

9 DCSE2005/3536/F - AGRICULTURAL DWELLING AT THE FRUIT YARD, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SD**For: Mr & Mrs N Jones per James Spreckley, MRICS
FAAV, Brinsop House, Brinsop, Herefordshire,
HR4 7AS****Date Received: 3rd November 2005 Ward: Penyard Grid Ref: 66234, 25622****Expiry Date: 29th December 2005**

Local Member: Councillor H Bramer

Introduction

This application was reported to the Southern Area Planning Sub-Committee on 21st December, 2005 where it was recommended for refusal. Notwithstanding the recommendation, the Sub-Committee resolved that it was minded to grant permission on the grounds that there was an agricultural requirement for a permanent dwelling. The Sub-Committee considered that the permission should include an agricultural occupancy condition and the dwelling should be tied to the farm holding.

The Head of Planning Services has considered the proposal and refers the application on the grounds that the proposal fails to meet the substantive test of need as required by planning policy and PPS.7.

1. Site Description and Proposal

- 1.1 The site lies in open countryside to the southeast of the M50 and the east of Linton. The land levels slope down into the site. The applicants' own 85 acres of agricultural land at Linton, which is divided into 55 acres of grassland, 12 acres for strawberry growing and 18 acres of orchards for cider apples. The applicants' also farm other land at Malvern and Castlemorton.
- 1.2 It is proposed to erect a dwelling for an agricultural worker (the applicants). This is a full application, for a detached two storey dwelling and garage. Access would be gained via an existing long agricultural track and farm access. There are a number of buildings at the northern part of the site used for agricultural purposes and a large agricultural building to the west of the proposed dwelling.
- 1.3 The dwelling would have an essentially 'T' shaped footprint, with first floor accommodation being predominantly within the roof void with the addition of dormer windows. The house would be 7.4 metres in height (to the roof ridge) and would incorporate two chimneys. The floor area of the dwelling would be some 204 metres and would provide a sitting room, dining room, kitchen, hall, w.c, study and laundry at ground floor with four double bedrooms (one with ensuite bathroom) and a bathroom over. The detached double garage would be some 5.7 metres in height and have a footprint of 39.06 square metres, with a farm office at first floor accessed via an external staircase.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC9	-	Development Criteria
Policy H20	-	Housing in Rural Areas
Policy A4	-	Agricultural Dwellings

2.3 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C1	-	Development within Open Countryside
Policy SH11	-	Housing in the Open Countryside
Policy SH17	-	Agricultural Workers Dwellings

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Part 2		
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Buildings

3. Planning History

3.1	SH94/0923/PF	Agricultural dwelling	-	Granted 7.12.1994
	SE2005/2652/F	Agricultural dwelling	-	Withdrawn 4.10.2005

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water - No objections, recommend conditions.

Internal Council Advice

4.2 The Traffic Manager has no objection subject to conditions being attached.

4.3 The County Land Agent has given a detailed response and concludes that the information does not justify a dwelling for this enterprise.

5. Representations

5.1 The applicants and their agent have submitted a Planning Appraisal and letters in support of the application. The salient points are:

- The enterprise has been established for many years, albeit on other land, but the husbandry and management requirements remain well established.
- The Fruit Yard has been established for many years and provided the justification for the agricultural dwelling previously granted.

- The financial data and audited accounts demonstrate beyond doubt the established nature of the enterprises, the fact that they are profitable, are likely to remain so and are capable of sustaining the cost of a dwelling.
- The dwelling is required for lambing, the strawberry growing and orchards.
- Lambing is intended to take place in three batches of 100, in December, January, February and March. Likely that lambing would extend over 5 months as a percentage of the ewes will lamb 3 or 6 weeks after the rest. Lambing can take place at any time, day or night.
- Some lambs require bottle feeding, on a regular basis, outside of the recognised working day.
- Strawberries will require round clock attention from May to October. At 5am the irrigation and feeding system needs to be turned on and turned off at 11pm. Staff require constant supervision.
- Orchards require constant attention from June, when spraying is carried out before sunrise and after sunset. In June and July it must be carried out before 5am and after 10pm on a daily basis.

5.2 A further letter has been received from the agent (reported verbally to Southern Area Planning Sub-Committee). The salient points are:

- further financial information is submitted showing that the farming income is currently running at £79,416 compared to £44,428 for last year. The increase is as a result of the inclusion of the Linton land
- a new 5 year tenancy has been confirmed on the land in Worcestershire
- the units have been established for more than 3 years
- the advice of the County Land Agent is misleading as it accepts a functional need but misunderstands the financial case
- refers to 6.7 of this report and suggests that the business is more than capable of sustaining the cost of the farmhouse
- the siting is almost identical to that approved in 1994 and is well related to the farm building and is screened from view. There would also be cut and fill to set it into the landscape
- they would be prepared to accept a condition tying the dwelling to the holding and an occupancy condition.

5.3 Linton Parish Council make the following comments:

“We have now seen copies of the functional and financial tests supplied by the applicant together with other letters of recommendation. In addition Parish Councillors have looked in detail at the site.

It is unfortunate that approximately 10 years ago, a previous owner was allowed to sell off the farmhouse and ancillary buildings separately from the land; they have now all been converted and sold. We believe this application to be genuine and that the present owner has now demonstrated the need for an agricultural dwelling.

We suggest that if you decide to permit this application the ownership of the house should be strictly tied to the land as suggested by the applicant.

Having taken into account the planning policies in the SHDLP Linton Parish Council wish to support this application.”

- 5.4 Letters of representation have been received from A.L Smith-Maxwell of Welland Lodge Farm, Upton-upon Severn and Peter Plumley (Vet) of The Old Farmhouse, Hill of Eaton, Foy. The main points raised are:
- Essential for applicants to live on site to supervise the flock.
 - The flock of Belltex/Texel ewes are a high quality meat producing breed and have an anatomical feature known as 'double muscling'. This necessitates extra care and precaution at parturition to ensure the best survival rate of the lambs and the welfare of the ewes.
 - Supervision must be provided at all times during lambing and it would therefore facilitate this if Mr and Mrs Jones could have their home at Revells Farm.

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

6. Officers Appraisal

- 6.1 The main considerations in the determination of this application are whether there is a functional requirement for a dwelling, whether the enterprise meets the financial tests and whether the siting, size and design of the property is acceptable in general planning terms.
- 6.2 The application site is in open countryside where normally planning permission would not be granted for a new dwelling. Policies H20 of the Structure Plan and SH11 of the Local Plan set out the exceptions to the normal strict general presumption against new residential development in the open countryside. One of these exceptions is a dwelling required for an agricultural worker. In this case it is stated that the dwelling is required for the applicants who are employed in agriculture.
- 6.3 In accordance with Development Plan policies and PPS7 – Annex A functional and financial tests must be met for planning permission to be granted for a permanent agricultural dwelling. With regards the functional need to have a permanent dwelling on the site it is stated that this is required for lambing, irrigation and feeding of the strawberries and spraying of the orchards. Turning to the lambing it is stated that there would be 300 ewes, with lambing taking place between December-March (possibly into early April). As these requirements would be for limited parts of the year it is considered that the lambing and aftercare could reasonably be accommodated through the provision of a temporary caravan for the person caring for the sheep and lambs for this period. Therefore a functional need has not been demonstrated in respect of lambing.
- 6.4 With regards the spraying of cider apples and irrigation and feeding of soft fruit it is considered that this would not necessitate a permanent dwelling being on site. Rather these form part of the normal duties in the management of a farm and can, where necessary and appropriate, be performed by automated systems, with back up alarms. On behalf of the appellants Hortech Solutions Limited have stated that automated and alarmed systems are not practical when someone does not live on site, as it is necessary to react quickly to the alarm. It is considered however that such systems are practicable and would adequately ensure the irrigation and feeding is carried out without someone living on site, but possibly in the local area. PPS7, at Annex A states that it is often as convenient for workers to live in nearby towns, villages and existing dwellings so avoiding new and potentially visually intrusive development in the countryside. On this basis there is not a functional need to be on the site.

- 6.5 Therefore a functional need to be on site has not been demonstrated for lambing, the growing of strawberries or cider apples, either individually or cumulatively.
- 6.6 Turning to the financial position of the enterprise, as set out in Annex A of the PPS7 – Sustainable Development in Rural Areas, in respect of an application for a permanent dwelling it is required, amongst other things, that the unit and agricultural activity has been established for at least three years and profitable for at least one and is currently financially sound with a clear prospect of remaining so. The applicants purchased the Fruit Farm in 2004 and as such the enterprise, for which the dwelling is sought, has not been established for at least three years. It is argued by the applicants' agent that the enterprise includes the farming activities at Malvern and Castlemorton and because they have been established for more than three years the test is satisfied. It is considered that just because the applicants have farmed land elsewhere, in a different county, does not demonstrate that this holding at Linton is financially viable. Therefore the proposal fails the first part of the financial test because the agricultural unit and enterprise concerned have not been established for at least three years. In addition the Fruit Yard was only purchased at the end of 2004 so the submitted audit accounts for the year ending 5th April 2005 can only include the Fruit Yard finances for approximately 3 months. In light of the limited net profit for this year it has not been demonstrated, even in this very short time period, that the agricultural unit and enterprise at Linton is currently financially sound. In conclusion the financial test has clearly not been satisfied.
- 6.7 The proposed dwelling, excluding the garage, would have a floor area of some 204 square metres. As advised in PPS7, Annex A the size of dwelling should be commensurate with the established functional requirement. It has been stated that the build costs would be approximately £150,000, with a mortgage of £125,000 being required. In the letter dated 28th September 2005 from The Farm Consultancy Group it is stated that the annual mortgage payments would be £10,500. This would exceed the net profit for the business for the year ending 5th April 2005 and in addition a wage (wages) would need to be taken out of this profit.
- 6.8 On the basis of the information submitted the requirements of the functional and financial tests have not been met and as such the proposal is contrary to the relevant Development Plan policies and PPS7 – Annex A. Consequently, the unjustified dwelling and garage would be harmful to the open countryside.
- 6.9 The dwelling and garage would be set on the side of sloping ground and as a result there would be a significant amount of cut and fill to accommodate the development. The proposed siting would not relate well to the existing field boundaries or topography of the land. The prominence of the dwelling and garage would be further exacerbated, by their scale, mass and design. It is therefore considered that the proposal would be harmful to the landscape. As such the proposal would be contrary to planning policies H20 and SH17 of the Hereford and Worcester County Structure Plan and the South Herefordshire District Local Plan respectively, and the advice set out in Annex A of PPS7.
- 6.10 Planning permission was granted for a dwelling in close proximity to the application site in 1994. However this was for a different applicant, a different enterprise and was made some years ago. The current advice in PPS7 urges that proposals for agricultural workers are scrutinised thoroughly and therefore the current application should be considered in light of the current circumstances, which meet neither the functional or financial tests.

6.11 The Traffic Manager’s comments are noted. With regards visibility splay requirements, the access is existing and serves the agricultural buildings. On this basis the proposal would not materially increase the use of the access and to improve the access would be unreasonable.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 On the basis of the submitted information the Local Planning Authority is not satisfied that either a functional need or the financial requirements for a dwelling in this location has been demonstrated to warrant a departure from national and local planning policies to control residential development in the open countryside. As such, the need for an agricultural worker's dwelling has not been established as required by Annex A of Planning Policy Statement 7 (Sustainable Development in Rural Areas), policies H20 and A4 of the Hereford and Worcester County Structure Plan and polices SH11 and SH17 of the South Herefordshire District Local Plan.**

- 2 Notwithstanding reason 1, the erection of a dwelling on the application site would detract from the visual amenity and character of the countryside. As such, the proposal is considered to be contrary to policies H16A and CTC9 of the Hereford and Worcester County Structure Plan and policies GD1 and C1 of the South Herefordshire District Local Plan.**

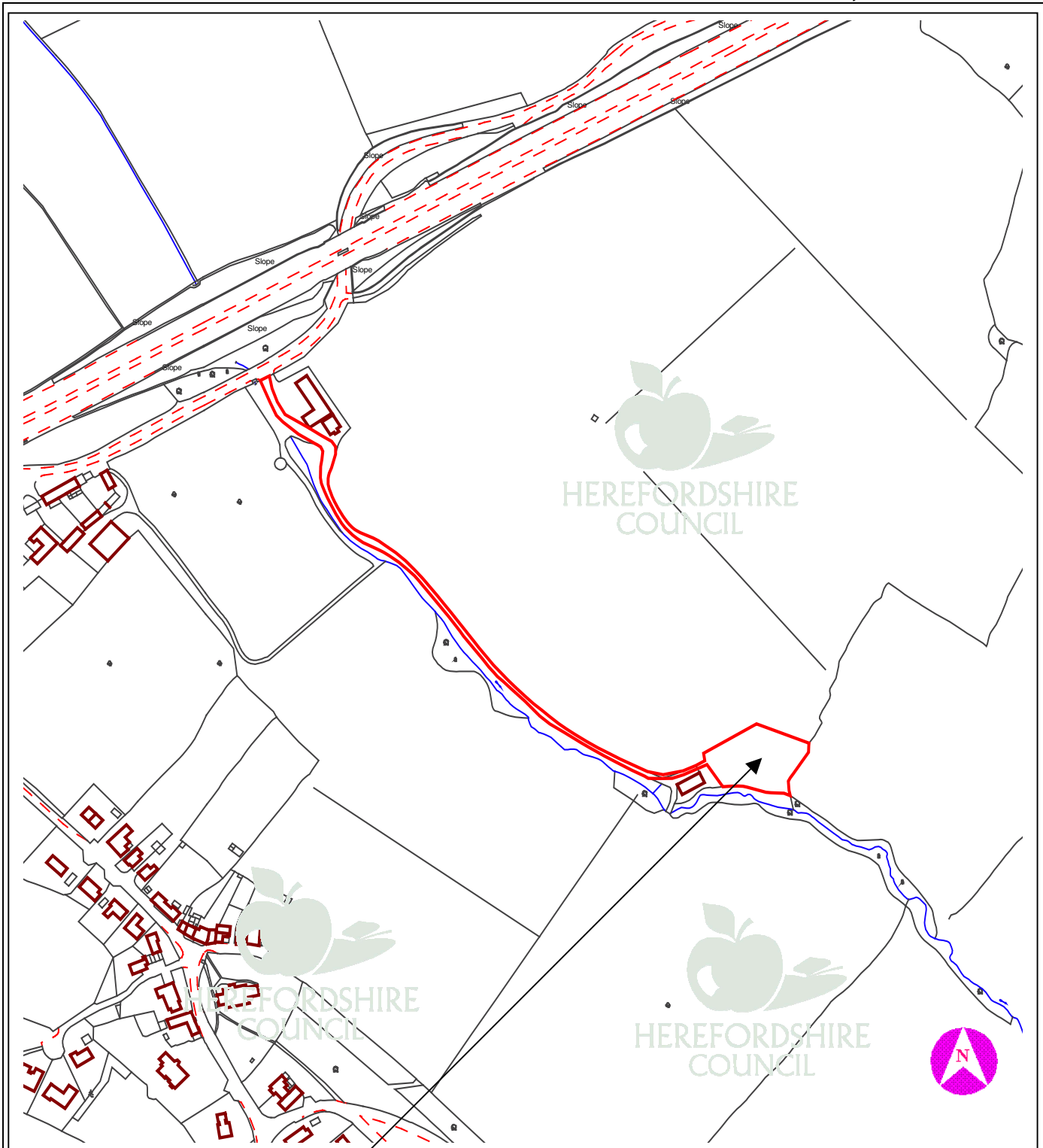
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2005/3536/F

SCALE : 1 : 4000

SITE ADDRESS : The Fruit Yard, Linton, Ross-on-Wye, Herefordshire, HR9 7SD

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AREA SUB-COMMITTEE