

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>11 FEBRUARY 2015</b>
<b>TITLE OF REPORT:</b>	<b>P143600/F - PROPOSED THREE BEDROOM DWELLING AT LAND NORTH OF TARS MILL FARM, HOLLOW FARM ROAD, DINEDOR, HEREFORDSHIRE, HR2 6PE</b>  <b>For: Mr D Greenow &amp; Ms V Huntley per Collins Design &amp; Build, Unit 5 Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143600&amp;search=143600">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143600&amp;search=143600</a>
<b>Reason Application submitted to Committee – Contrary to Policy and the applicant is a Member of Herefordshire Council.</b>	

**Date Received: 1 December 2014      Ward: Hollington      Grid Ref: 352692,235360**  
**Expiry Date: 26 January 2015**  
 Local Members: Councillor P Sinclair-Knipe

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

- 1.1 The application site lies in the parish of Dinedor, approximately 1.5km South west of the hamlet of Dinedor. The site, that is approximately 0.52 hectares in size, lies to the eastern side of the unmade farm track that leads to Tars Mill Farm from the unclassified road (71009) that runs between the Hoarwithy Road to the west and Holme Lacy Road to the east. The track is also a Public Right of Way.
- 1.2 The site itself is a relatively level site that lies in the north-west corner of a larger agricultural field. The northern boundary of the site is formed by mature trees and hedge, along the stream.
- 1.3 The proposal is for the erection of one three bedroom dwelling, sited to the southern half of the site, fronting the unmade track that leads to Tars Mill Farm. The site's frontage along the track would be 82m with a maximum width of 56m.
- 1.4 The proposed dwelling would be two storey, with a brick plinth, with render above and traditional solid Oak frame to first floor. The dwelling would have an eaves height of 3.7m and ridge height of 6.8m. At ground floor the dwelling would comprise a lounge, open plan kitchen/diner, central hallway, utility and downstairs shower room. At first floor are three bedrooms, bathroom and one en-suite. The utility, downstairs shower room and first floor en-suite are contained within a subservient element that has a reduced eaves and ridge height to the main dwelling. The dwelling also has a rearward projecting gable, and incorporates two chimneys to either end of the main ridge and an oak framed porch in a central location. The proposal would provide 133 sqm of floor space (measured internally).

- 1.5 The application submission also states that the dwelling would be constructed to the new building regulations and that consideration has been given to air or ground source heat pump to power the property. Materials will be A rated in the BRE green materials guide and water efficiency measures will be employed (dual flush toilets flow restrictors, water butts).
- 1.6 The application is accompanied by a supporting statement that includes details of the applicants housing need, design and access statement and an assessment of the National Planning Policy and sustainability. Some additional information in respect of functional need for the dwelling has also been submitted at officers' request.

## **2. Policies**

### **2.1 National Planning Policy Framework**

Having particular regard to paragraphs 7, 8 14, 17, 55  
Chapter 7  
Chapter 11

### **2.2 Herefordshire Unitary Development Plan**

S1	-	Sustainable Development
S7	-	Natural and Historic heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H7	-	Housing in the Countryside Outside Settlements
H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
H13	-	Sustainable Residential Design

- 2.3 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

### **2.4 Herefordshire Local Plan (pre-submission publication – 2014)**

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
RA3	-	Herefordshire's Countryside
RA4	-	Agricultural, Forestry and Rural Enterprise Dwellings
LD1	-	Landscape and Townscape

The Herefordshire Local Plan (Draft Core Strategy) can be viewed on the Council's website by using the following link:

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy>

## **3. Planning History**

- 3.1 None

## 4. Consultation Summary

### Statutory Consultations

4.1 None

### Internal Consultation Responses

4.2 The Transportation Manager: Observation awaited.

4.3 The Public Rights or Way Manager has made the following comments:

Access to the property will be via public footpath DD20. PROW do not object to the proposal, but the applicant must be aware that the track is only maintainable by the council to footpath standard.

4.4 The County Land Agent has made the following comments in response to the additional information submitted that relates to functional need:

1. The land total 369 ac consisting of 4 areas, there is no indication of who owns which parcel of land or which area(s) are tenanted. The email states that part of the land is held on "long term tenancies", but there is no indication of whether they are FBT or AHA tenancies nor their duration. Approx. 50 ac of land is rented for producing fodder on a mowing agreement, presumed to be agreed one year at a time.
2. The house, no details are given concerning the house or houses that are on the holding at present or were before the applicant's divorce and whether or not any of them have an agricultural tie or were part of the agricultural business. If any of them have been or are part of the holding then it will be a second dwelling for the farm, or may be a third.
3. The enterprises, stock farming and some arable related to the stock farming.

#### Cattle:

There is a small suckler herd, it is presumed that this is single suckling rather than multiple, approx. 70 store cattle that are fattened over a period of 24 months, therefore not intensive.

#### Sheep:

385 breeding ewes, 135 followers (ewe lambs for replacements), 100 ewes and lambs, purchased in the spring and it is presumed sold on as the lambs are sold fat or weaned.

It is presumed that all the lambs are sold fat.

#### Arable:

50 ac of W Wheat

28 ac of turnips for winter/spring grazing for the ewes and or any remaining lambs.

4. Farm Buildings:

No details are given as to the size of any of the buildings, however they are not up to the present needs, a further livestock building is being erected during 2015, again no details are given.

5. No details of housing on the farm are given nor whether any or all of them have an agricultural tie.
6. Standard Man Days (SMD)

It should be noted that all field work and feeding is included in the figures for the livestock:

385 Ewes at 0.5 SMD per head	192.5
135 Ewe lambs (followers) at 0.3 per head	40.5
10 Rams at 0.5 per head	5.0
70 Store cattle at 1.75 per head	122.5
20 Suckler Cows at 2.13 per head	42.6

It is presumed that all arable work is done by contractor.

The total before maintenance and management is 403.1 SMD

Maintenance and management at 20% of the SMD above is 80.62, therefore the total SMD is 483.73

A standard agricultural labour unit is 275 SMD therefore the labour requirement is 1.756 labour units

## 7. Financial Test

No figures have been given.

The standard cost of an agricultural full time worker is £20,010 (ABC handbook), added to this needs to be the cost of the money at 3% involved in the breeding stock and the new house, these would be valued as follows:

House, 120 sq m at £1250 /sq m is	£150,000
20 Breeding cows £800 each is	£ 16,000
385 breeding ewes at £80each is	£ 30,800
135 followers at £70 each is	£ 9,100
10 Rams at £200each is	£ 2,000

TOTAL      £198,800 at 3% is £5,964

Therefore to pass the financial test there needs to be a profit of £25,974 to justify a house for one person working on the farm, however in this case there may already be a house or possibly 2 and therefore if there is already one house a further £20,010 would be needed to justify another.

## Summary

The amount of SMD is more than one but less than two, therefore from the information that we have all that is justified on the farm is one full time and one part time worker.

The need to live on site, I agree that it would be convenient, but in my opinion it is not necessary. Herefordshire Council have a policy that managing a flock of sheep does not qualify a need for a person to live on site, the only time that 24 hour presence is required on the site is for lambing and that can be done from temporary accommodation, for example a caravan. There are only 20 suckler cows and normally 40 or there about are required to have an agreed need for a permanent dwelling on a farm. The arable work can be done by someone living many miles away.

In my opinion from the information given there is not a justification for an agriculturally tied dwelling from the information provided in the email of 13/01/2015

## **5. Representations**

5.1 Dinedor Parish Council support the application.

5.2 53 Letters of support have been received. These can be summarised as follows:

- Local man/farmer (born in parish);
- There is a need for the applicant to care for his elderly father and assist his brother who farms next door;
- There is a need for the applicant to be near to his work and live on site due to the nature of the work;
- Being able to live and work in the same place would be sustainable;
- Need to be on site to care for livestock;
- There is a lack of affordable housing in the area;
- The Council has a five year housing land supply shortage;
- The building will have no harm or detrimental impact on the area;
- This is a modest dwelling that would not impact on anyone else;
- The dwelling would be inconspicuous in the landscape;
- The dwelling would have a positive economic impact;

5.3 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:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## **6. Officer's Appraisal**

6.1 The proposal is for the erection of a new dwelling in open countryside and as such falls to be considered having regard to the requirements of policy H7 of the Herefordshire Unitary Development Plan. This policy states that proposals for housing developments outside Hereford, the market towns, the main villages and smaller settlements will not be permitted unless it meets one of the exceptional criteria. This includes development where it is clearly necessary in connection with agriculture or forestry where it complies with policy H8.

6.2 As members are aware, the Council does not have a five year housing land supply, and as a result the NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development as detailed in paragraph 14. For decision taking, this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework as a whole; or
- Specific policies in this framework indicate development should be restricted.

6.3 The two key Herefordshire Unitary Development Plan policies considered relevant in the assessment of this application are policies H7 (Housing in the countryside outside settlements) and H8 (Agricultural and forestry dwellings and dwellings associated with rural businesses). Policy H7 seeks to control development in open countryside as it is considered important to

protect the landscape and wider environment. This policy therefore identifies specific exceptions where new residential development may be acceptable. One of the exceptional circumstances in which residential development in the open countryside may be acceptable is where the demands of agriculture make it essential for farm workers to live at or in close proximity to their place of work. This policy states that new dwellings advanced through this policy will be thoroughly scrutinised and that all applications should be accompanied by full supporting information appraising the need, prepared by an appropriately qualified person and should include a functional assessment, showing why it is essential for the proper functioning of the enterprise for workers to be readily available at all times. This may also be supported by financial information to give evidence of need and business viability.

- 6.4 In light of the Council's housing land supply deficit, it is necessary to consider the consistency of policies H7 and H8 with the National Planning Policy Framework. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas, directing housing to be located where it will enhance or maintain the viability of rural communities. It states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances including 'the essential need for a rural worker to live permanently at or near their place of work in the countryside'. It is therefore considered that this element of policy H7, and the thrust of policy H8 are consistent with the requirements of the NPPF and that weight can be attributed to these policies in the decision making process.
- 6.5 The application submission is accompanied by a supporting statement that sets out the need for the dwelling. This statement focusses on the proposal in the context of policy RA2 of the Herefordshire Local Plan (Pre-submission publication). Members are aware that we cannot attribute weight to these emerging policies at this time and that decisions must be taken having regard to the Herefordshire Unitary Development Plan and National Planning Policy Framework as detailed above.
- 6.6 Nonetheless what this supporting document does provide is information as to the need for the dwelling. This statement of need can be summarised as follows:
- identifies that the applicant (and wife) are currently residing with his father;
  - That the applicant has lived in the parish all of his life and the family have links to the of parish going back 82 years.
  - The applicant's brother also farms land near to the application site, is registered disabled and requires assistance close by for the more arduous and labour intensive tasks.
  - The applicant's elderly father lives on the farm (in the parish) and now needs assistance with day to day activities.
  - The applicant has not only lived, but worked in agriculture all of his life. He farms 375 acres in Dinedor and neighbouring parishes comprising suckler herd, store and fattening cattle, sheep and 55 acres of arable which supplies feed for the livestock.
- 6.7 The statement refers briefly to a functional need to be on this site to support the 'farm'. Additional information was requested from the applicant so that a proper assessment of this need could be made having regard to the requirements of policy H8. Unfortunately, the applicant declined to submit a fully detailed agricultural appraisal (including accounts) to support the claims for the essential need for the dwelling in this location. A brief overview was however provided and the County Land Agent was subsequently consulted on this. This included confirmation that the land holding referred to in the statement comprises:
- Dinedor - 317 acres
  - Ridge Hill - 33 acres
  - Lugwardine - 11 acres
  - Mordiford - 8 acres

Maps and details of ownership / tenancy were not provided in support of this. The information also confirmed that the main buildings referred to are at Tarsmill Farm, to the south of the application site and that these comprise:

- One large cattle shed
- One large storage shed
- Fodder storage shed
- Large concrete yard area
- Extant planning permission for a further large livestock building to be constructed this year

As Members will see in paragraph 4.4 above, it is concluded that, on the basis of the limited information provided, there is not a justification for an agriculturally tied dwelling in this instance. The proposal would fail to demonstrate an essential need for a rural worker to live permanently in this location and would therefore fail to comply with the requirements of policy H8 of the Unitary Development Plan and paragraph 55 of the National Planning Policy Framework.

- 6.8 The application submission would not comply with any other exception criteria identified by either policy H7 of the Herefordshire Unitary Development Plan or paragraph 55 of the National Planning Policy Framework that seeks to recognise and protect the intrinsic character and beauty of the countryside by restricting new development in such locations.
- 6.9 Having regard to the three roles of sustainability identified by the NPPF, the supporting document makes reference to the social role as being providing housing for someone with longstanding links to, and makes a positive contribution to the community within the parish. There are also economic benefits attributed to construction of dwellings and the support of a farming enterprise (although evidence has not been forthcoming in respect of this aspect). Turning to the environmental role of sustainability; the application submission claims that the development, due to its location and the opportunity for planting would have no adverse impact on the landscape character of the site and surroundings. Whilst this could be said about many sites across the county, the reasoning behind restrictive policies such as Policy H7 of the Herefordshire Unitary Development Plan and paragraph 55 of the National Planning Policy Framework is to recognise the intrinsic beauty of the wider countryside and protect it from unjustified sporadic development. The environmental benefits that could be attributed to this development are negligible.
- 6.10 The application site is isolated from the main village and city so in order to reach services and facilities necessary for most day to day living, there would therefore be a strong likelihood of a significant reliance on the use of the car. It is acknowledged that this would currently be the case for existing occupiers in the immediate vicinity but this is not sufficient justification alone for adding to this situation, through the addition of the proposed dwelling, in terms of sustainability criteria. A high level of reliance on the car would result in the likelihood of a greater level of greenhouse gas emissions compared to a similar development in a more sustainable location. This would be contrary to the Framework which, in supporting the move to a low carbon future, promotes new development being located so as to reduce greenhouse gas emissions and therefore a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. This is consistent with the UDP policy requirements of policy S1.
- 6.11 The proposal would not provide a suitable site for residential development having regard to the principles of sustainable development. As such it would be contrary to Policies S1 and H7 of the UDP. These policies together, in respect of this issue, state that sustainable development will be promoted by directing necessary new development to locations, settlements and sites that best meet the appropriate sustainable development criteria; and that proposals for housing development outside Hereford and other settlements defined in the Unitary Development Plan will not be permitted unless various criteria are met. It would also be contrary to paragraphs 7, 8, 14 and 55 of the Framework which relate to the need for development to be sustainable. The

very limited benefits that could be attributed to this development would not outweigh the conflict with policy in this instance.

## **RECOMMENDATION**

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

- 1. The proposed site lies in an area of open countryside, isolated from services and facilities. The proposal fails to demonstrate compliance with any of the exception criteria of policy H7 of the Herefordshire Unitary Development Plan or special circumstances contained within paragraph 55 of the National Planning Policy Framework. These policies, along with policy S1 of the Herefordshire Unitary Development Plan state that sustainable development will be promoted by directing necessary new development to locations, settlements and sites that best meet the appropriate sustainable development criteria. In this instance the very modest benefits that could be attributed to the proposal would not outweigh the requirement for sites to be sustainably located and would therefore be contrary to paragraphs 7, 8 and 14 of the Framework which relate to the need for development to be sustainable.**

## **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(s) for the refusal, approval has not been possible.**

Decision: .....

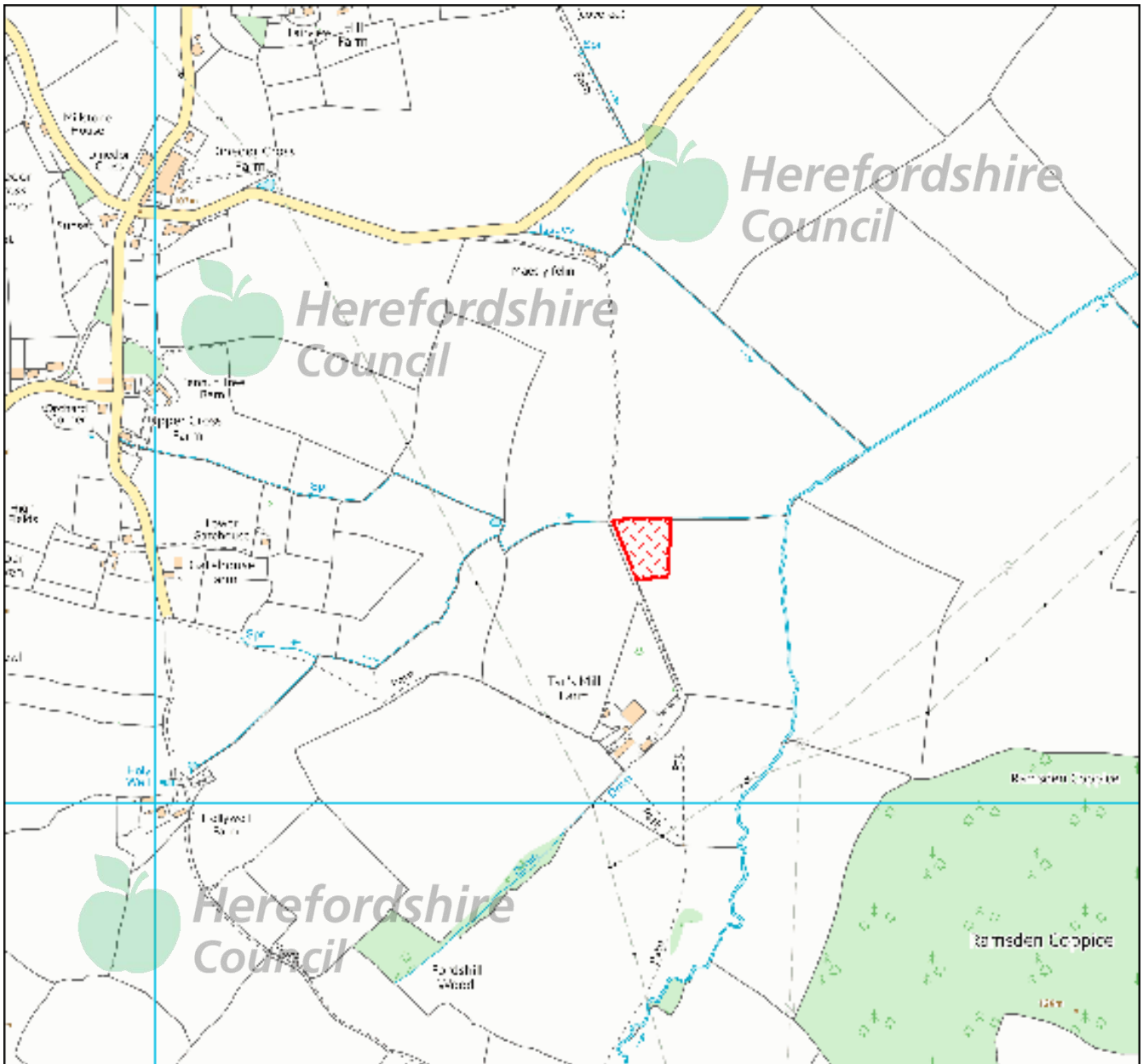
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## **Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** 143600/F

**SITE ADDRESS :** LAND NORTH OF TARS MILL FARM, HOLLOW FARM ROAD, DINEDOR, HEREFORDSHIRE, HR2 6PE

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781