

AGENDA

Planning Committee

Date: **Wednesday 4 March 2015**

Time: **2.00 pm (or on conclusion of the meeting of the Planning Committee to be held in the morning, if later)**

Place: **The Shire Hall, St Peter's Square Hereford HR1 2HX**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman

Vice-Chairman

Councillor PGH Cutter

Councillor PA Andrews

Councillor AJM Blackshaw

Councillor AN Bridges

Councillor EMK Chave

Councillor BA Durkin

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor MAF Hubbard

Councillor JG Lester

Councillor RI Matthews

Councillor RL Mayo

Councillor PJ McCaull

Councillor FM Norman

Councillor J Norris

Councillor TL Widdows

Councillor DB Wilcox

AGENDA

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. 142356 FODDER STORE ADJ THE OLD RECTORY, BOAT LANE, WHITBOURNE, WORCESTER, WR6 5RS Proposed removal of Condition 4 of Planning Permission DCNC2004/2013/F (Conversion of cottage annexe to provide one bedroom holiday cottage) to allow fodder store to be used as a dwelling.	7 - 18
5. 143774 LAND NORTH WEST OF METHODIST CHAPEL, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SE Proposed construction of 7 no. Passivhaus standard dwellings, associated car parking and landscaping.	19 - 30
6. 143500 TWIN KILNS, YARKHILL COURT BARNES, WATERY LANE, YARKHILL, HEREFORD, HR1 3TD Proposed sun room extension.	31 - 38
7. DATE OF NEXT MEETING Date of next meeting – 16 March 2015	

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MEETING:	PLANNING COMMITTEE
DATE:	4 MARCH 2015
TITLE OF REPORT:	<p>142356/F - PROPOSED REMOVAL OF CONDITION 4 OF PLANNING PERMISSION DCNC2004/2013/F (CONVERSION OF COTTAGE ANNEXE TO PROVIDE ONE BEDROOM HOLIDAY COTTAGE) TO ALLOW 'FODDER STORE' TO BE USED AS A DWELLING AT FODDER STORE ADJ THE OLD RECTORY, BOAT LANE, WHITBOURNE, WORCESTER, WR6 5RS</p> <p>For: Mr & Mrs Poultney per Mr Paul Smith, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=142356&search=142356
Reason Application submitted to Committee – re-direction	

Date Received: 31 July 2014

Ward: Bringsty

Grid Ref: 372477,256995

Expiry Date: 25 September 2014

Local Member: Councillor GR Swinford

Introduction

This application was reported to Committee on 21 January, where it was deferred for further clarification on the question of implementation of an earlier application on site. A late submission, containing Counsel Opinion on behalf of a neighbour objector, was also received and the report is updated accordingly. In addition, further evidence has been submitted, by the applicants, to support their case.

1. Site Description and Proposal

1.1 The Fodder store is physically attached to The Olde Rectory a grade II listed building in Boat Lane, within the Whitbourne Conservation Area. The application seeks removal of condition 4 in order to permit its use as an unrestricted dwelling.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance

Section 12 Conserving and Enhancing the Historic Environment

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR2	-	Land Use and Activity
HBA4	-	Setting of Listed Buildings
HBA3	-	Change of Use of Listed Buildings
HBA13	-	Re-use of Rural Buildings for Residential Purposes
H17	-	Sub-Dvision of Existing House

2.3 Core Strategy

LD4	-	Historic Environment and Heritage Assets
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2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. **Planning History**

- 3.1 131973/F Replacement of extant planning permission DMNC/101265/F (see below)
Approved 2/9/13
- 3.2 DMNC/101265/F - Removal of condition 4 of planning permission DCNC2004/2013/F. To allow use as annex accommodation to The Olde Rectory. Approved 19/7/10, subject to condition that it be used as annex to the Olde Rectory.
- 3.3 DCNC2004/2013/F - Conversion of cottage annexe to provide one bedroom holiday cottage. Approved 29/7/04, subject to holiday use condition (subject of this application).
- 3.4 DCNC/2004/2014/L - Listed building consent for above works, also 29/7/14. These works included an extension to provide the kitchen and new entrance, the bricking up of a door in what was a yard wall, a number of replacement windows and new glazed openings, a replacement staircase and an opening from the original element to the kitchen addition.

4. **Consultation Summary**

4.1 Statutory Consultees

4.1 Severn Trent

I confirm that Severn Trent Water Limited has NO OBJECTION to the proposal subject to the inclusion of the following condition:

Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Internal Consultees

4.2 Conservation Manager (Historic Buildings)

It is clear on site and in looking at the historic and currently submitted drawings, that there is a discrepancy between the drawings and works carried out on site. Since The Old Rectory and The Fodder Store are grade II listed there should be no such differences – all changes requiring Listed Building Consent (LBC):

The covered lobby at the rear of The Old Rectory has clearly been substantially truncated and the steps up to the retained service door have been removed.

The service door was due to be retained in the 2004 conversion drawings and should have remained visible on the inside of the annex. This has not occurred and the wall internally shows no sign of the doorway.

The trellis fencing which delineates the small amenity area is attached to the listed building and therefore needs LBC and Planning Permission, neither of which has been requested.

There is still an accessible link between The Old Rectory and the cellar beneath The Fodder Store and this is a locked door. The only other access point to the cellar is the former coal hole which is only visible as a very low opening on the courtyard elevation and would require a rather slim person to gain access. It may be that there is more of an opening than currently visible but it is clear that at present access would be difficult. It is considered that this arrangement, should The Fodder Store become independent, might lead to improved access being requested, however there is no guarantee that permission for such a change would be granted. It would be more appropriate for the cellar to be accessible from The Old Rectory, as it historically always has been. On my visit to The Fodder Store it was clear that the first floor bedroom and the main window of the living room look out directly over the south front garden of The Old Rectory. There are trees and shrubs to partly obscure the view but the glazing is clear. Any proposal to obscure these windows would need to gain LBC and the impact on the appearance of the building would need to be considered.

The rear bathroom window does enable a view over the rear north garden of The Old Rectory but no more so than any adjoining properties.

The Fodder Store has clearly been part of The Old Rectory complex historically but, apart from the windows/overlooking issue, there are relatively few areas where intervention would be necessary to enable independence. Many buildings are subdivided even when they have historically always acted as one.

Overall I have a number of concerns about this particular application. In order to facilitate the independence of the building, various works are required which have either been carried out without LBC or would require LBC. Until those items are submitted for assessment then it is difficult to see how the change of use could be supported. It is worth noting that my colleague who submitted previous comments was not aware that any works to the listed building would be required, or had taken place with LBC.

The most that can be said is that in principle a change of use to independent dwelling might be possible subject to the changes involved being acceptable in terms of Listed Building Legislation. It is suggested that the application is resubmitted in conjunction with an LBC application explaining/regularising the works involved.

5. Representations

5.1 Whitbourne Parish Council

We strongly object to this application for the following reasons:

1. The Old Rectory is a Grade II listed building, which, if divided up in this way would be deemed as an inappropriate development impacting upon its historic heritage and the historic fabric should be preserved.
2. The impact of the application on the present occupants of the Rectory - with regard to overlooking both front and rear gardens, increased density - ie, noise, cars, people, etc.
3. This would be providing residential accommodation for a separate family within what should be one residential unit - thus impacting detrimentally upon the occupants of the main dwelling.
4. Lack of amenity for the annex accommodation - as this is essentially ancillary accommodation to The Old Rectory and as such does not have a defined curtilage. This inadequacy renders the unit not capable of being practical or appropriate as a form of accommodation.
5. We consider this application contrary to policy guidance in the Herefordshire UDP and the NPPF. The separation of the property is unauthorised.

5.2 Letters of objection have been received from Mr Wood (the owner of the Old Rectory, adjoining the Fodder store and 7 other Whitbourne residents.

They can be summarised as follows:

1. The basis for the application is flawed as the 2004 permission has already been replaced by the 2011/13 permissions, so there is no condition to remove.
2. The proposal is contrary to policies H17, H18, P7, S7, HBA1 and HBA4.
3. The proposal would result in loss of privacy to the Old Rectory through overlooking of both front and rear gardens.
4. There would be insufficient amenity for the new dwelling as the amenity space, which is unauthorised, is too small for an oil tank, laundry drying and refuse and leisure area.
5. The proposal would be detrimental to the integrity of the listed building, the fodder store, a newly created name formed part of the north wing of the Old Rectory.
6. Further work requiring listed building consent would be necessary to facilitate the change, including bricking up of the existing cellar door and creation of a new entrance thereto. (The cellar, which lies below the fodder store, is currently accessed via the door in the main house).
7. Either situation is untenable, namely a separate dwelling or holiday let.
8. This part of the historic Conservation Area should be safeguarded.
9. Agree with comments of Parish Council and is contrary to wishes of local community.

10. The implications of the unauthorised works and means of resolution of them should be considered before creating an independent dwelling.

5.3 Counsel Opinion was submitted, on behalf of the adjoining neighbour, Mr Wood, raising a number of points.

- i) Unauthorised listed building works undertaken and need for listed building consent first.
- ii) Implementation of the 2010 planning permission as a residence.
- iii) Reason for holiday let condition and consistency.

5.4 Legally sworn statutory declarations, dated 28/ 1/15, have been submitted by the applicants, that

‘Since 2004 the fodder store has been used only as independent holiday accommodation in accordance with planning permission DCNC2004/2013/F. There has occurred no intervening alternative planning use of this building. Planning permissions NC/101265/F and NC/131974/F which permitted the use of the Fodder Store as annex accommodation to the Olde Rectory have never been implemented’

5.5 A letter from Slater Johnstone Chartered Accountants, dated 22/1/15, confirms that, between June 1999 and April 2014, the applicants’ business included the letting of 6 properties for holiday accommodation, including the Fodder Store, following its restoration in 2004.

5.6 In support of the application the applicants’ agent has submitted the following:

1. Removal of external steps:

I am informed by my clients, who were engaged in the refurbishment of this building, that previous plywood ‘boxed’ steps did exist at the rear of the building leading up to the old doorway. They were removed when building works were completed as they were no longer required and clearly had no historical significance. The land on which these steps stood is now in the ownership of my clients’ neighbour.

2. External door blocked up:

The doorway in question was shown as being retained on the approved plans with the refurbishment of this building. It was blocked up following agreement on site with the Council’s Conservation Officer overseeing this scheme and the Building Regulation Inspector during works and was ‘signed off’ at completion. The blocking up of this doorway was to keep the integrity of the building and it was agreed that it could be insulated and plaster-boarded on the understanding that the original door and frame were retained as can be seen today.

3. External area:

The creation of the amenity area in front of the building did not require listed building consent.

4. Cellar entrance:

You are correct that an application for listed building consent, to block up an existing cellar entrance and to create a replacement cellar entrance, has not been submitted. The cellar is not only accessible via the Olde Rectory. There exists a coal hatch in front of the building by which access could be achieved if need be. There is a cellar entrance, via the Olde Rectory utility room, and this doorway is presently locked to prevent access from the neighbouring property.

5. Use of Fodder Store as holiday accommodation:

- 5.a My clients reiterate that the Fodder Store has not been used as annex living accommodation to The Olde Rectory. Rather, until last December, it has been used as holiday accommodation, together with the other buildings in this holiday unit complex. In support of this, I attach copies of the income derived from the holiday use of the Fodder Store for the years ending 2010, 2012 and 2013. I would be grateful if you could handle this information on a confidential basis.
- 5.b On a general note, I question the materiality of these past works to the Fodder Store to the planning application under consideration. The previous removal of apparently unattractive external steps, and blocking up of a doorway (the latter being undertaken under the supervision of Council officers) are not related to the issue of the residential use of the dwelling which is not dependent upon these works having been undertaken. Indeed, with the passage of time, my clients would not be able to reinstate the external steps unilaterally as the land on which they once stood is no longer in their ownership.
- 5.c Similarly, access to the cellar is not a pre-requisite of the proposed use of the Fodder Store as a dwelling as opposed to holiday accommodation independent of The Olde Rectory. As I have explained there is another means into the cellar should the owners of the Fodder Store wish to gain access to the cellar for maintenance purposes. It is acknowledged that listed building consent would be required were the owners of the Fodder Store wish to create an internal cellar entrance.
- 5.d With regard to the listed building issues, I remain firmly of the view that works undertaken to this building relating to external plywood steps, a doorway partitioned over only from inside the building and the cellar issue are not material to the application under consideration. These works, (some of which were authorised on site during construction works) are not a pre-requisite of the proposed use of this building as a dwelling. Its use as a dwelling (or permanent holiday accommodation for that matter) is not determined by whether or not the steps are reinstated, the doorway reinstated from the inside and the cellar is used.

In my view it would be wholly wrong of your Council to take into account these works to the listed building in determining the planning application. Any decision taking these works into account would be flawed.

- 5.e Confidential details have also been submitted by the applicant regarding the letting of the Fodder store for holiday purposes.
- 5.f Additionally, following the original committee meeting the following has been received from the applicants agent:

I refer to the planning application, submitted on behalf of my clients Mr and Mrs Poultney. This application was presented to the Planning Committee last week at which Members resolved to defer a decision to establish whether or not planning permissions to use the Fodder Store as an annex to the Olde Rectory were ever implemented.

You will have in your possession two Statutory Declarations, signed by my clients, confirming that neither of these two annex planning permissions were ever implemented.

To assist in this matter, I wish to identify a logical time line for this property. Planning permission was granted on 19 July 2010, to use this holiday accommodation as annex accommodation to The Olde Rectory, which was in my client's ownership at that

time (Council reference: DMNC/101265/F). Condition 1 of this permission stated that it expired three years of the date of this permission i.e. on 19 July 2013.

A planning application was submitted by my clients, to renew planning permission DMNC101265/F [removal of condition so as to allow the Fodder Store to be used as annex accommodation to the Olde rectory], on 18 July 2013 (Council reference: 131973/F). Planning permission was granted on 2 September 2013. The fact that permission 131973/F was granted over one month after planning permission DMNC/101265/F expired raises questions, in my mind, as to whether this latter permission could be granted given that the permission it sought to extend had already expired.

Be that as it may, the fact that my clients sought permission on 18 July 2013 to renew the permission DMNC/101265/F demonstrates that permission DMNC/101265/F had not been implemented up to that date. My clients could not implement permission DMNC/101265/F after 19 July 2013 as it had already expired by that date. There would be little point in my clients seeking permission to renew permission DMNC/101265/F if it had been implemented before 2 September 2013.

My clients sold The Olde Rectory, in April 2014. Beyond this date, it would not have been possible to implement the annex condition with the Fodder Store and The Olde Rectory in different ownerships.

Therefore, even if planning permission 131973/F was properly granted, the only possible window of time during which it could be implemented is between 2 September 2013 (when it was granted planning permission) and April 2014, when The Olde Rectory was sold by my clients.

To address specifically this window of time, between 2 September 2013 and April 2014, I attach evidence demonstrating the Fodder Store was used and available for use as holiday accommodation up to mid-April 2014.

I consider that this evidence, taken together with the contents of my clients' Statutory Declarations demonstrates that, on the balance of probabilities, neither planning permission DMNC/101265/F nor 131973/F were implemented.

References Made to the Planning History of the Fodder Store at Planning Committee
There were several references made to the recent planning history of the Fodder Store to which I consider important to respond.

Enforcement Appeal

Reference has been made to the Planning Inspector's decision letter relating to a 2013 enforcement appeal. I see nothing in the inspector's decision letter that refers to the specific use of the Fodder Store at that time.

Canopy Works

Reference was also made at the Planning Committee to works that have been undertaken to remove a canopy between the Fodder Store and The Olde Rectory. These works were undertaken last October not by my clients but presumably on behalf of the owner of The Olde Rectory on whose land these works took place. Photographs of this event are available if you require them.

Temporary Hatch

My clients can confirm that a temporary hatch was inserted into the ground floor of the Fodder Store into its cellar. This was required to install a large boiler. The wooden flooring is in the process of being reinstated following this. The maintenance of the boiler would be achievable via the existing access to the cellar via the external entrance at the base of the front wall.

5.7 In addition as the report has progressed the following information has been submitted.

My clients' response in the Law Society [sales enquiries] document that the use of the Fodder Store was 'residential' was made in error and it remains incorrect. It was based upon the Poultnes' belief at the time that the grant of a planning permission in itself changes the lawful planning use of a building. This error is perhaps understandable given that they are not versed in planning law.

During my first meeting with the Poultnes before they commissioned me as their planning agent, it was I who explained to them that a planning permission has to be implemented before a material change of use could occur. They confirmed to me at that time that they had not implemented the annex permission and the fact that the Poultnes did not seek discharge of a car parking condition attached to the annex permission supports this statement.

5.8 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer Appraisal

6.1 The main issues to be considered in this matter are:

- (i) evidence of implementation of the earlier permissions ref 101265 and 131973 respectively
- (ii) listed building consent
- (iii) amenity issues

6.2 Evidence of implementation of the 2010 (*renewed in 2013*) planning permission

This is relevant because, should there be evidence that it has been implemented, on a balance of probabilities then this particular application would be seeking relief from a condition which was no longer extant.

6.2.1 The applicants maintain that the annex use was not implemented, and that the existing use remains as holiday accommodation, additional evidence, as described above, has been submitted on that behalf.

6.2.2 Evidence to the contrary is that a car parking area has been created, thus implementing the annex permission, ref 131973, that the council tax banding is no longer business use, a reference to the Inspector dealing with the planning appeal in Aug 2013 and the law society form completed prior to sale referring to holiday change to residential.

6.2.3 In turn, a car parking area has been created, prior to submission of the details required by condition 3 of that permission. The applicants advise that this was created in mid 2014 for the use generally of the adjacent properties. Mr Wood, the neighbour subsequently submitted details in September 2014 to retrospectively satisfy that condition. On the face of it this is further unauthorised development, however as it causes no harm there are no grounds to pursue this.

6.2.4 The Council tax section received details from the applicant that the holiday use had ceased, as a consequence that section sought revaluation on the basis of residential use. The ceasing of operation for holiday use does not of itself mean that the holiday use is not still the authorised planning use.

- 6.2.5 The enforcement notice appeal decision, in relation to the larger site at the olde rectory has been referred to as evidence of use of the Fodder Store as ancillary accommodation to the Olde Rectory

In this regard it should be noted that the planning Inspector's decision letter states (inter alia):

..' Then, the appellants (the applicants in this case) started using the site for functions, nearly all of which have, so far, been weekend wedding receptions following a ceremony at the church across the lane. Anyone wishing to use the venue has to rent all the holiday accommodation, along with the main house itself, which together provide about 47 bed spaces'.

The enforcement notice which resulted in the appeal was on the basis that a material change of use had occurred from a single dwelling house (the Old Rectory) to a mixed use for holiday accommodation and function venue. Consequently it is submitted that the Fodder Store could not have been used as an annex at this time, since, for planning purposes, the house was not being used as a dwelling.

- 6.2.6 It has also been submitted that the completion by the applicants, as sellers, of the Law Society sales enquiry is evidence that they understood that there had been a change of use of the Fodder store to ancillary accommodation for the Olde Rectory. Their planning agent advises that the applicants were under the misapprehension that the grant of the 2010 planning permission meant there was automatically a change of use and they had not realised that this was incorrect and actual use must be in evidence. It is the case officer's opinion that the applicants could indeed of inadvertently misunderstood this area of planning law.
- 6.2.7 The applicants' agent also considers that the renewal of the permission ref 131973 was invalid as the original permission had expired prior to its determination. There was no challenge to the validity of this decision at the time.
- 6.2.8 On balance therefore, it is considered that the weight of evidence suggests that the 2013 planning permission ref 131973 (being a renewal of the 2010 permission) has not been implemented and that the authorised use of the Fodder Store is as holiday accommodation. If members consider otherwise, and that the authorised use is as an annex, then the position is that there is a listed building, with a restriction on its use which cannot be complied with, since the main house is now in separate ownership.
- 6.2.9. The proposal, in seeking to remove the holiday occupancy condition would permit the Fodder Store to be used as a separate dwelling.

6.3.1 Listed Building Consents

- 6.3.1 The Conservation Manager advises that unauthorised works have been carried out to the Fodder Store including the blocking of an internal door, removal of external steps and covered lobby area. Originally those comments considered that the unauthorised works should be resolved before the planning application could be determined. This is no longer the opinion of the Conservation Manager, furthermore there is no intention to obscure glaze the windows.

In this regard the provisions of S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'In considering whether to grant planning permission.....special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

- 6.3.2 It is considered that the resolution of these matters however do not significantly impact upon the use of the building as a dwelling and need not be an impediment to the determination of this application. Notwithstanding the comments about integrity, this building and the main house are

already in separate ownership. It is considered therefore that the 'special regard' test, contained in S.66 is satisfied.

6.3.3 The applicant's agent refers to amendments agreed on site, however there is no record of such agreement. Any such agreement made would have been long prior to the current regulations regarding the procedure for dealing with amendments which is now in place. He also considers that the renewal of the permission ref 131973 was invalid as the original permission had expired prior to its determination. There was no challenge to the validity of this decision at the time.

6.4 Amenity Issues

6.4.1 The main consideration is whether the use as a dwelling compared to holiday use creates sufficient additional amenity issues to justify refusal. Policy HBA3 sets out the criterion for change of use, namely:

The change of use of part or the whole of a listed building will be permitted where it can be demonstrated that:

1. The building is structurally capable of accommodating the proposed use without requiring substantial rebuilding;
2. The proposed use is compatible with the preservation of the existing building, its features and setting and where relevant those of any immediately adjacent listed buildings;
3. The proposed use complements any other existing uses of the building which are to be retained;
4. The proposal assists the retention and beneficial use of a historic building; and
5. In relation to reuse and adaptation of traditional rural buildings, the use complies with policies HBA12 and HBA13.

6.4.2 Reference has been made to the reason for imposition of conditions on the previous annex applications to comply with policy H18 of the Unitary Development Plan, which relates to the alteration or extension to dwellings, not the creation of new dwellings as objections suggest, the relevant criterion being;

3. the proposal would not be cramped in its plot, including having regard to provision of suitable private open amenity space, and would not adversely impact on the privacy and amenity of occupiers of neighbouring residential property; and
4. The level of resulting off street parking provision is in accordance with policy H16.

6.4.3 Whilst the proposal would result in a small dwelling with limited amenity space of its own it is not considered that the occupation for this purpose would result in an unacceptable level of privacy and amenity either for its own purposes or those of the adjoining property. It is not considered that the use as a separate dwelling is incompatible with the adjoining listed building, nor the setting thereof or of the other adjacent properties. It is considered that the proposal complies with policy H17 of the Herefordshire Unitary Development Plan. In terms of sustainability Whitbourne is considered to be a sustainable location. Members will recall the recent resolution to grant planning permission for 20 houses on that basis, and that S55 of the NPPF is satisfied.

6.5 It is therefore considered that the proposal complies with relevant policies, in particular, HBA3 and H17 the principles of the NPPF, and is recommended for approval accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission)**

INFORMATIVES:

- 1. **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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. **The applicant is advised that there are currently unauthorised works to the listed building which require amelioration. To this end you are strongly advised the contact the Historic Buildings Officer at the Council to put these matters in hand.**

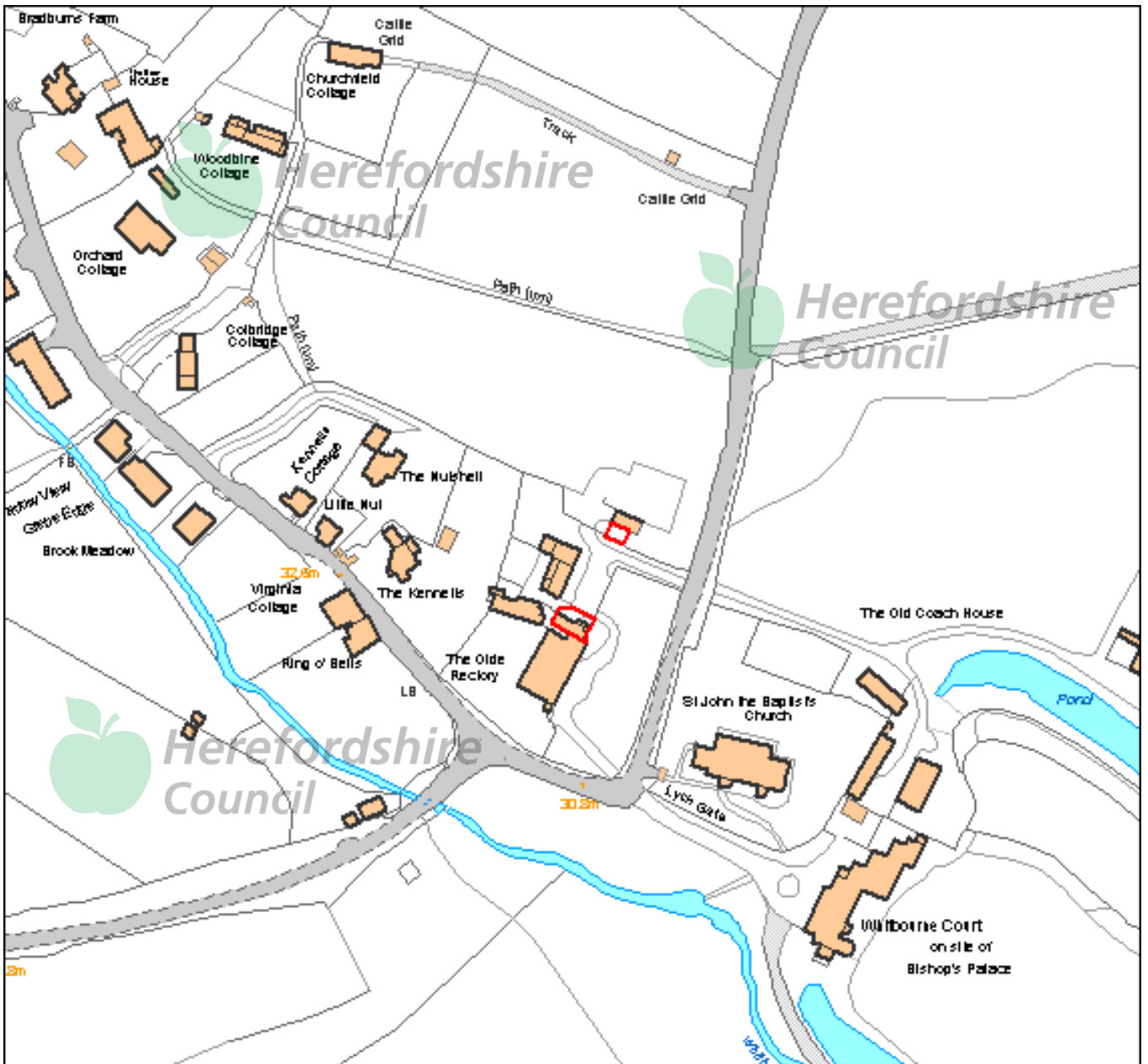
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 142356/F

SITE ADDRESS : FODDER STORE ADJ THE OLD RECTORY, BOAT LANE, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5RS

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815



MEETING:	PLANNING COMMITTEE
DATE:	4 MARCH 2015
TITLE OF REPORT:	<p>143774 - PROPOSED CONSTRUCTION OF 7 NO. PASSIVHAUS STANDARD DWELLINGS, ASSOCIATED CAR PARKING AND LANDSCAPING AT LAND NORTH WEST OF METHODIST CHAPEL, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SE</p> <p>For: Mr Crawford per Warren Benbow Architects, 21-22 Mill Street, Kington, Herefordshire, HR5 3AL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143774&search=143774
Reason Application submitted to Committee – Contrary to policy	

Date Received: 18 December 2014 **Ward: Penyard** **Grid Ref: 367272,226050**
Expiry Date: 16 February 2015
 Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The application site lies on the western side of the unclassified 70233, known as Chapel Lane, at Gorsley. Gorsley is defined as a “Main Village” within the Herefordshire Unitary Development Plan and is identified for proportionate growth within the emerging Core Strategy. The site, which is outside the defined settlement boundary but adjacent to it has an area of approx. 0.5 hectares. The site is well bounded by tree lined hedgerows on the east (roadside), north and south boundaries. There is also a reasonable degree of vegetation on the west side of the rear (western) boundary. Visually the site is well enclosed. The site falls gradually from east to west (i.e. from the lane to the rear of the site). Electricity lines currently run across the site in two directions. There is an existing field entrance for vehicles at the north-east corner of the site. To the west of the site, at a lower level, are a group of dwellings accessed off a lane that runs parallel to the southern boundary.
- 1.2 Some 120 metres to the north of the site is the main road linking Newent to the M50 (B4221). The lane hereabouts meets the main road with a ‘Y’ form arrangement. My observations are that all vehicles turning onto the B4221 use the western arm of the ‘Y’ junction whilst only those turning into the rural lane approaching along the B4221 from the east use the eastern arm.
- 1.3 The proposal is effectively to create a private drive where the existing field gate is in the north-eastern corner of the site and then for that drive to swing around in a southerly direction with dwellinghouses either side of that internal driveway. All of the dwellinghouses would have their principal elevations facing south to maximise passive solar gain. On the western side of the internal driveway would be a pair of semi-detached houses and two detached houses, whilst

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

on the eastern side would be three detached houses. All of the houses would have in-curtilage parking provision according to adopted standards. Each house would have a private south facing garden.

- 1.4 The house designs deliberately have limited span depths and eaves heights to limit their mass and materials proposed are a mix of self-coloured rendered, cedar shingle and timber boarding to walls with slate roofs. It should be noted that an originally deposited house type that involved the use of profiled metal cladding with a zinc roof has been withdrawn from the proposal.
- 1.5 The proposal has clearly been designed from the outset with regard to achieving buildings with genuine sustainability credentials. The proposal is to construct a house that would meet Passivhaus standards. This is considered the highest and best of the numerous standards as its approach is to design buildings that minimise energy consumption (i.e. heating of less than 15 kilowatt hours per m² per year compared to most new dwellinghouses that tend to consume 100 kw (m²/a)). In my experience such buildings typically involve:-
- The building facing south or within 15 degrees of south.
 - Very high levels of insulation.
 - Extremely high performance windows with insulated frames.
 - Airtight building fabric.
 - Thermal bridge free construction.
 - A mechanical heat recovery system with highly efficient heat recovery.

It has been clarified that the barn immediately to the north-west of the application site, on land within the same ownership would be demolished.

2. Policies

2.1 Central Government Advice:

National Planning Policy Framework (March 2012)(NPPF)

2.2 Herefordshire Unitary Development Plan 2007 (HUDP):

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S6 - Transport
- S7 - Natural and Historic Environment
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR14 - Lighting
- H7 - Housing in the Countryside Outside Settlements
- H13 - Sustainable Residential Design
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscape Schemes
- NC1 - Biodiversity and Development
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Fauna and Flora

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

2.4 Herefordshire Core Strategy:

Policy SS1	-	Presumption in Favour of Sustainable Development
Policy SS2	-	Delivering New Homes
Policy SS4	-	Movement and Transportation
Policy RA1	-	Rural Housing Strategy
Policy RA2	-	Herefordshire's Villages
Policy LD1	-	Landscape and Townscape
Policy LD2	-	Biodiversity and Geodiversity

2.5 Neighbourhood Plan.

Linton Parish Council are not progressing a neighbourhood plan

3. Planning History

3.1 None relevant.

4. Consultation Summary

Statutory Consultees

4.1 Severn Trent No Objections subject to condition

4.2 Welsh Water No Objections

Internal Consultees

4.3 Conservation Manager (Ecology): No objections subject to conditions.

4.4 Transportation Manager: No objections.

5. Representations

5.1 Linton Parish Council state:-

"The site is outside the village boundary as shown in the UDP. However, it is immediately adjacent to the boundary and would comply with the NPPF and the boundary is likely to be abolished when the LDP is adopted. It is also noted that pre-advice has been sought from the Planning Authority. With regard to the building materials we are pleased to note that the metal roof design has been removed from the plans, also that the industrial building on-site will be dismantled and removed. We also trust that the landscaping will be completed as detailed and that mature hedgerows and trees will be kept. Great care must be taken with surface water and sewage disposal.

If these 7 houses are given planning permission this will bring to 25 dwellings allowed in recent times and Parishioners consider this to be too many. Therefore very careful consideration should be given before further development is allowed. Provided these concerns are addressed we have no objections to this application."

- 5.2 The occupiers of three dwellinghouses (i.e. 'Marshalls', 'Cherry Tree Farm', Greenwood') raise the following issues:-
- Concern as to the future of the agricultural barn – *note it has now been clarified that this would be demolished;*
 - Concern as to foul and surface water drainage;
 - Concern as to the use of profiled metal cladding with a zinc roof to a house type – *note that this aspect of the proposal has now been withdrawn;*
 - Concern as to use of timber cladding;
 - No reason for the development which could not be considered as infill;
 - Concern as to adequacy of local highway network and road safety (including pedestrians);
 - Potential impact on protected species; and
 - Need for enhanced landscaping.

- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Principle

- 6.1 The application site does not lie within the defined settlement boundary of Gorsley which is a defined main village. As a consequence in planning policy terms the site lies within the open countryside where policy H7 of the HUDP essentially establishes a presumption against new residential development. Whilst exceptions are provided for, none apply to this particular case. As a consequence the proposal clearly departs from the provisions of the Development Plan.

- 6.2 The law is clear that planning decisions should be made in accordance with the provisions of the Development Plan unless material planning considerations indicate otherwise. In this case there is another material planning consideration in that Herefordshire has a shortfall in its five year housing land supply and paragraph 49 of the NPPF states:-

"Relevant policies for the supply of housing should not be considered up-to-date if the Local planning authority cannot demonstrate a five year supply of deliverable housing sites."

- 6.3 In June 2012 Cabinet effectively resolved to address this matter by looking more favourably on releasing sites adjacent to Hereford the market towns and the main settlements (i.e. those defined in policy H4 of the HUDP). No significant weight can be attached to this as it was not the subject of consultation. However, it has some limited weight. Essentially one needs to consider each such housing proposal on its individual merits with regard to the overall planning balance (i.e. the economic, environmental and social roles of sustainable development set out in the NPPF).

Economic and Social

- 6.4 The provision of additional housing clearly has economic and social benefits in terms of construction and providing new housing.

Sustainability

- 6.5 Gorsley is a defined main settlement which is, to a degree, a reflection of its sustainability credentials. It should also be noted that the emerging Core Strategy in Policy RA2 (figure 4.20) identifies Gorsley as a village that could accommodate proportionate housing growth of approximately 14% (approx. 26 dwellinghouses). This said, only very limited weight can be attributed to Core Strategy policies and given the current level of objection to policy RA2, I attribute no weight to this.
- 6.6 The maximum walking distance one would reasonably expect in rural areas is approximately 1200 metres. In this case Gorsley has the following amenities within that distance of the application site:-
- Post Office & Shop
 - Primary School
 - Church & Hall
 - Public House and
 - Regular bus service to Ross and Gloucester (via Newent) (i.e. bus service 32).
- 6.7 In terms of the context of Herefordshire as an essentially rural County, Gorsley is considered to be a sustainable location.
- 6.8 However, sustainability is not merely related to location. Buildings themselves can have sustainable credentials. In this case it is considered that the proposed houses would have the highest sustainability credentials and that is reflected in the recommended conditions. The provision of such Passivhaus dwellinghouses in the County is to be welcomed and may act as an exemplar helping to raise the standard of house building elsewhere in the County.

Impact upon the Landscape

- 6.9 In terms of the environmental role of sustainable development, the site is well contained visually. The existing boundary trees and hedgerows would be retained.
- 6.10 The design and appearance of the proposed houses is considered to be of a high standard. The limited spans and eaves height means that the scale and mass of the proposed houses would be acceptable.
- 6.11 It is considered that the proposed houses are of high aesthetic quality and have excellent sustainability. The designs are innovative and respond to the challenges of the time.
- 6.12 It is worth noting that paragraph 65 of the NPPF specifically states that “Local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with the existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits)”. There are no heritage assets around the site.
- 6.13 The indicative hedgerow and tree planting indicated is also considered to be acceptable, although more detail is required, hence the recommended landscaping conditions.

Impact upon Amenities of Occupiers of Neighbouring Dwellinghouses

- 6.14 It is considered that the proposal would not result in any undue loss of privacy, daylight and / or sunlight upon the occupiers of neighbouring residential properties. Local residents do not object to the proposal on this basis.

Highways

- 6.15 It is considered that the highway network has sufficient capacity to cater for the additional 42 – 56 movements a day that the proposed development would generate.
- 6.16 It is worth noting that speeds along the lane are actually low – the 85th percentile speed in a northerly direction is 24.8 mph and in a southerly direction 25.3 mph in a southerly direction. Whilst it is accepted that pedestrians use the lane, as presumably do cyclists, it is not considered that highway safety would be prejudiced.

Ecology - Biodiversity

- 6.17 The site is of very low biodiversity value. The findings of the submitted survey work show little in the way of potential impacts upon any protected species. Two related planning conditions are recommended that would result in a likely enhancement of the value of the site.

Other Matters

- 6.18 Foul sewage would be dealt with by means of a package treatment plant and surface water would be disposed by way of soakaways. The precise detail of the drainage arrangements requires control and as such an appropriately worded planning condition is recommended in order to achieve a suitable SuDS solution.

Conclusion

- 6.19 Therefore whilst the proposal is contrary to the provisions of the Development Plan in that it would provide new houses outside of the existing settlement boundary, in this instance it is considered that planning permission should be granted as:-
- Herefordshire has a shortfall in its five year housing land supply;
 - The site is effectively adjacent to the settlement boundary of Gorsley, a defined main settlement;
 - The site is in a relatively sustainable location;
 - The design of the houses is of a high quality and their sustainability credentials are excellent;
 - The proposal would not harm the landscape;
 - The proposal would not prejudice highway safety;
 - The amenities of occupiers of adjoining dwellinghouses would not be unduly affected; and
 - In all other respects the proposal is considered to be acceptable in planning terms.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. The recommendations set out in Section 4 of the ecologist's report from Clark Webb dated September 2014 shall be followed in relation to habitat enhancement. Prior to commencement of the development, a habitat enhancement plan integrated**

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.

Reasons:

a) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

b) To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

3. An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

a) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

b) To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

4. Evidence of Passivhaus certification received from the Passivhaus Institute in Darmstadt shall be submitted to the Local Planning authority by an accredited Passivhaus assessor within six months of the first occupation of each dwellinghouse hereby permitted.

Reason: The sustainability credentials of the dwellinghouses were given considerable weight in the decision of the Local Planning Authority to grant planning permission for the development and to accord with Policy S1 of the Herefordshire Unitary Development Plan 2007.

5. The development shall be carried out strictly in accordance with the approved plans:-

- Site Layout Plan Drawing number 99447.P10 (Scale 1:200 at A1) received under cover of e-mail dated 28 January 2015
- Floor Plans, Elevations and Section of House Type B2 – Drawing number 99447.P25 (Scale 1:100 at A1)
- Floor Plans, Elevations and Section of House Type C – Drawing number 99447.P26 (Scale 1:100 at A1)
- Floor Plans, Elevations and Section of House Type A2 – Drawing number 99447.P22 (Scale 1:100 at A1)
- Floor Plans, Elevations and Section of House Type B1 – Drawing number 99447.P24 (Scale 1:100 at A1)
- Floor Plans, Elevations and Section of House Type A1 – Drawing number 99447.P21 (Scale 1:100 at A1)
- Application Site Plan – Drawing number 99447.P101 (Scale 1:1250 at A3)
- Typical Plot Layout – Drawing number 9947.P27 (Scale 1:100 at A3)
- Details – Drawing number 9947.D01 (Scale 1:10 at A3)

except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

6. Prior to the first occupation of any of the dwellinghouses hereby permitted visibility splays of 2.4 metres x 60 metres in both directions with no obstruction to visibility above 0.6 metre shall be provided at the means of access to the public highway and thereafter maintained free of obstruction to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

7. Notwithstanding the provisions of condition 5) above, the following matters shall be submitted to the Local Planning authority for their written approval:-

- Full written details of all external materials (including windows, doors and rainwater goods) together with their colour;
- Written details of the surfacing material (which shall be permeable) to be used upon the means of access / private drive, driveways, vehicle turning / manoeuvring areas, and open car parking areas.
- Written details of any kerbing.
- Details of any external lighting.
- Full details of foul and surface water drainage arrangements.
- Details of all fences, gates, walls or other means of enclosure (including detail of material to be used).
- Written details as to the degree that the windows and doors will be recessed from the elevations of the houses.

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved detail and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development in the landscape, to ensure adequate foul sewage disposal arrangements and to safeguard against flood risk, in accordance with Policies DR1, H13, LA2, and DR4 of the Herefordshire Unitary Development Plan 2007.

8. The garaging shown upon the approved plans shall permanently be kept available for the parking of motor vehicles.

Reason: To ensure adequate on-site parking provision and to safeguard the appearance of the development, in accordance with Policies DR3, LA2 and H13 of the Herefordshire Unitary Development Plan 2007.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no development normally permitted by Classes A, B, C, D, E, F and G of Part 1 and Classes A and C of Part 2 of Schedule 2 of Article 3 shall be carried out without the express consent of the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies H13, DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.

10. All planting, seeding and turfing comprised in the approved details of landscaping (Mackley Davies Associates Ltd. Planting Proposals of December 2014) shall be carried out in the first planting and seeding seasons following the first occupation of the dwellinghouse hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is satisfactorily integrated into the locality in accordance with Policy LA6 of the Herefordshire Unitary Development Plan 2007.

11. Prior to commencement of the development hereby permitted all of the trees shown to be retained shall be protected in accordance with the advice contained within BS5837:2012. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter the Local Planning Authority the development may commence but the tree protection measures must remain in-situ until completion of the development.

Reason: To ensure that there is no damage during the construction phase to the trees on the site to be retained and that are recognised to be of amenity value, in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

12. Other than any external lighting approved pursuant to condition 7) above, no external lighting shall be placed on the site or attached on any building without the express consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of this rural area in accordance with Policies LA2 and DR14 of the Herefordshire Unitary Development Plan 2007.

13. The existing agricultural building (including any flooring) on the land outlined in blue on the Site Location Plan – Drawing number 99447.P101 shall be demolished and all resultant materials removed from the site prior to the first occupation of any of the dwellinghouses hereby permitted.

Reason: To safeguard the character and appearance of the landscape, in accordance with Policy LA2 of the Herefordshire Unitary Development Plan 2007.

Informative:

1. 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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

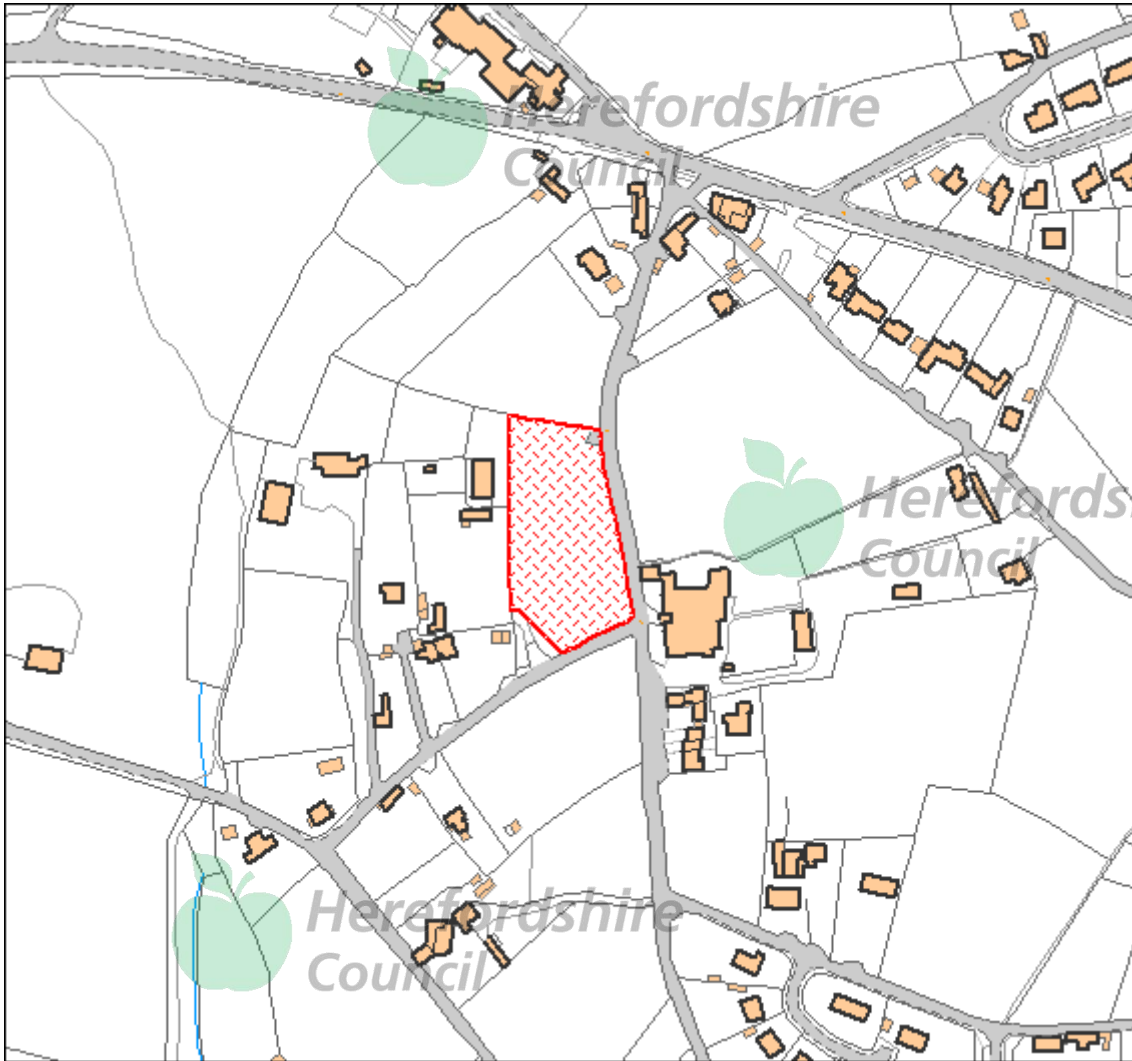
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143774

SITE ADDRESS : LAND NORTH WEST OF METHODIST CHAPEL, GORSLEY, ROSS-ON-WYE,
HEREFORDSHIRE, HR9 7SE

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Further information on the subject of this report is available from Mr Roland Close on 01432 261803



MEETING:	PLANNING COMMITTEE
DATE:	4 MARCH 2015
TITLE OF REPORT:	P143500/FH - PROPOSED SUN ROOM EXTENSION AT TWIN KILNS, YARKHILL COURT BARNS, WATERY LANE, YARKHILL, HEREFORD, HR1 3TD For: Mr & Mrs Nenadich per Mr Angell, Simon Angell Architectural Consultant, Wayside Cottage, Ashford Carbonell, Ludlow, Shropshire SY8 4BX
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143500&search=143500
Reason Application submitted to Committee - Member Application	

Date Received: 21 November 2014 **Ward: Frome**

Grid Ref: 360805,242696

Expiry Date: 20 January 2015

Local Member: Councillor P M Morgan

1. Site Description and Proposal

- 1.1 Twin Kilns is part of the Yarkhill Court Barns conversion scheme which received its last permission for conversion in 2003. These buildings are located in an open countryside location outside of any designated settlement identified in the Unitary Development Plan. Though the complex of Yarkhill Court and its many barns is not statutorily listed, the site represents a traditional well preserved farm complex for the Herefordshire area and is considered of heritage value and locally important. These qualities enabled their conversion to residential units. To the south of the application site is the grade II listed Church of St John the Baptist.
- 1.2 The proposal is a sun room extension constructed on a brick plinth, oak frame with a part slate and glazed roof. It is located on the southern elevation and will link the kitchen (former barn) and sitting room (former Hop Kiln).

2. Policies

- 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

- | | | |
|--------------|---|---|
| Introduction | - | Achieving Sustainable Development |
| Section 7 | - | Requiring Good Design |
| Section 12 | - | Conserving and Enhancing the Historic Environment |

Further information on the subject of this report is available from Mr C Brace on 01432 261947

2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land-use and Activity
H18	-	Alterations and Extensions
HBA4	-	Setting of Listed Buildings
HBA8	-	Locally Important Buildings
HBA12	-	Re-use and Adaptation of Rural Buildings
HBA13	-	Re-use and Adaptation of Rural Buildings for Residential Purposes

2.3 Herefordshire Core Strategy:

The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July. At the time of writing an Independent Inspector is in the process of examining the Core Strategy in order to determine its soundness. The majority of the Core Strategy policies were subject to objection and, as the examination in public is not yet complete, can be afforded only limited weight for the purposes of decision making.

SS1 – Presumption in favour of Sustainable Development
RA5 – Re-use of Rural Buildings
LD5 – Historic Environment and Heritage Assets
SD1 – Sustainable design and energy efficiency

2.4 Re-use and adaptation of rural buildings Supplementary Planning Document, 2004

2.5 Neighbourhood Plan

Yarkhill Parish Council are not producing a Neighbourhood Plan

2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 N100890/FH – Replacement door canopy – Approved 17TH January 2011
- DCNE2005/1692/F – Erection of a porch – Refused 27th June 2005
- DCNE2003/1851/F – Conversion of redundant agricultural buildings to two number dwellings and associated works – Approved 7th October 2005

4. Consultation Summary

4.1 Conservation Manager (Historic Buildings)

Twin Kilns is part of the Yarkhill Court Barns conversion scheme which received its last consent for conversion in 2003. Though the complex of Yarkhill Court and its many barns is not statutorily listed, the site represents a traditional farm complex for the Herefordshire area.

To the south of the application site is the grade II listed Church of St John the Baptist, however due to the mature landscaping between the two buildings and the hedgerows in the vicinity, it is not considered that the setting of the church would be harmed by the submitted scheme.

The UDP heritage policies HBA12 and HBA13 underpin the fundamental aim of allowing barn conversion schemes, which is to protect the heritage, character and appearance of agricultural

Further information on the subject of this report is available from Mr C Brace on 01432 261947

buildings by providing them with a new use. The new use must respect that agricultural character and the SPG of 2004, giving guidance on the initial and subsequent works considered appropriate, is clear that the original building will be considered finite.

With this principle in mind the proposed scheme to extend the living accommodation of Twin Kilns, by the addition of a new sun room and the removal of a large section of existing wall, is considered to be contrary to Policy HBA12 and the SPG on the Re-use of Rural Buildings 2004.

The actual design of the sun room may be appropriate for a building originally constructed as a dwelling but is considered wholly out of character with the agricultural origins of the former hop kilns and barns. The proposed loss of a large section of the kitchen's east wall would compromise the internal cellular character of the agricultural building in this location. Large open plan spaces are of course found in many farm buildings but it does not follow that cellular spaces can be joined together to form open plan areas. This would be contrary to the character of the particular space and fundamental aims of allowing the original conversion.

The sun room addition would provide a link between the sitting room and the kitchen. However there is an open area noted on the plans which appears unsatisfactory in terms of usability and has the potential to be a very dark and damp space. It is not clear what purpose this space is intended to serve.

The sun room has a stove located in the southern corner and whilst there is no "in principle" objection to the stove the length, visibility and intrusiveness of the flue is considered to be detrimental to the character and appearance of the former hop kilns and the agricultural barns. It may be possible for the flue to rise internal to the building and then only be externally visible just above the roof. If this is possible then the flue should be of a dark colour externally and may then be considered acceptable.

Overall it is considered that the proposal does not comply with Policy HBA12 or the SPG of 2004 relating to the conversion of rural buildings. It is recommended that the scheme be refused.

5. Representations

- 5.1 Yarkhill Parish Council raise no objection
- 5.2 A petition signed by eight local residents has been received supporting the application.
- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 The conversion of agricultural buildings to residential use is relatively commonplace, however the overall aim of any proposals should be to retain the agricultural character of the historic building. In the case of residential conversions, proposals should therefore focus on reducing domestic paraphernalia and the various hallmarks of such a use. Various policies within the UDP seek to protect the character of listed buildings, agricultural buildings in particular, and to avoid the loss of character and special interest through piecemeal alterations and the increased domestication of rural properties (these include policies HBA1, HBA3, HBA4, HBA8 HBA12 and HBA13).

- 6.2 Government planning guidance, aims and objectives are contained in National Planning Policy Framework. In requiring good design, NPPF paragraph 58 requires proposals to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation and in paragraph 61 states although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.3 Paragraphs 131 – 135 of the NPPF set out what should be considered in determining planning applications affecting built heritage assets. It states local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 6.4 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm should require clear and convincing justification.
- 6.5 The UDP heritage policies HBA12 and HBA13 underpin the fundamental aim of allowing barn conversion schemes, which is to retain buildings of sufficient heritage interest and value with a new viable use whilst protecting the heritage, character and appearance of those same agricultural buildings. The new use must respect that agricultural character and the SPG of 2004, giving guidance on the initial and subsequent works considered appropriate, is clear that the original building will be considered finite.
- 6.6 There are three scenarios that justify a departure from the Council's adopted, well publicised and enforced position regarding not permitting extension to residential units formed from the conversion of historic rural buildings. These are:
- The original permission did not remove permitted development rights
 - The original conversion is so poor that the finite rationale for policy HBA13 and position in the SPG is already lost
 - The proposal is of such exceptional design and/or architectural quality
- 6.7 It is considered none of those exceptions apply in this instance. Permitted Development Rights were removed from the original planning permission, the resultant conversion is sympathetic to the character and appearance of the kilns which individually and as part of a wider group conversion, are still clearly readable to their original and historic form and function, and the proposal is not of any architectural or design merit.
- 6.8 The actual design of the sun room may be appropriate for a building originally constructed as a dwelling but is considered wholly out of character with and detrimental to the agricultural origins of the former hop kilns and barns. The proposed sun room is an overtly domestically designed extension that has no singular regard to the character or appearance of the kilns or the context.

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- 6.9 The proposed loss of a large section of the kitchen's east wall would compromise the internal cellular character of the agricultural building in this location. Large open plan spaces are of course found in many farm buildings but it does not follow that cellular spaces can be joined together to form open plan areas. This would be contrary to the character of the particular space and fundamental aims of allowing the original conversion. This feature is intrinsic to that of a kiln and its loss renders the purpose of converting such buildings to retain cultural and built heritage redundant.
- 6.10 The sun room addition would provide a link between the sitting room and the kitchen. However there is an open area noted on the plans which appears unsatisfactory in terms of usability and has the potential to be a very dark and damp space. It is not clear what purpose this space is intended to serve.
- 6.11 The sun room has a stove located in the southern corner and whilst there is no "in principle" objection to the stove, the length, visibility and intrusiveness of the flue is considered to be detrimental to the character and appearance of the former hop kilns and the agricultural barns. Again, this demonstrates a lack of proper assessment and consideration of this heritage asset and its treatment as a 'regular' or standard dwelling.
- 6.12 In reference to the planning history on this building, planning permission granted under reference N100890/FH noted extensions to barn conversions are normally resisted and contrary to planning policy. The planning assessment went on and referenced that planning permission was previously refused on this building for a large porch extension under reference DCNE2005/1692/F. However, the original planning permission and conversion did include a small canopy. As such application reference N100890/FH was assessed and considered to be acceptable because the proposal was a one for one replacement. Furthermore that proposal was considered not to exacerbate or be detrimental to the character and appearance of the barns in terms of design or appearance or conflict with policy HBA12 and HBA13. It is considered this permission neither sets a precedent or implies further extensions are acceptable.
- 6.13 It should be noted extensions to barn conversions and the Council's position has been tested many times at appeal. Inspectors whilst often noting an extension would not harm the surrounding area in which they are located, do agree with the Council's long standing policy position and rationale that such extensions '*would have a materially detrimental effect on the character and appearance of the building*' and '*this would conflict with the UDP which accords with the NPPF insofar as it expects new development to reflect local character and history and reinforce local distinctiveness*'.
- 6.14 Overall it is considered that the proposal does not comply with policies DR1, HBA8, HBA12 and HBA13 or the SPG of 2004 relating to the conversion of rural buildings and the relevant design and heritage aims and objectives of the National Planning Policy Framework. It is recommended that the scheme be refused.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. **The proposal results in unacceptable harm to the character and appearance of a heritage asset, introducing a feature not in keeping with its original character, age, design, appearance, style or detailing and furthermore undermines the historic and intrinsically important layout of the building contrary to Herefordshire Unitary Development Plan policies DR1, HBA8 HBA12 and HBA13, Herefordshire Council's Re use and adaptation of rural buildings Supplementary Planning Guidance 2004 and the design and heritage aims and objectives of the National Planning Policy**

Framework.

Informative:

1. **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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

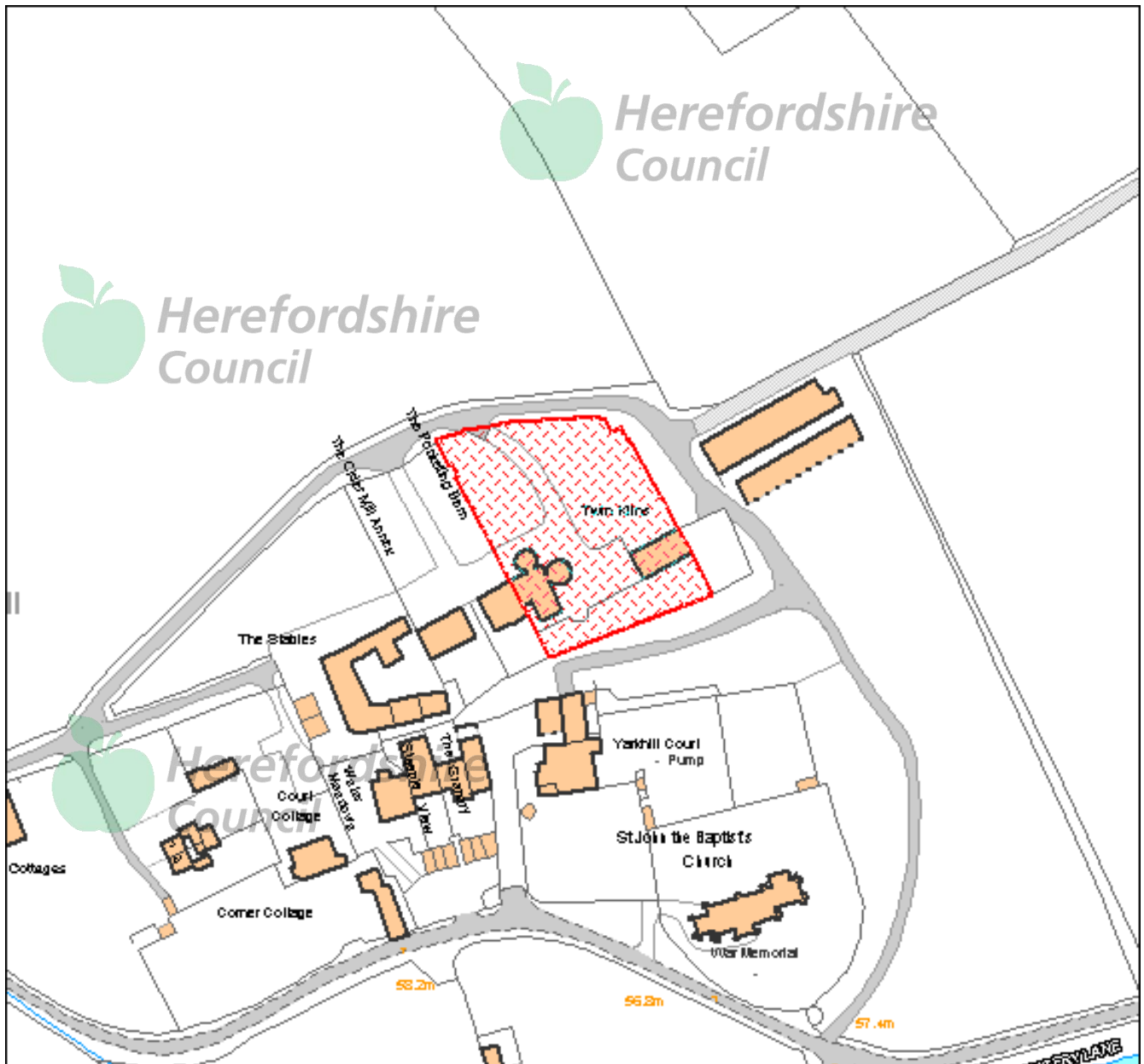
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143500/FH

SITE ADDRESS : TWIN KILNS, YARKHILL COURT BARNs, WATERY LANE, YARKHILL, HEREFORD, HEREFORDSHIRE, HR1 3TD

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