

7 DCCE2005/4168/F - AGRICULTURAL BUILDING AT CLASTON, DORMINGTON, HEREFORD, HR1 4EA

For: Mr. D. Thomas, Perry Hill Farm, Ruckhall Lane, Clehonger, Hereford, HR2 9SB

Date Received: 28th December, 2005 Ward: Backbury Grid Ref: 58650, 40600

Expiry Date: 22nd February, 2006

Local Member: Councillor Mrs. J.E. Pemberton

Introduction

This application was deferred at the Central Area Planning Sub Committee on 5th April, 2006 for a site visit. The applicant has now advised that he has given the objectors notice to vacate the barn he utilises for his Brewing business. No time period has been specified. With the exception of this update, the report and recommendation remains as before.

1. Site Description and Proposal

- 1.1 The site forms part of Claston Farm located immediately north of the A438, approximately 500 metres northeast of Dormington. Claston Farm is a working livestock farm comprising a range of modern agricultural buildings and more traditional stone barns. Immediately west and south of the site are existing agricultural buildings, one of which is used for the housing of livestock. To the north is a stone barn now being used by The Marches Brewing Company as a brewery.
- 1.2 The application is retrospective and is for the retention of steel framed agricultural building to be used for the housing of cattle.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Development Within the Open Countryside
Policy C47	-	Pollution
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

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy DR9	-	Air Quality
Policy E13	-	Agricultural and Forestry Development

Policy E16 - Intensive Livestock Units

3. Planning History

- 3.1 No history for the site itself but relevant history exists for the farm.
- 3.2 CE2001/0130/F Regeneration of redundant farm buildings, conversion of farm buildings, construction of workshop and office workshops, living/working units, affordable housing units, provision of auditorium plus training/showcase facilities (amended financial information). Planning permission approved 12.9.2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Head of Environmental Health & Trading Standards: I confirm that I visited the site with the Principal Environmental Health Officer (Commercial) and am of the opinion that the proposed development will not have a significant detrimental effect on the operation of The Marches Brewery considering the use of the adjoining agricultural buildings.

5. Representations

- 5.1 Dormington Parish Council: No objection but Councillors comment that the north and south views on the plans are the same.
- 5.2 One letter of objection has been received from P.J. Harris, Managing Director, The Marches Brewery Company, The Old Hop Kiln, Claston. The main points raised are:
1. The Marches Brewing Company has been an integral part of the long term plans for Claston Farm since 1999 formalised by the approved plans for the Food and Drink Centre passed by the Secretary of State following a Public Inquiry.
 2. The cattle building has been erected on the allotted brewery parking, loading and access area.
 3. The building would cause a risk of contamination to the food production area from both airborne and associated equipment used to feed the cattle, tractors, cattle lorries etc.
 4. The building would affect our capability of accepting deliveries of raw ingredients and bottles which have to be kept clean from contamination.
 5. The brewery has been held as a showcase and has received support from Advantage West Midlands, Business Link and Herefordshire Council and the facilities have been used by the National Hop Association to test produce beers using new varieties of English Hops grown and developed in Herefordshire.

6. We have use of the buildings until the year 2014 and undertook a major investment in a bottling facility last year.
- 5.3 A letter from the applicant, Derek J. Thomas, Perry Hill Farm, Ruckhall Lane, Clehonger makes the following points:
1. The building has been erected on the site of a former building dismantled five years ago by the previous owner, Mr. Davies.
 2. The occupation of the adjoining barn by Marches Brewing Company is on an informal basis and there is no formal tenancy or lease agreement in existence to enable them to stay at the premises until 2014.

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

6. Officers Appraisal

- 6.1 The building measures 21.33 metres in length by 11.6 metres in width by 5.2 metres in height to the roof. It is of a conventional agricultural design, namely a steel frame partially enclosed by a 1.5 metre high concrete block wall and a corrugated fibre cement sheeted roof. The scale of the building is commensurate with its proposed use for the housing of livestock and the design and materials are acceptable. Overall, the building in itself has minimal visual impact being contained and surrounded by existing farm buildings within the farmstead. As such, the building is considered acceptable and accords with the relevant development plan policies.
- 6.2 The building has been erected within 10 metres of the stone barn now occupied by Marches Brewing Company. The proximity of the agricultural building to this business will clearly have an impact on the operation of the business. However, the site has been inspected by both the Environmental Health Officer responsible for pollution and the Environmental Health Officer responsible for commercial development and both have confirmed that given the proximity of existing agricultural livestock building to the business, this proposal will not materially affect the brewing business any more than is presently the case.
- 6.3 The final issue for consideration is the consequences of permitting the retention of the building for the future implementation of the development approved in 2003 for the redevelopment of the farm for tourism and business purposes. The Marches Brewing Company has invested a considerable amount of time and money in developing the business at the site and the site of the agricultural building is identified on the approved plans as being a parking and vehicle manoeuvring area for the brewery and ancillary shop/visitor centre.
- 6.4 However, it is unfortunate but it appears that the development approved under the 2003 permission is unlikely to be fully implemented. Furthermore, it would appear that the brewing company does not have any legal rights to occupy the building until 2014 as stated and therefore in theory, the business could be required to vacate the premises at any time. Due to these factors, it is not considered that a refusal of the application on the basis that it would prejudice the future implementation and completion of the 2003 development is justified.

6.5 The building accords with the relevant development plan policies and the other material considerations set out above are not of sufficient weight to warrant refusal of the application.

RECOMMENDATION

That planning permission is granted.

Informatives:

- 1. N15 - Reason(s) for the Grant of Planning Permission.**
- 2. The applicant is advised that this planning permission does not over-ride any civil/legal rights that may be enjoyed by the objector (P J Harris of The Marches Brewing Company)**

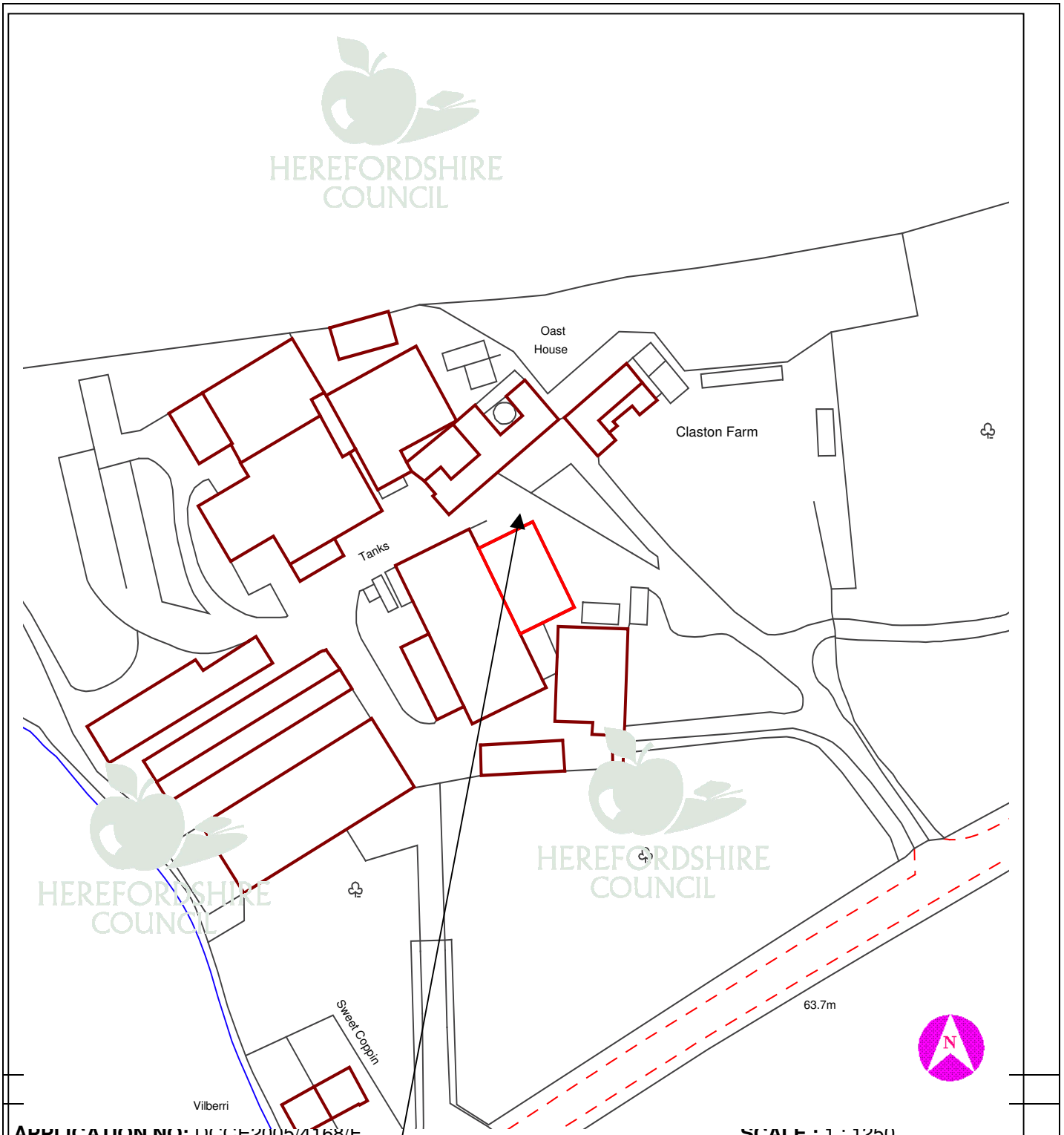
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCCE2005/4168/F

SCALE : 1 : 1250

SITE ADDRESS : Claston, Dormington, Hereford, HR1 4EA

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