

**6 DCCE2007/0951/F - REPLACEMENT DWELLING AND CONTINUED TEMPORARY USE OF EXISTING OUTBUILDING AS FULL RESIDENTIAL ACCOMMODATION. (ALTERNATIVE SITING OF APPROVED DWELLING UNDER CE2002/1868/F). SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE**

**For: Mr. A. Gregory, per Mr. P.H. Bainbridge, Stone Cottage, Duke Street, Withington, Hereford, HR1 3QD**

**Date Received: 23rd March, 2007**

**Ward: Hagley**

**Grid Ref: 56367, 42370**

**Expiry Date: 18th May, 2007**

Local Member: Councillor D.W. Greenow

## **1. Site Description and Proposal**

- 1.1 The site is located on the western side of the C1130 road which links Withington to Bartestree, south west of Whitestone Business Park. The site is an agricultural field bounded to the south by the railway line. The remainder of the site remains relatively open with the exception of boundary hedgerows and trees. The applicants existing property lies on the southern edge of the site adjacent to the railway line and is served by a vehicular access completed approximately 2 years ago. The site falls outside of the settlement of Withington as identified in the Herefordshire Unitary Development Plan 2007 and therefore falls within the open countryside.
- 1.2 Planning permission was approved on the 23rd August, 2002 for a replacement dwelling and temporary use of existing outbuilding (with added conservatory) as residential accommodation incorporating a new vehicular access. The vehicular access has been constructed and the pre-commencement conditions have been discharged therefore the planning permission has been lawfully implemented and remains extant. Planning permission is sought for the resiting of the approved replacement dwelling from a site adjacent (35 metres) west of the C1130 to a new site 160 metres west of the C1130 within the adjoining agricultural field. The existing track would be extended to provide vehicular access to the site and foul drainage via a septic tank and reed bed system. The application has been brought to Committee for a determination as a result of a request from the former ward member.

## **2. Policies**

### **2.1 Herefordshire Unitary Development Plan 2007:**

S1	-	Sustainable development
S2	-	Development requirements
S7	-	Natural and historic heritage
DR1	-	Design
H7	-	Housing in the countryside outside settlements

H13	-	Sustainable residential design
LA2	-	Landscape character and areas least resilient to change
T3	-	Protection and development of the rail network
T1	-	Public transport facilities

### 3. Planning History

#### 3.1 None on site but development history on adjoining site:

CE2002/1868/F - Replacement dwelling and temporary use of existing outbuilding (with added conservatory) as full residential accommodation. Planning permission approved 23rd August, 2002.

### 4. Consultation Summary

#### Statutory Consultations

#### 4.1 Network Rail: No objection.

#### Internal Council Advice

#### 4.2 Traffic Manager: No objection.

### 5. Representations

#### 5.1 Lugwardine Parish Council: No adverse comments.

#### 5.2 Withington Parish Council: Withington Parish Council has considerable sympathy with the applicant and the dilemma he's faced with through Herefordshire Council's proposal to earmark land for a park and ride station. The Parish Council is opposed to the idea of re-opening the station and it does not consider the scheme to be of realistic benefit.

In this unusual situation it does not believe allowing the applicant to move the existing planning application onto agricultural land would be setting a precedent.

The Parish Council is aware that a number of people living near the proposed development have concerns, which they have communicated to Herefordshire Council. Although the development is within Barthestree Council's area, Withington Parish Council encourages the Planning Department to give due consideration to submissions from Withington residents.

#### 5.3 One letter of objection has been received from Peter Foster, Sunnyside, Whitestone. The main points raised are:

1. Some weeks ago the property was advertised for auction and the land subject of this application was described as pasture land. It should not therefore be possible to be used for building development.
2. The land is prone to flooding in wet weather due to a high water table with many areas of the site during heavy rain being underwater.
3. When planning permission was given in 2002 it was for a replacement dwelling within a fenced area with the requirement that the existing dwelling be demolished within 3 months of completion therefore leaving only the one dwelling on site.

4. On the revised plan the existing dwelling is to remain as ancillary accommodation thereby resulting in two dwellings on site.
  5. In the recent election campaign, the case was made that we should strive to maintain the character of our rural setting.
- 5.4 A further letter from J and A Allen, Railway House, Whitestone has been received, the main points raised are:
1. We have no objection to the development even though it is in the middle of pasture land. We do however object to the existing dwelling being retained for any form of residential accommodation.
- 5.5 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The site of the approved dwelling and site of the proposed dwelling submitted under this application fall within the open countryside where there is a presumption against any new residential development. One exception permitted under Policy H7 of the Herefordshire Unitary Development Plan 2007 is a replacement of an existing dwelling with established residential use rights. However, this policy requires that the replacement dwelling be on the same site as the existing building. The proposed site for the dwelling is 125 metres (410 feet) away from the site of the permitted replacement dwelling. The proposal therefore fails to satisfy the requirements of Policy H7 of the Herefordshire Unitary Development Plan 2007 and is therefore unacceptable for this reason alone.
- 6.2 The proposed site for the replacement dwelling is within an agricultural field with no residential development in the immediate locality. The site is very exposed within the landscape and would not appear integrated with any other built development. Policy LA2 of the Herefordshire Unitary Development Plan 2007 requires proposals to demonstrate that landscape character has influenced the location of the development. In this instance, the introduction of the new residential use with the associated ancillary residential development such as garages, hardstanding, fences, sheds, greenhouses, washing lines etc will significantly detract from the character and appearance of the landscape contrary to Policy LA2.
- 6.3 The applicants reasoning for wishing to re-site the dwelling is due to the land allocated south of the railway line as a possible passenger railway station and park and ride area. If implemented, the proposed rail station and park and ride would inevitably generate some additional vehicle movements and potential noise. However, the approved site for the dwelling is 50 metres away from the edge of the proposed site for the railway station and divided by the railway line and some mature trees and vegetation, which provides screening. In terms of noise, there is already a high degree of background noise emanating from both the railway line and the adjacent C1130 road and Whitestone Business Park beyond. Therefore, it is not considered that the amenity of the occupants of the approved dwelling would be harmed to such an extent as to warrant supporting this application, which is clearly contrary to Development Plan policies.
- 6.4 The supporting information indicates that the applicant is seeking to sell the property with planning permission but advises that the rail station allocation in the UDP is

affecting the saleability of the land and/or the price that can be obtained. This ultimately is not a material planning consideration. Furthermore, the proposals to allocate the land for a railway station and park and ride were in the public domain prior to the applicant obtaining planning permission in 2002 for the current siting of the dwelling.

6.5 Therefore, there are not considered to be any other material planning considerations to warrant approving a development which is contrary to a number of adopted Unitary Development Plan policies.

**RECOMMENDATION**

**That planning permission be refused for the following reasons:**

- 1. The proposed site for the dwelling is not on the same site as the existing dwelling (now demolished) and therefore, the development is contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007.**
- 2. The site occupies an exposed location within the open countryside and the proposed development would detract from the landscape character of the area. As such the development is contrary to Policies S1, S2, S7, DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.**

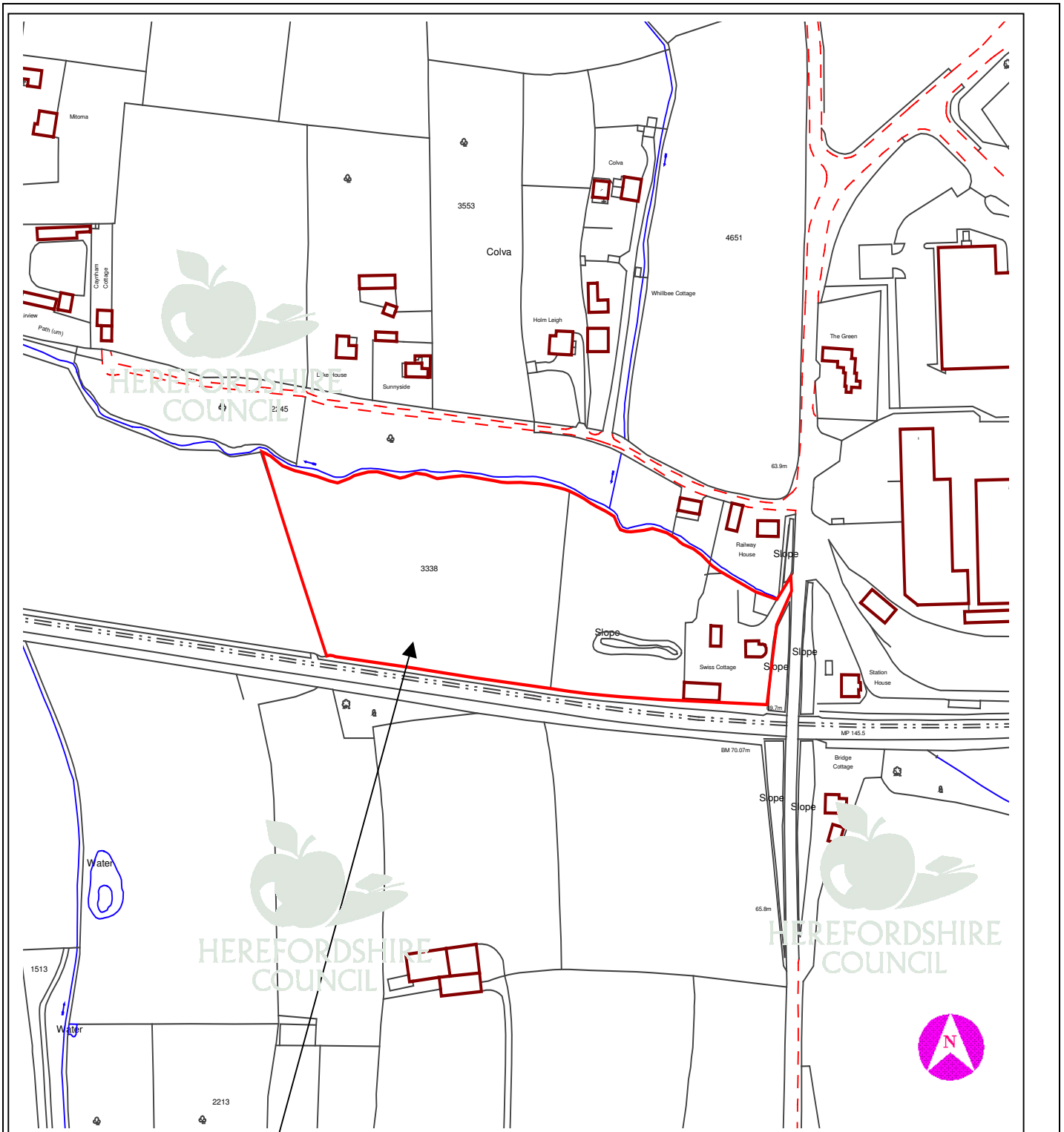
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/0951/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Swiss Cottage, Whitestone, Hereford, Herefordshire, HR1 3SE

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