

**6 DCSW2004/3709/O - THE ERECTION OF A DETACHED AGRICULTURAL DWELLING WITH GARAGE, TOP BARN, LITTLE PENLAN FARM, DORSTONE, HEREFORDSHIRE.**

**For: E.G. Perry & Sons per Mrs. T. Lloyd, Ty-gwyn, Dorstone, Hereford, HR3 6AG**

**Date Received: 26th October, 2004      Ward: Golden Valley      Grid Ref: 29680, 40116  
North**

**Expiry Date: 21st December, 2004**

Local Member:    Councillor N.J.J. Davies

**1. Site Description and Proposal**

- 1.1 The proposal site is just over 410 metres to the south-east of the crossroads with another unclassified road (u/c 75228) that leads southward to Bonnylands and Vagar Hill and north and then east to Dorstone passing the farmhouse serving the agricultural holding. The site area is approximately 36 metres by 27 metres. The site is approximately 34 metres to the north-west of some existing farm buildings that comprise a sheep house.
- 1.2 A block plan (scale 1:500) accompanied the application providing details of the siting and means of access for the proposed dwelling, all other matters being reserved for future consideration in the event that planning permission is granted.

**2. Policies**

**2.1 Planning Policy Guidance**

- PPG.1            -      General Policy & Principles  
PPS.7            -      Sustainable Development in Rural Areas

**2.2 Hereford and Worcester County Structure Plan**

- Policy H.16A    -      Housing in Rural Areas  
Policy H.20      -      Housing in Rural Areas Outside the Green Belt

**2.3 South Herefordshire District Local Plan**

- Policy GD.1     -      General Development Criteria  
Policy C.1       -      Development within Open Countryside  
Policy SH.11    -      Housing in the Open Countryside  
Policy SH.17    -      Agricultural Workers Dwellings

**3. Planning History**

- 3.1 SW2001/1387/O Agricultural dwelling - Refused 27.03.02
- SW2002/3114/O Agricultural dwelling - Refused 23.12.02 (Appeal by Hearing pending)

**4. Consultation Summary**Statutory Consultations

- 4.1 The Environment Agency has no objections, subject to conditions being attached relating to details for fould drainage works being provided.

Internal Council Advice

- 4.2 Head of Highways & Transportation recommends that conditions be attached to any grant of planning permission.

**5. Representations**

- 5.1 In a letter that accompanied the application the applicants' agent makes the following main points:

- further to our meeting on 9th July, 2004 the following are included:

- (i) a copy of the original section 106 objection tying the occupancy of the dwelling to the applicants' 280 acre holding and a clause to ensure that the dwelling will not be sold off separately from the land
- (ii) updated agricultural, financial and planning appraisals from Messrs I.B. Howie, OBE, NDA, FRAGS, FI.Agr M, and D. Cave
- (iii) copies of letters of support from: Sunderlands - Chartered Surveyors & Auctioneers, Mr. & Mrs. D. Handley, Mr. & Mrs. M. Starkey, Mr. C.J. Miles, Ms. D.M. Wood, former Councillor Miss J. Pickering, Ms. P.J. Rye, Mr. V.J.N. Thomas - Group Secretary of the NFU. The Chief Executive & Secretary of the National Sheep Association, Thorne Widgery - Chartered Accountants & Mr. J.A.O. Davies, Veterinary Surgeon of Hay-on-Wye

In addition Ms. C. Bedell, BSc Hons, MRICS, FAAV - Rural Practice Surveyor of the CLA - West Midlands Region will be writing to you direct upon this new application.

- 5.2 In an Agricultural Appraisal the following main points are made:

- Little Penlan Farm is a livestock farm in a designated Less Favoured Area situated some distance from Dorstone Village in west Herefordshire
- the farm is owned and managed by a family farming partnership, comprising of Mr David and Mr Norman Perry
- there is no dwelling relating to the farm. The two brothers reside with their elderly mother, Mrs. E.G. Perry in her small house. There is no suitable alternative affordable accommodation on or within a reasonable distance from the farm

- having regard to the size of the farm, the numbers of livestock and the scale of the business at Little Penlan Farm, a dwelling is needed on the property to maintain security and to be able to meet animal welfare standards and the increasing legislation relating to livestock, particularly outside normal working hours to deal with emergencies
- the farm accounts show that the farm has been profitable over the last three years and taking cognisance of the changes in government policy to maintain farming in the hills and uplands, the future profitability and viability of the farming partnership at Little Penlan Farm is sustainable
- although based on accepted Standard Man Days (SMDs) data, it is calculated that the farming system at Little Penlan Farm requires some 2.44 labour units (see attached annex 2 of the appraisal); the partners willingly work in excess of the standards used in the calculation
- the building at Top Barn, adjacent to the proposed site of the dwelling, is used continuously from September into May. It is used to house finishing lambs from September, to house the ewes in December prior to and through to the end of lambing in May. It is also used to bring cows into calve from the adjoining land
- the government review "The Future of Food and Farming", chaired by Sir Don Curry, set up in the wake of the Foot and Mouth epidemic, highlights the importance of the farming industry in maintaining landscapes, particularly in the marginal areas, maintaining a viable thriving rural economy and conserving and safeguarding the environment. Also need to produce quality livestock of the type produced at Penlan
- as such with the well-established profitable farming system, producing quality livestock in an environmentally acceptable way, the activities at Little Penlan Farm meet the functional and financial criteria within the Planning Guidance
- the dwelling envisaged at Top Barn can be financed without being a drain on the farm's resources
  
- enterprise will qualify for environmental stewardship schemes, as farm is a low input method one, will offset reduction in income from Common Agricultural Policy
- essential to have dwelling adjacent to buildings, to carry out routine tasks, deal promptly and efficiently with emergencies
- 280 acre farm, has no dwelling, between 300 and 430 metres contour lines
- grassland livestock production, small area for arable crops, cereal crops go to livestock, also used for straw
- two separate ranges of buildings, Little Penlan and Top Barn (Little Penlan - two modern cattle buildings, workshop, plus traditional farm buildings, Top Barn - stone barn, plus large steel framed building approximately 140' x 50')
- cattle, suckler herd of some 40 cows, breeding heifers calving March to May
- sheep, major source of income, 650 ewes plus 150 ewe lambs for breeding and 20 rams
- need to supervise fattening levels (from nearby dwelling) housed from September, ewes housed from December over winter to lambing in March - May, and for calving cows
- business therefore sound - concerned about need to meet animal health and welfare standards and provide adequate supervision/security at Top Barn.

5.3 In the Planning Appraisal the following main points are raised:

- applicants live rent free with their aged mother in a modest house with no security of tenure. Applicants need to share bedroom, their mother sleeps in other bedroom

- house at Little Penlan severed from holding in 1987 when farmland and buildings conveyed to applicants by Deed of Gift
  - the farmhouse will be conveyed to her daughter (Mrs. Rea of Town House, Bredwardine)
  - following refusal, meeting held in July 2004. Officer confirmed refusal finely balanced. Needed evidence of year round functional need and prospects for viability of enterprise
  - apparent Council's Land Agent had not been consulted
  - siting of dwelling more central on enterprise and forms good grouping visually with existing building
  - there is a clear functional need as required by PPS.7, particularly during 5 months long lambing season, and bringing cows to calve. Essential for at least one partner to live near sheep house
  - borthers both full time workers in agriculture (i.e. 2.44 units). This satisfies PPS.7 p 3(ii)
  - enterprise established for at least 3 years (as per PPS.7 p3 (iii)) financially viable and has prospect of remaining so
  - applicants have recovered from the BSE and foot and mouth epidemic
  - no other dwelling on holding, as required by criterion (iv). Farmhouse severed from holding in 1987. Also one mile by road from sheep house, at times of emergencies no vacant existing accommodation
  - access is acceptable, Engineering Technician has recommended conditions previously that can be met
  - no objection to siting by officers, i.e. it is well related to existing built development as required by PPS.7 and Policy SH.17 in the South Herefordshire District Local Plan.
  - Paragraph 4, Annex A to PPS.7 states whether or not need for one or more workers to be available at all times. Agricultural Appraisal states this is the case
  - enterprise is viable as required by para 8 to Annex A of PPS.7. See letter from Messrs Thorne Widgery
  - para 9 to Annex A of PPS.7 requires dwellings to be commensurate, block plan submitted detailing dwelling (3 bedrooms) of 159 sq. metres, approximately £61,200 to build. Cost can be found and therefore will not affect financial viability
  - reasons for refusal previously namely Policies C.1, SH.11 and SH.17 addressed in agricultural appraisal above and in financial appraisal
  - criteria contained in Policy GD.1 are also met
  - in respect of Structure Plan, reasons for refusal are addressed in agricultural appraisal
  - acknowledged development not well related to public transport provision, as nearest bus route is 2.25 miles away at Dorstone
  - proposal will help sustain the rural community, another policy requirement
  - policy criterion in UDP Policies are also satisfied. Dwelling is essential part of viable enterprise.
- 5.4 A draft Section 106/Planning Obligation tying the proposed dwelling to the holding accompanied the application.
- 5.5 The financial appraisal is available for inspection on the file by Members.
- 5.6 Twelve letters of support were also received:
- Thorne Widgery confirm that the partnership has been profitable for 3 years and attached financial appraisal based on farm accounts. Viability of enterprise looks assured.

5.7 Other points raised in remaining letters are as follows:

- alleviates overcrowding at 2 bedroom cottage
- lambing a 24 hours, 7 days a week process for duration of lambing 800 ewes, often coincides with worst weather
- possibility for outside assistance more difficult, given Mid-Term Review falls upon two brothers
- nearby dwelling will reduce ewe and lamb mortality
- fifth generation family. Need to support these custodians, and maintain the social structure of rural areas
- cottage severed from farm in 1987
- no other suitable dwelling available
- profitable for more than 3 years
- Mid Term Review will have an effect, however too early to say, business needs to adapt to new income streams
- The Countryside and Rights of Way (CROW) Act allows for greater public access to farm land, even more need than previously for presence at times of lambing, calving and stock movement
- sheep and cattle likely to exceed 1750 head during much of year, vital to have someone on hand at all times, need for this heightened in DEFRA Animal Health and Welfare Strategy.

5.8 Dorstone Parish Council's observations are as follows;

"Dorstone Parish Council support the application, request this application is brought before the Planning Area Sub-Committee.

Note: No financial assessment received."

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The main issues are considered to be the principle of erecting a dwelling to serve the existing agricultural enterprise.
- 6.2 There is a farmhouse already serving the enterprise, the case therefore is that there is a substantive case for a second dwelling to serve the needs of the agricultural enterprise. Government advice is contained in Annex A to PPS.7: Sustainable Development in Rural Areas that replaced Government advice formerly contained in PPG.7. The advice contained in PPS.7 sets out the two principle requirements for applicants to provide a functional and financial case for the dwelling, including temporary ones. There has to be an essential need for a dwelling to serve the enterprise concerned, it is not an issue of the personal preferences or circumstances of any individuals involved.
- 6.3 The relevant policies in the South Herefordshire District Local Plan are Policies C.1, SH.11 and SH.17, the latter one concerned with agricultural workers' dwellings and the two former policies establishing the type of development acceptable in the open countryside, i.e. replacement dwellings, the conversion of sustainable rural buildings and agricultural/forestry workers dwellings.

- 6.4 The dwelling is sited in proximity to the existing sheep house and a safe access can be provided onto what is essentially a cul-de-sac. However, it is whether or not there is a substantively made case for a second dwelling that is the issue on which this application turns. It is considered that the existing dwelling is within reasonable distance of the sheep buildings, and indeed the fields in which the sheep graze. There is provision within the General Development Order 1995 for temporary buildings, i.e. caravans to be sited as required for emergencies, or possibly lambing. It is also considered that the net income stated for the enterprise would, with the erection of a dwelling, affect the viability of the agricultural enterprise. It is also considered that the size of dwelling envisaged in the block plan, one of 159 square metres, for a second dwelling would not be commensurate with the needs of the enterprise and would affect the viability.
- 6.5 Therefore, the proposal fails to satisfy the requirements of Government advice contained in PPS.7 together with Policy SH.17 in the South Herefordshire District Local Plan, therefore the erection of a dwelling on this site without the essential requirement stated above constitutes development in open countryside contrary to Policies C.1 and SH.11 in the South Herefordshire District Local Plan and H.20 and H.16A in the Hereford and Worcester County Structure Plan. There is also a further requirement to be sustainable in reducing the need to travel given that the dwelling proposed is in open countryside it would entail a number of journeys for shopping and other facilities contrary to the provisions of Government advice in PPS.7 and PPG.13 – Transport, together with Policy GD.1 contained in the South Herefordshire District Local Plan.

**RECOMMENDATION**

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

- 1 The proposal is contrary to the provisions of Policies SH.17, SH.11 and C.1 contained in the South Herefordshire District Local Plan, Policies H.20 and H.16A contained in the Hereford and Worcester County Structure Plan and the provisions of Annex I to PPG.7 - 'The Countryside, Environmental Quality and Economic and Social Development', given that there is not considered to be an essential requirement for a dwelling on the holding nor is the agricultural enterprise of such a financial viability as set out in Annex I to PPG.7 that a dwelling on the holding could be substantiated on the basis of the financial details submitted. The dwelling would also not be commensurate with the agricultural enterprise. Therefore, the principles of sustainability, as set out in Government advice contained in PPG.13, have not been achieved.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.