

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 NOVEMBER 2019
TITLE OF REPORT:	192773 - RETROSPECTIVE PLANNING PERMISSION TO ERECT A WOODEN FENCE AND TWO GALVANISED METAL GATES. AT THE STABLES, NEW HOUSE FARM, CHURCH ROAD, LUCTON, LEOMINSTER, HR6 9PQ For: Mr Andrew Lovegrove, The Stables, New House Farm, Lucton, Leominster, Herefordshire HR6 9PQ
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192773&search=192773
Reason Application submitted to Committee – Applicant works for the Council	

Date Received: 5 August 2019

Ward: Bircher

Grid Ref: 343620,264081

Expiry Date: 31 October 2019

Local Member: Councillor Sebastian Bowen

1. Site Description and Proposal

- 1.1 The site is comprised of a number of residential buildings accessed off an unclassified road in the village of Lucton. The Stables is a property that was converted from an agricultural to residential purpose a number of years ago. The boundary is identified by a stone wall around the garden of the barn. The boundary of the adjacent dwelling to the south is outlined with the use of vegetation and hedgerows, and the boundary of the dwelling to the north west was recently granted planning permission for an open weave timber fence around its boundary.



- 1.2 The proposal seeks permission for the erection of approximately 50 metres of fencing along the boundary of the garden. The fence consists of 36 metres of Rustic picket fencing, at 1.4 metres

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

high and 14 metres of chestnut paling fence, at 1.4 metres high. As well as, two steel gates at 1.8 metres high and one at 1.2 metres high have been installed.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2015

SS1	–	Presumption in favour of sustainable development
SS6	–	Environmental quality and local distinctiveness
LD1	–	Landscape and townscape
LD4	–	Historic environment and heritage assets
SD1	–	Sustainable design and energy efficiency

The Herefordshire Local Plan Core Strategy 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/info/200185/local_plan/137/adopted_core_strategy

2.2 National Planning Policy Framework 2019 (NPPF)

Chapter 2	–	Achieving sustainable development
Chapter 12	–	Achieving well-designed places
Chapter 16	–	Conserving and enhancing the historic environment

2.3 The Yarpole Group Neighbourhood Development Plan (NDP) (made 15 June 2018)

YG1	–	Promoting sustainable development
YG12	–	Development within conservation areas

https://www.herefordshire.gov.uk/download/downloads/id/13731/neighbourhood_development_plan_post_examination.pdf

3. Planning History

3.1 DCN032293/F - Conversion of two agricultural barns into 4 No. residential units – Approved with conditions

DCN032294/L - Conversion of two agricultural barns into 4 No. residential units – Approved with conditions

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations

Internal Council Consultations

4.2 Historic Buildings Officer

This application is similar to the recent application 192241 at Haycart Barn in the same development. The issue is the same – a fence has been erected along the property boundary which encroaches into the shared former farmyard.

The initial conversion of the agricultural buildings divided buildings into separate units with their own curtilages. For many of the units the only private amenity space is a defined share of the formerly open yard.

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The Stables are part of a former cow byre, which is a grade II listed building. The yard in which the fence projects also forms part of the setting of two other grade II listed barns to the north and south, which together enclose the yard. All the buildings are within the Lucton Conservation Area. Over the years of domestic use since the conversion, the individual boundaries have had their divisions reinforced by planting, which doesn't require planning permission but has a similar harmful effect in terms of dividing the formerly open farmyard. The fencing running east / west between 'The Stables' and 'The Bye' also has the harmful effect on the character of the listed building by obscuring the fact that it was formerly a single building with a single use.

This harm to setting and interpretation of the character of the former cow byre is very minor, particularly when considered over the harm caused by existing planting. This harm is mitigated by providing more private amenity space allowing the viable use of the barns as dwellings.

The choice of open timber split timber picket fencing is appropriate for the rural character of the settings of the surrounding listed buildings and conservation area. The metal gates have a zinc finish which will weather down to a soft natural patina.

5. Representations

5.1 Yarpole Parish Council supports this application.

5.2 One letter of objection has been received the main points are;-

The development containing our property and Haycart Barn is one of three Grade II listed barns converted into six dwellings, surrounding the original farmyard of New House Farm. When purchasing March Madness (then called The Bull Pen) at the time of the original conversion in 2004, we were advised that the boundaries between the converted properties were indicated by ground level rubble lines and instructed that the development was to remain internally unfenced. We were told that council officers had ruled that the open courtyard was to be retained as part of the character and setting of the listed buildings and their coherence as a group. We found the open aspect very appealing and this was a significant factor in our choice of property.

Over time the boundaries have been reinforced to some extent by planting, in our garden and elsewhere, but recently a high palings fence, with two elaborate metal gates, was erected all around the garden of the 'The Stables' to our south. This is the subject of the most recent planning application. More recently a fence of posts and hurdles was erected at Haycart Barn to our east, and retrospective planning permission was subsequently granted. The fences and gates have significantly changed the character, feel and coherence of the group of buildings.

In our view, both fences have reduced the amenity of our property. The fences themselves have a reasonably 'agricultural' feel, apart from the gates, but both are high enough to have completely changed the view we had from inside and outside the house, across the development. We feel let down by the Council, having been told when we bought our property that the area was to remain open and instructed that we must not erect fences; now we are surrounded by fences on all sides.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192773&search=192773

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 Policy context and Principle of Development

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

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

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Yarpole Group Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 15th June 2018.

6.3 As a means of enclosure to a Grade II Listed Building, planning permission is required. The fence is of an appropriate length as it runs along the boundary of the property allowing subdivision from the adjoining barn and garden. The height of the fencing is appropriate in that their height allows privacy for the dwelling, without becoming an imposing feature of the residential and Conservation Area. Furthermore, the proposed height is suitable in relation to the height of the house. As such, the proposal adheres to the requirements of policies SD1 and LD1 of the CS and YG1 of the NDP.

6.4 The fence is sited on an existing low boundary stone wall to the eastern boundary, as such there is no concern regarding access due to the proposal not impacting the driveway and is a continuation of the existing built boundary line. Therefore, there is no conflict with policies SD1 of the CS and YG1 of the NDP.

6.5 Furthermore, the wooden materials used in the construction of the fence are considered to be acceptable as they continue the use of wooden materials used on the host dwelling in the form of cladding. This allows the proposal to maintain the character of the host dwelling and that of the Conservation Area, as such no conflict with LD4 of the CS is found, and the duties imposed by Sections 66 and 72 of the Act are fulfilled. This is confirmed by the Council's Historic Buildings Officer who states that the choice of open split timber picket fencing is considered appropriate, as the courtyard space would have originally been an open area; the use of this relatively open fencing maintains this appearance to a greater extent than a closeboard fence would.

6.6 With regards to the objection received, I am aware of the history of the site being agricultural and open in style. However, the property has been in residential use for some 15 years and it must be assessed accordingly. Naturally made domestic boundaries in the form of planting and vegetation that do not require planning permission have impacted the open character of the yard, and this is an inevitable consequence of the residential use of the unit. Although this fence is a built option of boundary definition, this example is considered to be acceptable within its setting as it does not hinder the area being read as a former agricultural unit. Furthermore, the lack of garden space to the rear of the property causes the front of the property to be the primary outdoor area related to the property. The domestication of the building compels the creation of domestic features such as a private outdoor space.

6.7 In summary, the proposal has been designed to match the character of the main property and its setting within a Conservation Area. The visual impact is limited due to the scale, design and sympathetic material. It is not considered that the proposal will have an undue impact upon the amenity of the neighbouring residents. As the proposal seeks to provide security and privacy to

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the dwelling and its inhabitants, with no impacts upon the access, it is a suitable plan for its purpose. Any other issues have been suitably covered, and it is therefore my recommendation to grant planning permission subject to the below conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. C07 Development in accordance with approved plans and materials**

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.**

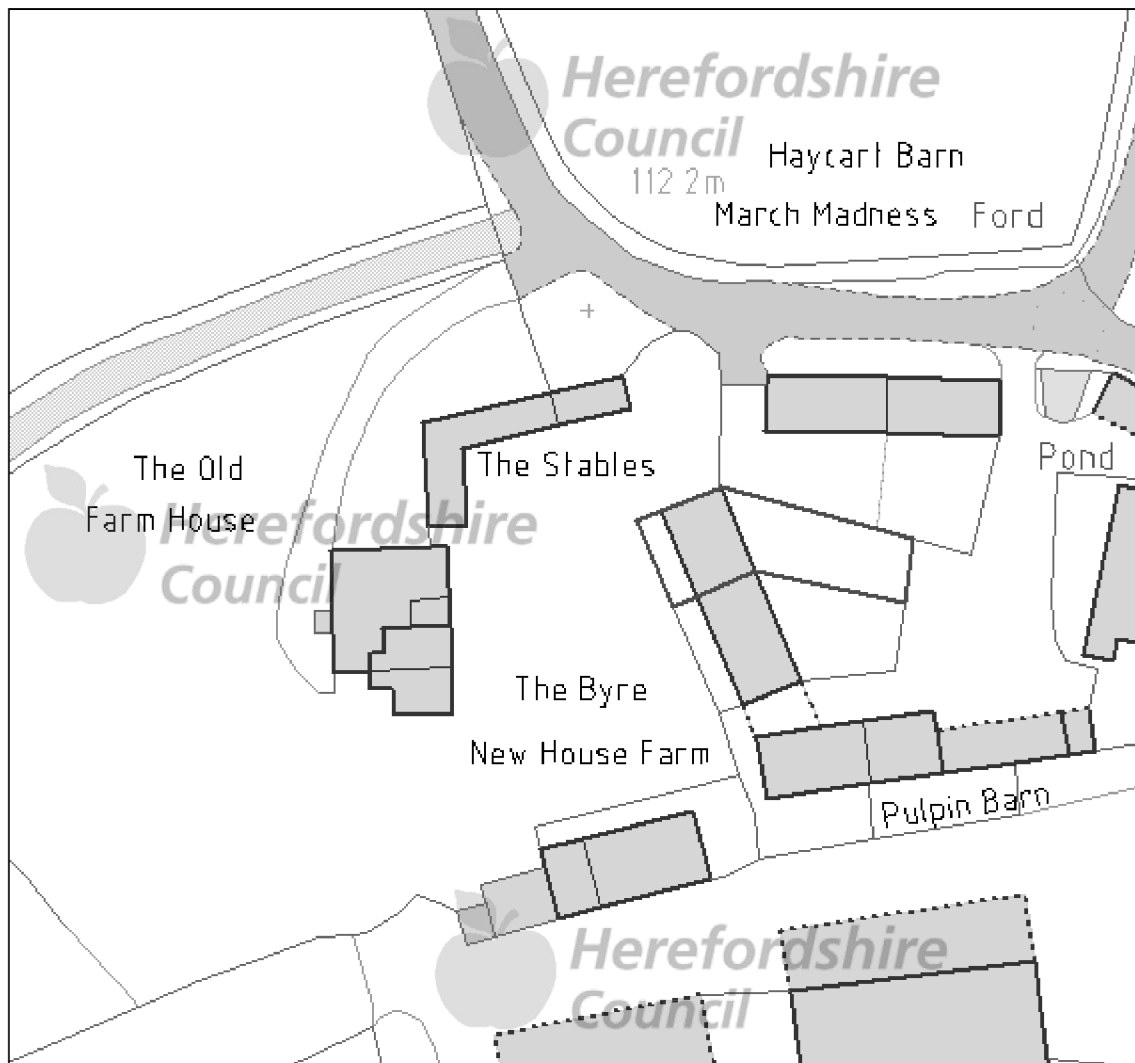
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 192773

SITE ADDRESS : THE STABLES, NEW HOUSE FARM, CHURCH ROAD, LUCTON, LEOMINSTER, HEREFORDSHIRE, HR6 9PQ

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