

24 DCNW2004/3416/O - SITE FOR ONE BUNGALOW AT LAND BETWEEN OAKLAND AND GIPSY HALL, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6PR

For: Mr J W Mokler per Arkwright Owens Berrington House 2 St Nicholas Street Hereford HR4 0BQ

Date Received:
5th October 2004

Ward:
Castle

Grid Ref:
31721, 50171

Expiry Date:
30th November 2004

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The application site comprises an irregularly shaped 0.6 hectare plot located on the north side of Almeley Road approximately 1.5 km to the east of Eardisley.
- 1.2 The site lies in open countryside and is located between two existing properties known as Oakland (the applicant's property) and Gipsy Hill.
- 1.3 Outline planning permission is sought for a bungalow to provide accommodation for a worker to support/manage the 17 hectares of agricultural land associated with the enterprise. Approximately 9 hectares of this land comprises woodland and ponds. This area has been restored and is currently maintained by the applicant and incorporates two ponds.
- 1.4 The application is supported by a statement from the applicant referring to the history of his involvement in agriculture locally and to his current activities of producing organic fruit. It is also advised that the woodland/pond amenity area has been visited by Age Concern, the WI, schools and neighbours and the development of this aspect of the enterprise is a stated aim.
- 1.5 External appearance, siting, means of access, design and landscaping would be reserved matters and as such this application seeks a view on the principle of establishing at this site only.

2. Policies

Central Government

PPS 7 – Sustainable Development in Rural Areas

Hereford & Worcester County Structure Plan

Policy H16 A Housing in Rural Areas
Policy H20 Housing in Rural Areas Outside the Green Belt
Policy CTC 9 Development Requirements
Policy CTC 11 Trees and Woodlands
Policy A4 Agricultural Dwellings

AREA SUB-COMMITTEE

Leominster District Local Plan (Herefordshire)

Policy A1	Managing The District's Assets And Resources
Policy A2 (D)	Settlement Hierarchy
Policy A9	Safeguarding The Rural Landscape
Policy A38	Rural Tourism And Recreational Activities
Policy A43	Agricultural or Forestry Dwellings

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H7	Housing in the Countryside Outside Settlements
Policy H8	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
Policy LA2	Landscape Character and Areas Least Resilient to Change
Policy LA5	Protection of Trees, Woodlands and Hedgerows
Policy RST1	Criteria for recreation, sport and tourism development

3. Planning History

NW2003/2785/O - Site for erection of a bungalow with a semi-basement area dedicated in the management of the old and new woodland and amenity ponds area. Withdrawn 12th November 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raise no objection.

Internal Council Advice

- 4.2 Head of Highways and Transportation raises no objection.
- 4.3 Chief Conservation Officer objects since the proposal would visually extend built development into the countryside.

5. Representations

- 5.1 Eardisley Parish Council raise no objection.
- 5.2 The full text of this letter can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key issue for consideration in respect of this application is whether an exceptional need can be demonstrated that would justify a new permanent dwelling in the open countryside.
- 6.2 Policy A2 (D) of the Leominster District Local Plan (Herefordshire) establishes a strong presumption against residential development unless there are exceptional circumstances to justify otherwise. In this case the need is based upon the existing organic fruit production enterprise and the management and maintenance of the existing woodland and pool area. Part of the case also relates to the role of the site in providing opportunities for recreation and education in view of the tranquillity and wildlife interest associated with the woodland and pond area.

AREA SUB-COMMITTEE

- 6.3 The proposed dwelling has been considered in relation to the advice set out in Annexe A of PPS7. The criteria against which a new permanent dwelling may be justified include a requirement to demonstrate an established functional need for a full time worker; that the associated enterprise is financially viable and that the need cannot be fulfilled by another dwelling in the locality.
- 6.4 The applicant has provided his own assessment that the needs of the business would amount to a full time worker. There is no evidence as to how this conclusion was reached and furthermore it is respectfully advised that the needs of fruit production and the management of the woodland amenity area would not amount to an essential need for a permanent dwelling. No financial evidence is provided to support the case for an additional dwelling and it is suggested that the enterprise could and should be served by the existing dwelling, Oakland.
- 6.5 The pool restoration work undertaken and the efforts made by the applicant to maintain the woodland area and making it publicly accessible are recognised, but there is no justification for an additional dwelling resulting from this work. Furthermore, policies relating to tourism and recreation would not support the establishment of a permanent dwelling unless it were associated with the conversion of an existing building.
- 6.6 Accordingly there are no material considerations that would warrant a departure from the normal policy constraints relating to new residential development in the open countryside.
- 6.7 The site occupies a prominent and elevated position which is visible from the Almeley Road and whilst there are two existing dwellings to the immediate west and east, further development in the absence of any exceptional circumstances would be detrimental to the character and appearance of the site and surrounding countryside.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. **It is not considered that an essential need for the proposed dwelling has been established and as such the proposal is contrary to Policy H20 of the Hereford & Worcester County Structure Plan, Policies A2(D) and A43 of the Leominster District Local Plan (Herefordshire) and the guiding principles set out in Annexe A of PPS 7.**
- 2. **The proposed dwelling in terms of its siting and elevated position would appear isolated in the landscape and out of keeping with its open character and appearance. It would therefore be contrary to Policy A9 of the Leominster District Local Plan (Herefordshire).**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.