

DCSW2004/3397/F - CONVERSION OF REDUNDANT FARM BUILDINGS TO FARM SHOP, PLANT CENTRE AND LANDSCAPE DESIGN CENTRE, INCLUDING ERECTION OF POLYTUNNELS, DISPLAY GARDENS AND ASSOCIATED CAR PARKING, LAND AT JUNCTION OF A465 AND B4348, WINNAL COURT, ALLENSMORE, HEREFORDSHIRE, HR2 9AR

For: Allensmore Nurseries Ltd per Malcolm Scott Consultants Ltd, Grove House, 1 Loves Grove, Worcester, WR1 3BU

Date Received: 1st October 2004

Ward: Valletts

Grid Ref: 45755, 33755

Expiry Date: 26th November 2004

Local Member: Councillor P. G. Turpin

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 15th March 2006 when Members resolved to grant permission contrary to the recommendation of the report. This decision was accordingly referred to the Development Control Manager (in the absence of a current Head of Planning Services).

At its meeting on 15th March 2006 the Southern Area Planning Sub-Committee were recommended to refuse this application.

In the debate the members of the Area Sub-Committee examined the highways issues in great detail but were prepared to accept the proposals subject to appropriate conditions to require improved visibility splays as recommended by the Traffic Manager. Members were further satisfied on the main issue that the degree of sales of non-plant sales, at 15%, would be acceptable as a nursery garden/farm shop, and that overall the development would be acceptable.

The Southern Team Leader advised Members that the level of ancillary sales and associated features of the proposals would take the development beyond what would be acceptable as a farm shop and there, in his view, the application should be considered as a Garden Centre. As such the South Herefordshire Local Plan policy stated that Garden Centres in open countryside, and divorced from any established settlement, should not be permitted.

The arguments about where the boundary lies between a Farm Shop and a Garden Centre are set out in detail in paragraphs 6.2, 6.3 and 6.4 in the main report below.

Having reviewed the facts of this application your officer's view is that this proposal represents the creation of a garden centre and, whilst conditions as envisaged by the Area Sub-Committee may limit the scale of the use, overall the level of 15% retail sales along with the ancillary elements of the development would bring the development into conflict with

Policies S.1 and TCR.16 of the Unitary Development Plan in particular as set out in the reasons for refusal.

The agent for the application has suggested that the following wording be included in conditions to address the policy objections:

- "The use hereby approved shall be for a plant centre and farm shop and for no other use within use class A1 of the Town and Country (Use Classes) Order 1985
- The Farm shop shall be only for the sale of farm produced products
- The plant centre shall display for sale no more than 15% of the floor area for non-plant garden related products".

Whilst the desire of members to support this application as well as the intention to limit the elements of retail sales through conditions are recognised, it remains the officer's view that the case for support advanced by Members is not sufficient to outweigh the substantive policy concerns arising from this proposal.

1. Site Description and Proposal

1.1 This site is some 4 miles south of Hereford. It is on the east side of the A466 road at its junction with the Class II B4348. The site is generally rectangular in shape, some 0.84 ha. in area and it forms part of a larger agricultural field. Towards its west end are a group of three linked agricultural buildings, two of which are modern with the other an older timber structure. There is a hedgerow to the roadside boundary and a field gate entrance onto the Class II road.

1.2 This application seeks to introduce a commercial use in the form of a farm shop, plant centre and landscape design centre. This would involve the alteration and conversion of the existing building into a plant centre, farm shop, tea rooms and gift shop. In addition a polytunnel type structure would be added to the north and west side of the building to provide a covered display area. Elsewhere there would be a plant display area and display gardens. A car park for 50 cars is intended with the existing access relocated.

2. Policies

2.1 Planning Policy Guidance

PPS.1	-	Delivering Sustainable Development
PPS.7	-	Sustainable Development in Rural Areas
PPG.13	-	Transport

2.2 Hereford and Worcester County Structure Plan

Policy ED.8	-	Development of Redundant Rural Buildings
Policy CTC.9	-	Development Requirements
Policy CTC.14	-	Conversion of Buildings in Rural Areas
Policy A.2	-	Diversification of Agricultural Units
Policy TSM.1	-	Tourism Related Development

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside

Policy C.36	-	Re-use and Adaptation of Rural Buildings
Policy C.40	-	Provision of Essential Services
Policy ED.5	-	Expansion of Existing Businesses
Policy ED.6	-	Employment in the Countryside
Policy ED.7	-	Re-use and Adaptation of Rural Buildings for Employment/Tourism Use
Policy ED.8	-	Farm Diversification
Policy TM.1	-	General Tourism Provision
Policy RT.6	-	Roadside Sales
Policy RT.8	-	Provision of Garden Centres
Policy T.1A	-	Environmental Sustainability and Transport
Policy T.3	-	Highway Safety Requirements

2.4 Unitary Development Plan

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy DR.1	-	Design
Policy DR.2	-	Land Use and Activity
Policy DR.3	-	Movement
Policy E.11	-	Employment in Smaller Settlements and Open Countryside
Policy E.12	-	Farm Diversification
Policy TCR.16	-	Garden Centres
Policy TCR.17	-	Farm Shops
Policy T.11	-	Parking Provision
Policy HBA.12	-	Re-use of Rural Buildings
Policy RST.1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST.13	-	Rural and Farm Tourism Development

3. Planning History

- 3.1 DCSW2004/1297/F Conversion of redundant farm buildings to farm shop, plant centre and landscape design centre including erection of polytunnels, display gardens and associated car parking - Withdrawn 28.05.04

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency - content that the development is unlikely to result in a detrimental impact to the safe and free flow of traffic on the trunk road and raise no objections.
- 4.2 Environment Agency - have no objections subject to conditions.

Internal Council Advice

- 4.3 Traffic Manager - recommends refusal due to the visibility from the proposed access being restricted and not in accordance with standard visibility requirements.
- 4.4 Environmental Health and Trading Standards Manager - no adverse comments.

5. Representations

- 5.1 Much Dewchurch Parish Council – “comments are as previously submitted. However, because this application falls in Much Dewchurch and not Allensmore, we feel that the Highways Agency Traffic Survey should have been supplied to us.”

Much Dewchurch Parish Council's previous comments:

“The Parish Council feel that the proposed access is very near a bad bend. This enterprise would obviously attract a lot more traffic and we consider it would help if a slip road were formed for traffic from Hereford to turn left on the B4348. We understand the need for the farming community to diversify and although there is a very busy Garage/Farm Shop on the crossroads we feel this enterprise would not unduly affect that business. Allensmore Nurseries is a family business and offers employment to local people. We feel that they should be supported to expand if it is practical to do so.”

- 5.2 Kilpeck Group Parish Council (adjoining) – “is extremely concerned about the additional traffic which will have to negotiate the hazardous junction of the B4348 and the A465. The Parish Council have resolved that unless substantial improvements are made to this junction that permission should NOT BE GRANTED.”
- 5.3 A representation has been received from P. Powell, Locks Garage/ Willox Bridge Farm. This raises concerns with regard to possible pollution of surface water through discharges from the development. He has not been approached with regard to the use of his property for such discharges. It is also pointed out that the land in the vicinity does flood. It is questioned as to whether the use will be 'small' bearing in mind the size of Allensmore Nurseries. In addition, the writer has sought to rent the buildings to accommodate livestock. Finally, concern is raised as to the impact on Locks Garage, which has always incorporated a farm shop.
- 5.4 The applicants' agent has submitted a number of letters which consider the policy issues and the drainage. In addition a traffic Assessment has been submitted.

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 determining issues are considered to be the principle of the proposal in this location, the suitability of the buildings for the uses, the design/form and layout of the proposal, the traffic implications, the impact on the landscape, the impact on adjoining/nearby uses and the availability of services.
- 6.2 Firstly it is necessary to consider the exact nature of the proposal. It is for a mix of uses – plant centre for Allensmore Nurseries, farm shop for Winal Court, tea room and gift shop, garden display/design centre. Generally planning permission is not required to sell produce grown at a farm/nursery. The need for planning permission will arise when such retail sales expand into goods produced and brought in from elsewhere and where such goods are more than a very minor part of the retail activity. Therefore, for example, planning permission will not be required where a plant nursery

or farm retails products grown on its site but will be required where (other than at a very minor level) products are brought in and adapted for sale (plants) or are sold directly (e.g. pots/fertiliser). In this case the intention is to retail products and services other than those produced by the applicants.

- 6.3 The site is located in the open countryside. On the opposite side of the A465 is Locks Garage, The Three Horseshoes Public House and a group of dwellings, but these are not recognised as a settlement in planning policy terms. In addition, to the east are significant commercial uses – Sun Valley Foods feed mill and Allensmore Nurseries. Planning policy seeks to concentrate development within the main settlements in order to reduce the need to travel and where a range of travel options are available. This is in essence an application to develop a facility to retail produce from Allensmore Nurseries and Winnal Court but to expand this to retail products from elsewhere and to include a tea room, gift shop and display gardens.
- 6.4 With regard to the principle of the development in this location a fundamental issue is whether the proposal should be considered either under the policies relating to a garden centre or a farm shop, or both. With regard to farm shops both the Local Plan and Unitary Development Plan provide that they can be permitted in the countryside and provide that they can include the retail of 'produce which is not mainly produced on that farm'. With regard to garden centres, policy states that they should be located within or adjacent to a settlement. In terms of distinguishing between a plant centre (agricultural use) and a garden centre (retail use) the essential issue is the level of imported produce. Clearly if this is at a very low level then it can be considered ancillary. In one regularly quoted court case from 1989 the judge agreed with a conclusion that 10% took a use outside the ancillary category. In this case the applicants have stated that in terms of quantity some 99% of plants will be grown at Allensmore although it is difficult to judge the extent to which plants are brought in and grown on. In addition, it would be expected that non-plant goods, such as compost, pots, bulbs, etc, will be offered for sale. The applicants suggest that these sales could be no more than 15% of the floor area. In addition to the farm shop and plant centre it is proposed to operate a tea room and gift shop and have display gardens. Overall I consider that the extent of the retailing associated with the plant centre element indicates that the use will tend to be more of a retail rather than agricultural/horticultural use, and would effectively be a garden centre. Planning policy clearly states that such uses should only be located within or adjacent to an existing settlement. This location is open countryside.
- 6.5 With regard to traffic, although the access would be from the Class II road, it would be close to the junction with the A466 Trunk Road. The application was supported by a transport assessment and the Highways Agency raised no objection. Clarification has been sought from the Highways Agency due to a slight discrepancy between the details given in the transport assessment and the details of the current application but the Agency's position remains one of no objection to the proposal. The Traffic Manager considers that for the proposed new access visibility splays of 2.4 metres by 90 metres would be the minimum requirements. These can be achieved but would entail the removal of a significant length of roadside hedge. The area for car parking is acceptable.
- 6.6 There are currently three linked buildings, an older timber framed structure with more modern buildings attached to both of its sides. In terms of the re-use of these buildings for a commercial use there is no objection in principle. The proposal is to re-clad the buildings with a mixture of glazing and timber cladding with profiled steel on the roofs. These works will significantly change the appearance of the buildings but subject to

agreement on colour of the cladding, which should be dark especially on the roofs. I do not consider this to be unacceptable. In addition, the construction of fairly substantial polytunnel type structures to provide a covered external area (a steel frame with a polythene roof).

- 6.7 With regard to the landscape impact the general character of the area is of flat and low lying agricultural land, fringed by hedgerows and trees. This scheme does however involve the re-use of existing buildings and in the vicinity there are already significant structures, namely Locks Garage, the feed mill and the nurseries. In these circumstances I do not consider that unacceptable harm to the landscape would result.
- 6.8 With regard to the impact on the adjoining uses there should be no adverse impact on amenity of any dwellings. There may be some impact on Locks Garage but having regard to the likely range of goods I do not consider that this would be to an unacceptable degree.
- 6.9 With regard to services, the Environment Agency has no objection on foul drainage, surface water drainage or flooding issues, although conditions and advice are suggested.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **The local planning authority consider that in effect the proposal constitutes the provision of a garden centre. Having regard to South Herefordshire District Local Plan Policies GD.1, C.1, RT.8 and T.1A and Herefordshire Unitary Development Plan Policies S.1 and TCR.16 the proposal is considered to be unacceptable. The establishment of a garden centre in the countryside and divorced from any established settlement is considered to be inappropriate and would not be sustainable.**

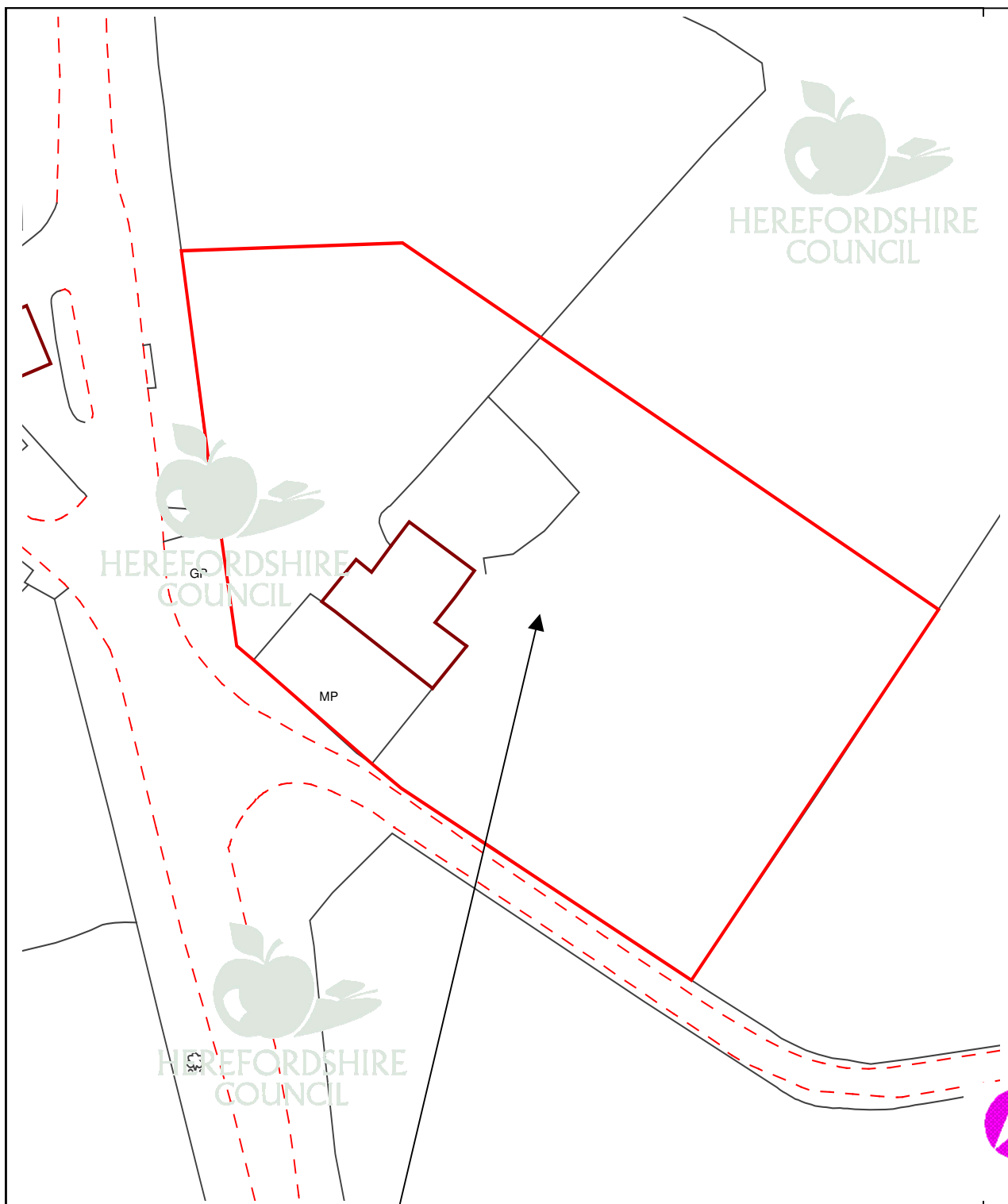
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2004/3397/F

SCALE : 1 : 1250

SITE ADDRESS : Land at junction of A465 and B4348, Winal Court, Allensmore, Herefordshire, HR2 9AR

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