

DELEGATED DECISION REPORT

APPLICATION NUMBER P143319/F

The Limes, Norton Canon, Hereford, Herefordshire, HR4 7BP

CASE OFFICER: Mr Philip Mullineux
DATE OF SITE VISIT: November 26th 2014.

Relevant Development Plan Policies: S1, S2, DR1, DR2, DR3, DR4, H7, H8, H13, E13, LA2, NC1. Also NPPF.

Relevant Site and

associated business History:

132174/F - Proposed general purpose agricultural building for the storage of hay and straw and for occasional use as lambing shed if necessary during the lambing season. Approved 1st October 2013.

DCNW0009/1254/F - General purpose agricultural storage building. Approved 29th July 2009.

DCNW2009/0423/S - General purpose agricultural building. Refused 31st March 2009.

DCNW2004/2952/F - Renewal of planning permission NW2003/1840/F for temporary mobile home. Approved 19th October 2004.

DCNW2004/1236/F - Agricultural workers dwelling. Approved 11th August 2004.

DCNW2004/0010/F - Agricultural workers dwelling and detached garage block. Refused 1st March 2004.

DCNW2003/1840/F - Renewal of permission for temporary mobile home - DCNW2000/0965/F. Approved 22nd August 2009.

DCNW2002/3205/F - Amendment to planning permission ref

DCNW2000/1165/F - from two buildings to one (retrospective). Approved 7th April 2003.

DCNW2000/1165/F - New agricultural buildings. Approved

12th July 2000.

DCNW2000/0965/F - Temporary mobile home. Approved 12th July 2000.

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	Y			Y	
Transportation	Y		Y		
Historic Buildings Officer					
Ecologist/Landscape Officer					
Environmental Health - Housing	Y	Y			
Environment Agency					
Forward Planning					
PROW					
Neighbour letter/ Site Notice	Y				Y
Land Agent	Y				Y
Section 106 Manager	Y	Y			
Welsh Water	Y		Y		
Local Member	Y		Y		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

Located in open countryside alongside a recently constructed steel framed agricultural building the site is located on opposite side of the C1087 public highway to a farmstead all in the applicants control.

Application proposes construction of a detached two-storey dwelling for the housing of an agricultural worker and associated carport/ storage building.

The application is accompanied by a set of elevation and floor plans, design and access statement and agricultural appraisal indicating a justification/need for a dwelling in relationship to the agricultural holding concerned

Representations:

Welsh Water, (Hyder), raises no objections.

The Transportation Manager raises no objections.

The Land Agent has responded to the application raising concerns that a dwelling on the holding is not justified with consideration to essential need/ nature of the agricultural business. Concerns are also raised that the business does not appear to also justify a dwelling with consideration to the financial information submitted in support of the application.

Kinnersley Parish Council has responded to the application indicating they do not wish to comment on this application.

A letter of objection has been received from Mr. D. Lovelace, Pool Cottage, Norton Canon. The letter raises concerns about the amount of dwellings allowed at the location of the farm known as The Limes, which is classed as open countryside.

A letter has also been received anonymously objecting to further development at the Limes.

Pre-application discussion:

No record of any pre-application advice with regards to this proposal.

Constraints:

None.

Appraisal:

Application proposes construction of a two-storey dwelling for the occupation by an agricultural worker on a farm known as The Limes Norton Canon. Application also proposes construction of a detached timber framed and clad domestic car port and storage area in relationship to the dwelling.

The National Planning Policy Framework in paragraph 55 indicates that to provide sustainable development in rural areas that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policy H7: Housing in the Countryside outside settlements in the Herefordshire Unitary Development Plan, (UDP), indicates that dwellings will not be permitted unless in connection with agriculture or forestry it complies with criteria of Policy H8 of the UDP.

Policy H8 of the UDP clearly states that proposals for agricultural or forestry dwellings will only be permitted where it can be demonstrated that a long term genuine need exists for the dwelling as an essential part of a financially viable business and that such need cannot be met in existing accommodation. Any dwelling must also be of a size commensurate with the established functional requirement. (Paragraphs 5.4.67 – 5.4.74 in support of Policy H8 further explains detail in relationship to agricultural occupied related dwellings).

The planning history for the holding reveals that there is an existing farmhouse known as The Limes, Norton Canon in which the applicants' reside and this was granted planning approval on 11th August 2004 subject to Council reference DCNW2004/1236/F.

Condition number 5 and its attached reason as attached to the approval notice states:

'The occupation of the dwelling shall be limited to a person solely or mainly working or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need'

Therefore the holding has one dwelling that is restricted to agricultural worker related occupancy, and it is understood the applicants reside in this dwelling. The Agricultural appraisal submitted in support of the application under discussion indicates in paragraphs 4.1 and 4.2 that the applicants do live in this dwelling along with their son and that the farm is a partnership, but with Mr. and Mrs. Palliser also running an established machinery dealership off site at a location in Herefordshire on a full time basis and that the day to day farming operations are carried out by their son Richard. (Who resides in the dwelling).

It is therefore clear that the occupant of the proposed agricultural related dwelling already lives in an agricultural occupancy related dwelling on site of the business concerned and that his parents themselves do not appear to comply with the wording of the occupancy condition concerned as outlined above.

The Land Agent has responded to the application raising concerns that the agricultural holding concerned in relationship to the nature of the farming business operated, (mainly livestock rearing and production), does not justify an essential functional need for a person on site and that the financial information submitted in support of the application does not indicate a sufficient operating profit in order to allow a dwelling on site, in connection to the agricultural business concerned.

Paragraph 5.4.71 in support of Policy H8 in the UDP indicates that new build development proposals should be sited so as to be well related to existing buildings and that proposals that are unusually large or expensive to construct in relation to the size and needs of the business or to the income it can provide in the long term will not be permitted.

The plans submitted in support of the application indicated a detached two-storey dwelling with floor space of approx. 177 square metres. (measured externally). The scale and size of the proposed dwelling is not considered commensurate with the financial ability of the business concerned. (With consideration to the financial information submitted in support of the application).

Therefore with consideration to the above-mentioned this application cannot gain Officer support, as it is considered contrary to Policies S1, S2, H7 and H8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework. It is also considered contrary to emerging policy as set out in the Draft Core Strategy, although it is acknowledged that at present the Strategy carries no weight.

The recommendation is therefore one of refusal under the Council's scheme of delegation.

Local member raises no issues with regards to delegated procedure.

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

REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

1. Insufficient essential functional need has been demonstrated in order to allow a second agricultural occupancy related dwelling on site in relationship to the agricultural business concerned. Therefore the proposed development is considered contrary to Policies S1, S2, H7 and H8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.
2. Furthermore it is not considered that the financial test is met, therefore proposed development is considered contrary to Policies S1 and H8 of the Herefordshire Unitary Development Plan and criteria of the National Planning Policy Framework.
3. The proposed dwelling with consideration to its scale and size is not considered commensurate with the financial ability of the agricultural related business. Therefore the proposed development is considered contrary to Policies S1, H7 and H8 of the Herefordshire Unitary Development Plan and criteria as set out in the National Planning Policy Framework.

Informatives

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Signed:



Dated: January 6th 2015.

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☐

REFUSE ☒

Signed:



.... Dated: 7/1/15.....