

DCCE2006/0608/F - PROPOSED BUNGALOW AT LEYS FARM, GRAFTON, HEREFORD, HR2 8BL**For: Mr. & Mrs. C.W. Morgan, per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH****Date Received: 20th February 2006** **Ward: St. Martins & Hinton** **Grid Ref: 49895, 37291****Expiry Date: 17th April 2006**

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell & R. Preece

INTRODUCTION

This application was considered by the Central Area Planning Sub-Committee at its meeting on 5th April 2006 when it was deferred for a site visit. Following the site visit the application was reported back to the Sub-Committee on 3rd May 2006 when Members resolved to grant permission contrary to the recommendation of the report

The site is on a farm in open countryside and, notwithstanding its location within the administrative boundary of Hereford City Council, it is outside the settlement boundary of the City in both the City of Hereford Local Plan and the emerging Unitary Development Plan. Consequently the application proposals need to be assessed against the restrictive open countryside policies of both development plans.

The case for development depends on the desire of the current occupants of the farmhouse to remain in residence on the farm in new accommodation adapted for their particular circumstances including reduced mobility and related health concerns. The current farmhouse could then be occupied by their son whose primary employment is IT based and not related to agriculture or other open countryside activities.

Policy H.7 and supporting text of the UDP is:

Housing in the countryside outside settlements

5.4.72 Outside the settlements identified in the above policies and in the wider countryside it is important that residential development is strictly controlled in order to protect the landscape and the wider environment. Residential development will thus be limited to that which meets an essential agricultural, forestry or other economic or farm diversification requirement; or which results from the conversion of an existing rural building, or which is linked to the replacement or extension of an existing dwelling. Housing units could also arise through the provision of sites for Gypsies and other travellers (policy H12). Occupancy controls will be applied by means of planning condition or obligation to dwellings arising from the expansion of business enterprises, as well as to agricultural and forestry dwellings (policy H8). Wherever possible, proposals should be sited in a settlement and seek to make use of existing buildings through conversion and adaptation in preference to new development.

H7 Housing in the countryside outside settlements

Proposals for housing development outside Hereford, the market towns, the main villages and smaller settlements will not be permitted unless:

- 1. the development is clearly necessary in connection with agriculture or forestry and cannot be located in a settlement and complies with policy H8; or**
- 2. it is a necessary accompaniment to the growth of a rural enterprise, including tourism and farm diversification schemes and complies with policy H8; or**
- 3. it results from the re-use of a rural building in accordance with policies HBA12 and HBA13; or**
- 4. it is a replacement for, comparable in size and scale with and on the same site as an existing building with established residential use rights; or**
- 5. it is an extension to an existing dwelling in accordance with policy H18; or**
- 6. it is a site providing for the needs of Gypsies or other travellers in accordance with policy H12.**

Development should be sited in accordance with the housing design and other policies of this Plan.

The overall approach has been confirmed by the UDP Inspector, who refers to the dangers of the rural nature of the agricultural landscape being eroded by built development in unsustainable locations. He advises that there should be no relaxation of the policy close to existing settlements. In response to other objections he has offered no support for the allocation of land for housing purposes at Grafton or its identification as a main village or smaller settlement, and confirms that Grafton is not a location where development would be encouraged with or without a settlement boundary.

Policy H7 seeks to prevent new housing development in open countryside by allowing such development in only specified exceptional circumstances such as agricultural need or replacement dwellings. The current application proposals do not meet any of the exceptions of the policy.

Alternative options have been suggested to the applicants including extending the existing farmhouse or providing additional temporary accommodation with a mobile home or similar on the site. The applicants do not consider that these alternatives would satisfactorily meet their needs.

Notwithstanding the policy objections, Members of the Central Area Planning–Sub Committee considered that the policy should be generously interpreted to allow the development given the specific circumstances of the case, namely:

- The development would enable an elderly couple to be cared for by their own family on their own farm
- The non-agricultural employment of the applicants' son could be seen as rural diversification
- There has been other new housing development in Grafton and a new small dwelling on the specific siting proposed would be less conspicuous in the open countryside

In the view of the Development Control Manager these arguments are not persuasive because:

- Alternative means of providing on-site accommodation could be provided without creating a new, permanent and independent house in the open countryside; for example the farmhouse could be extended or a mobile home could provide temporary accommodation. Furthermore a wide range of existing housing is available nearby in the main urban areas of the City
- The non-agricultural employment of the applicants' son is internet based and could be carried out from anywhere – it is not farm diversification in the sense intended by the policy
- The merits of other development in Grafton should not have a bearing on this site which needs to be considered on its own merits.

The main policy principle at stake is the widening of the exceptions to policy H7 of the Unitary Development Plan to allow for new dwellings in open countryside to accommodate elderly relatives of the occupants of nearby properties. The policy does not allow for this and this new interpretation may through the establishment of a precedent have consequences for the interpretation of this policy throughout the County.

In view of the fact that the decision of the Sub-Committee to approve this application raises the crucial policy issue as explained above this application is reported to this meeting of the Planning Committee on 9th June 2006 for further consideration.

1. Site Description and Proposal

- 1.1 The site is located immediately south of the C1227 in the area known as Grafton, just south of the city. Leys Farm is a working farm and comprises a range of modern and older agricultural buildings to the west of the site and the existing farmhouse to the east with undeveloped agricultural land to the south. The site lies within the open countryside.
- 1.2 Planning permission is sought for the construction of a detached two bedroom bungalow along the southern boundary of the site with a new detached two car garage along the northern (roadside) boundary. The application has been brought to the Central Area Committee at the request of one of the local Members.

2. Policies

2.1 National:

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

2.2 Hereford Local Plan:

Policy CAL1	-	Residential Development
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2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR2	-	Land Use and Activity
Policy H7	-	Housing in the Countryside outside Settlements

3. Planning History

3.1 CE2005/4061/F Proposed bungalow. Application withdrawn 7th February 2006.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: As the applicant intends using private drainage facilities, Welsh Water have no comment to make on the proposal.

Internal Council Advice

4.2 Traffic Manager: No objection subject to conditions.

5. Representations

5.1 Hereford City Council: The City Council suggest the hip roof would be more appropriate but has no objection in principle to the proposed development.

5.2 The applicant's agent has provided letters of support. The main points raised are:

1. The bungalow is for the father and mother of Mr. I. Morgan who is moving back to the farm after spending many years out of the country.
2. Mr. & Mrs. Morgan are getting older and medical concerns require that they will be better living in a dwelling with facilities at ground floor.
3. The location of the bungalow is chosen for ease of access and would share the same drive as the existing house.
4. Conversion of an existing barn within the farmstead would prejudice the long term plans to redevelop the existing farm buildings for employment purposes.
5. Development is regarded as an annexe to the existing farm house and the applicant is happy to accept restrictions in respect of future sale of the properties.
6. There is no possibility of extending the existing dwelling.
7. A mobile home is unsuitable due to the applicant's medical needs.
8. A mobile home is no different to a two bedroom bungalow
9. A two bedroomed bungalow is required as the applicants require separate bedrooms.
10. The applicants have lived in the countryside all their lives and do not wish to move into the city. There are no other suitable affordable homes in Grafton to meet their local need.
11. The proposal is not contrary to the UDP policies

5.3 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 proposal is for the construction of a detached two bedroomed self-contained bungalow to be occupied by Mr. & Mrs. Morgan, which would enable the son, Mr. I. Morgan, to then move into the main farmhouse. The agent has stated that single storey accommodation is required due to Mr. & Mrs. Morgan's medical needs.
- 6.2 The site lies within the open countryside where there is a presumption against any new housing development. There are exceptions detailed in Policy H7 of the Herefordshire Unitary Development Plan to new housing in the open countryside such as conversion of a rural building or a replacement dwelling. However, none of the exceptions detailed in this policy are met in this instance. As such, the proposal is contrary to Development Plan policies which seek to protect the countryside from unnecessary and unsustainable development.
- 6.3 The applicants and their agent have stated that the new accommodation is required for personal (medical) reasons. All applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The personal circumstances of an applicant can be a material planning consideration. However, planning permission runs with the land and personal circumstances of an applicant seldom outweigh the more general planning policy considerations. In this instance, as the proposed development is of a permanent nature, it will remain long after the personal circumstances of the applicant have ceased to be material. A number of other options have been discussed with the applicants including an extension of the existing dwelling, conversion of an existing building within the farm and the provision of a mobile home, but the applicants have ruled all unsatisfactory. The possibility of an extension or mobile home in particular may not fully meet the applicant's wishes but either option could provide the required additional single storey accommodation on the farm, and also would in principle, accord with the development plan policies.
- 6.4 Therefore, whilst recognising the applicant's desire to remain living on their farm where they have lived for many years and their personal needs for single storey accommodation, these issues are not considered sufficient to justify granting a development which is clearly contrary to the Development Plan policies and when there are other options available.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The development is contrary to Policy CAL1 of the Hereford Local Plan, Policies H7, S1, S2 and DR2 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and advice contained within Planning Policy Statement 1 - Planning for Sustainable Development and PPS7 entitled Sustainable Development in Rural Areas. This is because the site for the bungalow lies outside of a defined settlement and none of the exceptions to permit housing in the countryside listed in the above policies have been satisfied. Furthermore, the personal circumstances of the applicants do not justify granting planning permission contrary to the adopted and draft Herefordshire Unitary Development Plan policies in this instance.**

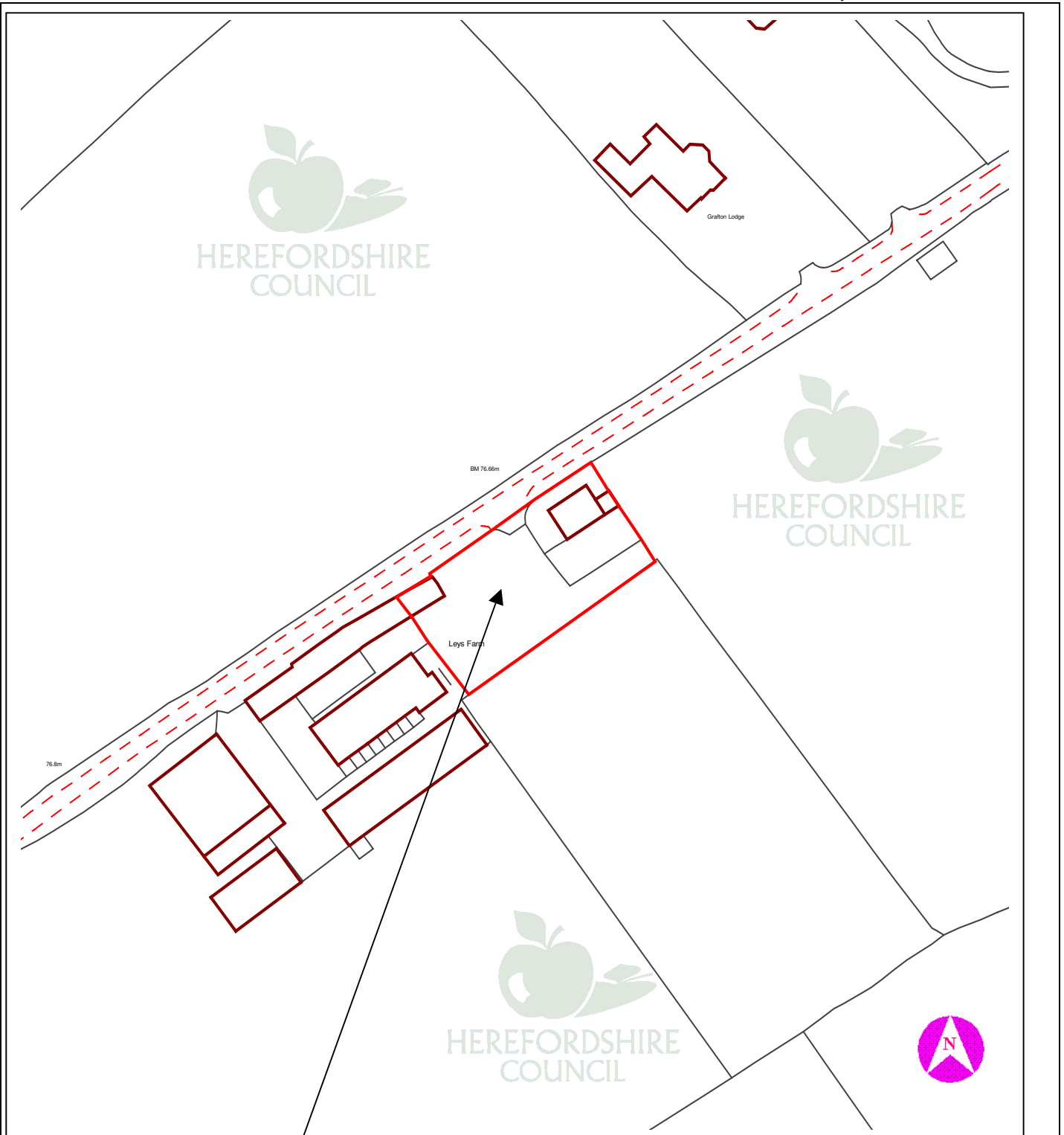
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/0608/F

SCALE : 1 : 1250

SITE ADDRESS : Leys Farm, Grafton, Hereford, HR2 8BL

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For: Mr. & Mrs. C.W. Morgan, per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

**Date Received: 20th February 2006 Ward: St. Martins & Grid Ref: 49895, 37291
Hinton**

Expiry Date: 17th April 2006

Local Members: Councillors Mrs. W.U. Atfield, A.C.R. Chappell & R. Preece

Introduction

This application was deferred at the Central Area Planning Sub-Committee on 5th April 2006 for a site visit. With the exception that the consultation period has now expired, the report and recommendation is as before.

1. Site Description and Proposal

- 1.1 The site is located immediately south of the C1227 in the area known as Grafton, just south of the city. Leys Farm is a working farm and comprises a range of modern and older agricultural buildings to the west of the site and the existing farmhouse to the east with undeveloped agricultural land to the south. The site lies within the open countryside.
- 1.2 Planning permission is sought for the construction of a detached two bedroom bungalow along the southern boundary of the site with a new detached two car garage along the northern (roadside) boundary. The application has been brought to the Central Area Committee at the request of one of the local Members.

2. Policies

2.3 National:

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

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5.2 The applicant's agent has provided letters of support. The main points raised are:

1. The bungalow is for the father and mother of Mr. I. Morgan who is moving back to the farm after spending many years out of the country.
2. Mr. & Mrs. Morgan are getting older and medical concerns require that they will be better living in a dwelling with facilities at ground floor.
3. The location of the bungalow is chosen for ease of access and would share the same drive as the existing house.
4. Conversion of an existing barn within the farmstead would prejudice the long term plans to redevelop the existing farm buildings for employment purposes.
5. Development is regarded as an annexe to the existing farm house and the applicant is happy to accept restrictions in respect of future sale of the properties.
6. There is no possibility of extending the existing dwelling.
12. A mobile home is unsuitable due to the applicant's medical needs.
13. A mobile home is no different to a two bedroom bungalow
14. A two bedroomed bungalow is required as the applicants require separate bedrooms.
15. The applicants have lived in the countryside all their lives and do not wish to move into the city. There are no other suitable affordable homes in Grafton to meet their local need.
16. The proposal is not contrary to the UDP policies

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6.1 The proposal is for the construction of a detached two bedroomed self-contained bungalow to be occupied by Mr. & Mrs. Morgan, which would enable the son, Mr. I. Morgan, to then move into the main farmhouse. The agent has stated that single storey accommodation is required due to Mr. & Mrs. Morgan's medical needs.

- 6.2 The site lies within the open countryside where there is a presumption against any new housing development. There are exceptions detailed in Policy H7 of the Herefordshire Unitary Development Plan to new housing in the open countryside such as conversion of a rural building or a replacement dwelling. However, none of the exceptions detailed in this policy are met in this instance. As such, the proposal is contrary to Development Plan policies which seek to protect the countryside from unnecessary and unsustainable development.
- 6.5 The applicants and their agent have stated that the new accommodation is required for personal (medical) reasons. All applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The personal circumstances of an applicant can be a material planning consideration. However, planning permission runs with the land and personal circumstances of an applicant seldom outweigh the more general planning policy considerations. In this instance, as the proposed development is of a permanent nature, it will remain long after the personal circumstances of the applicant have ceased to be material. A number of other options have been discussed with the applicants including an extension of the existing dwelling, conversion of an existing building within the farm and the provision of a mobile home, but the applicants have ruled all unsatisfactory. The possibility of an extension or mobile home in particular may not fully meet the applicant's wishes but either option could provide the required additional single storey accommodation on the farm, and also would in principle, accord with the development plan policies.
- 6.6 Therefore, whilst recognising the applicant's desire to remain living on their farm where they have lived for many years and their personal needs for single storey accommodation, these issues are not considered sufficient to justify granting a development which is clearly contrary to the Development Plan policies and when there are other options available.

RECOMMENDATION

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Decision:

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PLANNING COMMITTEE

9TH JUNE, 2006

the proposal is contrary to Development Plan policies which seek to protect the countryside from unnecessary and unsustainable development.

6.3 The applicants and their agent have stated that the new accommodation is required for personal (medical) reasons. All applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The personal circumstances of an applicant can be a material planning consideration. However, planning permission runs with the land and personal circumstances of an applicant seldom outweigh the more general planning policy considerations. In this instance, as the proposed development is of a permanent nature, it will remain long after the personal circumstances of the applicant have ceased to be material. A number of other options have been discussed with the applicants including an extension of the existing dwelling, conversion of an existing building within the farm and the provision of a mobile home, but the applicants have ruled all unsatisfactory. The possibility of an extension or mobile home in particular may not fully meet the applicant's wishes but either option could provide the required additional single storey accommodation on the farm, and also would in principle, accord with the development plan policies.

6.4 Therefore, whilst recognising the applicant's desire to remain living on their farm where they have lived for many years and their personal needs for single storey accommodation, these issues are not considered sufficient to justify granting a development which is clearly contrary to the Development Plan policies and when there are other options available.

RECOMMENDATION

Subject to no new material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to refuse the application for the following reason:

- 1. The development is contrary to Policy CAL1 of the Hereford Local Plan, Policies H7, S1, S2 and DR2 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and advice contained within Planning Policy Statement 1 - Planning for Sustainable Development and PPS7 entitled Sustainable Development in Rural Areas. This is because the site for the bungalow lies outside of a defined settlement and none of the exceptions to permit housing in the countryside listed in the above policies have been satisfied. Furthermore, the personal circumstances of the applicants do not justify granting planning permission contrary to the adopted and draft Herefordshire Unitary Development Plan policies in this instance.**

Decision:

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Internal departmental consultation replies.

