

**20 DCNW2005/3472/F - PROPOSED CHANGE OF USE TO BUSINESS USE AND STORAGE OUTBUILDINGS AT MAYFIELD, RUSHOCK, NR KINGTON, HFDS****For: Mr N Morris, 1 Downton Farm House, Walton, Nr Presteigne, Powys, LD8 2RD****Date Received:****28th October 2005****Expiry Date:****23rd December 2005**

Local Member: Councillor T James

**Ward: Kington Town****Grid Ref:****31038, 58122****1. Site Description and Proposal**

- 1.1 The application site is a 0.15 ha site, situated to the south east of the B4355. The site currently accommodates two former agricultural buildings with footprints of 197m<sup>2</sup> and 158m<sup>2</sup>, constructed of corrugated tin, block and timber. There is also a single detached garage in the far southern corner. The site is screened from the highway by an existing native hedgerow. Access to the site is gained via a single width existing access.
- 1.2 The proposal is for the Change of Use of the buildings from agricultural use to the storage of outside bar and catering equipment within the existing buildings. There are no external changes proposed.

**2. Policies****2.1 Leominster District Local Plan**

Policy A1 – Managing the District's Assets and Resources  
Policy A2(D) – Settlement Hierarchy  
Policy A9 – Safeguarding the Rural Landscape  
Policy A36 – New Employment Generating Uses for Rural Buildings  
Policy A70 – Accommodating Traffic from Development

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

Policy S2 – Development Requirements  
Policy S4 – Employment  
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**

NW2005/0131/O - Proposed new dwelling with annexe - Refused 01/03/05 and dismissed on Appeal on 18/10/05

#### 4. Consultation Summary

##### Statutory Consultations

4.1 None.

##### Internal Council Advice

4.2 Transportation Manager: The visibility splays are not adequate for business use and storage. Splay to north west not under applicants control. Standard required is 2m by 215m. Alterations could be made on applicants side which would improve visibility. Ultimately decision is down to the likelihood of significant intensification of use and applaneness and sustainability of such a development remote from centres of population. Business use is likely to be intensified – Recommend refusal on grounds of insufficient visibility.

#### 5. Representations

5.1 Kington Rural and Lower Harpton Group Parish Council responds as follows:

This is an application for a change of use to business use and storage, and it is to be regretted that the applicant has not stated what business use is proposed. The Parish Council would refer you to their response of the 2 March 2005 for Proposed Site for New Dwelling and Annex and also their response to the Planning Inspectorate of the 4 August 2005.

- No evidence of requirement for agriculture, forestry etc.
- No existing business carried out on this site.
- The applicant is not connected to agriculture, horticulture or forestry but a publican and owner of licensed premises in Kington.
- Although as a rural council we do frequently support new businesses in the countryside, the proposal is we believe for outside bar catering and storage of liquor and equipment, which could be more appropriately placed in a trading estate and there are ideal premises available less than a mile and a half away in Hatton Gardens Trading Estate, Kington.
- In the circumstances, Kington Rural and Lower Harpton Group Parish Council cannot support this application because it is beyond the boundaries of development in open countryside.

5.2 A letter has been received from the agent as follows:

- a) The business is an outside bar and catering business and the units are intended as a base for the business.
- b) I will be storing all bar equipment, catering trailers, a towing vehicle and any other equipment necessary to enable me to run the above mentioned business successfully.
- c) There will be no set hours as each event is different only the time needed to prepare for each event.
- d) It is my intention that in the future, I will be able to employ a full time person at the site, but at present there will not be someone there full time.
- e) The number of vehicular movements will be based on each event but would not exceed 4 for each event.

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**

The main issues for consideration in this application are:

- a) The principle of the use of the site for storage/business use in this location.
- b) Highway Safety.
- c) Impact on amenities of neighbouring property.

6.1 The site lies outside of any defined settlement boundary but alongside the B4355 (Kington to Presteigne). Policy A2(D) and Policy A36 of the Leominster District Local Plan make provision for the re-use of rural buildings for employment generating uses. Policy E11 of the Unitary Development Plan (Revised Deposit Draft) also support commercial uses, subject to the use not having an adverse impact upon the local environment, road network or amenity.

6.2 The application site lies to the south east of the highway, and the buildings are barely visible from the public vantage point due to the screening along the boundaries of the site. There will be no alterations to the buildings externally and although some highway/access improvements are required the appearance will vary little from that of the former working agricultural buildings. As such it preserves the character and appearance of the surrounding area in accordance with the above policies.

6.3 The issue of highway safety has been given particular attention during the consideration of this application. The existing access does not meet current standards for visibility. Some alterations can be made to improve visibility to the northeast and to widen the access to improve manoeuvrability. If these improvements are made, and on the basis that the access is existing and that the proposed use would have minimal vehicular movements then it is considered that a refusal in highway safety grounds could not be sustained. As this opinion is based on the information provided in relation to the applicants business it is suggested that a personal permission is granted.

6.4 Adjoining the site is a residential property. On the basis of the information provided by the applicant in relation to the business type, the proposal is unlikely to cause detriment to the living conditions currently enjoyed by those residents. This would not be above and beyond what is expected from an agricultural based enterprise.

## **RECOMMENDATION**

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

- 1 - E10 (Use restricted to that specified in application) (the storage of outside bar and catering equipment)**

**Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to assess the impact on highway safety for alternative uses.**

2 - E27 (Personal condition )

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

3 - G04 (Landscaping scheme (general) ) (in relation to the revised access)

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

4 - G05 (Implementation of landscaping scheme (general) )

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

5 - H05 (Access gates ) (10 m)

Reason: In the interests of highway safety.

6 - Prior to the first use of the site, a detailed plan showing the improved access and visibility splay shall be submitted to and approved in writing by the local planning. Works shall be carried out prior to the first use of the site in accordance with the approved plan.

Reason: In the interests of highway safety.

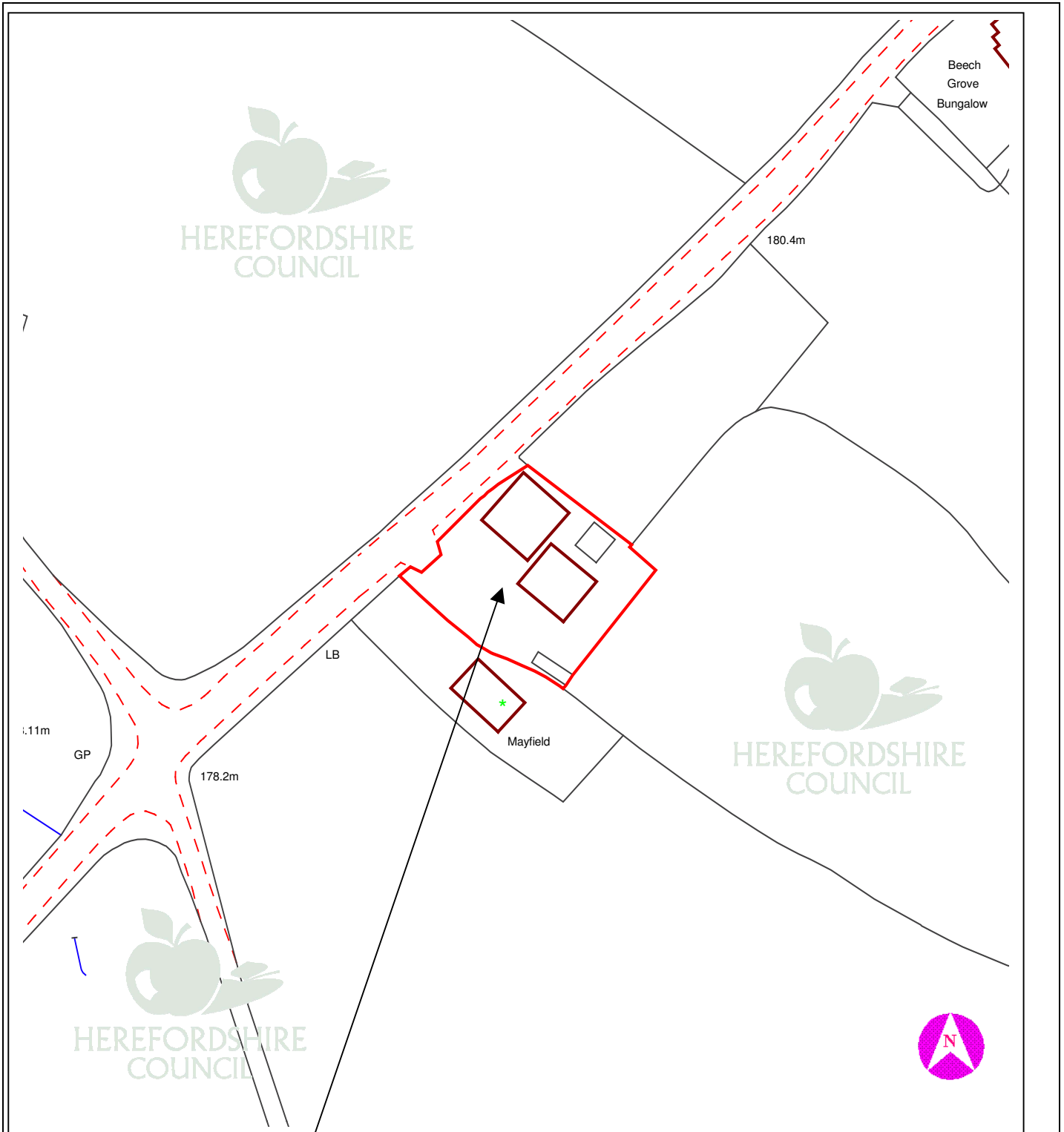
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2005/3472/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Outbuildings at Mayfield, Rushock, Nr Kington, Hfds

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