

18 DCNW2005/0036/F - ERECTION OF PERMANENT AGRICULTURAL WORKERS DWELLING WITH GARAGE AT THE BOOZIE, UPHAMPTON FARM, UPHAMPTON, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9PA

**For: Mr & Mrs J Roberts per Bryan Thomas,
Architectural Design Ltd, The Malt House, Shobdon,
Leominster, Herefordshire, HR6 9NL**

Date Received:
7th January 2005

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
40074, 63485

Expiry Date:
4th March 2005

Local Member: Councillor R Philips

1. Site Description and Proposal

- 1.1 The application site comprises a 0.35 hectare plot located to the north east of Uphampton Farm. There is currently a mobile home providing temporary accommodation for the applicant, Mr Roberts. This accommodation was permitted in application DCNW2000/2574/F. This application seeks consent for a two storey detached dwelling house with detached two bay, cart shed style, garaging. The site is outside, but in close proximity to, an area designated as an Historic Park and Garden.
- 1.2 The application requests a permanent agricultural workers dwelling in support of mixed agricultural activities taking place on land with an approximate area of 73 hectares. The enterprise currently consists of broiler chickens, calf rearing, beef cattle, tack sheep, potatoes, and cereals. The dwelling is principally requested in support of the livestock activities on site.
- 1.3 A previous application, DCNW2004/1518/F, was withdrawn due to issues associated with the scale of the dwelling, and the operations on the farm and need for the permanent property. This application requested a dwelling with a floor area of approximately 265 square metres (excluding detached garaging). A revised application (DCNW2004/2850/F) addressed the need issue and reduced the dwelling to approximately 206 square metres (excluding detached garaging). This second application was then reported to the Northern Area Planning Sub Committee on 3rd November 2004. The Sub Committee was minded to grant planning permission contrary to officers recommendation. The reason for granting permission was that members felt the size of the proposed dwelling was commensurate with the need.
- 1.4 The Head of Planning Services subsequently examined the proposal and made the decision to refer the application to Planning Committee for the reason that the decision of the Sub Committee conflicts with critical policy criteria relating to the size of the proposed dwelling. However this application was subsequently withdrawn and this revised proposal submitted for consideration.

- 1.5 This current proposal is for a three bed, two storey dwelling with a floor area of approximately 170 sq metres (excluding a detached garage with garden store).

2. Policies

Government Guidance: PPS7

Hereford and Worcester County Structure Plan

CTC9 – Development Criteria
A4 – Development Considerations

Leominster District Local Plan

A1 – Managing the Districts Assets and Resources
A2(D) – Settlement Hierarchy
A9 – Safeguarding the Rural Landscape
A24 – Scale and Character of Development
A43 – Agricultural Dwellings

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S7 – Natural and Historic Heritage
DR1 - Design
DR2 – Land Use and Activity
H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

3. Planning History

DCNW2004/2850/F – Erection of permanent agricultural workers dwelling with garage.
Withdrawn 2nd December 2004.

DCNW2004/1518/F Erection of permanent agricultural workers dwelling
Withdrawn, 9th June 2004

DCNW2000/2574/F Site for mobile home for agricultural worker
Approved, 1st March 2001, permission expired 31st January 2004.

DCNW2000/1152/F Livestock Building
Approved, 9th August 2000 - Erected

DCNW2000/0017/F Poultry House
Approved, 9th August 2000

DCNW2000/0007/O Agricultural workers dwelling
Withdrawn, 31st August 2000 - Erected

DCNW2000/0006/F Livestock building

Withdrawn, 20th January 2000

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raises no objections

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objections to the granting of permission.

5. Representations

- 5.1 Shobdon Parish Council have no objections to the proposal subject to an agricultural tie.
- 5.2 No representations have been received in response to full statutory advertisement procedure.
- 5.3 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

Principle of Development

- 6.1 It is considered that the most appropriate way to consider an application such as this is to first establish the acceptability of the proposal in relation the five areas of consideration specified under Planning Policy Statement 7: Sustainable Development in Rural Areas, Annex I. These are:
1. Existing functional need,
 2. Requirement for full time worker,
 3. Establishment and profitability of the unit,
 4. Availability of alternative accommodation,
 5. Satisfaction in relation to other planning requirements.
- 6.2 The above issues are reflected in the adopted Leominster District Local Plan, policy A34, and the emerging Herefordshire Unitary Development Plan, policy H8.
- 6.3 A temporary dwelling is currently found in situ on the site. It is considered that points one, two and four were effectively considered as part of the temporary permission. A supporting statement has been submitted with this application with all relevant points covered. It is standard practice for a temporary dwelling to be provided where all factors excluding the financial tests have been passed. The interim period allows for this point to be covered, potentially allowing for a permanent dwelling in the future where the long term economic viability can be demonstrated. In this case it is considered that the financial tests have now been met. It is suggested that the principle of an agricultural workers dwelling on this site has been established and can be accepted for the purposes of this application.

6.4 Point 5 will be considered in the section of this report subsequent to this but it is confirmed that the proposed siting is considered acceptable.

Satisfaction in relation to other planning requirements

6.5 The design of this proposal is not considered problematic, the proposal is undoubtedly attractive, however once again the scale is considered to be an issue.

6.6 National and local planning policies require agricultural workers dwelling to be of a commensurate size with the established functional requirement. PPS7 states that:

'It is the requirement of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.'

The need on this holding is for a single dwelling. The scale of this property is an important consideration because the exceptional circumstance in planning policy that allows for dwellings such as this is specific to agricultural/forestry workers. It is therefore important in the long term for these dwellings to be retained for these. Controlling the scale of the properties is fundamental to this. A dwelling of a size such as, even with the reduction in size, this would command a significant market value, even with a tie. An excessive market price, preventing it's occupancy by an agricultural worker is a regular feature of applications seeking the removal of an agricultural workers tie.

6.7 In other respects, specifically residential amenity, landscape impact, and transportation, no objections are raised to this proposal.

RECOMMENDATION

That the application be refused for the following reason:

- 1. The proposed dwelling, in view of its overall size, would not be commensurate with the established functional requirements of the holding contrary to Annex 1 of PPS7: The Countryside, adopted Leominster District Local Plan Policy A43, and emerging `Herefordshire Unitary Development Plan Policy H8.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.