

DELEGATED DECISION REPORT

APPLICATION NUMBER 213112

Agricultural building at New Cross Farm, Edwyn Ralph, Bromyard, HR7 4NF

CASE OFFICER: Mr Ollie Jones

**Relevant Development
Plan Policies:**

Herefordshire Local Plan – Core Strategy

SS1 Presumption in favour of sustainable development
SS4 Movement and transportation
RA6 Rural economy
MT1 Traffic management, highway safety and active travel
E2 Redevelopment of existing employment land and buildings
LD1 Landscape and townscape
SD1 Sustainable design and energy efficiency

National Planning Policy Framework (NPPF)

Chapter 2 Achieving sustainable development
Chapter 4 Decision-making
Chapter 6 Building a strong, competitive economy
Chapter 11 Making Effective use of land
Chapter 12 Achieving well-designed places

Site Description

The application site relates to an agricultural building at New Cross Farm; situated off the minor road to Thornbury and Hampton Charles close to its junction with the B4124 Tenbury – Bromyard. The site is situated ½ mile south of the Edwyn Ralph village and the agricultural complex comprises a larger expanse of modern buildings located immediately to the north of the building and purposes for the dairy enterprise, accessed via a shared access off the Thornbury Road. The building has a footprint of 585m² and is located to the west of the main farmhouse and the bungalow built in the 1980s, also in common ownership of the applicant.

Proposal

This ‘full’ application seeks planning permission for the change of use of the building from agricultural to B8 storage and distribution. No external changes to the building are proposed and the site would utilise the existing access off the Thornbury road.

Consultations

Thornbury Council	Group	Parish	Traffic impact and volume Extra localised activity and traffic movement will affect both
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	<p>immediate neighbours and the residents along the road network, in particular Edwyn Ralph. This quiet rural environment should be respected and preserved. An unquantifiable increase of delivery traffic may therefore be anticipated on the Bromyard – Tenbury Wells axis B4212.</p> <p>Noise and light pollution</p> <p>Consideration should be given to anticipated levels of activity and this should be controlled from the outset, in line with the Herefordshire Core Strategy.</p> <p>Working hours</p> <p>Consideration should be given to specifying and limiting the distribution activities to normal, socially acceptable, working hours and working week practices. Avoidance of operation on Sundays, Bank Holidays, etc., as currently in line with other nearby local businesses i.e. Harris Bros, Upper House, Edwyn Ralph.</p>
<u>Adj Bromyard and Winslow Parish Council</u>	<p>I am sending this via email as the button to post comments on your website for the above application isn't available at the moment.</p> <p>Bromyard and Winslow Town Council supports this application with the following conditions: to limit and specify the distribution activities to within normal working hours.</p> <p>Operating during Sundays and Bank Holidays should be avoided to limit disturbance.</p>
<u>Area Engineer (Highways)</u>	<p>Taking into account the existing agricultural use, scale of the building and proximity to the main distributor network the local highway authority does not object to the proposed change of use.</p>
<u>Environmental Health (contamination)</u>	<p>I refer to the above application and would make the following comments in relation to contaminated land and human health issues only.</p> <p>Our records indicate there to be some marsh land to the west of the site later recorded as being 'unknown filled ground.' in some circumstances, this may be considered potentially contaminative. Given the change of use is not to one significantly more sensitive, it would seem unreasonable to recommend a site investigation be carried out. However, if there is uncertainty, specialist advice should be sought and as such the note below should be appended.</p>

	<p>Recommended note</p> <p>The proposed development includes one or two areas recorded as 'unknown filled ground' according to our records. In some circumstances, these can be potentially contaminative uses. If there's any uncertainty as to potential risks from contamination, specialist advice should be sought.</p>
<u>Site Notice</u>	<p>3 letters have been received from 2 households. The comments can be summarised as follows; -</p> <ul style="list-style-type: none"> • Increase in traffic along Thornbury lane / access should be restricted to being off the B4214 • Concerns over storage of goods that omit offensive smells • Times of operation should be restricted
<u>Local Member (Cllr Harrington – Hampton)</u>	Updated via email dated 8 November 2021.
<u>Adj Local Member – (Cllr Shaw – Bromyard Bringsty)</u>	Updated via email dated.

Principle

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy. It is also noted that the site falls within the Edwyn Ralph Neighbourhood Area, where the Plan is at drafting stage and therefore cannot yet be attributed weight in the decision-making process. The National Planning Policy Framework (NPPF) is also a significant material consideration and can be attributed significant weight.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the relevant policies have been reviewed and are considered to be entirely consistent with the NPPF and therefore can be attributed significant weight.

Policy RA6 of the Core Strategy sets out that business diversification projects will be supported, subject to them being of a scale which is commensurate to their setting and would not cause harm to the amenity of the area/surrounding residents and uses or, generate traffic movements which cannot be safely accommodated within the highway network. New Cross Farm is an established lawful agricultural enterprise located within the open-countryside and the proposal looks to utilise an existing building to serve a diversification into a storage facility, supporting the future viability of the wider business. In principle therefore and when having regard to the provisions set out within Chapter 6 of the NPPF, the proposal is considered acceptable subject to Condition 3 controlling its use to B8 only.

Impact of B8 use on amenity

Policy SD1 and RA6 of the Council's Core Strategy together with the principles of the NPPF require that proposals for new business development in the countryside does not cause any undue impact on the amenity of neighbouring properties and residential uses. Some concern has been raised by nearby residents and the Thornbury Group Parish Council with respect to the acceptability of the use in this location, specifically with respect to disturbance caused through anticipated increased and unrestricted vehicular movements. Further unease has been voiced in relation to the potential for the storage facility to harm the amenity of neighbouring properties through the omitting of offensive odours.

The applicant has set out that there would be no external changes to the building and that the proposed B8 use would not include any staff base or other operations. Further, vehicle movements would unlikely exceed one lorry and 2 vans a day according to the submitted details. No details have been supplied with respect to the nature and type of the goods to be stored at any facility on the site.

The building occupies a small proportion of built development at the site, the remainder proposed to remain in agricultural use in association with the established dairy enterprise. Whilst officers note the concerns raised locally, given the modest scale of the building proposed for the B8 use, it is not considered that it would result in any noise and disturbance beyond what could reasonably be expected with the day-to-day operation of the unfettered agricultural use. Similarly, although no details of the type of goods which may be stored have been supplied as part of this application, there is no reason to believe that they would be such which would omit offensive odours that may harm residential amenity or the otherwise generally unspoiled rural setting.

Taking the above into account, it is considered that by virtue of the rather limited scale of the building together with an appreciation of the potential impact and effects of the wider lawful agricultural use of the site, the proposed B8 use is considered acceptable. With this, it is not considered relevant, reasonable or necessary to restrict the use of the building to certain hours.

Impact on local highway network

Policy MT1 of the Core Strategy requires development proposals to demonstrate that the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network. With the NPPF at Chapter 9, para' 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The building is accessed via the main access off the Thornbury road together with the rest of the buildings at the site. Given the existing lawful use of the site and the associated vehicular movements which are associated with the existing dairy enterprise at the site, it is judged that a B8 use of the

building which amounts to a relatively small proportion of the wider site, would not lead to any significant increase in movements. Moreover, the applicant has specified vehicle movements would unlikely exceed one lorry and 2 vans a day. In addition, the building would not serve as an employment bases nor would any other industrial operations take place, as secured by Condition 3. Therefore, movements would be limited to those vehicles delivering and distributing goods to and from the site.

Concerns have been raised in relation to the ability of the local highway network to absorb the impact of the proposed B8 use, especially along the minor road from which access to the site is taken, which leads northwest to Thornbury and Hampton Charles. As the site is located so close and just off the B4214 Tenbury Road, it is inconceivable to imagine any discernible proportion of vehicles travelling to the site coming from the direction of Thornbury/Hampton Charles – the B road is the main distributor to access the A44 at Bromyard and the A456 at Tenbury. As such, it is not considered relevant to condition that vehicles only access the site from the B4214. Furthermore, noting the sufficient existing access and parking/turning on-site, the Council's Highways Engineer raises no objection to the proposal.

With the above in mind, it is considered that the local highway network would be able to safely absorb the traffic impact of the development and that there would be no severe cumulative impacts. As such, the proposal is considered to accord with the requirements of Core Strategy policy MT1 and the principles as established within the NPPF at Chapter 9.

Conclusion

The proposal represent an agricultural diversification scheme which would re-use an existing building within an established agricultural complex in the open-countryside. It would provide some economic benefits to the surrounding rural area and would help to strengthen the viability of the existing business at New Cross Farm. The proposal is considered to be commensurate to its setting, not resulting in any undue impacts on the amenity of the area or neighbouring residents or, causing any negative impact on the local highway network. The proposal is thus considered to be a sustainable form of development which accords with the principal policies as contained within the development plan. The application is accordingly recommended for approval subject to the conditions as set out below.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐


CONDITION(S) & REASON(S)

1. C01
2. C06 (1869 100 – received 11 August 2021)
3. The premises shall be used for B8 and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Informatives

1. IP1

Signed:  Dated: 9 November 2021**TEAM LEADER'S COMMENTS:****DECISION:****PERMIT**☒**REFUSE**☐Signed:  Dated: 15/11/21

Is any redaction required before publication? No