

**19 DCNW2005/0072/O - SITE FOR PROPOSED LOCAL NEEDS HOUSING AT DIS-USED FILLING STATION, ADJOINING THE OLD CARPENTERS SHOP, KINNERSLEY, HEREFORD, HEREFORDSHIRE, HR3 6QB**

**For: Mr & Mrs P Bishop per Mr A Jenkins 12 Broad Street Hay-on-Wye Herefordshire HR3 5DB**

**Date Received:**  
**10th January 2005**

**Ward:**  
**Castle**

**Grid Ref:**  
**33914, 49253**

**Expiry Date:**  
**7th March 2005**

Local Member: Councillor J Hope

**1. Site Description and Proposal**

- 1.1 The application site is located on the western edge of the rural hamlet known as Kinnersley and adjacent to the southern side of the A4112 public highway. The site as a whole is visually unattractive and occupied by a dis-used petrol filling station consisting of the former forecourt with canopy over and adjacent former shop/workshop. The latter two structures are of external brick and concrete block construction under tin roofs.
- 1.2 The site is surrounded on both its southern and western sides by agricultural land. On the eastern side is a single dwelling that is occupied by the applicants.
- 1.3 This outline application proposes to demolish the existing structures on site and redevelop the site for 'local needs housing' with all matters reserved other than means of access. An indicative layout for 4,3, bed roomed dwellings has been submitted.

**2. Policies**

**2.1 Leominster District Local Plan (Herefordshire).**

A1 – Managing the Districts Assets and Resources.  
A2(D) – Settlements Hierarchy.  
A9 – Safeguarding the Rural Landscape.  
A24 – Scale and Character of Development.  
A30 – Redevelopment of Employment Sites to Alternative Uses.  
A48 - Affordable Housing for Local Needs in Rural Areas.

**2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

S1 – Sustainable Development  
S2 – Development Requirements  
S3 – Housing  
DR1 – Design  
DR2 – Land Use and activity.

- DR3 – Movement.
- DR4 – Environment.
- DR5 – Planning Obligations.
- H7 – Housing in the Countryside outside Settlements.
- H9 – Affordable Housing.
- H14 – Re- using previously developed land and buildings.
- E5 – Safeguarding employment land and buildings.

### 2.3 **Supplementary Planning Guidance (Herefordshire).**

Provision of Affordable Housing.

### 2.4 **Planning Policy Statement 7 : Sustainable Development in Rural Areas.**

Planning Policy Guidance 3: Housing.

## 3. **Planning History**

NW1999/3197/0 – Site for four cottage style houses to replace the existing disused filling station, shop and café. – Refused planning permission and later dismissed at Appeal. In dismissing the appeal the Inspector was concerned about the impact on visual amenity notwithstanding the removal of the existing structures; loss of employment potential and sustainability, as well as housing policies.

## 4. **Consultation Summary**

### Statutory Consultations

- 4.1 The Environment Agency has submitted a holding objection to the proposed development until further information is supplied on how foul drainage will be safely disposed of from the proposed development.

### Internal Council advice

- 4.2 Traffic Manager has no objection.
- 4.3 Housing Manager states that there has been no local housing needs survey carried out in Kinnersley and the 2001 Herefordshire Housing Needs study's extrapolated data suggests a low level of need in Kinnersley, itself a relatively small settlement - of 79 dwellings.  
Strategic housing does not support this application, nor will it support a housing needs survey, and would seek to direct any affordable housing in this area towards Almeley, being a more sustainable, and suitable settlement, for such housing.
- 4.4 Head of Policy and Community advises that the property has been registered since March 1999 and that it has been suggested for nine enquires, but on checking these further there were only two or three where the site may have realistically met the requirements. The site is registered both as a 'Development Opportunity' and as an 'Industrial/Warehouse unit'.

## 5. Representations

### 5.1 The Parish Council has resolved to make the following comments:

We note that the questions at para 21 of the planning application (Affordable housing) have not been answered. We do believe that low cost/affordable housing would be more appropriate and would receive general approval.

Parking seems to be inadequate. We believe each house would attract at least 2 vehicles.

Dormer windows (bedrooms)? Represent a third storey, which we believe would be out of keeping with the existing property and area.

In principle the parish council does not disagree with the development of this brown field site. Even though we recognise the lack of infrastructure in Kinnersley we do not regard this as a grave disadvantage.

2 letters from parishioners to Herefordshire Council Planning Department have been copied to us - from Mr. D. Scott and Mr. R. Sharp.

### 5.2 A letter of support of the proposal from Mr. M. Sharp, The Olde Forge, Kinnersley is summarised below :

- The site has been disused for ten years and has an air of dereliction about it.
- Favour towards residential development, as the Community here is somewhat 'fragile' and could, benefit from strengthening through the provision of a small amount of additional housing. If there are any lingering thoughts about a business use, they should be dismissed as I don't believe there is any likelihood of viable proposals and commercial vehicles entering/leaving the site would be more hazardous on this busy and (despite the 50 m.p.h. speed limit!) fast road than private cars.

### 5.3 A letter has been received from Bill Jackson Estate Agents stating that the premises have been available on offer for lease for over four years and in spite of marketing from the Hereford and Leominster offices, advertising in the Hereford Times and on the website no tenants have come forward for this commercial site at a market rental.

### 5.4 In support of the proposal the applicants advise that the site has been marketed for commercial use extensively since 1999 and the location is a possibility for no up take in use of the site. The letter also states regarding potential occupants of the proposed development that at this outline planning stage we find it difficult to define who the occupants might be.

### 5.5 A letter of objection from Mr. D. Scott, The Fron, Kinnersley is summarised as follows:

- Concerns about the application being for 'Local Needs' housing and requirements for such needs in the village.
- Provision of public services and amenities at this location for this form of residential development.
- Queries the application form and how the affordable housing question has been addressed by the applicants.
- Proposed development is out of keeping with the rest of the village.
- Concerns about location in relationship to the surrounding public highways and possible influx of children that such a development may attract.

- 5.6 The full text of these letters 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 application site is located outside the development limits of a recognised settlement, on the edge of a rural hamlet and amounts to re-development of an existing brown field site.
- 6.2 National Planning Policy on housing in rural areas states that local planning authorities should strictly control new house building away from established settlements, this includes affordable housing as Planning Policy Statement 7: Sustainable Housing in Rural Areas states in paragraph 3 on Location of Development:  
' Away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together. This should help to ensure these facilities are served by public transport and provide improved opportunities for access by walking and cycling'.
- 6.3 Policy A48 on Affordable Housing for Local Needs in Rural Areas in the Leominster District Local Plan states:  
- 'Exceptionally, within or adjoining rural settlements planning permission may be granted for low cost affordable housing on land that would not normally be released for development where a local need has been justified. Primarily, households occupying such accommodation will be restricted to those which are residents within the ward; have strong family connections; or are employed within the relevant ward'.
- 6.4 Planning Policy A2 on Settlement Hierarchy in the Leominster District Local Plan states in section D, iv, on settlements in the countryside or in villages, hamlets or other groups of houses for which no settlement boundary has been identified that schemes for 'affordable housing' will be for local people and designed to meet an identified local need in accordance with the above-mentioned policy.
- 6.5 Herefordshire Supplementary Planning Guidance on Provision of Affordable Housing in paragraph 5.8 – Exception sites states :  
' The Council recognises that these small schemes help to maintain the viability of rural communities. Such development will, however, be subject to strict control as set out in the plan policies. Permission will only be granted where there is clear evidence of need.'
- 6.6 The Council's Housing Manager has stated that there has been no local needs housing survey carried out for Kinnersley and that the 2001 Herefordshire Housing needs study's extrapolated data suggests a low level of need in Kinnersley, itself a relatively small settlement. Therefore Strategic Housing does not support this application and would seek to direct any affordable housing in this area towards Almeley, being a more sustainable, and suitable, settlement, for such housing.
- 6.7 The applicants in their submission have not provided any information on need or on occupants for the proposed affordable housing in this particular location, adjacent to a rural hamlet. Indeed as the Parish Council points out questions about affordable housing on the application form are not fully answered. The one that is states there will be no subsidised housing.

- 6.8 The site is a former fuel filling station and is rather dilapidated in visual appearance and therefore can be classed as a brown field site, and therefore in planning terms re-development at this location is a material consideration. However there is minimal supporting evidence with the submission to indicate attempts made for alternative uses and no evidence for need of the proposed. A letter has been received from Bill Jackson Estate Agents confirming that the site has been advertised for lease for commercial use and that no offer has been forthcoming. The letter includes no evidence to confirm this and does not state that the site has been offered for sale but only for rental.
- 6.9 In conclusion this planning application does not comply with National or Local Planning Policy the site albeit a brownfield site, is located outside a recognised development boundary in open countryside to which no justification has been given for whom the proposed 'Local Needs' housing is intended for. Policy A48 on Affordable Housing for Local Needs in Rural Areas in the Leominster District Local Plan states that 'Exceptionally, within or adjoining rural settlements planning permission may be granted for low cost affordable housing on land that would not normally be released for development where a local need has been justified. The applicants in a letter in response to a request from myself have admitted 'At this outline planning permission stage, we find it difficult to define who the occupants might be'.

**RECOMMENDATION**

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

- 1. **The proposal development is in open countryside outside any recognised settlement boundary. In the absence of an identified local need the proposal is considered to be contrary to Policy A2(D,iv), and Policy A48 Affordable Housing for Local Needs in Rural Areas of the Leominster District Local Plan.**
- 2. **The application does not comply with criteria of Herefordshire Supplementary Planning Guidance on Provision of Affordable Housing in that no clear evidence of need for the proposed development has been submitted with the planning application.**
- 3. **In the absence of adequate exceptional circumstances to justify the form of development as proposed in this application, residential development at this isolated location is regarded as an unsustainable form of development contrary to Policy A1 of the Leominster District Local Plan (Herefordshire), the emerging Policy S1 of the Herefordshire Unitary Development Plan (Revised) Deposit Draft and National Planning Policy Statement 7: Sustainable Housing in Rural Areas.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.