

**7 DCCW2005/0566/F - NEW PORTAL FRAME BUILDING FOR AGRICULTURAL USE AT MARDEN COURT FARM, MARDEN, HEREFORD, HR1 3EN****For: Paul Dawes Esq. per J.E. Smith, Parkwest, Longworth, Bartestree, Hereford, HR1 ADF****Date Received: 21st February, 2005      Ward: Sutton Walls      Grid Ref: 51397, 47131****Expiry Date: 18th April, 2005**

Local Member: Councillor J.G.S. Guthrie

**Introduction:**

Members will recall that this application was deferred at the last meeting for a site visit. The site visit was carried out on 11th May, 2005. There are no further updates and as such the attached report remains identical to that previously published.

**1. Site Description and Proposal**

- 1.1 The application site is comprised of a large agricultural holding, located to the south of the main settlement of Marden, access is derived along an unclassified no through road that accesses Marden Parish Church to the west.
- 1.2 The application seeks consent to erect a portal frame livestock building, which measures 40m x 30m x 9.5m.

**2. Policies****2.1 Government Guidance:**

PPS7 – Sustainable development in rural areas

**2.2 South Herefordshire District Local Plan:**

Policy GD1	-	General Development Criteria
Policy C1	-	Development within the open countryside
Policy C29	-	Setting of a listed building
Policy C34	-	Preservation and excavation of important archaeological sites
Policy ED9	-	New Agricultural Buildings
Policy ED10	-	Siting and Design of Intensive Livestock Units and Associated Structures/Facilities
Policy ED11	-	The Siting of Intensive Livestock Units from Protected Buildings

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

Policy S1	-	Sustainable development
Policy S2	-	Development requirements
Policy S7	-	Natural and historic heritage
Policy DR1	-	Design
Policy E13	-	Agricultural and Forestry Development

Policy LA2	-	Landscape character and areas least resilient to change
Policy HBA4	-	Setting of listed buildings
Policy ARCH1	-	Archaeological assessments and field evaluations
Policy ARCH6	-	Recording of archaeological remains

### 3. Planning History

- 3.1 CW2002/1794/F Extension to agricultural building. Approved 13th August, 2002.
- 3.2 CW2002/2467/F Replacement of two existing agricultural buildings with new portal frame agricultural building. Approved 9th October, 2002.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None.

#### Internal Council Advice

- 4.2 Traffic Manager has no objection.
- 4.3 Conservation Manager no objection  
Setting of a Listed building - the additional building is not considered to have a major impact on the character and appearance of the adjoining listed building.  
Archaeology - recommends the imposition of a condition requiring archaeological monitoring during the construction phase.
- 4.4 Environmental Health Manager has no objection as the development is situated within an existing operation agricultural enterprise.

### 5. Representations

- 5.1 Marden Parish Council oppose application on the grounds of overdevelopment of site, loss of ancient orchard, concerns about whether the site is of archaeological importance and mud on the highway.
- 5.2 Four objection letters have been received from The Vicarage, Church House, Paradise House and The Diocese of Hereford, summarised as follows
- Impact on the setting of the church
  - Poor design
  - Loss of views
  - Intensification of activity
  - Exacerbation of existing smell and noise disturbance
  - Mud on the highway
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, and Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 PPS7 recognises the important and varied role of agriculture, and indicates that planning policies should support development proposals that will enable farmers to become more competitive and sustainable.
- 6.2 In this case the application seeks consent to improve the existing facilities, which are nearing, or past the end of their operational lives, measured against modern practice and future operational requirements.
- 6.3 The primary consideration in determining this application is whether or not the presence of an additional building would demonstrably decrease the amenity of the locality, as measured against the pre-existing impact of the agricultural operations.
- 6.4 Representations have been received from the Parish Council and adjoining properties, indicating a concern about the visual impact of the building within the landscape, the effect on amenity of an additional livestock building and the pre-existing problem of mud on the highway which presents access problems for the church. The Parish Council also referred to the loss of historical orchards, and the archaeological importance of the area around the church. Therefore, the primary areas of deliberation are design and residential/visual amenity.

### Design

- 6.5 The Parish Council have commented that they feel that the proposed building will give rise to an overdevelopment of the site, and other representations have suggested that the building will dominate the Church, and be visually dominate in the landscape.
- 6.6 Policy ED.9 of the South Herefordshire District Local Plan makes provision for new agricultural buildings, subject to them being sited adjacent to existing buildings, and being in keeping in terms of scale, and design.
- 6.7 In this case, the proposed building measures 48m x 30m with a ridge height of 9.5m, and will be sited in close relation to the existing complex of buildings. It is of a similar scale and design to an agricultural building which was erected in replacement for two existing buildings the east.
- 6.8 In a supporting letter the applicant's agent, has stated that the building has been sited to try and consolidate operations to the north side of the complex, reducing the need to constantly move stock across the intersecting highway. The present effect of which is to leave mud and slurry across the highway, which is referred to in several of the letters of representation.
- 6.9 Overall it is considered that the design and siting of the building is proportionate and reasonable when measured against its purpose, and therefore complies with the generality of Policy ED.9. Furthermore it is not considered to be overly dominant within the locality, or have a demonstrable impact on the setting of the Church or adjacent listed buildings given its close proximity to the established buildings.

### Residential Amenity

- 6.10 The application seeks consent for an additional building therefore the impact of the new building has to be measured against the existing amenity of the locality which is defined by the presence of the agricultural operation.

- 6.11 Church House to the east and The Vicarage to the west of the application site both lay within a radius of 100 metres of the application site, whilst Marden Court lays approximately 175 meters the east, to the northwest an additional two dwellings just fall within the specified 400 metres, therefore all these dwellings are classed as protected buildings for the purpose of determining agricultural applications for livestock buildings.
- 6.12 The Vicarage is the closest dwelling; being situated approximately 100 metres west of the existing complex of buildings. The western corner of the proposed building would be located approximately 60 metres away from The Vicarage. It is acknowledged that the building will be close to The Vicarage, but due to the moderate decrease in distance it is not considered that there will be a demonstrable loss of amenity beyond that already existing.
- 6.13 To the east Church House lays approximately 50 metres from the nearest existing building, and would be approximately 140 metres from the proposed building, which is sited on the opposite side of the existing buildings. Therefore it is not considered that there will be any significant loss of amenity beyond the existing situation.
- 6.14 Further east Marden Court lays approximately 150 metres from the nearest existing building, and would be approximately 250 metres from the proposed building, again it is not considered that there will be any loss of amenity beyond that existing.
- 6.15 With regard to the dwellings to the northwest, they are situated approximately 260 metres from the nearest existing building, and would be more than 360 metres from the proposed building, therefore it is considered that there would be little discernable impact on their existing amenity.
- 6.16 Notwithstanding the above and to ensure that the proposal does not give rise to any loss of amenity to these protected dwellings it is considered appropriate to impose a condition controlling the disposal and storage of slurry.

#### General Amenity and associated issues

- 6.17 The Council's Archaeological Advisor has stated that in principle he has no objection to the proposed development. However the application site is within a locality known to have revealed medieval antiquities, therefore it has been suggested that a condition requiring archaeological mitigation be considered. The imposition of such a condition is considered to be reasonable, and has been included in the recommendation.
- 6.18 The majority of representations made reference to the fact that the highway, which dissects the complex, is frequently covered in mud, which can during inclement weather result in parishioners having an unpleasant route to access the Church, as well as the residents and visitors to the Vicarage.
- 6.19 Although the problem of the poor condition of the highway is not directly a planning issue, the applicant's agent in a supporting statement, has indicated that the proposed building will help to reduce the need to transfer stock and feed across the road.
- 6.20 Furthermore to address concerns about possible overdevelopment of the property, the applicant has agreed to the imposition of a condition removing the right to implement an extant planning permission granted in 2002, for the extension of the existing agricultural building to the south of highway. The removal of this planning permission

may also help to reduce the need to transfer stock, equipment and materials across the highway.

6.21 Overall, it is considered that the proposal complies with the relevant policies in the Local Plan, and as such, approval is recommended.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. **A01 (Time limit for commencement (full permission)).**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2. **This permission shall be implemented only in lieu of, and not in addition to, the planning permission CW2002/1794/F dated 13th August, 2002.**

**Reason: To prevent over development of the site.**

- 3. **A08 (Development in accordance with approved plans and materials).**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.**

- 4. **D01 (Site investigation – archaeology).**

**Reason: To ensure the archaeological interest of the site is recorded.**

- 5. **B08 (Dark roof colouring (agricultural buildings)).**

**Reason: To protect the visual amenities of the area.**

- 6. **F30 (Restriction on storage of organic wastes or silage) (50 metres).**

**Reason: To safeguard residential amenity.**

- 7. **F32 (Details of floodlighting/external lighting).**

**Reason: To safeguard local amenities.**

**Informatives:**

- 1. **HN01 - Mud on highway.**
- 2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.