

13 DCNW2005/0573/F - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF FARM YARD AND AGRICULTURAL BUILDING TO PLANT HIRE BUSINESS AND SITING OF PORTACABIN AT HOME FARM, BIRCHER, LEOMINSTER, HEREFORDSHIRE, HR6 0AX

**For: Mr B Mantle per John Amos and Co. Lion House
Broad Street Leominster Herefordshire HR6 8BT**

Date Received:
22nd February 2005

Ward:
Bircher

Grid Ref:
47623, 65475

Expiry Date:
19th April 2005

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The application site comprises an area of land (approximately 37.2m x 82.6m) including one existing building within the Home Farm complex of former agricultural buildings. The northern and western boundaries form a bank of a height between 1 and 2.5 metres with a post and wire fence forming the boundary with the field above this. Home Farm also offers a caravan storage facility and caravan park.
- 1.2 Planning permission is sought retrospectively for the change of use of this land and one building for the purpose of plant hire. The application also includes the retention of a portacabin on the site, which is used as an office in conjunction with the use.
- 1.3 Access to the site would be via the existing access from the B4362 and on through the remaining site to the specific area allocated for this use. This access is hardsurfaced.

2. Policies

2.1 Herefordshire & Worcester Council Structure Plan

Policy H16A – Development Criteria
Policy CTC13 – Buildings of Special Architectural or Historic Interest

2.2 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 A18 – Listed Buildings and their Settings
Policy A16 – Foul Drainage
Policy A36 – New Employment Generating Uses for Rural Buildings
Policy A70 – Accommodating Traffic from Development

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirement
Policy S4 – Employment
Policy S7 – Natural and Historic Heritage
Policy DR1 – Design
Policy DR2 – Land Use and Activity
Policy DR13 – Noise
Policy E11 – Employment in Smaller Settlements and Open Countryside
Policy LA2 – Landscape Character

3. Planning History

- 3.1 2004/2618/0 - Site for erection of single storey dwelling - Refused 09/09/04
- 3.2 2003/2402/F - Removal of agricultural occupancy condition - Approved 29/09/03
- 3.3 2002/3616/F - Removal of agricultural occupancy condition - Withdrawn
- 3.4 1995/0955/C - Change of use of land to provide 12 pitch (touring) caravan site - 8 of these 5 pitches (touring) caravans to be used all year and provision of 18 tent pitches - Approved 20/02/96
- 3.5 1995/0146/C - Change of use of land to provide 12 pitch (touring) caravans - Approved 02/05/95
- 3.6 91/527 - Change of use of barn and silage pit to provide caravan storage facilities - Approved with Conditions 03/10/91

4. Consultation Summary

4.1 Statutory Consultations

None

4.2 Internal Council Advice

Traffic Manger raises no objection

4.3 The Conservation Manager responded as follows:

Home Farm is located in the Conservation Area of Bircher. The siting of a portacabin here long term is not appropriate to the character of the Conservation Area and detracts from its overall historic and architectural significance. I could only support a short term (one year) siting of a portacabin in this area.

4.4 The Environmental Health Manager responded as follows:

I have revisited the site and am of the opinion that the proposal should not cause unacceptable disturbance to neighbours. There are other activities on this site that produce a similar level of noise and whilst this is a retrospective application, no complaints have been received by the department regarding noise.

5. Representations

- 5.1 Croft and Yarpole Parish Council raises the following points:
 - a) Inappropriate use in a Conservation Area.

- b) Concern regarding nuisance to adjoining residential properties as of is understood that operations are mainly at unsociable hours and weekends.
- c) The operation may also be detrimental to existing users, ie caravan park and bed and breakfast establishment.
- d) It is understood that there has been flooding to adjoining properties since operations commenced.

5.2 The application submission was received with a covering letter which can be summarised as follows:

The application site lies within the Village of Bircher and the proposal is to use an existing agricultural building and yard area for a small-scale plant hire and sale business. The development also includes the siting of a Portacabin, which will have the function of an office.

This development will be the second instance of farm diversification for Home Farm, Bircher as there is already an existing caravan storage business adjacent to the proposed development. This reinforces the statements in the current Unitary Development plan, chapter two, part 2.3.3, which refer to the "poor state of the agricultural sector" and the "need for more flexible approach in rural areas to the promotion of smaller scale businesses", also backed up by Chapter 3 of the Plan, referring to "Rural Regeneration", 3.6.2 which encourages "maintaining healthy rural economy..... through encouraging the conversion of rural buildings for employment uses".

The 'development also compliments Plan Policy E11 with the use of existing development and for the new development (Portacabin office), to be sited unobtrusively, as shown on the block plan when there is no other suitable existing buildings'.

This site is provided with existing services, mains electricity, water and drainage which are already in place for the yard and building.

5.3 An additional letter was also received from the agent after a request for information. This can be summarised as follows:

1. Hours of opening - Normal business hours would be 8.00am until 5.30pm Monday to Friday and 8.00am to 2.00pm on a Saturday.
2. Hours of operation - Generally would be as above, but with occasional seasonal differences.
3. Weekend hours - These are stated as above 8.00am until 2.00pm on a Saturday.
4. The yard has been used since 1st June 2002 on an informal basis and Mr Mantle used the site with the permission of the previous owner. The property was purchased from the previous owner by Mr Mantle in January 2005 and in accordance with general planning guidance he is keen now to use the farm buildings which are no longer in agricultural use for alternative employment.
5. Generally the machinery or equipment will not be used outside of normal business hours, although the normal business hours are as stated in 1. above.

5.4 A total of 7 letters have been received from the following persons:

G J Atkins Child - 1 Old Barn Court, Bircher
The Rev G H McKinley - 2 Old Barn Court, Bircher
Mr Don Seaman, 3 Old Barn Court, Bircher (x 2 letters)
Michael and Irene Murray - 5 Old Barn Court, Bircher
S J C Mawson and H M Mawson - 6 Old Barn Court, Bircher

Lord Cawley and Hon W F Cawley - Bircher Hall, Bircher

The concerns raised can be summarised as follows:

- a) Intensified use of highway causing highway safety concerns, due to bend in road (B4326) and speed of traffic using this road and intensification of use due to all the different types of uses using this entrance.
- b) Flooding of garages and gardens to Old Barn Court since the use of land for plant hire occurred.
- c) Views of plant machinery and operation from Bircher Hall.
- d) Visual impact of the plant machinery and caravans on the landscape.
- e) Impact on the setting of the adjacent listed buildings.
- f) Noise and disturbance caused to residents from moving vehicles (reversing alarms) pressure washers and plant machinery.
- g) 'After hours' / unsociable hours noise nuisance.
- h) Should be on an industrial estate and not in a conservation area.
- i) Impact and harm on the character of the conservation area.
- j) Impact on the setting of the Listed Buildings.
- k) Concern about appearance for the yellow 'dumper truck' positioned on the roadside next to the caravan site.

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

6. Officers Appraisal

6.1 The main issues for consideration is the determination of this application are as follows:-

- a) The principle of the use of the site for plant hire in this location;
- b) The impact of the proposed use and portacabin on the character and appearance of the conservation area and setting of the nearby Listed Buildings.
- c) The impact of the use on the amenities if the occupiers of the adjoining properties.
- d) Impact on the landscape.
- e) Drainage; and
- f) Highway safety.

6.2 The application site lies to the west of the B4326, and is one of the first properties as you as you enter Bircher from the south. There is no defined settlement boundary for Bircher but the site clearly relates to the cluster of houses in the village. Policy A2(d), A36 of the Leominster District Local Plan make provision for the re-use of rural buildings for employment generating uses. The buildings and yard were formally used for agricultural purposes. The building is suitable for the use proposed in its current condition and no additional hardstanding or external works are required in order to serve this proposed use. Policy E11 of the Unitary Development Plan (revised deposit draft) also supports commercial uses, subject to the use not having an adverse impact upon the local environment, the road network or amenity.

6.3 The application site, although within the Conservation Area, is not particularly visually prominent from the highway or public view points. The yard area is at a significantly lower level than that of the surrounding fields and landscape that offers a natural screen to the machinery and vehicles using the yard area. The proposed use, varies little in appearance from that of a working agricultural yard and as such it preserves the character and appearance of the conservation area in accordance with the Local Plan

Policy A21 and guidance contained within Planning Policy Guidance 15. The siting of the portacabin, against an existing building is likewise, barely visible and has little impact on the Conservation Area. However, a building of this temporary nature in a Conservation Area would not be supported long term and a condition is recommended to ensure its removal after two years. This should give adequate time for the applicant to find satisfactory permanent accommodation.

- 6.4 There are two Listed Buildings in the vicinity of the application site, Bircher Hall, which lies, behind a line of mature trees, in a slightly elevated position approximately 65m to the north, and the 'Dovecote', which lies approximately 50m to the West beyond the existing buildings. The proposed use and portacabin, as with the impact on the Conservation Area is little different in form than the former agricultural use and buildings. As such, preserves the character and appearance of the setting of these Listed Buildings in accordance with Local Plan Policy A18 and national guidance contained within Planning Policy Guidance 15.
- 6.5 Residents of the nearby properties have raised a number of issues relating to the impact on their residential amenities. In particular, these relate to noise, disturbance and visual impact. In response to these representations the Environment Health Manager re-visited the site and continues to raise no objection. The applicant has confirmed in writing his intended hours of operation, and a condition in line with these is recommended to ensure that the resident's amenities are protected. However, it should be noted that should the site continue to be or revert to being a working farm, movement of machinery and other associated movements and activities would be unrestricted. There is also Environmental Health legislation that could deal with noise nuisance.
- 6.6 In relation to visual impact. The only dwelling which has a clear view of the site is Bircher Hall. Having visited this site, it is evident that the trees, planted by the owners of Bircher Hall some time ago when Home Farm was a working farmyard, provide an effective screen of the site from the house, except for the most westerly part of the application site. As such it is considered appropriate that some additional screening, of an appropriate species and mix is planted along this north western boundary to screen views from the garden and rooms in the west of the dwelling.
- 6.7 The site lies within an area designated as open countryside and as such the protection of the rural landscape is of particular importance. The application site and associated buildings are sited in an area which has previously been cut away is significantly lower than the surrounding field level. The proposal does not involve any further encroachment into the countryside. The mature trees and hedgerow to the north of the site provide a very effective screen and backdrop to the site. The site itself, is not visually prominent or obtrusive, and is typical of a farmyard arrangement. The planting of trees and/or hedging to the western boundary, as suggested above, would help to soften the appearance of the building and uses and enhances the landscape. It is considered that the continued use of the site for the purpose of the hiring of plant machinery would conform to Policy A9 and safeguard the rural landscape.
- 6.8 The letter of representation received makes reference to flooding problems that have occurred to the garages and gardens of the dwellings at Old Barn Court. This water appears during inclement weather and it is the belief of the residents that this is from inadequate draining from the existing buildings and yard. In response to this, details of drainage have been requested. A condition is recommended to ensure that the existing drainage is satisfactory or that this is altered or upgraded where thought necessary.

- 6.9 Access to the site is via the existing access from the B4326. This access serves a number of uses including the dwelling, caravan park, caravan storage area and plant hire business. Residents concerns relating to an increase in use have been carefully considered, and the speed and use of the main road taken into account. The fact that the access exists is also relevant considerate. The Traffic Manager raises no objection to this development and it is considered that a reason for refusal on highway safety ground could not be sustained.
- 6.10 One further point of note is the 1991 planning permission for the storage of caravans was quite explicit in the areas in which caravans are to be stored. It is noted that caravans have been stored outside of these approved areas and this is perhaps causing more of a visual impact. This has been brought to the attention of the applicants' agent, and will be monitored by the Local Planning Authority.
- 6.11 To conclude, the proposal is considered to comply with policies which seek to re-use existing buildings in the open countryside for commercial purposes without detriment to the character and appearance of the conservation area, setting of the Listed Buildings or landscape quality. Matters of impact on residential amenity are considered satisfactory and can be controlled by condition. As such the proposal is recommended for approval with conditions.

RECOMMENDATION

That planning permission be granted with the following conditions:

- 1 - **E05 (Restriction on hours of use (industrial)) Monday – Friday – 7.30am – 6pm, Saturday 8am – 6pm, none on Sunday etc unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to protect the amenity of occupiers of nearby properties.

- 2 - **E22 (Temporary permission (portacabin)**

Reason: The local planning authority is only prepared to allow this portacabin as a temporary measure due to its location within a Conservation Area.

- 3 - **F20 (Scheme of surface water drainage)**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 4 - **F32 (Details of floodlighting/external lighting)**

Reason: To safeguard local amenities and impact on rural landscape.

- 5 - **G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 6 - **G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

Informatives:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.