

MEETING:	PLANNING COMMITTEE
DATE:	21 JANUARY 2015
TITLE OF REPORT:	<p>P142356/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 OLDE 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

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 it 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

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

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

- 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

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)
- 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.

4. **Consultation Summary**

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:

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.

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

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 Listed Building Consent 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 In support of the application the 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 are 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 an 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:

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.

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.

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 owners of the Fodder Store wish to create an internal cellar entrance.

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 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.

Confidential details have also been submitted by the applicant regarding the letting of the Fodder store for holiday purposes.

- 5.4 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 applicants maintain that the annex use was not implemented, and that the existing use remains as holiday accommodation. I have no evidence to the contrary, although the adjoining owner considers otherwise.
- 6.2 The proposal, in seeking to remove the holiday occupancy condition would permit the Fodder Store to be used as a separate dwelling.
- 6.3 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 area. The resolution of these matters however does 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.
- 6.4 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 this consideration.

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

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

RECOMMENDATION

That planning permission be granted subject to the following condition:

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.**

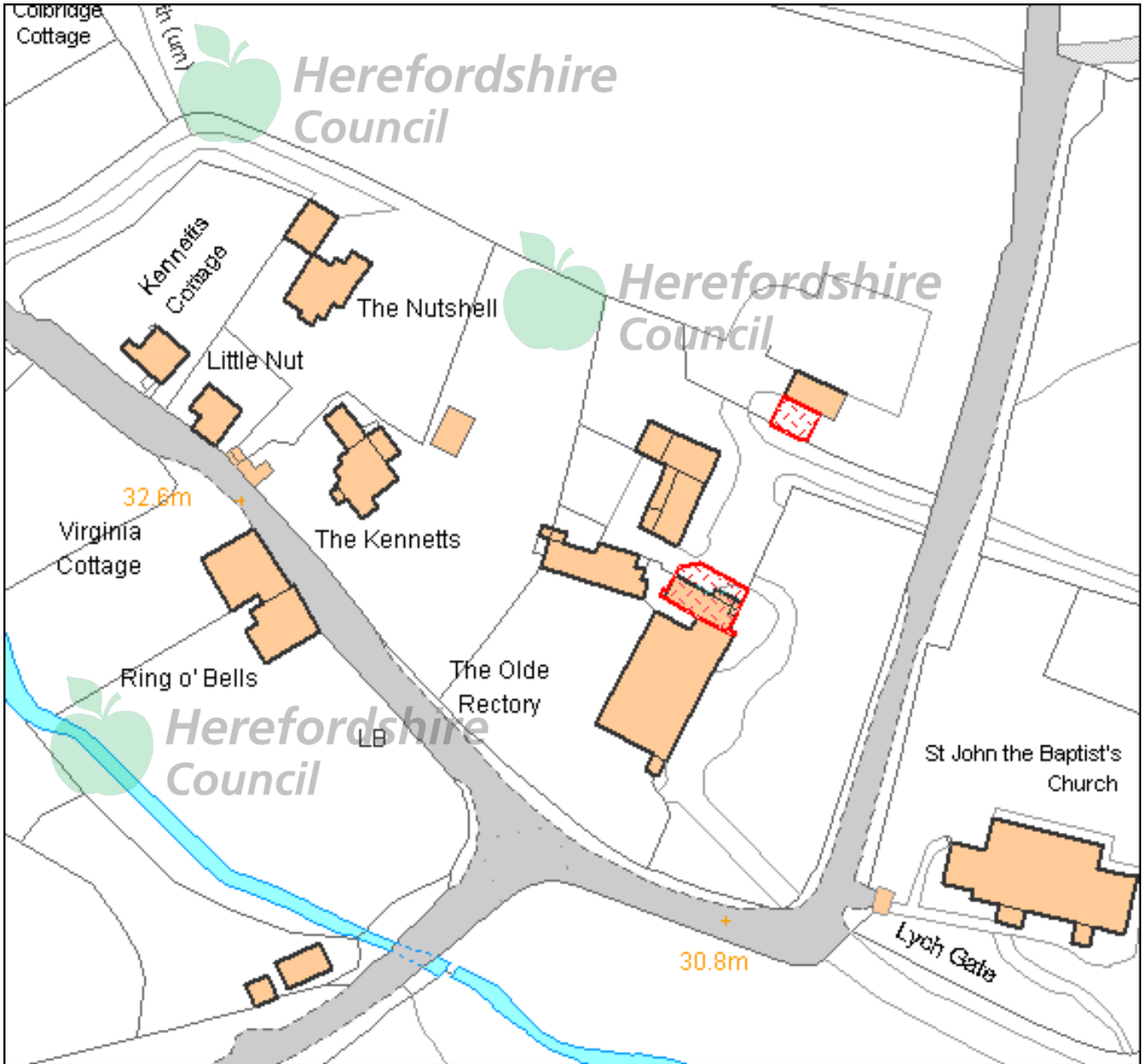
Decision:

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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