

**5h 3/11/1621/FP - Replacement agricultural dwelling at Wydbury Farm, Wyddial Road, Wyddial, SG9 0DQ for Mr Noy**

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**Date of Receipt:** 29.09.2011

**Type:** Full – Minor

**Parish:** WYDDIAL

**Ward:** BUNTINGFORD

**RECOMMENDATION:**

That planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (1T121)
2. Samples of materials (2E123)
3. Prior to the commencement of development full details of soft landscape proposals for the land to the north west and north east boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall include trees and other landscape features designed to be assimilated with and add to the existing landscape features to screen the development from the access road/footpath to the north east of the site. The details shall include planting plans, written specifications, schedules of plants, noting species, planting sizes and proposed numbers/densities and implementation timetables.

**Reason:** To ensure the provision of amenity afforded by appropriate landscape design and to act as a screen for the development within the rural area, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

4. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out during the first available planting season after first occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

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Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

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

Reason: The proposed dwelling is situated in the rural area where the Local Planning Authority would not normally grant permission for such a development and this permission is granted solely in order to fulfill an essential agricultural need, in accordance with PPS7: Sustainable Development in Rural Areas.

6. Withdrawal of P.D. (Part 1 Class A)(2E203)
7. Within one month of the first occupation of the replacement dwelling hereby approved, the existing residential dwelling hashed in red on plan reference 002 C, shall be demolished and all resulting material be removed from the site.

Reason: In the interests of the character and appearance of the site and surroundings, in accordance with Policy GBC3 and ENV1 of the East Herts Local Plan Second Review April 2007.

8. Approved plans (2E102)(insert 002C, 004PEL/E/2.20)

#### Directive:

1. Other legislation

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1, GBC3, HSG8 and PPS7:Sustainable Development in Rural Areas. The balance of the considerations having regard to those policies and the grant of planning permission for a permanent agricultural unit approved under LPA reference 3/11/0046/FP is that permission should be granted.

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### **1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. The site is accessed off 'Browns Corner', which is approximately ½km to the west of Wyddial along Wyddial Road. The site is some 300m to the north west of Browns Corner along a farm track, which is also a public footpath. The site is located at an elevated position on a gentle ridge set in open rolling countryside. There is a large wooded area to the south of the site and to the north of that are three agricultural buildings and a detached residential dwelling. That residential dwelling is proposed to be replaced with a new dwelling.
- 1.2 The agricultural buildings form part of the agricultural holding of the farm which combines approximately 180Ha of arable land and other land involved with the cattle farm.
- 1.3 The existing residential unit is a single storey timber clad building located centrally on the plot. The building is clad in light brown timber and has a red roof. There is a post and rail fence around the site with a low lying, semi-mature hedge boundary. The building is proposed to be replaced with a 1½ storey dwelling with a brick plinth and white render. The footprint of the proposed dwelling is commensurate in size with the existing dwelling and it is proposed to be relocated approximately 10metres to the south east of the existing dwelling. The plans include the retention of the existing dwelling and its demolition once the replacement dwelling has been constructed.

### **2.0 Site History:**

- 2.1 Planning permission was granted at appeal within LPA reference 3/07/2177/FP and 3/07/2178/FP for a temporary mobile home and 3 agricultural units,
- 2.2 Recently, planning permission has been granted for the retention of the agricultural dwelling within LPA reference 3/11/0046/FP.

### **3.0 Consultation Responses:**

- 3.1 Environmental Health comments that they do not wish to restrict the grant of permission.
- 3.2 County Highways comment that they do not wish to restrict the grant of permission. The Highways Officer comments that the development is acceptable in a highway context. The site is remote from the public highway accessed from a private road. There is ample space within the

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site for turning and parking of vehicles and the proposal makes use of the existing vehicular access. Traffic generation is unlikely to change as a result of the proposal.

#### **4.0 Parish Council Representations:**

4.1 No comments have been received from the Wyddial Parish Council.

#### **5.0 Other Representations:**

5.1 The application has been advertised by way of site notice.

5.2 No letters of representation have been received.

#### **6.0 Policy:**

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC3	Appropriate Development in the Rural Area beyond the Green Belt
ENV1	Design and Environmental Quality
HSG8	Replacement dwellings

6.2 In addition, the following National policy guidance is relevant:

Planning Policy Statement 7: Sustainable Development in Rural Areas

#### **7.0 Considerations:**

7.1 The planning considerations relevant to this development proposal are:-

- The principle of development and the appropriateness of the replacement dwelling;
- Impact on surrounding area/amenity.

#### **The Principle of Development**

7.2 As noted above, planning permission was granted at appeal for the residential unit for a temporary period of 3 years (lpa. 3/07/2177/FP). A recent application under LPA reference 3/11/0046/FP granted consent for the permanent retention of the mobile unit as an agricultural dwelling. The Council have therefore accepted that the principle of a permanent residential dwelling for agricultural workers is acceptable on this site.

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- 7.3 Accordingly, the focus of considerations within this application relates to the acceptability of replacing the existing building with another building. Policy GBC3 criterion d) allows for replacement dwellings in accordance with policy HSG8. That policy is therefore relevant to the considerations of this application. In addition, criterion j) of policy GBC3 allows for agricultural dwellings in accordance with policy GBC5. Policy GBC5 is not however a saved policy and the Council must consider whether there are any other material considerations.

#### Policy HSG8

- 7.4 Turning firstly then to policy HSG8 of the Local Plan. That policy states that proposals for replacement dwellings within the rural area will be allowed in circumstances where the existing dwelling is of poor appearance or construction such that the existing dwelling is not capable of retention and does not contribute to the character and appearance of the surroundings.
- 7.5 Within the Planning and Design and Access Statement submitted with the application, the applicant has not considered the development against the requirements of this policy. Furthermore, the applicant has provided limited information or justification to show that the existing dwelling is either of poor appearance or construction not capable of retention.
- 7.6 Turning firstly to the matter of poor appearance; within the allowed appeal for the building that currently exists on site, the Inspector commented that,

*“The appeal proposal would share the prominent location of the three buildings in Appeal A and would be partially screened by the same spinney as well as the buildings themselves. Due to its limited floorspace and height and subdued external colour the structure would not add significantly to the overall bulk or visibility of the range of buildings and its design and location would serve to minimise its impact on the appearance of the countryside.”*

- 7.7 Having regard to those considerations made by the Planning Inspector, Officers are of the opinion that the residential dwelling as existing on the site is not therefore of poor appearance such that it is not capable of retention.
- 7.8 Turning now to the matter of poor construction – as noted above, the applicant has not made any submissions in respect of this element. The residential unit that exists on site is a timber framed and boarded building.

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It appears to be soundly constructed and does not appear to have any defects to indicate that it is of poor construction such that it is not capable of retention.

- 7.9 Policy HSG8 also has further requirements which need to be met – 1) that the dwelling to be replaced has a lawful residential use; 2) the volume of the new dwelling is not materially larger than the dwelling to be replaced and 3) the new dwelling is no more visually intrusive than the dwelling to be replaced.
- 7.10 With regards to point 1), the property has, as noted above, recently been granted planning permission for a permanent agricultural dwelling within LPA reference 3/11/0046/FP. The existing dwelling therefore has a lawful residential use.
- 7.11 With regards to requirement 2) the volume of the existing structure is approximately 420 cubic metres. The proposed replacement dwelling is approximately 595 cubic metres. The proposed replacement dwelling provides an increase in volume of the dwelling of some 175 cubic metres. This, in Officers opinion, represents a material increase in the size of the dwelling, contrary to policy HSG8b).
- 7.12 With regards to criterion c), visual intrusiveness; the existing dwelling, as noted above, is a single storey structure of modest proportions and height which minimises its bulk and impact on the rural surroundings. The replacement dwelling is of more significant scale and bulk and cannot, in Officers opinion, reasonably be considered to be no more visually intrusive than the existing dwelling. In Officers opinion, the replacement dwelling will be more visually intrusive, by reason of its height and overall scale and bulk, contrary to policy HSG8c).
- 7.13 In accordance with the above considerations, Officers consider that the replacement dwelling does not meet the requirements of policy HSG8.

### Planning Policy Statement 7: Sustainable Development in Rural Areas

- 7.14 However, it is a material consideration that policy GBC3 allows for agricultural, forestry and other Occupation Dwellings in accordance with Policy GBC5. Policy GBC5 is not a saved Policy within the Local Plan and therefore the requirements of annexe A of PPS 7 (which sets out criteria for the consideration of agricultural and other occupational dwellings) is relevant to this application. In respect of this development proposal, the Council have already accepted the principle of an agricultural dwelling although the specific requirements of paragraph 9, annex A of PPS7 are relevant to this application. PPS7 requires that

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agricultural dwellings be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

- 7.15 On this matter, the applicant has commented that the existing building is only a 'temporary structure' and was constructed to provide only basic living accommodation – it does not provide the level of accommodation required for a long term farmhouse to serve the entire agricultural enterprise. The existing building does not therefore contain a farm office and an area for work clothes storage, cleansing area and calf feed preparation. In addition, the 'beef enterprise' is not the only source of income for the applicants as they also farm the surrounding arable farmland. The applicant also comments that there are no other agricultural dwellings associated with the farm, and the proposed building is required for the farm owner/manager rather than an agricultural worker and it is therefore generally accepted that such levels of accommodation are generally larger. The applicant considers that the proposal is for a modest dwelling that is appropriate for the holding and its setting.
- 7.16 The proposed plans include accommodation at ground floor which includes a living, kitchen/family room and dining/entrance hall. A room is also allocated for the farmer to undertake paper work associated with the farm (office/study), and undertake farm business and store clothes – the 'lean-to utility' structure attached to the dwelling. The ground floor accommodation is therefore acknowledged to be significant in terms of floor area. However, when the farmers office space and utility space is taken into account, the level of living accommodation for the farmer and family, does appear commensurate with modern living standards for a detached family dwelling.
- 7.17 The upper floor accommodation comprises four bedrooms – including three double bedrooms, two with en-suites. The provision of large double bedrooms with en-suites would appear unusual for an agricultural dwelling and Officers are mindful of the requirements of PPS7 in respect of the size of dwelling. In this respect, the level of upper floor accommodation would not seem to fully accord with the guidance in PPS7 as there is not considered to be a requirement for such levels of accommodation for an agricultural worker.
- 7.18 However, tempered against that, Officers are mindful of the comments

made by the applicant. This is the only agricultural unit serving the agricultural holding where a larger 'farmhouse' might be expected. Appropriate levels of living accommodation at ground floor is proposed which allocates specific space to the farm enterprise. Officers do also consider that the living accommodation at first floor is appropriate for a family home and will not result in an excessively large agricultural dwelling and is therefore appropriate to the scale of the farming enterprise. The proposed development therefore meets the requirements of PPS7, annex A.

### Summary

- 7.19 Policy HSG8 of the Local Plan seeks to restrict the impact of replacement residential development in rural areas in terms of visual intrusiveness and character and appearance. It has been shown above that the proposed development would be in conflict with that policy. However, policy GBC3 does allow for agricultural dwellings. When considered solely against that policy and against PPS7 annex A, the development would broadly be acceptable.
- 7.20 In Officers view the acceptability of the development revolves around the visual impact of the development in terms of its rural setting. As noted above, the main thrust of Policy HSG8 is to restrict the visual intrusiveness of development within rural surroundings. PPS7 does not have the same focus, but involves more functional requirements to test the acceptability of a development proposal in terms of agricultural need. If the Council were considering a new agricultural dwelling on the plot, not a replacement dwelling, there would be no need for the Council to consider the requirements of policy HSG8. In such a scenario, a new agricultural dwelling would be broadly acceptable, subject to the impact on the openness and rural character of the site. In that respect, the remaining considerations relate to the impact of the development on the character and appearance of the site and surroundings:-

### Character and appearance

- 7.21 The existing building is a modest single storey structure. This report has already noted the Planning Inspectors comments in respect of that building which set out that the limited floorspace, height and appearance of the building in relation to the screening would serve to minimise the buildings impact on the appearance of the countryside.
- 7.22 The proposed building, which has been amended during the process of the application, involves a 1½ storey dwelling at a height of 6.9 metres to the roof ridge line with dormers within the roofslope. The building



occupies a slightly larger footprint than the existing building and is of a greater mass and scale to the existing dwelling. Officers acknowledge that it will be visually more distinct within the openness of the site and in terms of views from the surroundings and the public footpath to the north of the site.

7.23 Given the openness and very rural location of the site it is difficult to envisage how any new residential dwelling would not have some degree of impact on the character and appearance of the site and the surroundings. However, the proposed building is considered to be a significant visual improvement over the existing building. Despite the Planning Inspectors comments, the existing building does not, in Officers opinion, sit comfortably within the rural surroundings. It has the appearance of a log cabin which, in combination with the light brown wooden boarding and red roof tiles, does not assimilate well within the plot and the general open character of the surroundings. The building appears contrived in this setting and Officers consider that the development proposal now being considered should be seen as a way of improving the visual amenity of the site and surroundings. PPS1 (Planning Policy Statement 1) encourages this approach. The amended plans propose a building which is commensurate in height with the adjacent agricultural buildings and offers a permanent building with living accommodation within the roof slope, reducing the height and scale of the building. The design of the building is more appropriate than the existing structure, offering traditional styles and details which is more in keeping with local distinctiveness and the rural character of the site. Officers acknowledge that the plans indicate the provision of a white rendered dwelling which may lead to the building appearing quite stark from views of the site. However, this and other materials of construction are able to be considered through a planning condition. Officers consider that the provision of a more mellow colour render and the provision of a mixture of materials such as boarding would be more appropriate in this setting and would assist further in reducing the visual impact of the building.

7.24 The plans do show the provision of a beech hedge to the north west boundary and a laurel hedge to the north east. The applicant has commented that it is not considered necessary to require further screening as there is existing screening. Those comments are supported by a photograph of a hedge growing to the rear of the dwelling and are noted. However, the existing low lying hedge boundary plays little part in acting as a screen to the site from the surroundings. Officers can understand that a hedge boundary may have some merit in acting as a screen for a single storey dwelling. However, what is now proposed is greater in scale and massing and the existing hedge will, in Officers

opinion, have limited effect in softening the impact of the building. Officers therefore consider that it is necessary and reasonable to require additional planting in the form of trees to the North West and East of the site to soften the impact to the public footpath and other open views of the site from the north and east.

- 7.25 Additional landscaping (in association with existing screening) and alterations to the materials of construction which are able to be controlled via planning conditions, will assist in creating a building which is more appropriate in the context of the site and surroundings than the current building. In accordance with those considerations, Officers are of the opinion that the proposed replacement dwelling will be a significant visual improvement over the existing building and will not lead to demonstrable harm to the visual amenities of the site and the surroundings.

#### Conditions

- 7.26 Given that the development proposal is for an agricultural dwelling and, taking into account the requirements of policy GBC3 j) and PPS7 annex A it is considered necessary and reasonable to restrict the use of the building for agricultural workers.
- 7.27 Annex A of PPS7 sets out that local planning authorities may wish to consider making planning permissions subject to conditions removing some of the permitted development rights under part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit can sustain. Given the above considerations relating to the size of the dwelling Officers do consider that it is necessary and reasonable to restrict permitted development rights relating to extensions and alterations to the dwelling. Permitted development rights for this unit, particularly with regards to front extensions where there is no control (given that the principle elevation does not front a highway), may result in very significant extensions which may increase the value of the building and result in demonstrable harm to the openness and rural character of the site and surroundings. The removal of Class A permitted development rights is therefore both necessary and reasonable in this case.
- 7.28 The applicant seeks consent to retain the existing dwelling during construction of the proposed dwelling. Officers understand that this will

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enable the farmer to be present on the site and in close proximity to the livestock to care for their welfare. In accordance with those considerations Officers consider that such an approach is necessary and reasonable, in this case. However, to ensure the existing residential dwelling is removed in the interests of the visual amenity of the site and surroundings, Officers consider that it is necessary and reasonable to require this through a planning condition.

#### **8.0 Conclusion:**

- 8.1 Policy GBC3 of the Local Plan does allow for agricultural dwellings and the development has been shown above to be in line with the Governments requirements for such dwellings in PPS7. Accordingly, it is a material consideration of some weight that, if the development were to be for a new agricultural dwelling (not a replacement dwelling), such a proposal would generally be acceptable. However, the circumstances of this application is that a replacement dwelling is proposed which requires a policy consideration against HSG8 of the Local Plan. The report has demonstrated that the proposal would appear at odds with that policy. However, when PPS7 and the impact of the development on the rural surroundings of the site and the opportunity to improve the visual amenities of the site are taken into account, the development is considered, on balance, to be acceptable.
- 8.2 In accordance with those considerations, the proposed development will involve a visual improvement to this site and the surroundings; it will not result in significant harm to highway safety or neighbour amenity. Officers therefore recommend that planning permission is granted.