterprise is arable.
- Applicants own lots of arable land and no dwellings there, so why is there a need at Ufton Farm?
- There are other properties for sale locally that could be used - Ufton Court and Bargates.
- Trees have been removed from the site.

5.4 Planning Statement (March 2013) - prepared by the agent. The main points raised are:

- Identifies that the NPPF and UDP provide the relevant policy framework for assessment of the proposal.
- Existing farmstead consists of a 6 bedroomed farmhouse, plus three bedroomed annexe with associated farm buildings at Watery Lane Farm, Lower Bullingham.
- Farm has been engulfed by residential and commercial development, which has led to some conflict with residential amenity, and has been dissected by the relief road.
- Farm buildings and machinery have been the subject of arson, vandalism and theft. Dwelling required at new site to provide security.
- NFU who insure the business are no longer able to provide cover for straw or crop damage from fires.
- In the region of 130 acres of farmland is under option for residential development and would be lost to the farm. The Core Strategy identifies this land for future growth.
- Rotherwas Industrial Estate has been granted Enterprise Zone status, which has been identified as an area for future growth. Thus the agricultural buildings will no longer be available for use by Goodwin Farming.
- To offset the loss of 130 acres of farmland the business has purchased an additional 370 acres of arable land at Ufton Court, increasing the total farming operation to 1,000 acres.
- A central hub of both farmhouse and agricultural buildings is needed.
- It is proposed to relocate the farming operation in its entirety to Ufton Court, where there is permission for a number of new agricultural buildings, irrigation pool, lake and drive.
- Applicant proposes to construct several of the agricultural buildings previously approved to create a grain store and machinery store to meet the needs of the farm. It is hope to reuse the Watery Lane buildings to reduce costs.
- Business is successful and has prospect of remaining so.

- Build cost of the new dwelling estimated at £780 per square metre, with an anticipated build cost of £248,000.
- Functional requirement of the farm is for an agricultural manager not a farm worker, so the size of the dwelling is commensurate with the farm.
- Applicant is married with 3 young children, size of dwelling is required for their needs.
- Proposal fully accords with policy H8 of the UDP, the agricultural appraisal and accounts confirms both the functional and financial tests are satisfied and there is an essential need.
- Supporting letter from NFU demonstrates a functional need.
- Continuous monitoring of both heat and moisture in crops means it is essential for someone to be on site within a 24 hour period to make checks.
- Security contributes to the need to be on site, due to the isolated location it would be difficult to secure the crops and machinery.

5.5 Agricultural Appraisal Report – Sunderlands and Thompsons. The main points are:

- Total area of land farmed now extends to 1,000.09 acres or thereabouts, comprising 109.49 acres of cider fruit, 64.51 acres of pasture land and 826.09 acres of arable cropping, which includes oil seed rape, winter wheat, winter barley and potatoes.
- Labour requirement of 9,602 man hours per annum, equates to 4.36 labour units.
- Dwelling necessitated by:
- value of the enterprise, the equipment used, the value of the stored crops and on going storage before sale
- health and safety supervision, predominantly at farm base throughout the year at unsociable hours at harvest time
- security, desirable due to levels of rural crime. Applicants have experienced considerable problems at the Watery Lane site
- other properties in the area - Bargates and Ufton Court Farmhouse are not suitable, due to their distance from the approved farm buildings and purchase cost.

5.6 The applicants have provided information in support of their application. This is summarised as:

- Our appraisal did not make clear that we intend to have livestock on the farm.
- Planning permission has already been granted on the site for large livestock buildings and hard standing.
- It is hoped that livestock (cattle and sheep) will be incorporated into the farm upon relocation to Ufton.
- No livestock on the farm currently for very valid reasons, such as a restrictive planning condition when permission was granted for the nearby housing, arson, theft, insurance and husbandry issues.
- Numerous issues experienced by neighbours: noise of machinery, hours of machinery operation, deliveries etc.
- Ufton would become the centre of the farm business - there will be nowhere else.
- Planning permission for a large barn on the proposed site, changing that for a residential house will have less visual impact upon the area.
- The safety of Mr Goodwin whilst he is working long hours with dangerous equipment/chemicals on his own necessitates a dwelling on site.
- Costs involved in living away from the farm base in constant commuting at unsocial hours due to the nature of the business- approx 4 miles each way. Mr Goodwin would be required to travel this at least 4 times a day with large equipment. This is clearly not sustainable.
- High value of our assets justify having someone on site to protect - CCTV would only see what had happened after the event unless applicants just happened to be



monitoring the footage at a time when something was happening. Not reasonable or viable suggestion

- House on site would be a deterrent for thieves and kids messing.
- The loss of any of the crop or equipment could see the business fail. Business operates on very tight margins and with high borrowing therefore any loss of profit or equipment would be catastrophic to the business.
- Grain lorries arrive at all hours of the day and night as do chemical deliveries - Mr Goodwin would have to travel for each of these if not on site which would be costly and impractical.
- Large stores of dangerous chemicals and fertiliser on an isolated site would be a great target to thieves.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

6.1 The main issues are the principle of residential development in this location and the impact of such a dwelling on the landscape and Public Rights of Way. Firstly it must be noted that this application is for a new dwelling and is not for the relocation of the farming business from Watery Lane Farm to Ufton Court Farm. There is an extant permission at the site for agricultural buildings and use of these by the applicants for their agricultural business does not require any further permission.

6.2 With regard to the principle of residential development, as the site lies in open countryside, policy H7 of the UDP applies. This sets out the well established principle restricting new residential development in the open countryside and providing for certain, specified exceptions. Of these exceptions the applicants assert that H7(1) is relevant, because the dwelling is required in connection with agriculture. This exception also necessitates compliance with policy H8, which states that proposals will only be permitted where it can be demonstrated that a long term genuine need exists, as an essential part of a financially viable business and cannot be met by existing accommodation. Four criteria are laid out stating that the dwelling should preferably comprise the re-use of existing buildings; it should be carefully sited within the unit or in relation to other dwellings; it should be of a scale and design which is appropriate for its surroundings and would be of a size commensurate with the established functional need of the business. The policy also states that, amongst other things, where the enterprise has not been established planning permission for temporary accommodation may be granted for a maximum of three years.

6.3 The NPPF sets out national planning guidance and with reference to this proposal, paragraph 55 is of particular relevance. This states that isolated new homes should be avoided, with a stated exception being the essential need for a rural worker to live at or near the site. This establishes a presumption against new residential development and provides an exception where there is an essential need. It is considered that the UDP policy stance is entirely compliant with the NPPF in this respect and as provided for in section 215 of the NPPF, great weight can be afforded to the UDP policies where there is such a degree of consistency. Chapter 3 of the NPPF seeks to support economic growth in rural areas and take a positive approach to sustainable development. There are three dimensions to sustainable development, which are economic, social and environmental roles.

- 6.4 Policies RA3 (Herefordshire's countryside) and RA4 (Agricultural, forestry and rural enterprise dwellings) of the draft Core Strategy are relevant to the proposal. However, as the Core Strategy is at draft stage, has not been examined independently and given that policy RA4 (Agricultural, forestry and rural enterprise dwellings) has been contested, it is considered that no weight can be afforded to this policy at this juncture. However, the thrust of the policies remains as per the UDP and NPPF, with regards the requirement for a sustained functional need for a dwelling, to overcome the general presumption preventing residential development in the open countryside.
- 6.5 The requirement to demonstrate an essential need to live on site is a common thread that runs through the UDP, NPPF and draft Core Strategy. The asserted functional need requires careful scrutiny, as it is an exception, to a well established principle against residential development. An essential need should be judged on an objective basis, and it is considered reasonable to apply the methodology set out in the now superseded Annex A to PPS7 Sustainable Development in Rural Areas. Whilst it no longer forms part of ministerial policy as such, nevertheless it is an appropriate way in which this issue should be approached. The tests are well-established and well understood and Inspectors have continued to apply this approach. Furthermore, the applicants' Agricultural Appraisal utilises this established approach for evaluating whether there is an essential need. This guidance stated that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:
- (i) there is a clearly established existing functional need;
  - (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
  - (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
  - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
  - (iv) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

The functional need, i.e. whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times, might arise, for example, if workers are needed to be on hand day and night:

- (i) in case animals or agricultural processes require essential care at short notice;
  - (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.
- 6.6 On the collective basis of the Planning Statement, Agricultural Appraisal and applicants' supporting information, the asserted essential need for a dwelling is founded on the need to relocate the hub of the business from the existing Watery Lane site to Ufton Farm and the requirements of monitoring crop drying, security of stored crops, machinery and chemicals, taking deliveries and their intention to farm livestock (cattle and sheep).
- 6.7 These needs can be divided into two distinct categories, an existing need, albeit relocated from elsewhere within the agricultural holding, and a proposed need. In respect of the existing need, it is considered that the monitoring of crop drying, does not require a 24 hour/7 days a week presence on site throughout the year. Modern driers have safety trips etc, but should they fail the system will alarm. In addition, the proposed siting of the dwelling would inhibit the erection of the approved cold store and approximately half of the grain store. As proposed the approved grain and cold store and canopy building of some 1,797.97 square metres would not be built, leaving only a permission for a cattle building, machinery store and storage area of

916.22 square metres. The submitted site plan indicates farm buildings with a joint footprint of 2,664 square metres, however these do not benefit from planning permission. Therefore as a result of the siting of the proposed dwelling the area that could be used for crop storage would be substantially reduced, thus reducing the likely value of the crop to be safeguarded. This factor together with the ability to manage crop drying with automated warning systems, which would be viable as the applicants live approximately 6.5 kilometres from the site, so could respond within adequate time, do not demonstrate an essential need. Whilst deliveries and call outs may be made at unsociable hours, they do not equate to an essential need to be close and continually at the site. As an alternative a dwelling nearby, for example within Holme Lacy village, which is approximately 1.6 kilometres away, would be sufficiently local to provide timely access to the site if the automated warning systems were to be triggered or deliveries taken. Security alone has long been established as insufficient reason to justify a dwelling, but it can be taken together with other functional requirements to provide an essential need. In this case, security is asserted to be needed for stored crop, machinery and chemicals etc. Evidence of previous security problems at the existing farmstead has been provided. It is considered that security of the site can be satisfactorily provided through security fencing, appropriately secured buildings and CCTV cameras. Furthermore, any security that the proposed dwelling could provide, is considered to be seriously undermined by the proposed orientation of the dwelling and inclusion of an earth bund between it and the agricultural buildings. An indicative plan shows an earthbund of 2 metres in height and soft landscaping. It is highly probable that they would restrict views towards the agricultural buildings and farmyard from ground floor windows and consequently would significantly compromise the degree of natural surveillance that it is asserted that the proposed dwelling would provide. Views of the agricultural buildings and farmyard would be likely to be limited to first floor rooms.

- 6.8 Notwithstanding that it is considered that an essential need has not been demonstrated, it is maintained that in any event such a requirement could be met by other existing accommodation in the area. The applicants have discounted two properties due to their distance from the site and cost. However currently there are two four bedroomed dwellings for sale in Holme Lacy, one of which is for sale at an asking price of £269,950, which is similar to the estimated build cost for the proposed dwelling. This property is approximately 2 kilometres from the application site.
- 6.9 Turning to the financial position of the enterprise, in respect of an application for a permanent dwelling it is required, amongst other things, that the unit and agricultural activity has been established for at least three years and profitable for at least one and is currently financially sound with a clear prospect of remaining so. The submitted accounts show a varying profit from a loss to very substantial profits. The existing enterprise has been profitable for two of the three years of accounts that have been submitted (2010-2012). Therefore, the existing arable farming business is considered to be sound with the prospect of remaining so. However, financial soundness by itself is insufficient to justify a dwelling.
- 6.10 Turning to the proposed essential need to live on site for livestock, a substantiated case with clear evidence of an intention and ability to develop the proposed enterprise has not been provided. Rather the applicants have stated that they intend to farm livestock, but there has been no investment in new farm buildings with the permitted agricultural buildings for the site incomplete. Moreover, as set out in paragraph 6.7, the proposed dwelling would in fact prevent the erection of all of the approved buildings. In the absence of confirmation of the exact nature of the livestock farming proposed it clearly has not been demonstrated that there would be an essential need to live on site. Depending upon the nature and type of livestock, temporary living accommodation could be appropriate. Notwithstanding this, in any event policy H8 of the UDP is unequivocal that where an enterprise has not been established, as is the case here in respect of livestock farming, that a temporary permission should be considered for a maximum of a three year period. If after the given period the need is clarified

through the commencement of the business and its financial viability proven a permanent permission for a dwelling may be granted.

- 6.11 The proposed dwelling would be substantial in size. It would provide approximately 225 square metres internal floor area excluding the double garage, office, decontamination room and plant room. Policy H8 of the UDP requires the size of the dwelling to be commensurate with the established functional requirement and the emerging Core Strategy states that dwellings should aim to be of a size no greater than a net internal floor area of 100 square metres, utilising an additional 20% allowance where the nature and needs of the enterprise can be justified. Without a demonstrated essential need it is considered that a dwelling of the size proposed is contrary to policy requirements.
- 6.12 In respect of the principle of a dwelling on site it is concluded that an essential need has not been demonstrated, either solely on the essential care of crops, dealing with emergencies that may result in the serious loss of crops, taking deliveries and farm management, or cumulatively with site security. Livestock farming is not part of the existing enterprise to be relocated and as such cannot provide justification for a permanent dwelling.
- 6.13 In the absence of justification, a dwelling in the open countryside would be harmful to the landscape in principle. Furthermore, by reason of its siting and orientation it would not relate well to the existing site features or buildings or take reference from historical references in respect of farmstead morphology. The site is highly visible from the nearby Public Rights of Way. The Landscape Officer has objected to the application on the grounds that it would not integrate well into the landscape and would not result in a co-ordinated new farmstead. Given that the submitted site plan indicates farm buildings of a size and siting that do not correspond with the agricultural buildings which have been granted planning permission, it is considered that their landscape impact should also be assessed alongside the proposal for a dwelling. In this respect a comprehensive application, indicating either the approved buildings or proposed buildings would be required, should an essential need be demonstrated in the future.
- 6.14 An amended plan has been submitted which indicates the legal line of the Public Rights of Way that cross the site. This plan confirms that the proposed development would not impinge upon their legal line. The Public Rights of Way Manager has no objections.
- 6.15 In conclusion, an existing essential need has not been demonstrated, as required by national and local planning policies. The existing farming enterprise, which it is proposed to relocate to the site, could function with the provision of automated systems, the employment of appropriate security measures and on site office/facilities whilst living in the local vicinity.

## **RECOMMENDATION**

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

- 1. On the basis of the submitted information the Local Planning Authority is not satisfied that an essential functional need for a dwelling in this location has been demonstrated to warrant a departure from national and local planning policies that strictly control residential development in the open countryside. As such, the need for an agricultural worker's/manager's dwelling has not been established as required by policies H7 and H8 of the Herefordshire Unitary Development Plan and section 55 of the National Planning Policy Framework.**
- 2. Notwithstanding Reason 1, the proposed dwelling would detract from the visual amenity and character of the countryside, by virtue of its siting, orientation and size and a landscape scheme has not been submitted. As such, the proposal is considered to be contrary to policies LA2 and LA6 of the Herefordshire Unitary Development Plan and the general principles and requirements of Chapter 12 of the National Planning Policy Framework.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

