

**8 DCCE2006/3087/N - CHANGE OF USE FOR PARKING OF 2 HGV'S AND STORAGE OF BUILDING MATERIALS (RETROSPECTIVE) DURLOW BARN FARM, DURLOW, TARRINGTON, HEREFORDSHIRE, HR1 4JQ****For: C D Jones, 35 Jubilee Close, Deer Park, Ledbury, Herefordshire, HR8 2XA****Date Received: 21st September, 2006    Ward: Backbury    Grid Ref: 63411, 39313****Expiry Date: 16th November 2006**

Local Member:    Councillor Mrs J. Pemberton

**1. Site Description and Proposal**

1.1 Durlow Common is approximately 2 kilometres south east of Tarrington village, off the A438 Hereford-Ledbury Road.

1.2 The application is retrospective. The applicant operates a paving and hard landscaping business based at Ledbury. In connection with this business he uses part of the farmyard at Durlow Barn Farm to park two HGV vehicles, and for the storage and transfer of a variety of new and waste construction materials. Waste excavation material acquired in the course of his work is brought to the site, sorted, and recycled where possible.

**2. Policies**

2.1 Planning Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPS10	-	Planning for Sustainable Waste Management
PPS7	-	Sustainable Development in Rural Areas

2.2 Regional Spatial Strategy:

WD1	-	Targets for Waste Management in the Region
-----	---	--

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
S10	-	Waste
DR2	-	Land Use and Activity
DR3	-	Movement
E12	-	Farm Diversification
W1	-	New Waste Management Facilities

**3. Planning History**

3.1 None.

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 Highways Agency: No objections.
- 4.2 Environment Agency: Have no objections as the development lies outside their criteria for comment.

##### Internal Council Advice

- 4.3 Traffic Manager: No objections.
- 4.4 Conservation Manager: No response
- 4.5 Forward Planning Manager: No response

#### **5. Representations**

- 5.1 Putley Parish Council: No objections.
- 5.2 Tarrington Parish Council: Have not objected but recommend a personal condition restricting the uses applied for to the applicant's business.
- 5.3 One letter of objection has been received from Mr A. Trumper, 1 Hazel Cottages, Durlow Common, Tarrington, HR1 4JG. The main points raised are:

- The parking of 2 HGV's and the storage of building materials has an impact on the outstanding natural beauty of the area;
- Noise made when aggregate and other building materials are dropped into the lorries...this takes place quite early in the morning;
- The lane is very narrow and not suitable to carry two HGV's on a daily basis.

- 5.4 In a letter accompanying the application the applicant has stated:

- Pave Your Way Ltd is a local firm based in Ledbury specialising in hard landscaping;
- All materials stored at Durlow Farm Barn are for use by Pave Your Way Ltd;
- HGV movements average around 4 per day on weekdays between 7.30am and 5pm with occasional weekend work;
- HGV Operator's Licence and Waste Carrier's Licence copies enclosed;
- Stores of new materials (sand, gravel, stone, etc) in approximately 20 tonne lots;
- Stores of topsoil approximately 200 tonnes;
- Stores of rubble and hardcore up to a maximum of 800 tonnes, max height 4 metres, accumulated for crushing and re-use.

- 5.5 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**

- 6.1 The main issues of concern are those relating to visual amenity, traffic and noise.

Visual Amenity

- 6.2 The application site comprises two discrete areas within a large agricultural yard and adjoining field. Separate from the applicant's stored materials and not in his ownership or control, many other agricultural items are stored around the general area, including further soil mounds, barrel containers, trailers and straw bales. Apart from a collection of agricultural buildings in varying conditions the site is generally of an open aspect, and farm animals are able to wander freely to access fodder, water and shelter.
- 6.3 The applicant's deposited stores of new building materials are generally tidy and quite small. The mound of topsoil is used intermittently and has partially re-vegetated. The mound of hardcore and rubble comprises excavated material for sifting and sorting for re-use.
- 6.4 Notwithstanding the applicant's stored materials, the existing agricultural yard is itself very utilitarian and is not visually attractive but in view of its use in connection with the agricultural land it would not in itself require planning permission.
- 6.5 The site is local to the applicant's catchment area for his business and he recovers and recycles as much material as possible. In this respect the development contributes to the objectives of sustainable waste management detailed in PPS10 and the Regional Spatial Strategy including the Waste Hierarchy, and is supported by Structure Plan Policy WD2 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies S10 and W1.
- 6.6 It is also arguably an appropriate alternative use for an otherwise neglected and under-used farmyard, in line with policies supporting the appropriate commercial re-use of agricultural land and building. With appropriate conditions the limited impact of this modest enterprise would be acceptable.

Traffic

- 6.7 The applicant has two trucks kept at the site when not in use elsewhere. The estimated average 4 truck movements per weekday are not considered to be excessive or conflict with Local Plan Policy TRA11 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy DR3. The Traffic Manager has not objected but a personal condition to restrict the site's HGV use to the applicant is recommended.

Noise

- 6.8 The low-key scale of the applicant's activities suggests that serious noise nuisance is unlikely as routine operations should not in principle be noisier than other comparable agricultural work. Over-size hardcore might be crushed very occasionally. Conditions to restrict operating hours, and the area and heights of stockpiles would control the extent to which noisy activity would occur. The nearest residential property is screened by buildings, and the next nearest is approximately 250 metres away from the site. Both the Parish Council and the Traffic Manager have recommended limiting permission to the personal use of the applicant, and conditions are proposed to this effect.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

**1 E26 (Cessation of personal/time limited permission )**

**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.

**2 Within one month of the date of this permission, a written scheme for physically marking out the boundaries of the two areas of land on which the development is hereby permitted, outlined in red and annotated "A" and "B" on the plan referenced DUR1 attached to this permission, shall be submitted to the local planning authority for approval. The scheme shall be implemented as approved within two months of this permission.**

**Reason:** To define the areas of land for which permission for change of use is granted for the avoidance of doubt, in accordance with Malvern Hills District Local Plan Policy LAN4 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy LA6.

**3 No waste or other materials, vehicles, plant or machinery arising from or used specifically in connection with the development hereby permitted shall be deposited or stored outside the areas identified by Condition 2 above, unless otherwise agreed in writing in advance by the local planning authority.**

**Reason:** To protect the amenity of the area in accordance with Hereford and Worcester County Structure Plan Policy CTC2, Malvern Hills District Local Plan Policy LAN3 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy DR2.

**4 E05 (Restriction on hours of use (industrial) )**

**Reason:** In order to protect the amenity of occupiers of nearby properties.

**5 E06 (Restriction on Use )**

**Reason:** The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

**6 Stockpiles of stored materials shall not exceed 4 metres in height.**

**Reason:** In the interests of safety and visual amenity and to limit the quantity of materials to be stored at the site, in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy W1.

**7 No burning or incineration shall take place within the area the subject of this permission.**

**Reason:** To safeguard local amenity and prevent pollution in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy DR4.

- 8 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To protect the water environment in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy DR4.

**INFORMATIVES:**

- 1 The boundary markers required by Condition 2 may be in the form of upright corner posts. There is no need to fence the sites off provided the boundaries are clearly marked.
- 2 N15 - Reason(s) for the Grant of PP/LBC/CAC
- 3 N19 - Avoidance of doubt

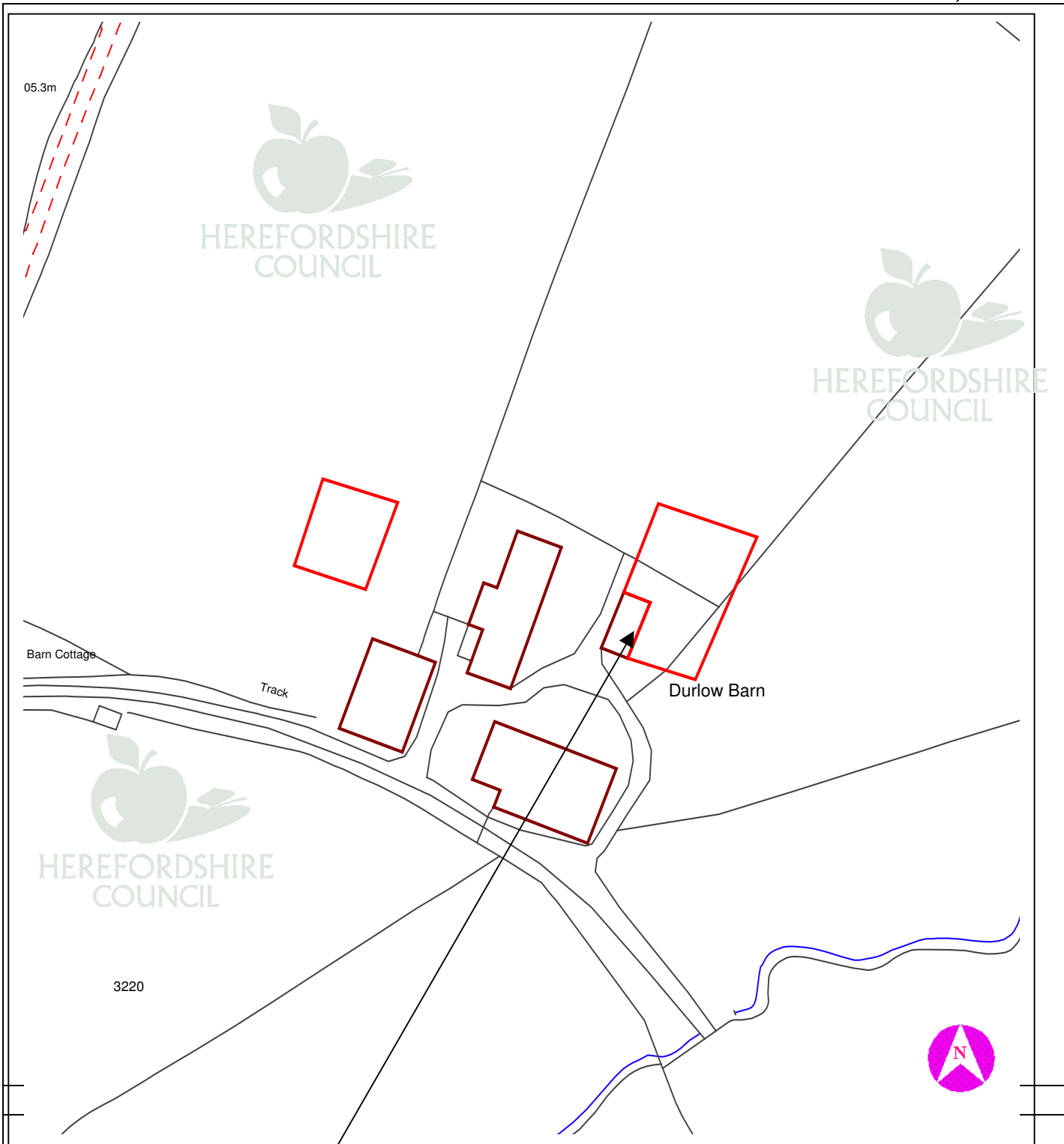
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**APPLICATION NO:** DCCE2006/3087/N

**SCALE :** 1 : 1250

**SITE ADDRESS :** Durlow Barn Farm, Durlow, Tarrington, Herefordshire, HR1 4JQ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005