

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 10th December, 2008**

Time: **2.00 p.m.**

Place: **The Council Chamber, Brockington, 35
Hafod Road, Hereford**

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

For any further information please contact:

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Herefordshire Council

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

To: Councillor PGH Cutter (Chairman)
Councillor MJ Fishley (Vice-Chairman)

Councillors CM Bartrum, H Bramer, BA Durkin, AE Gray, TW Hunt, JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith, RV Stockton, DC Taylor and JB Williams

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS	
The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.	
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Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.	
3. MINUTES	1 - 8
To approve and sign the Minutes of the meeting held on 12 November 2008.	
4. ITEM FOR INFORMATION - APPEALS	9 - 10
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	

PLANNING APPLICATIONS

To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.

Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.

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| 5. LAND ADJACENT TO BODENHAM FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ. | 11 - 16 |
| Retention of 2 field shelters with new external cladding. | |
| 6. DCSE20082538F - LYNE DOWN FARM, LYNE DOWN, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NT. | 17 - 24 |
| Construction of apple pressing barn with storage facilities and relocation of shop. | |
| 7. DCSE20082207F - BRELSTON COURT, MARSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HF. | 25 - 32 |
| Side extension to existing barn, formation of training manège, rebuild of dilapidated shed. Renewal of parking/turning areas. | |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 12 November 2008 at 2.00 p.m.

Present: Councillor PGH Cutter (Chairman)
Councillor MJ Fishley (Vice Chairman)

Councillors: CM Bartrum, H Bramer, BA Durkin, AE Gray, JA Hyde,
JG Jarvis, G Lucas, PD Price, RH Smith and DC Taylor

In attendance: Councillor TW Hunt

57. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RV Stockton and JB Williams.

58. DECLARATIONS OF INTEREST

Councillor JG Jarvis requested clarification from the Legal Practice Manager in respect of a possible interest in Agenda item 5. The Legal Practice Manager confirmed that in his opinion Councillor Jarvis did not have a personal or a prejudicial interest in the application.

There were no declarations of interest made.

59. MINUTES

RESOLVED: That the Minutes of the meeting held on 15 October 2008 be approved as a correct record and signed by the Chairman.

60. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the southern area of Herefordshire.

61. DCSE2008/1992/F - THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS ON WYE, HEREFORDSHIRE (AGENDA ITEM 5)

Construction of retaining wall.

Councillor JG Jarvis, the local ward member, thanked the sub committee for attending a recent site inspection at the application site. He voiced concerns in respect of the position of the existing gateway and the land slippage onto the public highway but felt that these issues could be addressed through suitable conditions. He added that the public footpath was in danger of collapsing if the application was not approved and therefore moved the recommendation.

The Principal Planning Officer advised members that a condition could be added to the recommendation regarding the fence. He also added that enforcement action could be taken on the rest of the site.

The Southern Team Leader confirmed that the Highways department were aware of the land slippage onto the road. He felt that an informative note could be added to any resolution in order to suggest the reuse of materials.

Councillor Bramer requested clarification in respect of the validity of the plan submitted with the original application. The Legal Practice Manager confirmed that in law the detailed plan would supersede any separate narrative. He added that a separate narrative had not been submitted with the plan in question and that the only text was the notation detailing the site dimensions.

Members discussed the application and had concerns that the removal of the existing wall could result in the footpath being damaged. They felt that it may be beneficial to incorporate the existing retaining wall into any proposal. The Principal Planning Officer advised that these technical issues would be covered by the condition requiring details of the methodology for constructing the new retaining structure.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. The development hereby approved, which shall include any necessary fence/guard rail to serve the adjoining public footpath, shall be completed in accordance with the approved plans and associated conditions attached hereto within 12 months of the date of this permission**

Reason: In order to maintain the visual amenities of the area and to comply with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan.

- 2. The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 14043-1, PG/SD/LS1.1, PG/SD/F1.1) and the schedule of materials indicated thereon.**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 3. Within 3 months of the date of this permission, details of the construction methodology for the retaining wall hereby approved shall be submitted to and approved in writing by the local planning authority. The methodology shall include details of how the route of the adjacent public footpath WA50 will be safeguarded during the construction phase, together with calculations to demonstrate that the wall is of a suitable design and construction to retain the land in question both during and after construction. The development shall be carried out in accordance with the approved design.**

Reason: To ensure that the construction of the wall is in accordance with the approved details in the interests of providing effective support to the adjacent public footpath so as to comply with Policy T6 of the Herefordshire Unitary Development Plan 2007.

- 4. Within one (1) month of the date of this permission a scheme of**

landscaping shall be submitted for the written approval of the local planning authority. The scheme shall include a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with the plant and grass establishment.

The landscaping scheme approved under this condition shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs, or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: In order to maintain the visual amenities of the area and to comply with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan.

5. Within three (3) months of the date of this permission, details of the fence/guard rail to serve the adjoining public footpath WA50 shall be submitted for the written approval of the local planning authority. Details shall include sections and elevations at a metric scale of not less than 1:20. The fence/guard rail shall be completed to a timescale that accords with condition 1.

Reason: To ensure that the public footpath is safe for use by members of the public so as to comply with Policy T6 of the Herefordshire Unitary Development Plan.

6. The development permitted under reference DCSE2004/0220/F, as amended by planning permission (DCSE2008/1992/F), shall not be brought into use until the vehicular access into the site as shown on drawing no. 14043 - 1 has been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and this area shall thereafter be retained and kept available for those uses at all times. Details shall also be provided to demonstrate the position and design of any proposed entrance gates which shall be installed and thereafter maintained in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway so as to comply with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

Informatives:

1. For the avoidance of any doubt the plans for the development hereby approved are as follows:-

Drawing nos. 14043-1, PG/SD/LS1.1, PG/SD/F1.1

2. The decision to grant planning permission has been taken having

regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Policy DR1 - Design

Policy LA1 - Areas of Outstanding Natural Beauty

Policy T6 - Walking

[Note: In accordance with the Council's Constitution SO 5.10.2, Councillor H Bramer wished for it to be recorded that he abstained from voting in respect of the resolution above]

62. DCSW2008/2020/O - ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8EW (AGENDA ITEM 6)

Provision of 6 affordable (discounted market housing) dwellings, bio-disc treatment plant and use of existing access, 6 attached single garages.

Councillor MJ Fishley, one of the local ward members, noted that the 2003 housing needs survey identified a need for 18 dwellings and that only 6 of these had been provided through the previous application. She advised members that the application had the support of the Parish Council and that the 6 existing houses had all been allocated to local people. In summing up she added that she was aware that the applicant would be happy to offer a 40% market value discount and therefore moved the recommendation.

Councillor RH Smith, the other local ward member, addressed the reasons for refusal outlined in the Officer's report. He felt that the housing needs survey identified a housing need in the area and therefore addressed the concerns outlined in paragraph one of the officer's recommendation. He voiced his concern that Orcop Parish Council had not received support from the Council in their wish to conduct an up to date Housing Needs Survey. He also felt that the development would not detract from the character and appearance of the area and therefore did not feel that the application was contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan. In summing up he felt that the applicant had addressed the majority of the Officers concerns but felt that the 30% reduction in open market cost failed to quantify the development as affordable.

Councillor JG Jarvis felt that a section 106 agreement would have to be put in place for the development to ensure that the site would provide suitably designed affordable housing that would be allocated to local people in need of housing.

Following Councillor JG Jarvis' comments, Councillor Smith moved that the application be approved subject to the completion of a Section 106 agreement to ensure that the houses were affordable in form of cost, standard and allocation.

Members discussed the application thoroughly and on balance felt that the application should be approved subject to a Section 106 agreement.

RESOLVED

The Southern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any further conditions felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee.

The Legal Practice Manager be authorised to complete a planning

obligation agreement under Section 106 of the Town and Country Planning Act 1990 regarding affordable housing cost, standard, and allocation and any additional matters and terms as he considers appropriate.

If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the scheme of delegation to officers be instructed to approve the application to such conditions referred to above.

[Note: Following the vote on this application, the Southern Team Leader advised that he would refer the decision to the Head of Planning and Transportation on the grounds that the proposal did not deliver affordable housing in accordance with the need identified in the Orcop Housing Needs Survey]

63. DCSW2008/1616/F - UPPER HOUSE, CRASWALL, HEREFORDSHIRE, HR2 0PN. (AGENDA ITEM 7)

Barn conversion for 2 units of holiday accommodation.

Members discussed the application and felt that the site was suitable for development into holiday accommodation. In response to a question, the Principal Planning Officer confirmed that the original beams were included in the plans and therefore would be retained. He also advised that an additional condition would be added to secure improvements to the access to the site.

RESOLVED

That planning permission be granted subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. B01 (Development in accordance with the approved plans)

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

3. C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4. D02 (Approval of details)

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan

5. D11 (Repairs to match existing)

Reason: To ensure that all of the works arising from the approved

scheme are of an appropriate form in the interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

6. F14 (Removal of permitted development rights)

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.

7. F30 (Use as holiday accommodation)

Reason: Having regard to Policy HBA13 of Herefordshire Unitary Development Plan the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, due to the relationship and close proximity of the building to the property known as Upper House Farm in this rural location.

8. G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

9. H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

10. K5 (Habitat Enhancement Scheme)

Reason: In order to ensure that diversity is conserved and enhanced in accordance with the requirements of PPS9, the NERC Act 2006 and Policies NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan.

11. Development shall not begin until details for the provision of an appropriate number of passing places have been submitted to and approved in writing by the local planning authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N11a (Wildlife and Countryside Act 1981 (as amended) - Birds**
- 2. N11b (Wildlife & Countryside Act 1981 (as amended) and Conservation (Natural Habitats & c.) Regulations 1994 (as amended) - Bats**
- 3. N19 - Avoidance of doubt - Approved Plans**

4. N15 - Reason(s) for the Grant of Planning Permission

64. DCSE2008/2427/F - LAND ADJACENT TO BODENHAM FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ. (AGENDA ITEM 8)

Retention of 2 field shelters with new external cladding.

In accordance with the criteria for public speaking Mr Morgan, a neighbouring resident, spoke in objection to the application and Mr Goldsworthy, the applicant's agent, spoke in support.

Councillor BA Durkin, the local ward member, noted the concerns of the Parish Council and drew members' attention to the reason for refusal for the previous application, outlined in 6.2 of the officer's report.

Councillor H Bramer advised the sub-committee that the field shelters had been erected without planning permission. He added that the shelters were required on the site to shelter horses from adverse weather conditions. However he felt that the existing field shelters were of poor design and that the proposed cladding of the existing units was not an acceptable approach. He felt that new field shelters of a higher quality appearance should be erected in consultation with the Chairman and the local ward member.

The Southern Team Leader advised members that the application should be determined on its merits. He felt that it would be inappropriate for the committee to ask the applicant to replace the field shelters with new units since this would necessitate a new application and said that if this was the committee's wish then they should refuse the proposed application. He advised the committee to defer determination of the application pending further discussions between the applicant and the planning officer to adapt and improve the external appearance of the building.

Councillor PD Price was of the opinion that the structures were not field shelters and may have been used to house horses due to the condition of the surrounding land and the hay surrounding the shelters.

RESOLVED

THAT determination of the application be deferred pending further discussions between the applicant and the planning officer, regarding the external appearance of the shelters and their use.

The meeting ended at 3.35 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSW2008/0575/F**

- The appeal was received on 29 October 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr A Bevan
- The site is located at Newton Farm, St. Weonards, Hereford, Herefordshire, HR2 8PW
- The development proposed is proposed football training pitch and changing rooms. Plus new access road.
- The appeal is to be heard by Hearing

Case Officer: Andrew Prior on 01432 261932**Application No. DCSE2008/0526/F**

- The appeal was received on 28 October 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr GJ Jones
- The site is located at Great Howle Farm, Howle Hill, Ross-on-Wye, Herefordshire, HR9 5SL
- The development proposed is proposed erection of wind turbine on a fifteen metre monopole.
- The appeal is to be heard by Inquiry

Case Officer: Duncan Thomas on 01432 261974**APPEALS DETERMINED****Application No. DCSE2008/0553/F**

- The appeal was received on 25 June 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by M.F. Freeman
- The site is located at The Old Canoe Shop, Mill Pond Street, Ross-on-Wye, Herefordshire, HR9 7AP
- The application, dated 28 February 2008, was refused on 30 April 2008
- The development proposed was Variation of condition 8 in relation to boundary wall to replace with wooden fencing. application number DCSE2007/2920/F)
- The main issues are (i) the effect of the proposed fence on the security and privacy of neighbouring residents. (ii) whether the proposed fence would preserve or enhance the character or appearance of the Ross on Wye Conservation Area within which the site is situated

Decision: This application was refused by Committee, contrary to Officer Recommendation on 3 April 2008.

The appeal was **ALLOWED** on 7 October 2008

Case Officer: Duncan Thomas on 01432 261974

Further information on the subject of this report is available from the relevant Case Officer

Application No. DCSE2007/3571/F

- The appeal was received on 4 June 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by G Lampard
- The site is located at Lodge Cottage, Yatton, Ross-on-Wye, Herefordshire, HR9 7QZ
- The application, dated 2 November 2007, was refused on 4 January 2008
- The development proposed was Single storey extension.
- The main issue is the effect of the proposed development on the character and appearance of the appeal building.

Decision: This application was refused under Delegated Powers on 4th January 2008.

The appeal was **DISMISSED** on 7 October 2008

Case Officer: Yvonne Coleman on 01432 383083

If members wish to see the full text of decision letters copies can be provided

5 DCSE2008/2427/F - RETENTION OF 2 FIELD SHELTERS WITH NEW EXTERNAL CLADDING, LAND ADJACENT TO BODENHAM FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ.

For: The Singing Stud Ltd per Mr C Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW.

Date Received: 1 October 2008

Ward: Old Gore Grid Ref: 65080, 31881

Expiry Date: 26 November 2008

Local Member: Councillor BA Durkin

Introduction

This application was deferred at the last meeting of the Southern Area Planning Sub-Committee for further improvements to the appearance of the field shelters and clarification on the specific nature and use of the associated paddock. The applicant's agent has said:

"I can confirm that my client is willing to alter the cladding from waney edged to shiplap boarding as is more usual for this type of building.

There is no good reason for erecting a pitched roof over this structure, other than wanting to increase the impact on the landscape. I do not think this is what you want to achieve. The monopitch roof is a very common design solution for such structures and therefore there is no reason for amendment.

The structures are field shelters and not winter stabling as suggested by one member. Illustrations of those on the market can be provided and would prove this point. The fencing around the shelters is configured so that different paddocks can use the same shelter.

I request that you present this application as originally submitted back to the committee with the above comments for determination.

Some points I want to bring to the committee are:

- These shelters were erected without permission because of the manner in which your authority has gone about determining the applications submitted. They were desperately needed for the welfare of the animals and approval decisions could not be expected from your authority. It is wrong to have erected them but understandable. In the majority of cases these decisions were against the planning officer's recommendation to approve.
- The expense of submitting all the different applications and appeals has meant that funds allocated towards the development of this business have been drastically reduced, resulting in a poorer presentation of the structures and landscaping.
- We are on the second application for these structures and it was possible to have resolved any concerns when the application was submitted and even now your council is still prevaricating over a very simple and straightforward application.

- If the application is refused there are three possible courses of action my client can take (1) purchase mobile field shelters, (2) appeal and (3) apply for a certificate of lawfulness. I would be grateful if you could inform members of the likely outcomes”

1. Site Description and Proposal

- 1.1 The Singing Stud occupies about 8ha of land between the A449 and the unclassified road that leads from Lyne Down and Old Pike to the north of Bodenham Farm. There is access off the unclassified road to the stud farm. On the south side of the access track that leads from the unclassified road is a riding arena and stables and to the south of these are 2 shelters, which this application proposes to retain and re-clad with shiplap boards that will be stained dark brown to match other building in the stud farm complex. The shelters are adjacent to a small copse.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy E11	-	Employment in the Smaller Settlements and Open Countryside

3. Planning History

3.1	DCSE2005/0795/F	Continuation of use as an equine stud	-	Approved 15.07.05
	DCSE2005/1015/F	Continuation of a use as equine stud farm, training area, hay barn, winter barn, stables including groom's flat	-	Refused 30.06.05
	DCSE2005/3770/F	Fenced training ring at equine centre	-	Refused 16.01.06 Appeal allowed 05.06.06
	DCSE2005/3806/O	Dwelling for stud farm worker at equine centre	-	Refused 20.06.07 Appeal allowed 04.02.08
	DCSE2006/1486/F	Retention of two field shelters	-	Refused 17.05.06
	DCSE2006/1495/F	Retention of foaling boxes and one infill stable	-	Refused 20.06.07 Appeal allowed 04.02.08
	DCSE2007/0704/F	Retrospective application for blockwork skin to existing stable	-	Refused 20.06.07 Appeal allowed 04.02.08

DCSE2007/0705/F	Retention of lean-to building for storage purposes	-	Refused 20.06.07 Appeal allowed 04.02.08
DCSE2008/1195/F	Variation of condition	-	Approved 24.06.08
DCSE2008/2037/RM	Dwelling for stud worker	-	Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager has no objections to the grant of planning permission.

4.3 Public Rights of Way Officer - "The proposed retention of 2 field shelters would not appear to affect the use and enjoyment of public footpath MM11, which passes outside the field's north boundary some 90+ metres from the shelters, and the PROW Manager has no objections to this application."

4.4 Landscape Officer - "The field shelters are located to the south-west of Bodenham Farm, in an elevated position within a grass field which slopes down to the A449. The field shelters are positioned against a small coppice within the field. There is a view of the shelters from a short section of the A449 in the vicinity of Bodenham Farm.

In my view the proposed improvements to the appearance of the shelters, through applying new cladding, capping and a dark brown stain, will help to reduce the adverse visual impact of the shelters. The fact that the field shelters are viewed against the backdrop of the coppice, from most of the section of the A449 from which the shelters can be seen, also helps to reduce the adverse impact of the shelters. Taking these factors into account, I consider that the adverse visual impact has been reduced sufficiently for the retention of the field shelters to be accepted."

5. Representations

5.1 A Design and Access Statement has been submitted:

Existing site:

- The existing site and buildings occupy a location, which is sited so that it is not visible from outside the stud farm apart from a glimpse from the A449;
- The buildings are located against a backdrop of trees and are not silhouetted in the landscape;

Proposed use:

- The shelters are an essential part of the stud and they provide protection from the elements for the animals;
- The location means that the structures can serve a number of the paddocks and are central to the fields they serve;
- They are also within easy reach of the stabling and are further protected from the elements by the small coppice against which they are positioned;

- The shelters are an essential element for any equine stud and primarily for the well being of the animals;

Design and appearance:

- The size and shape of the structures are dictated by their function;
- The original finish will be improved by the cladding and capping which is easily applied;
- The colour will be a dark brown stain to match other buildings in the main complex and will blend in with the coppice background;

Landscape:

- The buildings are set into the field and no landscaping is proposed;

Access:

- This is only required by the animals from different paddocks;
- The gates are opened and closed as required.

5.2 Much Marcle Parish Council "Because of their appearance in open countryside they are obtrusive features in the landscape. Retention would be detrimental to the character of this attractive rural area and conflict with policy LA2 of the Unitary Development Plan"

5.3 Objections have been received from N Pope, Avenue Cottage, Much Marcle and Mr B Morgan, Bodenham Farm, Much Marcle:

- These are substandard buildings, of poor design and construction on a beautiful bank adjoining a parkland of national significance - they are an eyesore which new cladding will not disguise;
- These buildings have been erected without planning permission and enforcement action should be taken to remove them immediately;
- The continual expansion of this site with ever more buildings should be halted until a clear understanding of the financial viability of all the companies trading at the site has been carried out;
- An audit of the existing space available to the businesses and numbers of horses involved at this site and their Hillingdon Barn site should be carried out to ascertain why these buildings are required;
- The buildings are visible from our property, as well as the A449. The buildings are very much "silhouetted in the landscape" as seen from the A449 particularly during the winter months;
- The shelters cannot be an "essential part of the stud" as the last application asked for "the retention, for a temporary period of two years", only;
- The alterations described are minimal, and the buildings are already stained dark brown. The alterations will not affect the block house appearance of them on the skyline as viewed from the A449; and
- Having lived with these "obtrusive features" in an "attractive rural area" for over four years I ask they are refused again and the buildings removed forthwith.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 Planning permission for continuation of use as a stud farm was granted in 2005, DCSE2005/0795/F refers. It was apparent that some of the buildings had not been granted planning permission and further structures were erected including these two field shelters which are within the southern section of the stud farm and immediately to

the north of a copse which partially divides this area of grazing. They are about 50 metres west of the A449, on elevated land. They can be glimpsed when travelling the A449. The unauthorised shelters are clad in plywood sheets (or similar sheet material) painted brown with a shallow mono-pitch roof. This application proposes to clad the shelters with waney edged boards to give the appearance of other stables in the locality.

6.2 This application has been submitted following the refusal of DCSE2006/1486/F when it was proposed to retain the buildings without improvement to their appearance. The application was refused for the following reason:

“The field shelters because of their appearance and open position would be obtrusive features in the landscape. Their retention would therefore be detrimental to the character of this attractive rural area and conflict with policy LA2 of the Herefordshire Unitary Development Plan 2007.”

6.3 Whilst it is acknowledged that the existing shelters are not attractive and do not form part of the two existing groups of stables (nearest is about 60m to the north) it is considered that the cladding of the buildings with shiplap boards that will be stained a colour to match other buildings at the stud farm, will blend the shelters into the landscape so as not to be detrimental and obtrusive features in the landscape. Also, it is considered the copse against which the shelters are seen help to assimilate the buildings into the landscape and accordingly on the key planning issue, the landscape impact, the application is recommended for approval.

6.4 The applicant has revised the external appearance of the buildings but not to the extent sought by Members. Nevertheless it remains the view that these structures with their improved appearance would be an acceptable form of development in the landscape.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. Within 3 months of the date of this permission the field shelters shall be clad in shiplap boards and stained a dark brown colour and thereafter maintained.**

Reason: In the interests of visual amenity and to ensure the shelters comply with Policy LA2 of the Herefordshire Unitary Development Plan.

Informatives:

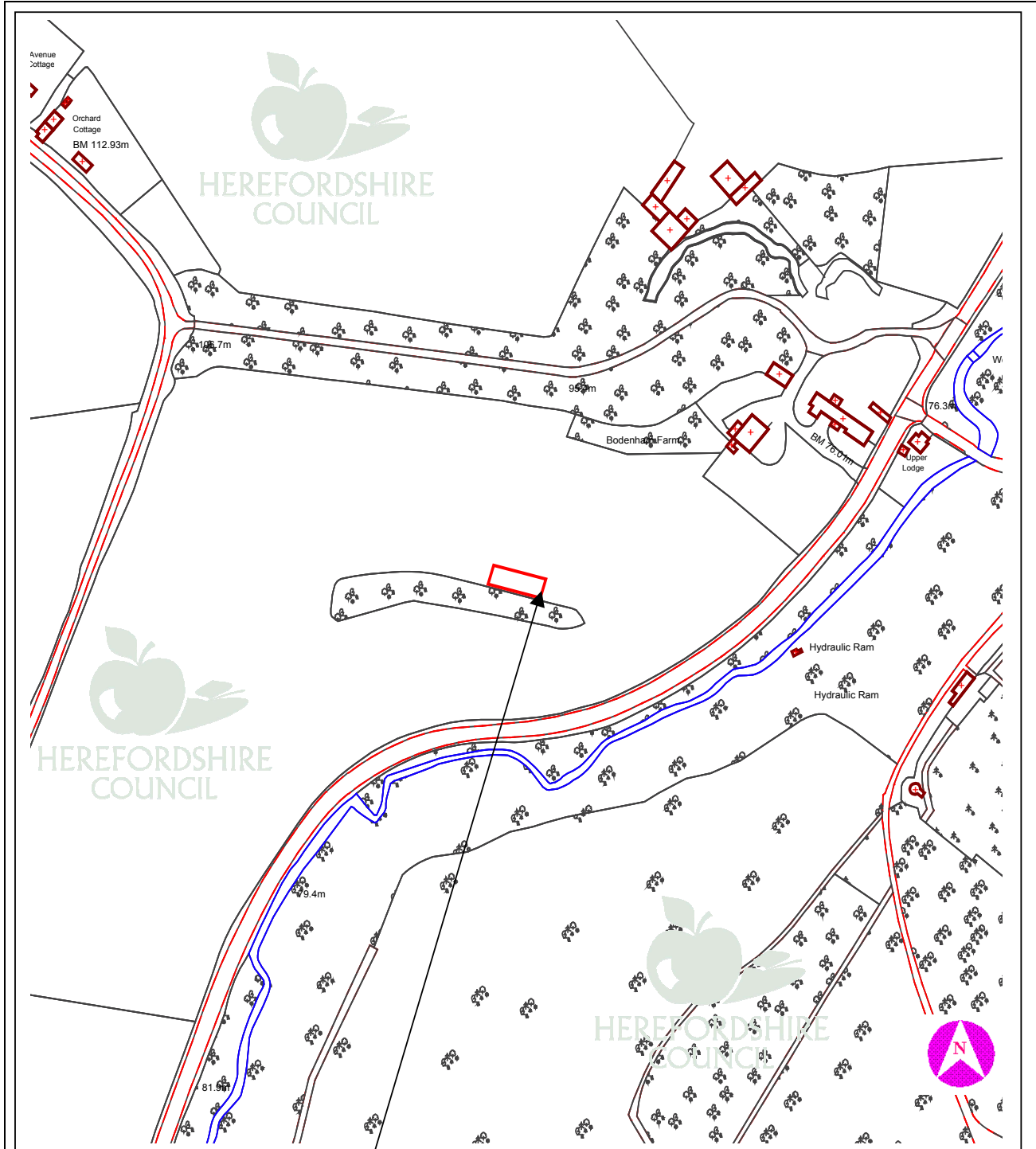
- 1. N19 - Avoidance of doubt - Approved Plans**
- 2. N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/2427/F

SCALE : 1 : 2500

SITE ADDRESS : Land adjacent to Bodenham Farm, Much Marcle, Ledbury, Herefordshire HR8 2NJ

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6 DCSE2008/2538/F - CONSTRUCTION OF APPLE PRESSING BARN WITH STORAGE FACILITIES AND RELOCATION OF SHOP, LYNE DOWN FARM, LYNE DOWN, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NT.

For: Lyne Down Cider & Perry Limited per Gibson Associates, Bank House, Bank Crescent, Ledbury, Herefordshire, HR8 1AA.

Date Received: 13 October 2008

Ward: Old Gore

Grid Ref: 64691, 31380

Expiry Date: 8 December 2008

Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 Lyne Down Cider is located on the west side of the unclassified 70006 some 110 metres north-east of its junction with unclassified 67420 that leads to the A449. To the rear of the farmhouse is an open sided Dutch barn that is used for cider pressing. Cider sales presently take place from the farmhouse. The site is located in open countryside.
- 1.2 This application proposes an "L-shaped" building, 8.5 metres to ridge and 4.3 metres to eaves that will be located in the south-east corner of a recently planted orchard that adjoins Lyne Down Cider on its north-east side. The proposal will provide an apple pressing barn, 116.25 square metres and a display and sales area, 55 square metres, office and WC. There is access into the orchard, which is to be improved by increasing its width to 5 metres and the provision of visibility splays, 2.4 metre by 60 metres in each direction.

2. Policies

2.1 Government Guidance

PPS1	-	Delivering Sustainable Development
PPS4	-	Planning for Sustainable Economic Development (Draft)
PPG4	-	Industrial and Commercial Development and Small Firms
PPS7	-	Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR3	-	Movement
Policy E11	-	Employment in the Smaller Settlements and the Open Countryside
Policy LA2	-	Landscape Character and Areas Least Resilient to Change

3. Planning History

- | | | | | |
|-----|-----------------|--|---|------------------|
| 3.1 | DCSE2006/3599/F | Apple pressing barn and storage and relocation of shop | - | Refused 10.04.06 |
| | DCSE2007/1866/F | Apple pressing and juice storage facility | - | Refused 02.08.07 |
| | DCSE2008/1625/F | Apple pressing barn with storage facility and relocation of shop | - | Refused 14.08.08 |

4. Consultation SummaryStatutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager has no objection subject to conditions.
- 4.3 Environmental Health Officer has no objection.

5. Representations

- 5.1 A Design and Access Statement has been submitted:

- Lyne Down Cider site at the southern end of Marcle Ridge and has been growing cider apples and Perry pears, pressing juice and serving tourists for nearly two centuries;
- At present the apple pressing and storage is carried out in makeshift buildings close to the farmhouse and within private grounds. The finished products are sold through a serving hatch in the house to tourists and enthusiasts through the famous Herefordshire Cider Route and tourist office;
- The demand for Herefordshire cider is increasing;
- The current apple-pressing barn is in the wrong place and is really only a tin hay storage barn. There is no capacity for extension;
- The proposal is for a simple single span barn of sufficient size to allow the process and storage of 30,000litres of apple juice;
- The building will be constructed of in traditional materials; natural forest stone plinth with stained lap boarding over and dark grey slated roof;
- The overall external appearance would be of a traditional rural barn complex and will fit naturally into the landscape;

- 5.2 Much Marcle Parish Council no objection in principle, but sited nearer to the southern hedge would aid the landscape.

- 5.3 An objection has been received from Miss FV Taylor, Upper House, Lyne Down, Much Marcle:

- There is already adequate facilities at Lyne Down Farm for the production and storage of cider and perry;

- Attached to the house is a lovely old cider house that has always been used as the shop. I am quite sure it is this old cider house which tourists would rather see than some newly built monstrosity;
- I have stated previously the field in question is for agricultural purposes and no buildings exist there at present;
- I am most concerned that part of the hedge is to be removed and feel this will be detrimental to the landscape as will any highway works for easier access;
- The country roads around the hamlet of Lyne Down are not designed for excessive traffic which is likely were this application to proceed;
- In fact the nearest junction for the main A449 is along a one-track steep hill road (known locally as "The Pitch") where there are no pull-in points.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 This application has been submitted following the refusal of applications DCSE2006/3599/F, DCSE2007/1866/F and DCSE2008/1625/F when it was considered the proposal would lead to an increase in traffic onto a network of narrow lanes, which have limited passing opportunities. Accordingly, the proposal was in conflict with policies S2, S6 and DR3 of the Herefordshire Unitary Development Plan.
- 6.2 Policy DR3 deals with movement and requires development to provide a safe, convenient and attractive pattern of movement into, out of and across the site and incorporate adequate provision for vehicular access from the highway network without detriment to highway safety. This application proposes the improvement to the entrance off the unclassified 70006 with the widening of the field entrance to 5metres and the provision of a 2.4metre by 60metre visibility splay, in real terms this will require 40metre of hedgerow either side of the entrance to be grubbed out and replanted on the line of the visibility splay, the remaining 20metres can be achieved within the limits of the highway. Given the proposal could lead to an increase in traffic on the adjoining road network the applicant has agreed to the provision of passing bays that will allow the free flow of traffic on these roads. The position of the passing bays will need to be agreed. Accordingly, the Traffic Manager considers these improvements acceptable. Also, the applicant has agreed a Draft Heads of Terms to secure the construction of the passing bays.
- 6.3 The improvement of visibility onto the 70006 will require the grubbing out of 40metres of hedgerow either side of the entrance. The application shows the hedgerow will be re-planted on the line of the visibility splay. Part of the character of the area derives from hedge-lined lanes. While this application will remove some of the hedgerow, it is considered its re-planting will maintain the character of the local environment.
- 6.4 The scale and bulk of the apple pressing building is similar to the size of the open sided Dutch barn that is presently being used for this purpose, and although, the building is to be located away from the group of buildings at Lyne Down Cider, it is considered the existing landform and tree planting and use of materials and proposed landscaping will assimilate the building into the landscape so as not to appear a dominant or obtrusive structure.
- 6.5 On balance, the modest expansion of this established business use is considered acceptable with the associated visual and highways impact capable of being mitigated. Accordingly, this revised application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **C01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. **H03 (Visibility splays)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

4. **H05 (Access gates)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

5. **H06 (Vehicular access construction)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

6. **H13 (Access, turning area and parking)**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

7. **H27 (Parking for site operatives)**

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

8. **G13 (Tree planting)**

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

9. **B07 (Section 106 Agreement)**

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

10. F06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N02 - Section 106 Obligation**
- 2. HN01 - Mud on highway**
- 3. HN04 - Private apparatus within highway**
- 4. HN05 - Works within the highway**
- 5. HN10 - No drainage to discharge to highway**
- 6. HN24 - Drainage other than via highway system**
- 7. HN28 – Highways Design Guide and Specification**
- 8. N19 - Avoidance of doubt - Approved Plans**
- 9. N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application – DCSE2008/2538/F

Construction of apple pressing barn with storage facilities and relocation of shop

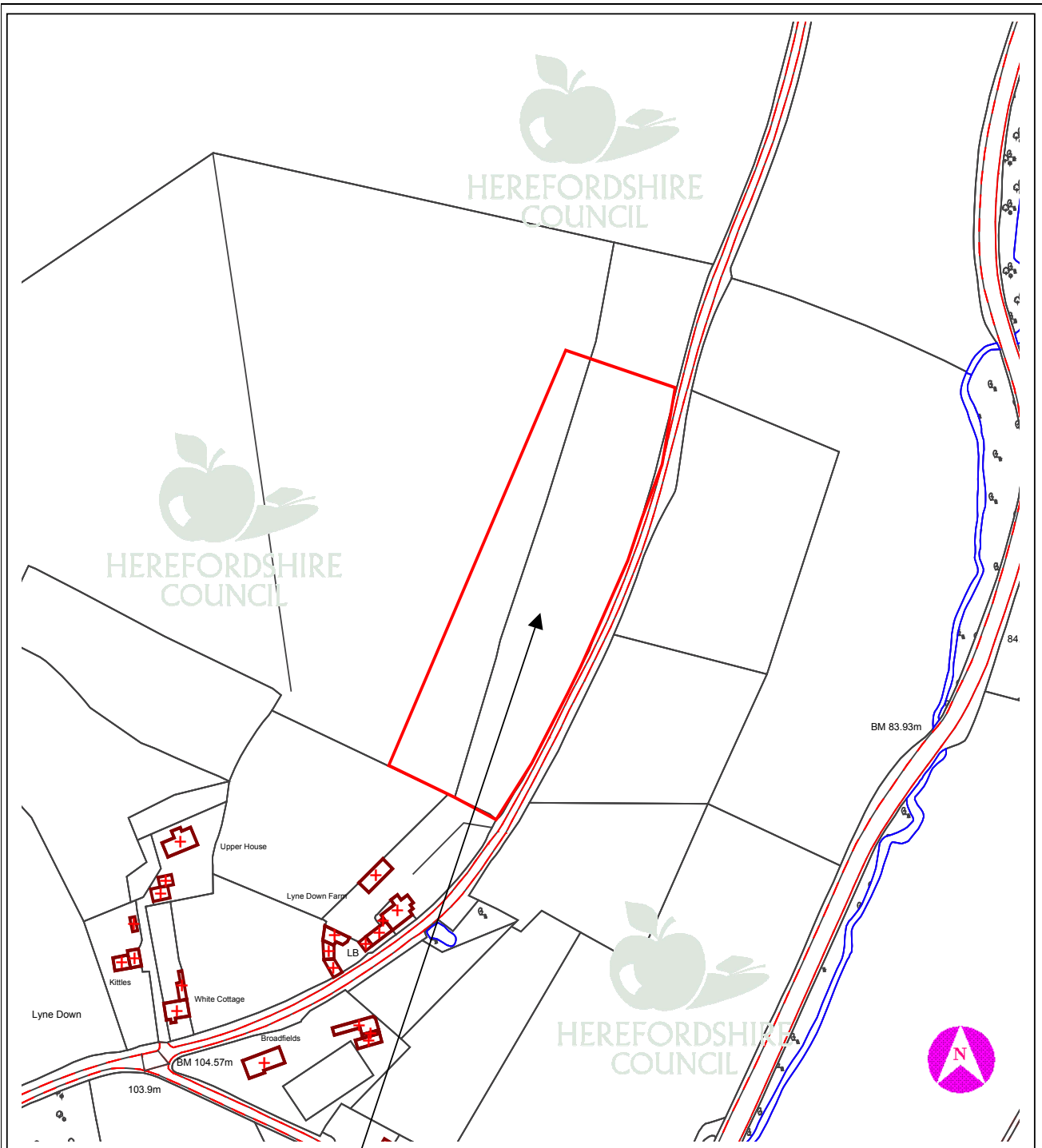
at

Lyne Down Farm, Lyne Down, Much Marcle, Herefordshire

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £6,740 for off site highway works. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Construction of passing bays
2. In the event that Herefordshire Council does not for any reason use the said contributions [in paragraphs referenced above] for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
3. All of the financial contributions shall be Index linked and paid on or before commencement of the development unless otherwise agreed with Herefordshire Council.
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

D Thomas
Senior Planning Officer

November 2008



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APPLICATION NO: DCSE2008/2538/F

SCALE : 1 : 2500

SITE ADDRESS : Lyne Down Farm, Lyne Down, Much Marcle, Ledbury, Herefordshire, HR8 2NT

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7 DCSE2008/2207/F - SIDE EXTENSION TO EXISTING BARN, FORMATION OF TRAINING MANÉGE, REBUILD OF DILAPIDATED SHED. RENEWAL OF PARKING/TURNING AREAS, BRELSTON COURT, MARSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HF.

For: Ms Cole per Butler Silcock Ltd., Suite 109, Eagle Tower, Cheltenham, Gloucestershire, GL50 1TH.

Date Received: 28 August 2008

Ward: Llangarron

Grid Ref: 56204, 19946

Expiry Date: 23 October 2008

Local Member: Councillor Mrs JA Hyde

1. Site Description and Proposal

- 1.1 The application site comprises an area of pasture with a modern portal framed agricultural building to the east of the unclassified highway U71204. The applicant's property, Brelston Court (Grade II listed) is immediately opposite. The road is a narrow country lane linking the A40(T) to the A4137. The site is part of an attractive rural landscape, described as Sandstone Farmlands in the adopted Landscape Character Assessment. The site slopes appreciably from its highest point adjacent to the highway away to the east. Between the highway and the pastureland there is a wide verge and mature roadside hedge, punctuated with trees. During the periods of the year when the trees are in leaf this screens the site from the highway. In recognition of its amenity value the area is designated part of the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 Planning permission is sought for the erection of a lean-to extension against the north-west flank elevation of the barn. This barn would provide the stabling element. It is also proposed to construct a manège measuring 40m x 20m parallel to the highway, opposite the south-east elevation of the barn. On the area of hardstanding in between it is proposed to rebuild an existing dilapidated shed to the same dimensions.
- 1.3 Through negotiation the plans for the manège have been amended. Formerly it was proposed to achieve a level site through the introduction of a stone gabion retaining wall, which would also have necessitated a 2.4m close-boarded fence adjacent to the road. The stone retaining wall was not considered acceptable within the landscape and the revised plans demonstrate a revised cut and fill exercise with spoil excavated from the area above the desired level (adjacent to the highway) used to 'fill' the areas that are currently too low. A standard timber post and rail fence is now proposed in place of the close-boarded fence.
- 1.4 The proposal also involves the provision of a hardstanding around the barn to facilitate hygiene and the parking of the applicant's horsebox.
- 1.5 There has been some conjecture as to whether the proposal is intended to support a commercial interest. To clarify the position the agent has written to confirm that a condition restricting commercial activity at the site would be acceptable to the

applicant. The amended plans referred to above have been subject of a re-consultation exercise involving residents and the local and adjoining Parish Councils.

2. Policies

2.1 Planning Policy Statements

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy S1 - Sustainable Development
 Policy DR1 - Design
 Policy DR3 - Movement
 Policy DR7 - Flood Risk
 Policy LA1 - Areas of Outstanding Natural Beauty
 Policy LA5 - Protection of Trees, Woodlands and Hedgerows
 Policy LA6 - Landscaping Schemes

3. Planning History

3.1 SH970823FZ Portal framed building, farm - Prior Approval Not
 workshop/machinery store Required 29.07.97

4. Consultation Summary

Statutory Consultations

4.1 No statutory on non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager: "On the basis of the information submitted the scale of the proposed use appears acceptable. Nevertheless I do have some concerns about possible intensification in the future, which could lead to increased traffic and turning movements. It is therefore recommended that the permission is made personal to the applicant." It is also recommended that improvements should be undertaken to improve visibility from the access, which would involve cutting back existing tree branches, together with the provision of a bound surface from the gate to the carriageway to prevent gravel or mud being deposited onto the public highway.

4.3 Conservation Manager (Building Conservation): "As the extension is relatively small in relation to the existing shed it is unlikely that it will have any further impact on the Brelston Court complex than the parent building does already."

4.4 Conservation Manager (Landscapes and Biodiversity): "Although the topography of the area is not ideally suited for a manège, I am satisfied that the proposal to set the manège into the slope in such a way as to minimise the cut and fill, and to use a standard timber post and rail fence on the roadside boundary, to be erected behind the roadside trees, will reduce the adverse impact of the manège to an acceptable level. I have also taken into account the fact that the impact of the manège would be very localised - the only view into the site from public vantage points that I identified was from the road adjacent to the site."

5. Representations

- 5.1 Marstow Parish Council: In response to the original submission Marstow Parish Council expressed concern regarding the potential increase in traffic with horseboxes on this very narrow road, the potential for horses to be exercised on the roads and the change of use of agricultural land to a commercial use. Comments are awaited on the amended proposals.
- 5.2 Goodrich and Welsh Bicknor Group Parish Council (adjoining parish): In response to the amended plans - "While they have no objections to the extension, councillors are concerned that the business at Brelston Court might change in the future. As previously stated councillors would be concerned about increased motor and horse and rider traffic on this narrow lane. **Councillors would therefore like restrictions imposed on the applicant to curtail any development of a large livery and horse-riding stables.**"
- 5.3 Four objection letters were received in response to the application as originally submitted. The letters were from:

Mrs S Deniou, Brelston Farmhouse, Marstow, HR9 6HF
NJ Roberts, Brelston Court Barn, Marstow HR9 6HF
Mr & Mrs Watson, Saddle Bridge Farm, Marstow, HR9 6HF
Mr & Mrs Shepherd, Newhouse Farm, Goodrich, HR9 6HF

The content of the letters can be summarised as follows:

- The proposed business would give rise to additional traffic on an extremely narrow, poorly conditioned road, used by local residents and agricultural vehicles. The road is also a well-used recreational route, with few passing places and several sharp bends. Additional traffic, including towing vehicles and horse riders, would increase the likelihood of conflict between vehicles and pedestrians;
 - The road already floods after rainfall and appropriate surface water drainage should be included;
 - Run-off from the extended barn should be catered for appropriately as it already leads to water logging of adjoining land;
 - The proposed close-boarded fence would be completely out of character with the rural character of the area;
 - The issue of potential lighting of the manege should be considered now as it has the potential to be highly intrusive within the landscape.
- 5.4 Following the receipt of amended plans and covering letter clarifying the applicant's intended personal use of the manege and stables, two of the respondents have withdrawn their objection on the proviso that a condition be imposed to ensure that the site is not used as commercial stabling or a livery yard. NJ Roberts and Mr & Mrs Shepherd have reiterated their concerns regarding the potential use as a business, together with the treatment of surface water drainage and waste.
- 5.5 The construction of the manege and substitution of the proposed close-boarded fence for a standard post and rail alternative have been built into the amended plans as suggested by the respondents and the agent has confirmed that the applicant would be willing to see a condition imposed restricting the use of the stables and manege to her own personal use - the applicant has 7 horses.

5.6 The agent's letter received together with the amended plans states as follows:

"I would like to take this opportunity to clear up the misunderstanding that we have had regarding the nature of the business to be run from the premises. I feel that the impact of this has been somewhat misconstrued, with a fear that this will significantly increase traffic in this rural location, accessed by a narrow lane. I think it was feared that the manège was intended to be used to give riding lessons, which would indeed have increase local traffic levels. As will be demonstrated this is not the case.

The property and barn were recently purchased by Ms Cole and her partner in order to move from the Stroud area to a more rural location. They owned 7 horses previous to this purchase, and as such a property with a barn and field was necessary to cut down on travel. Ms Cole is a keen horse rider and her daughter is an accomplished dressage rider. The manège is necessary to carry out the day-to-day training required to achieve a level of competence. The manège will not be used other than for personal use. The other horses they own also need daily exercise, and with the narrow local lanes used by agricultural vehicles it was felt that an off road area would be the best and safest option.

The business aspect of the barn is a very minor part of the usage, merely being that foals born to the private horses are schooled by Ms Cole and her daughter and then sold onto others for whatever purpose they require. We may have given the wrong impression in describing the proposed business use, but technically if the foals are sold there is a business implication."

5.7 The letter goes on to clarify that the applicant owns a horse box, towed by a 4 x 4, which is parked outside Brelston Court, as the personal use of the vehicle is higher than that associated with the movements of horses. There is, therefore, no additional requirement for staff or visitor parking and it is anticipated that there will be no more than several vehicle movements from the yard per week.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The key issues in the determination of this application are considered to be:

- The impact of the development upon the landscape quality of the area having regard to the Area of Outstanding Natural Beauty designation; and
- The impact of the development upon the safe operation of the local highway network, having regard to the proposed end use and potential imposition of restrictive conditions.

6.2 The scheme has been amended substantially in response to concerns expressed by officers and neighbours alike. Specifically the construction of the manège has been revisited in order that the cut and fill exercise brings the manège below the level of the adjoining carriageway and thus obviates the need for the unacceptable close-boarded fence. The Conservation Manager (Landscapes and Biodiversity) has no objection to the proposal on this basis and has identified that the site is not prominent from public vantage points other than the road. The proposed post and rail fence would be located on the inside of the existing roadside hedge and would not be an inappropriate feature, even during the winter months. In reaching this conclusion the officer has

been mindful of the presence of the site within the Area of Outstanding Natural Beauty. It is concluded, however, that the proposal would not constitute a threat to the special quality of the area and therefore accords with Policy LA1.

- 6.3 The extension to the barn is modest relative to the existing building. However, it is considered that an improvement might be made to the external appearance by cladding the proposed blockwork, likewise the rebuilt shed. This can be dealt with via a condition and as a consequence the operational aspect of the proposal is considered acceptable.

Impact upon the highway network

- 6.4 Throughout the course of the application it has become necessary to clarify the intended use of the facilities proposed. The converted barn would cater for 10 stables, which together with the manège would appear capable of supporting an equine-related enterprise. Naturally, this led to some concern being expressed by local residents regarding the scale of activity and consequent impact upon the narrow lane serving the development and nearby residential development, including Dean Swift Close, an estate of 40 dwellings.
- 6.5 As reported above, the agent has clarified that the stables and manège are not intended to support a commercial enterprise. Several neighbours have referred to equine developments at nearby properties, which have been granted planning permission subject to a condition restricting the use of the stables and manège to that of the applicant.
- 6.6 In imposing any condition the local planning authority has to be satisfied that the condition satisfies the tests laid out in Circular 11/95: The use of conditions in planning permissions. Essentially conditions must be necessary, relevant both to planning and the development to be permitted, enforceable, precise and reasonable in all other respects. Restricting the use of the stabling and manège to the applicant and her privately owned horses is considered to meet the circular tests. Moreover, the agent, on behalf of the applicant, has confirmed in writing a willingness to accept such a condition and insofar as the applicant has been forewarned as to the likelihood of such a condition being imposed, it is considered reasonable.
- 6.7 The commercial/personal use of the development is clearly relevant to highway safety considerations. Whilst there is a case to be made that the site could support an agricultural use, even if the personal use of the site is applied, it is likely that the number of vehicular movements to and from the site will increase over and above a typical agricultural use of the pasture. However, the Traffic Manager has confirmed that subject to a restrictive condition the level of use is likely to fall within acceptable parameters and the situation is capable of further improvement with pruning to assist with visibility upon egress. As such, whilst the outstanding concerns of the local residents are understood, the restrictive condition is considered to provide the necessary assurance regarding the likely level of traffic and would replicate a condition that has been used elsewhere in the vicinity, including The Grange, Brelston Green (DCSE2005/0931/F).
- 6.8 Other issues raised include the treatment of surface water run-off arising from the increased size of the shed and the proposed area of hardstanding around the stables. Letters of representation suggest that localised flooding is an issue following heavy rainfall. In these circumstances it is recommended that conditions be included to cover the adequate drainage of the manège, hardstanding and building. The use of porous

materials (indeed the manège is comprised of sand and rubber) will be pursued and soakaways recommended, provided that ground conditions are suitable. An informative note is recommended to reinforce the point that surface water run-off should not be allowed to discharge onto the highway. No lighting is currently proposed to serve the manège and floodlighting would not be encouraged. A note will be recommended to clarify that any forthcoming planning permission would not convey approval for lighting of the manège.

Conclusion

- 6.9 The issue surrounding the potential for commercial use of the site has been clarified. The applicant is prepared to accept a condition limiting use of the stables and manège to that of her own privately owned horses, which is considered to address the concerns expressed at the level of vehicular traffic generated on what is acknowledged as a narrow, country lane. The landscape impact, in the opinion of your officers, has been adequately addressed and the application is recommended for approval subject to the conditions outlined below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. B03 (Amended plans)**

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 3. C01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 4. H06 (Vehicular access construction)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

- 5. H04 (Visibility over frontage)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 6. H13 (Access, turning area and parking)**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

7. I20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

8. F09 (Private use of stables only)

Reason: In order to safeguard the character and amenity of the area and to comply with Policy (specify) of Herefordshire Unitary Development Plan.

Informatives:

- 1. HN01 - Mud on highway**
- 2. HN05 - Works within the highway**
- 3. HN10 - No drainage to discharge to highway**
- 4. HN22 - Works adjoining highway**
- 5. N19 - Avoidance of doubt - Approved Plans**
- 6. N15 - Reason(s) for the Grant of Planning Permission**

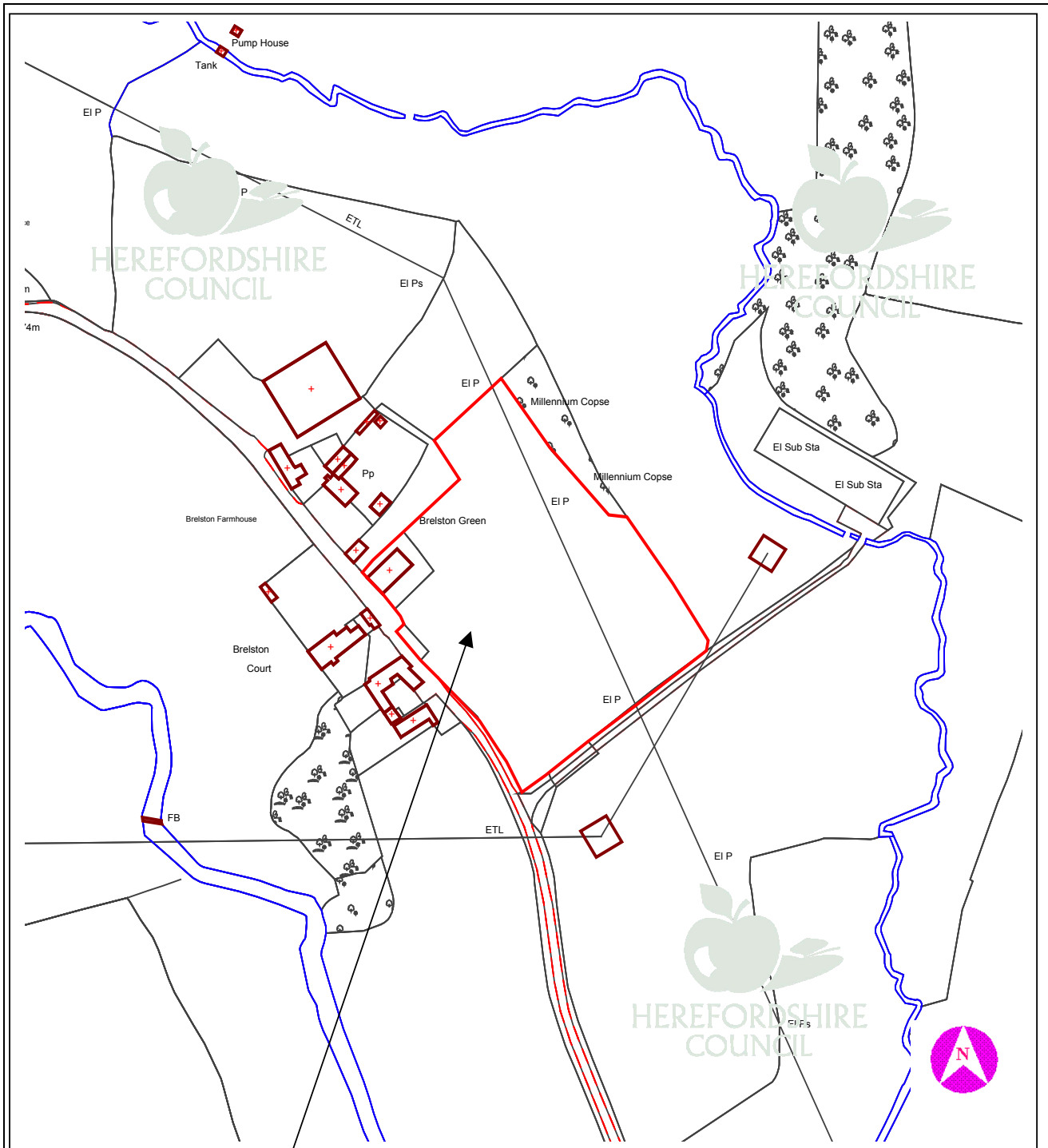
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/2207/F

SCALE : 1 : 2500

SITE ADDRESS : Brelston Court, Marstow, Ross-on-Wye, Herefordshire, HR9 6HF

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