

23 DCNW2004/3784/O - SITE FOR RESIDENTIAL DEVELOPMENT SITE ADJOINING OVERTON FARM, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HZ**For: Mr G Lewis, The Les Stephan Partnership, 9 Sweetlake Business Village, Longden Road Shrewsbury, SY3 9EW****Date Received:
1st November 2004****Ward:
Bircher****Grid Ref:
48874, 66777****Expiry Date:
27th December 2004**

Local Member: Councillor S Bowen

1. Site Description and Proposal

- 1.1 The application site 0.28 hectare area of land that comprises a number of modern agricultural buildings and a farm shop and car parking area. The site forms part of a working farmyard that specialises in livestock. The site lies to the north of Old Kitchen Lane that runs from the B4361 to Orleton and is accessed from an unclassified lane. The site lies outside of any defined settlement boundary and within the Orleton Conservation Area.
- 1.2 The application requests outline consent for the residential development of the site and reserves all matters for future consideration.
- 1.3 A further application has been submitted (DCNW2004/3790/O) for the relocation of the farm shop to a green field site to the southwest of the current application site. As part of the application for the relocation of the Farm Shop a Feasibility Plan and appraisal have been submitted.

2. Policies**Government Guidance:**

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Guidance 3: Housing
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Guidance 15: Planning and the Historic Environment

Hereford and Worcester County Structure Plan

CTC9 – Development Criteria
A4 – Development Considerations
H20 – Residential Development in Open Countryside

Leominster District Local Plan

A1 – Managing the District's Assets and Resources
A2(D) – Settlement Hierarchy
A9 – Safeguarding the Rural Landscape
A24 – Scale and Character of Development

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
H7 – Housing In the Countryside Outside Settlements

3. Planning History

N98/0640/N - Change of use for caravan storage - Application 20-04-1999.

NW2004/1374/O - Site for residential development - Application Withdrawn.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency raises no objection but recommends conditions relating to the of foul and surface water drainage details.

Internal Council Advice

- 4.2 Transportation Manager recommends refusal as the required visibility splay of 2m x 33m has not been achieved from the position to the access shown on the accompanying plan.
- 4.3 The Conservation Manager makes the following comments:
Overton Farm is located with the boundary of the Orleton Conservation Area. Any residential development should reflect the character and appearance of the Conservation Area and preferably enhance. This development should take into account the areas special architectural and historic interest. No objections in principle of the development incorporate above into design and layout.
- 4.4 The Forward Planning Manager summarises:

The site specified in the outline application is located outside of the settlement boundaries identified in the Leominster District Local Plan and the Unitary Development Plan. Residential development outside of such boundaries is strictly controlled and it is not considered that this application falls within any of the exceptional circumstances stipulated within the relevant policy to justify potential development, and is therefore contrary to policy. The re-use of existing buildings would carry much greater weight than demolition of existing buildings to be replaced by new build.

4.5 The Strategic Housing Officer makes the following comment:

This application proposes an unspecified number of dwellings in a named Main Village in the Unitary Development Plan. The Housing Needs survey data for Orleton in the 2001 Herefordshire Housing Needs study, showed a need for 15 affordable dwellings in the locality, using extrapolated data. The 2004 Housing Needs survey of Orleton Parish showed a need for 24 affordable housing dwellings for the Parish as a whole.

Demand data from Homepoint also indicates housing need does exist in the area.

Should the development be supported by the Planning Authority, Strategic Housing not be seeking 36% of the residential dwellings to be developed as affordable homes if coming forward under the Leominster Local Plan, where Planning Policy A48 should apply, or 35% if coming forward via the UDP, as this site is not well located being significantly away from the centre of the village. Instead Strategic Housing would seek a suitable off-site contribution to put towards the provision of affordable housing in this or other rural areas in Herefordshire.

It should be noted that if any affordable housing is to be provided, it would require a S106 Agreement to ensure the homes remain affordable in perpetuity: the mix, type, tenure, standard and location to be negotiated as detailed in the SPG Provision of Affordable Housing, March 2001 and any succeeding document, in liaison with a preferred RSL partner.

We note, however, that the site does not adjoin the development boundary of Orleton, and therefore may not meet the requirements of the Local Plan and UDP policies for the provision of housing in rural settlements.

5. Representations

5.1 Orleton Parish Council makes the following comments:

The current structure plan and the new Unitary Development Plan define the village settlement boundary.

- a) The proposed development is outside the settlement boundary and inside the Conservation Area.
- b) There are many other similar sites outside the settlement boundary.
- c) Acceptance of this site would set a precedent which would legitimise widespread building outside the village and lead to its expansion.
- d) No overriding need has been demonstrated apart from the desire to increase capital and rebuild the shop.

Orleton Parish Council does not support this application.

5.2 One letter of representation has been received from A G Watt, D W Hippard and M J Hoppard from Overton House, Orleton (immediate neighbour) which can be summarised as follows:

- Replacing the modern buildings and farmyard would improve the environment
- Additional trees and shrub planting would improve quality of area
- More houses are needed and farmers need to diversify so feel this should be supported.

- 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

- 6.1 This application is for outline consent only and as such the principle of development on the site is the primary concern. Policy H20 of the Hereford and Worcester Structure Plan, Policy A2(D) of the Leominster District Local Plan and Policy H7 of the Unitary Development Plan (Revised Deposit Draft) all state that development will not be permitted outside of the defined settlement boundaries unless it accords with certain exceptional circumstances. And should be limited to agricultural/forestry workers dwelling, the re-use of a rural building or a replacement dwelling. The proposed development as submitted does not offer any agricultural or forestry worker justification for the erection of dwellings on this site and appears to rely upon the granting of planning permission for the dwellings in order to finance the new farm shop. The feasibility study states that:

“The relocation of the farm shop would allow the site to be developed into residential use, which would be more suitable the immediate area and village. The existing agricultural building and farmyard would be removed and redeveloped to a high standard housing development, which would be sympathetically landscaped.”

and

“The project would be classified as diversification and it would be eligible for funding under the Rural Enterprise Scheme administrated by the Department of the Environment Food and Rural Affairs. The possible funding for eligible costs of construction and furnishings would be on a discretionary basis of between 30% and 50% of the development cost. The remainder of the capital required to construct the new farm shop would be sourced, hopefully, from the granting of planning permission for residential use over the old farm shop site or a commercial loan from a financial lender.”

- 6.2 The submitted detail fails to demonstrate any of the exceptional circumstances required and as such there is a fundamental policy objection to the contrary to National and Local Plan Policy.
- 6.3 In addition to the clear in principle policy objection, National Planning Policy in the form of PPG3 – Housing, PPG13 – Transportation and Policies S1, S2, DR2 and DR3 of the Herefordshire Unitary Development Plan discourage development that would place dependence on the private car as the principal mode of travel and promote sustainable forms of development within established settlements.
- 6.4 To conclude, the proposal is undoubtedly contrary to the National and Local Plan Policies that seek to protect the open countryside by restricting new residential development unless it falls within one of the specified exceptions. The proposal fails to comply with any of these exceptions and as such cannot be supported and members are respectfully requested to refuse this application.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 - It is considered that this proposal is contrary to Policy A2(D) of the adopted Leominster District Local Plan, and Policy H7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft). The development would constitute new residential development in the open countryside and the Local Planning Authority is of the opinion that the application fails to satisfy any of the specified exceptions criteria.

- 2 - The proposal is considered contrary to Planning Policy Guidance Note 3: Housing, and Planning Policy Guidance Note 13: Transportation, and Policies S1, S2, DR2 and DR3 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) in that it would reinforce dependence on the private car as the principal mode of travel.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.