

AGENDA

Planning Committee

Date: **Wednesday 11 August 2010**

Time: **10.00 am**

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:

Ben Baugh, Democratic Services Officer

Tel: 01432 261882

Email: bbaugh@herefordshire.gov.uk

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Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor TW Hunt
Vice-Chairman	Councillor RV Stockton
	Councillor ACR Chappell
	Councillor PGH Cutter
	Councillor H Davies
	Councillor GFM Dawe
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor JW Hope MBE
	Councillor B Hunt
	Councillor RC Hunt
	Councillor G Lucas
	Councillor RI Matthews
	Councillor JE Pemberton
	Councillor AP Taylor
	Councillor DC Taylor
	Councillor WJ Walling
	Councillor PJ Watts
	Councillor JD Woodward

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.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

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. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details of any Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 21 July 2010.	1 - 8
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	9 - 12
7.	DMSE/100514/F - HOLMES GROVE, UPTON BISHOP, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UQ Change of use of land - three log cabins for residential nomadic use.	13 - 20
8.	DATE OF NEXT MEETING Date of next site inspection Tuesday 31 August 2010 [to be confirmed] Date of next meeting Wednesday 1 September 2010	

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 21 July 2010 at 10.00 am

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice-Chairman)

Councillors: PA Andrews, ACR Chappell, PGH Cutter, GFM Dawe, JHR Goodwin, DW Greenow, KS Guthrie, JW Hope MBE, RC Hunt, G Lucas, RI Matthews, DC Taylor, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillor AE Gray

12. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Davies, B Hunt, JE Pemberton and AP Taylor.

13. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor PA Andrews was a substitute member for Councillor AP Taylor and Councillor JHR Goodwin was a substitute member for Councillor JE Pemberton.

14. DECLARATIONS OF INTEREST

8. DMCW/100947/F - 44 Tower Road, Hereford, Herefordshire, HR4 0LF.
Councillor PA Andrews, Personal.

15. MINUTES

RESOLVED: That the Minutes of the meeting held on 30 June 2010 be approved as a correct record and be signed by the Chairman.

16. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced all of the Officers present at the meeting.

17. DMSE/100420/O - LAND ADJACENT TO ALTON BUSINESS PARK, ALTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5ND

Erection of a 60 bed (maximum) care home for the elderly.

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Sneddon, the applicant, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AE Gray, one of the local ward members, commented on a number of issues, including;

- Agreed with the points raised by the applicant in respect of circular 03-2005
- The application had not been discussed with the regulatory body
- The local member felt that there must be evidence that the care commissioner had been consulted prior to any application being granted.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter, the other local ward member, commented on a number of issues, including;

- Advised Members of the layout of the site and the location of the neighbouring industrial units.
- The nearest shop was approximately 1 mile away from the proposed development.
- Neither the Traffic Manager nor the Economic Development Manager were in favour of the application.
- The applicant had permission for 3 retail units on the site, these were more in keeping with the area than a residential use.
- The application was contrary to policy CF7 as the application was not in an existing residential area.

Members felt that the elderly deserved the right to live out their latter years in dignity and peace and that the proposed application would not enable this due to its location on an industrial estate. They felt that it was therefore contrary to Policy CF7 of the Unitary Development Plan and was not in keeping with local or national care policies.

It was noted that jobs would be created by granting the application but Members felt that this would not alleviate the concerns raised in respect of the suitability of the site. It was noted that the Committee had recently granted permission for a care home on Faraday Road on industrial land and some Members questioned how this proposal differed.

The Head of Development Management advised Members that the application needed to be determined on land use considerations only. He added that the need, or lack of need, for the care home was not a material planning consideration.

The Committee noted the letter from Dr Rogers, detailed in the updates sheet, regarding his concerns about care provision for the elderly in Ross.

The Committee noted that the Unitary Development Plan stated at 13.5.3, that, 'residential care homes should be located within areas that are suitable for other forms of residential accommodation and ideally be situated close to local services and public transport routes.'

In summing up the Committee felt that the application should be refused as there was an inappropriate relationship between employment land and the care home; the application was contrary to Policy CF7 of the Unitary Development Plan; and the setting and surroundings were not appropriate for a care home development.

As the Committee were minded to refuse the application contrary to the officer's recommendation, the Head of Development Management and the Monitoring Officer's representative discussed the reasons for refusal outlined by the Committee and in accordance with paragraph 4.8.10.2 of the Council's Constitution they felt that major policy issues were not at stake and that the decision would be defensible if challenged, therefore the motion was put to the vote.

RESOLVED

That the application be refused on the following grounds:

- **There is an inappropriate relationship between employment land and the care home**
- **The application is contrary to Policy CF7 of the Unitary Development Plan**
- **The setting and surroundings are not appropriate for a care home development**

18. DMCW100999F - LAND SOUTH OF WERGINS BRIDGE, C1125, SUTTON ST NICHOLAS, HEREFORDSHIRE

New vehicle access to field.

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking Mr Winnell, representing Sutton St. Nicholas Parish Council, spoke in objection to the application and Mr Rogers, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor KS Guthrie, the local ward member, commented on a number of issues, including;

- There was a proposed music festival due to take place on the site, the access would be used for this.
- The new access was on a stretch of road with a 60mph speed limit.
- There had been a number of accidents within the proximity of the new access.
- The Parish Council object to the application on highway safety grounds.
- The proposed access was substandard and should be refused.

In response to a question regarding the proposed access, the Principal Planning Officer confirmed that the new gate would be set back 8 metres from the road and the visibility splay would be 2.4 metres from the road.

Members felt that the existing gateway was too close to the bridge which therefore impaired visibility. They added that the new access enabled a tractor to pull off the highway before opening the gate and was a vast improvement on the previous access.

Councillor Guthrie was given the opportunity to close the debate in accordance with the Council's Constitution. She reiterated the issues raised in her opening statement and added the following;

- Could a condition be added to restrict the use of the access to agricultural use only.

In response the Head of Development Control advised that the applicant was permitted to use the land for alternate uses for a certain number of days per year (depending on use) so the access could not be restricted. He also said that this was subject to obtaining a licence.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 No development shall take place until a scheme detailing the measures to be undertaken to close the existing access has been submitted to and approved in writing by the local planning authority. Such scheme shall include the provision of a hedgerow, comprising a mix of native species, to the highway boundary. The scheme shall include a timetable for the completion of the work with the new hedgerow to be planted no later than the first planting season following the first use of the access.**

Reason: To define the terms by which planning permission is granted in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjoining highway to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 4 H05 Access gates (8 metres)**
- 5 H06 Vehicle access construction**

Informatives:

- 1 HN01 Mud on highway**
- 2 N11C General**
- 3 N15 Reason(s) for the Grant of PP/LBC/CAC**

19. DMCW100947F - 44 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF

Erection of 8 flats.

The Head of Development Management gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking Mrs Lilley and Mrs Bashir spoke in objection to the application, and Mr Shaw, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JD Woodward, a local ward member, commented on a number of issues, including;

- Concerns regarding highways including a lack of turning provision as well as concerns regarding impact on the Tower Road and Breinton Road junction.
- Increased traffic as a result of the application was contrary to Unitary Development Plan policy DR3.
- The proposal was out of keeping with the street scene and was contrary to policy DR1 in terms of layout, density, scale and mass.
- The local ward member and the local residents were happy with development on the site but felt that the current proposal was unacceptable.
- Concerns were expressed in respect of a lack of consultation regarding the section 106 agreement.

Members discussed the application and noted that there were no flats on Tower Road at present and that the existing bedsits were currently in the process of being returned to family dwellings. Members also expressed concerns regarding the difficulty in monitoring Condition 2, which stated that the dressing rooms would not be used as bedrooms.

On balance Members felt that the application should be refused due to over development, garden grabbing, and due to the fact that the character and appearance of the development were out of keeping with the area.

In respect of concerns regarding garden grabbing, the Head of Development Management advised that PPS3 had recently been amended. He stated that previously there was a presumption in favour of development of brown field land but since the revision there was no longer a presumption in favour of such development. However this did not mean that the land could not be developed. He added that the proposed application did meet the revised criteria.

In response to a question regarding Section 106 contributions, the Head of Development Management advised that monies had not been forthcoming for a number of applications referred to by Members as the developments had not been commenced.

The Head of Development Management also advised that the distance from the proposed development to the neighbouring boundary was three and a half metres, with the nearest dwelling being seven and a half metres away.

One Member of the Committee expressed concerns in respect of PPS1 - Delivering Sustainable Developments. He felt that the provision of parking spaces would encourage car use resulting in the additional use of fossil fuels.

As the Committee were minded to refuse the application contrary to the officer's recommendation, the Head of Development Management and the Monitoring Officer's representative discussed the reasons for refusal outlined by the Committee and in accordance with paragraph 4.8.10.2 of the Council's Constitution they felt that major policy issues were not at stake and that the decision would be defensible if challenged, therefore the motion was put to the vote.

RESOLVED

That the application be refused for the following reasons:

- **Over intensive form of development (policies DR1, H13 and H14 of the Herefordshire Unitary Development Plan)**

- **The character and appearance of the development are out of keeping with the area (policies DR1, H13 and H14 of the Herefordshire Unitary Development Plan)**

20. DMS101526FH - 236 GRANDSTAND ROAD, HEREFORD, HR4 9LS

Proposed single storey front extension.

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PA Andrews, one of the local ward members, commented on a number of issues, including;

- The application was only before the committee as it was submitted by an officer from within the Council.
- The application would have been approved under delegated powers if it had not been an officer application.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 B02 Development in accordance with approved plans and materials**

Informative:

- 1 N15 Reason(s) for the Grant of PP/LBC/CAC**

21. DATE OF NEXT MEETING

The date of the next meeting was noted.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 11.50 am

CHAIRMAN

PLANNING COMMITTEE

Date: 21 July 2010

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

DMSE/100420/O - Erection of a 60 bed (maximum) care home for the elderly at Land adjacent to Alton Business Park, Alton Road, Ross on Wye, Herefordshire, HR9 5ND.

For: Mr Egan per Mr John Sneddon, Eclipse Office Park High Street, Staple Hill, Bristol, BS16 5EL.

ADDITIONAL REPRESENTATIONS

One additional letter received from Dr A Rogers, Pendeen Surgery, Kent Avenue, Ross-on-Wye. In summary the letter refers to the large scale of the proposal and raises concern as to whether it is appropriate within a small country town. The letter suggests that the Dr is unaware of the need for this number of care beds but suggests that the PCT would comment upon the strategic need for such a facility.

OFFICER COMMENTS

None

NO CHANGE TO RECOMMENDATION

DMCW/100999/F- New vehicle access to field at Land South of Wergins Bridge, C1125, Sutton St Nicholas, Herefordshire.

For: Mr Rogers per Mr Ian Savager, 35 Caswell Crescent, Leominster, Herefordshire, HR6 8BE.

ADDITIONAL REPRESENTATIONS

A letter has been received from the applicant confirming that he is willing to comply with all five recommendations.

It also states that he agrees with point 6.7 of the report that the music festival should be a separate issue. The application should be judged on its own safety aspects and merits.

NO CHANGE TO RECOMMENDATION



MEETING:	PLANNING COMMITTEE
DATE:	11 AUGUST 2010
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision.

Recommendation

That the report be noted.

APPEALS RECEIVED

Application No. DMNW/092430/F

- The appeal was received on 3 June 2010
- 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 Miss E Stanwell
- The site is located at Mapps Place, Richards Castle, Ludlow, Herefordshire, SY8 4EL
- The development proposed is Provision of new access onto public highway and change of use of land
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

Application No. EN/10/001135/DCNC

- The appeal was received on 14 June 2010
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Peter Sanderson
- The site is located at Tick Bridge Farm, Tick Bridge Lane, Leominster, Herefordshire, HR6 0QL
- The breach of planning control alleged in this notice is The unauthorised operational development in the form of large areas of hard standing being laid at the site without the benefit of planning permission. The unauthorised operational development in the form of an agricultural building being built without the benefit of planning permission.

Further information on the subject of this report is available from the relevant case officer

- The requirements of the notice are:
 - a) To permanently remove the part of the hard and return the area to its former condition of pasture land. This is to include the reseeding of the land with grass seed.
 - b) The demolition of the unauthorized agricultural building,
 - c) The removal of all associated materials from the demolition of the building from the site.
- The appeal is to be heard by Written Representations

Case Officer: Mark Tansley on 01432 261956

Application No. DMNE/100260/L

- The appeal was received on 28 June 2010
- 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 Lloyd
- The site is located at Barton Court, Colwall, Herefordshire, WR13 6HN
- The development proposed is Proposed minor alterations to former stables building to provide additional garage space
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 383093

Application No. DMNC/092844/O

- The appeal was received on 30 June 2010
- 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 Ms N Harrison
- The site is located at Port House Farm, Tenbury Road, Bromyard, Herefordshire, HR7 4LW
- The development proposed is Proposed erection of 175 dwellings with garages, sports pavilion and pitches, community/youth building, landscaping and associated works
- The appeal is to be heard by Inquiry

Case Officer: Andrew Banks on 01432 383085

Application No. DMSE/093116/O

- The appeal was received on 1 July 2010
- 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 Michael Ward
- The site is located at Riverhill, Newmills Hill, Goodrich, Ross-on-Wye, Herefordshire, HR9 6JD
- The development proposed is Site for two bedroom house with new access
- The appeal is to be heard by Written Representations

Case Officer: Angela Tyler on 01432 260372

Application No. DMNW/091914/F

- The appeal was received on 2 July 2010
- 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 Mrs Watt
- The site is located at Land adjoining The Meadows, Eardisley, Hereford, Herefordshire, HR3 6PP
- The development proposed is Erection of a detached 2 bedroom 2 storey house.
- The appeal is to be heard by Written Representation

Case Officer: Philip Mullineux on 01432 261808

APPEALS DETERMINED

Application No. DMNE/091361/F

- The appeal was received on 25 March 2010
- 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 Mr & Mrs Pedro
- The site is located at Tack Farm Equestrian Centre, Ullingswick, Hereford, Herefordshire, HR1 3JQ
- The application dated 23 June 2009, was refused on 24 February 2010
- The development proposed was Proposed warm up menage, extend existing menage and new site office/public address system
- The main issues are: the effect on the living conditions of nearby households, particular in relation to noise and disturbance. The second is the effect on highway safety.

Decision: The application was Refused by Committee, contrary to Officer Recommendation, on 24 February 2010

The appeal was Allowed on 16 June 2010

Case Officer: Mark Tansley on 01432 261956

Application No. DMDS/091705/F

- The appeal was received on 24 March 2010
- 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 Mr Williams & Family
- The site is located at Rock View, Goodrich, Ross-on-Wye, Herefordshire, HR9 6JG
- The application dated 4 August 2009, was refused on 22 September 2009
- The development proposed was Proposed new access off B4229, private drive and parking/turning area.
- The main issues are the effect of the proposed development on the landscape of the Wye Valley AONB and highway safety.

Decision: The application was Refused under Delegated Powers on 22 September 2009.
The appeal was Dismissed on 23 June 2010

Case Officer: Charlotte Atkins on 01432 260536

Application No. DMSE/093173/F

- The appeal was received on 15 March 2010
- 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 Mr D Tabernacle
- The site is located at Laycombe, Archenfield Road, Ross-on-Wye, Herefordshire, HR9 5AY
- The application dated 11 December 2009, was refused on 11 January 2010
- The development proposed was Erection of detached bungalow, alterations to vehicular access and associated works
- The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Decision: The application was Refused under Delegated Powers on 11 January 2010
The appeal was Dismissed on 8 July 2010

Case Officer: Ed Thomas on 01432 260479

Application No. DMNC/092259/FH

- The appeal was received on 20 May 2010
- 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 Mr & Mrs Stuart Hinton
- The site is located at Orchard Cottage, Stoke Prior, Leominster, Herefordshire, HR6 0LH
- The application dated 24 August 2009, was refused on 20 November 2009
- The development proposed was Proposed two storey extension and alterations to an existing dwelling.
- The main issue is whether the development has an adverse impact on the character and appearance of the host building and the area.

Decision: The application was Refused under Delegated Powers on 20 November 2009
The appeal was Allowed on 13 July 2010

Case Officer: Andrew Banks on 01432 383085

Application No. DMCW/092179/F

- The appeal was received on 22 March 2010
- 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 Mrs S Smith
- The site is located at Levante, Belle Bank Avenue, Holmer, Herefordshire, HR4 9RL
- The application dated 18 October 2009, was refused on 10 February 2010
- The development proposed was Construction of new detached two storey house with additional single storey ground floor accommodation, provision of new private vehicle access drive.
- The main issues are first the effect of the proposed development on the character and appearance of the surrounding area; the second and third arise from third party representations. These are the effect on highway safety and the effect on the living conditions of the occupants of 3 Belle Bank Avenue, particularly in relation to overlooking and loss of light.

Decision: The application was Refused by Committee, contrary to Officer recommendation, on 10 February 2010
The appeal was Dismissed on 15 July 2010

Case Officer: Kelly Gibbons on 01432 261781

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



MEETING:	PLANNING COMMITTEE
DATE:	11 AUGUST 2010
TITLE OF REPORT:	<p>DMSE/100514/F - CHANGE OF USE OF LAND - THREE LOG CABINS FOR RESIDENTIAL NOMADIC USE AT HOLMES GROVE, UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7UQ.</p> <p>For: Mr Tapsell per Dr Angus Murdoch, PO Box 71, Ilminster, Somerset, TA19 0WF.</p>

Date Received: 9 April 2010

Ward: Penyard

Grid Ref: 365684,226263

Expiry Date: 4 June 2010

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 Planning permission is sought for the change of use of land to site three log cabins for occupation by members of the same gypsy family. The proposal also includes for the provision of hard-standing areas for the log cabins and the provision of a private sewage treatment system. The site comprises a grass field situated in open countryside on the northern side of the B4221, just over a kilometre to the south-east of Crow Hill. Access into the site is from the B4221 at the south-eastern corner of the site through a timber field gate, approximately 50 metres to the west of the entrance to Two Parks Farm, which is located on the opposite side of the road. A stoned access track has been constructed from the site entrance along the north-eastern side of a fishing lake that occupies the low-lying central portion of the site. A stone walled fishing lodge has been constructed on higher ground at the south-eastern end of the lake.
- 1.2 The site is bounded to the east by a field hedgerow, beyond which are agricultural fields and Ross Golf Club. It is bounded to the north-west by an area of woodland. There is fairly dense tree cover along the section of the B4221 road frontage to the west of the site and intermittent trees, predominantly Ash, along the southern boundary.
- 1.3 The proposal is to site the three log cabins at the northern end of the fishing lake. Two of the cabins would be sited on elevated ground close to the field hedgerow on the eastern site boundary. The third is to be sited on lower ground to the north-west of the fishing lake.
- 1.4 The application follows the refusal of application DCSE2009/1059/F which sought permission for the change of use of land to form five pitches consisting of five cabins, five utility day rooms and five touring caravan spaces. The application was refused on grounds relating to the adverse visual impact and deficiencies with the vehicular access.
- 1.5 The application is accompanied by a Design and Access Statement that explains the intended use of the site by the applicant, and his daughter and son-in-law. It has subsequently been clarified that the third log cabin would be occupied by one of the applicant's grandchildren. The agent submits that the applicant and his family fall within the definition of Gypsies and

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

Travellers for the purpose of paragraph 15 of Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites.

2. Policies

2.1

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H12	-	Gypsies and other Travellers
LA2	-	Landscape character and areas least resilient to change
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development

2.2 Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites.

2.3 Gypsy and Traveller Accommodation Assessment Shropshire, Herefordshire, Telford and Wrekin and Powys July 2008.

2.4 Designing Gypsy and Traveller Sites: Good Practice Guide, DCLG 2008.

3. Planning History

3.1 On site

SH960128PF	Enlargement of existing pond to form fishing pool and construction of car parking area and access drive thereto	-	Approved 19.9.1996
SS970272PF	Erection of fishing pavilion	-	Approved subject to conditions 9.6.2000
DCSE2009/1059/F	Proposed change of use of land for the siting of five cabins, five utility dayrooms and five touring caravans for nomadic use	-	Refused 19.8.2009

Adjoining

Marsh Farm is a farmstead 600m to the north of Holmes Grove. It is owned by the applicant's son-in-law and has been subject to applications for the retention of mobile homes for Gypsy occupation. These applications have been refused, the most recent of which is due to be heard at Public Inquiry in October.

DCSE0009/0855/F	Change of use of land and full planning permission to retain existing mobile. Retain existing log cabin and 4 additional log cabin mobile homes	-	Refused 22.6.2009
DCSE0009/1568/F	Change of use of land and full planning permission to retain existing mobile home, retain existing log cabin mobile home, 4 additional log cabin mobile homes and 6 touring caravans for nomadic use only and 6 utility day rooms	-	Refused. An enforcement notice was subsequently served and it is this proposal that is currently at appeal.

4. Consultation Summary

- 4.1 Traffic Manager: The visibility at present is to the requisite 2.4m x 150m to the east towards Gorsley, but is below standard at 130m to the west. On this stretch of road observed speeds are high (the road is subject to the national speed limit of 60mph) and 150m is the minimum requirement. As such permission should only be granted if subject to a condition requiring provision of the full visibility splay in each direction, to be constructed prior to the first occupation of any of the log cabins. The provision of the splay will require the removal of more roadside trees but is ultimately achievable. Work is also required at the point of access to enable two vehicles to pass simultaneously. This can be governed by the use of an appropriate condition.
- 4.2 Conservation Manager (Landscapes and biodiversity): The officer concludes that the introduction of 3 log cabins, hardstanding and associated domestic paraphernalia will cause harm to the rural landscape and would be contrary to policy LA2 of the Herefordshire Unitary Development Plan. However, if it is determined on balance that the proposed development is acceptable as an exception to the normal presumption against development in the open countryside, then the proposed landscaping would be capable of mitigating the adverse visual impact and is of a type that is appropriate to the landscape character of the area. It is acknowledged that it would take between 5 -10 years for trees to grow sufficiently to provide effective screening.
- 4.3 Forward Planning Manager: The proposed application seems in principle to comply with all four points of policy H12 in that it is small-scale, will be adequately screened and landscaped, includes adequate levels of residential amenity and is within reasonable distance of local services and facilities. Upton Bishop is the nearest small settlement which is 1.4km from the site, which is below the suggested thresholds for walking and cycling as per PPG13: Transport. It is acknowledged, however, that walking is unlikely on the B4221. Gorsley, a main village is 2.4km away and has more facilities, including a school, public house and post office.

It should be noted that the Gypsy and Traveller Accommodation Assessment (GTAA) June 2008, showed a need for additional pitch provision within Herefordshire. This amounts to 83 pitches to be provided from 2007-2012 and a further 26 pitches required from 2012-2017.

- 4.4 Environmental Health Manager: Recommends a condition requiring the submission of foul and surface water drainage requirements prior to commencement of development.
- 4.5 Conservation Manager (Building Conservation): No objection

5. Representations

- 5.1 Linton Parish Council: Objection. Although a reduction has now been made in the number of buildings required by the developer it still does not comply with a number of policies within the UDP. The Council believes that the cabins are clearly required for permanent residential use and cannot be regarded therefore as being for nomadic use as stated on the application form. These large wooden buildings with corrugated metal roofs set on concrete blocks, with large area of hard standing, conflict with the character and appearance of the surrounding land and as such are a departure from planning policy. We do not believe there are any further material considerations for the Parish Council to take in to account that would allow such a departure from planning policy and trust that this application will be refused as contrary to H7, DR1, LA2 and LA5.
- 5.2 Upton Bishop Parish Council (adjoining): Objection. The application is part of the overall plans for Marsh Farm, which remains subject to a Public Inquiry and should therefore be viewed together. The site is a Greenfield site with no amenities accessible on foot and is

poorly served by public transport. Hedgerow has been removed without permission and the access onto the B4221 is dangerous.

5.3 66 letters of objection have been received. The content of which is summarised as follows:

- The site is linked to Marsh Farm by a road network that links the two sites across the fields and this proposal is indivisible from those at Marsh Farm;
- The site is highly visible from the public highway and development of this sort is out of keeping with the landscape character of the area and built development in Upton Bishop as a whole;
- The vehicular access is unsafe and use would present a threat to other highway users, particularly if large vehicles are using it. The road is subject to the national speed limit (60mph) and carries a significant volume of traffic;
- The applicant and his wider family own several properties in the area, which must bring the need for development into question;
- If permission is granted for log cabins/mobile homes anywhere on Marsh Farm/Holmes Grove, there will be considerable risk of the site becoming a commercial caravan park;
- Given that the public highway looks down onto the site it is highly unlikely that planting will adequately screen the development, which would be visible and incongruous in the wider rural landscape;
- Development across the Marsh Farm and Holmes Grove sites would appear to amount to more than is required to meet the needs of the applicant's family;
- The proposed cabins would be occupied by older members of the family, which is illogical given that of the two sites, Holmes Grove is nearer to a good highway network and thus provides easier access to school;
- No provision is made for the storage of touring caravans upon the site, which indicates that there is no 'nomadic' element to the design;
- The business enterprises that the applicant runs have existed in South Wales at a fixed location for many years and it is to be assumed that he has been travelling to and from this area for many years, which would seem more akin to a settled lifestyle than a nomadic existence. The family's traveller origin is not questioned. It would appear, however, that their lifestyle has not been nomadic for many years.

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

6. Officer's Appraisal

Legislative background and the assessment of need for Gypsy & Traveller sites

6.1 This application seeks a change of use of land for the siting of three log cabins, which qualify as caravans under the definition set out within the Caravan Sites Act 1968. The intended occupation is by the applicant, his daughter and son-in-law and grandchild. It is submitted and accepted that the intended occupants are Gypsies as defined at paragraph 15 of Circular 01/2006: *Planning for Gypsy and Traveller Caravan Sites*. This Circular is the central plank of Government led guidance on planning for Gypsy and Traveller sites. It is this document that obliges local authorities to plan positively for Gypsy and Traveller sites by first identifying the need for sites through a Gypsy and Traveller Accommodation Assessment (GTAA). Although the Regional Spatial Strategy has been revoked, interim arrangements for dealing with the assessment of need and allocation of sites have not been announced and the advice within Circular 01/2006 as regards the need to allocate Gypsy sites within a Development Plan Document remains applicable. In terms of assessing the need for pitches, therefore, it is considered reasonable to continue to use the GTAA as a credible basis against which to assess the need for new pitches on both privately owned and publicly provided sites.

- 6.2 At the current time there is an acknowledged shortfall in pitch provision across Herefordshire. Sites that may be allocated through the Local Development Framework are unlikely to come forward until 2013, in which case there will continue to be a need to assess one off applications as and when they arise. The latest figures from the Annual Monitoring Report suggest an unmet need for 50 pitches between now and 2012.
- 6.3 Notwithstanding the legislative and policy background that the Council must work within when assessing applications by Gypsies and Travellers for transient and settled occupation, this does not equate to a situation that the need for additional pitches has to be met at all costs. There are, and will continue to be, criteria based policies against which the relative merits of proposed sites must be scrutinised.

Gypsy status: Sites for settled occupation

- 6.4 Whether one can be defined as a Gypsy or Traveller does not necessarily rest upon whether the individual is currently leading a nomadic existence. The revision to the Gypsy/Traveller definition as set out in Circular 01/2006, explains that those who have enjoyed a nomadic existence but who stop travelling on the grounds of old age, ill health or for the educational needs of dependents, can still be considered Gypsies. The application submits that Mr Tapsell, who is now 73, is ceasing to travel on the grounds of old age and ill health. His son-in-law intends travelling again at some point in the future, but has a child of primary school age, enrolled at school in Ross-on-Wye. As such, officers consider that although this is a site for settled occupation, it is appropriate to consider it against policy H12, which makes specific reference to such sites.

The Herefordshire Unitary Development Plan

- 6.5 Policy H7 seeks to restrict the spread of unwarranted housing in the open countryside. There are exceptions to this presumption, which include sites that provide for the needs of Gypsies and other Travellers in accordance with policy H12. Policy H12 is a criteria based policy that states that sites intended to provide for the accommodation needs of Gypsies or other Travellers will be permitted where:
- The site is within reasonable distance of local services and facilities;
 - Sites for settled occupation should be small, as should temporary or transit sites, unless there is a need to provide a site on a route frequented by groups travelling in large numbers;
 - Adequate screening and landscaping is included in order to ensure that the proposal does not result in an adverse impact upon the character and amenity of the landscape; and
 - They contain appropriate levels of residential amenity, including safe play areas for children and provide satisfactory work and storage areas.
- 6.6 The first criterion refers to the sustainability of the site in terms of its accessibility to goods and services, including accessibility to health services and schools where applicable. Consideration should also be given to the benefits of providing settled sites, which reduce the potential for environmental damage caused by unauthorised encampment. In this instance the site is within 1.4km of Upton Bishop and 2.4km of Gorsley (a main village). Whilst it is accepted that the B4221 is not a road that one would chose to walk, the distances to the villages do fall within the accepted distances of 2km for walking and 5km for cycling as defined in Planning Policy Guidance Note 13: Transport. There is also an hourly bus service that stops directly outside the entrance to the site. Although it is acknowledged that Holmes Grove cannot be described as 'edge of settlement' it is located between two identified settlements which between them have two public houses, a post office and a primary school. There is also good access to the motorway network, the M50 being less than a mile away. Circular 01/2006 urges local planning authorities to take a realistic approach in relation to the

availability of alternatives to the car in terms of accessing services and in view of the limited scale of this proposal it is considered that this criteria test is met.

- 6.7 The second criterion requires sites for settled occupation to be small scale. This application proposes 3 log cabins with associated gravelled hard-standing and turning head at the end of the existing stoned track. It is thus substantially reduced by comparison to the refused application which proposed 5 cabins, 5 utility dayrooms and 5 touring caravan spaces. The preamble to Policy H12 states that small sites comprise sites for up to 5 or 6 caravans and it is thus clear that this proposal should be considered small scale.
- 6.8 The site area is large with the land owned by the applicant extending to the north and west of the proposed cabins. The B4221 is above the site on the western approach with the effect that views are possible down into the site. The southern boundary against the road is marked by intermittent ash trees, but it is clear that additional landscaping and continued maintenance will be required in order to assimilate the proposal satisfactorily into the landscape. To this end a detailed landscaping proposal and management regime has been submitted. So as to enable the local planning authority to impose conditions upon the requisite land, the application site has been amended to extend to cover all of the area for which detailed landscaping proposals exist. The Conservation Manager (Landscapes) acknowledges that the introduction of cabins and hard-standing will cause harm to the rural landscape, compounding that which has arisen following the fishing pool and fishing pavilion permissions. It is accepted, however, that if this development is acceptable as a matter of principle, the proposed landscaping scheme is appropriate, with modification, to the landscape type, which is classified as Wooded Estate Lands in the Landscape Character Assessment. As such, if the need for the site is established and accepted, then officers are satisfied that the visual harm can be adequately mitigated and would recommend a series of conditions to ensure that the planting and management as proposed comes to fruition.
- 6.9 The advice of the Forward Planning Manager advises that the site has been designed with regard to the DCLG publication Designing Gypsy and Traveller Sites and as such the fourth criterion of policy H12 is met.

Highways considerations

- 6.10 Policy H12 does not contain a criterion relative to highway safety. It is clear, however, that this is a material consideration. The application submits that visibility of 2.4m x 150m is achievable to the nearside edge of the B4221 in each direction. This is indeed the case to the left upon egress, but only 130m is provided in the opposite direction. The full requirement of 150m can be met with the removal of more roadside trees which whilst undesirable is a replication of the visibility splay imposed upon the 1996 planning permission for the fishing pool extension. The trees are not protected by Tree Preservation Order and the visibility splay could be formed pursuant to the 1996 permission without any breach of planning control. Subject to the provision and future maintenance of the 2.4m x 150m splay in each direction, together with alterations to the access point itself, the Traffic Manager is satisfied that the proposal is acceptable in relation to highway safety.

Summary and Conclusions

- 6.11 The provision of sites for occupation by Gypsies or Travellers within the open countryside is one of the exceptions to the normal presumption against residential development within the open countryside. Accordingly such proposals can be considered acceptable as a matter of principle, provided they accord with the criteria of policy H12.
- 6.12 It is the view of officers that, on the basis of the identified need for sites for Gypsies and Travellers, the current proposal addresses the two reasons for refusal associated with the 2009 application. Accordingly, the application is recommended for approval subject to

conditions. These conditions will require occupation to be limited to persons meeting the statutory definition of a Gypsy/Traveller with a further requirement that future occupants have to provide evidence of their status prior to first occupation of any of the cabins hereby approved.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 The planning permission shall ensure solely for the benefit of Mr Ben Tapsell, Mr Thomas Maguire and Rebecca Gaskin and any spouses, partners or resident dependents. Should occupation of any or all of the mobile homes by the named individuals cease, they shall only be reoccupied by a person or persons meeting the statutory definition of a Gypsy/Traveller as defined at paragraph 15 of Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites (or any statutory instrument revoking or re-enacting the Circular with or without modification). Prior to occupation by anyone other than the named individuals, full details relating to the Gypsy/Traveller status of future occupiers shall be submitted to and approved in writing by the local planning authority.**

Reason: In recognition of the exceptional circumstances associated with the occupation of this site and to ensure compliance with Policy H12 of the Herefordshire Unitary Development Plan.

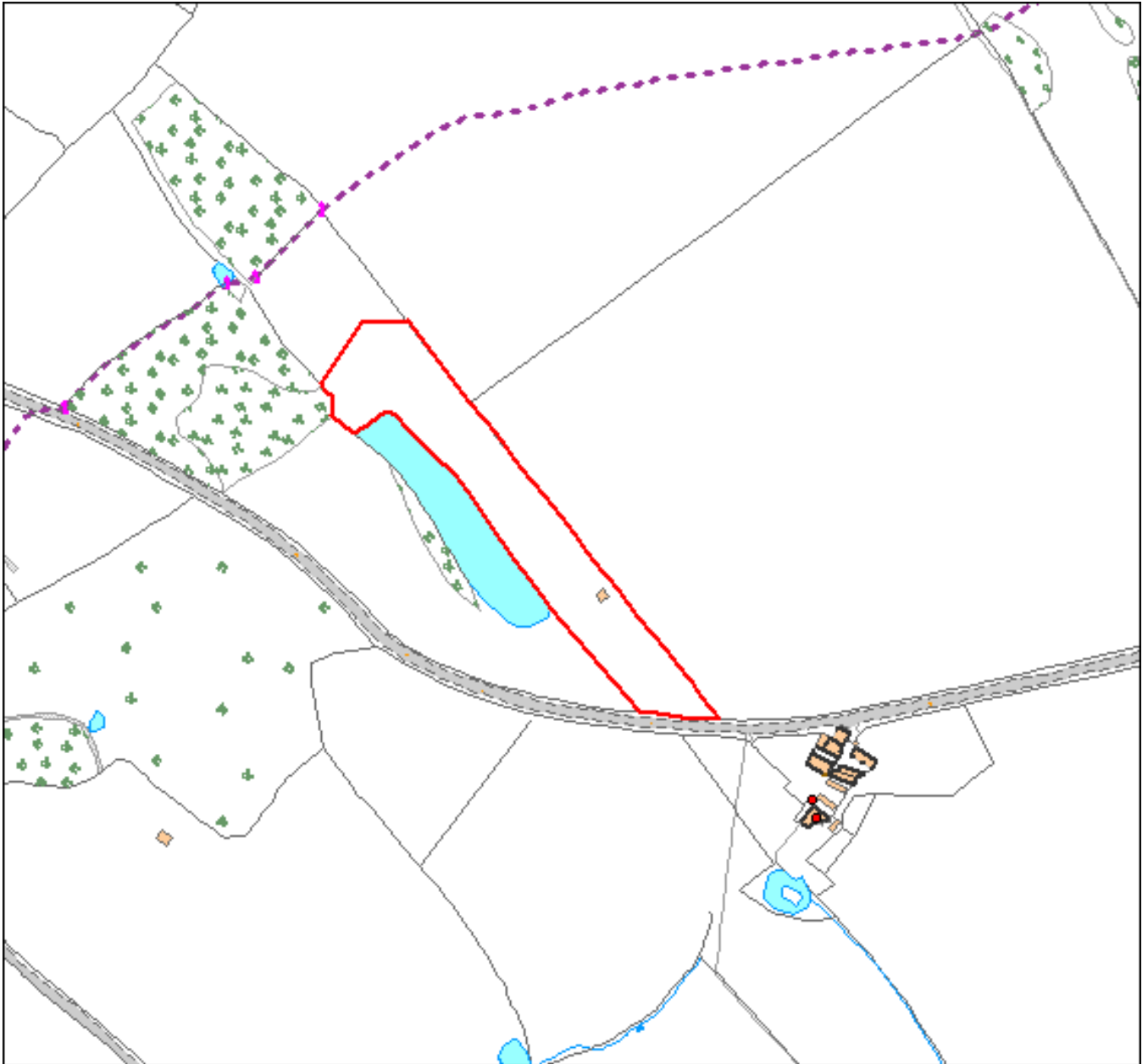
- 3 B01 Development in accordance with the approved plans**
- 4 G10 Landscaping scheme**
- 5 G11 Landscaping scheme - implementation**
- 6 Visibility splays**
- 7 Access, turning area and parking**
- 8 I33 External lighting**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMSE/100514/F

SITE ADDRESS : HOLMES GROVE, UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7UQ

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