

**9 DCNC2004/1540/F - RESITING OF PREVIOUSLY APPROVED BUNGALOW (PLANNING PERMISSION MH1243/76) AT UPPER HORTON FARM, EDWYN RALPH, BROMYARD, HEREFORDSHIRE**

**For: Upper Horton Farm Co. per Mr J Phipps Bank Lodge Coldwells Road Holmer Hereford HR1 1LH**

**Date Received:**

**27th April 2004**

**Expiry Date:**

**22nd June 2004**

Local Member: Councillor T Hunt

**Ward:**

**Bringsty**

**Grid Ref:**

**63057, 58459**

**1. Site Description and Proposal**

- 1.1 Upper House Farm, is a 63 ha holding, located on the North side of an unclassified road, UC65015, which leads Westwards from the Edwyn Ralph - Thornbury Road, about a mile West of the junction with Tenbury Road, B4214, and within an Area of Great Landscape Value.
- 1.2 This application is for the relocation of a bungalow approved as part of planning permission MH1243/76, which was for the erection of 2 agricultural bungalows, to a position alongside the main group of farm buildings.

**2. Policies**

**2.1 Malvern Hills District Local Plan**

Landscape Policy 1 – Development Outside Settlement Boundaries  
Landscape Policy 3 – Development in Areas of Great Landscape Value  
Housing Policy 4 – Development in the Countryside  
Housing Policy 5 – Dwellings for Agricultural and Forestry Workers  
Housing Policy 7 – Siting and Design of Agricultural Dwellings

**2.2 Hereford and Worcester County Structure Plan**

H20 - Housing in the Urban Countryside  
A4 – Agricultural Dwellings  
CTC2 – Development in Areas of Great Landscape Value  
CTC9 – Development Criteria

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

H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses.  
LA2 – Landscape Character and Areas Least Resilient to Change.

### 3. Planning History

- 3.1 036357 Two agricultural workers bungalows approved 18th June 1973.
- 3.2 MH1243/76 Two detached agricultural workers bungalows approved 20th July 1976.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency - No In principal objection.

#### Internal Consultations

- 4.2 Traffic Manager - No Objection.

### 5. Representations

- 5.1 Edwyn Ralph Parish Council - No Reply Received.
- 5.2 Letters in support of this application have been received from:  
Mr E D Hall, 6 Horton Mews, Thornbury.  
Mr & Mrs D Hall, 5 Horton Mews, Thornbury.
- 5.3 The applicant has said:
  - (a) Planning permission has been granted for two bungalows but only one has been built.
  - (b) It will be more practical to erect the second bungalow adjacent to the group of farm buildings.
  - (c) There is planning permission which allows the applicant to build the second bungalow alongside Upper Horton Farm.
- 5.2 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the sub-committee meeting.

### 6. Officers Appraisal

- 6.1 This application is for the relocation of an agricultural workers bungalow approved under MH1243/76, which was for the 2 agricultural bungalows, from its approved location fronting onto the unclassified 65015, to a position alongside the main group of farm buildings.
- 6.2 Planning permission MH1243/76 has been implemented by the construction of one of the bungalows, Upper Horton Farmhouse. The permission remains extant. While, there is no in principle objection to the repositioning of the bungalow, the applicant will be required to give up that part of the planning permission which remains extant. The applicant had attempted to do this by way of a unilateral undertaking but was unable to agree satisfactory terms with Councils legal executive and has now agreed this should be dealt with by way of a Section 106 Agreement. The Agreement will also restrict the occupation of the bungalow to the ownership of Upper Horton Farm.

6.3 The relocation of the bungalow to a position adjacent to the main group of farm building is acceptable in terms of Housing Policies 5 and 7, which deal specifically with Dwellings for Agricultural Workers and the Siting and Design of Agricultural Dwellings. In particular Housing Policy 7 requires agricultural dwellings to be sited within close proximity to existing farm buildings. This application achieves this criterion.

**RECOMMENDATION**

- 1) **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and deal with any other appropriate and incidental terms, matters or issues.**
- 2) **Upon completion of the aforementioned planning obligation officers named in the scheme of delegation be authorised to issue planning permission subject to the following conditions:**

- 1. B01 – Samples of external materials**

**Note to Applicant:**

**i) This permission is granted pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**

- 3) **The named officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.