

5 DCSW2007/1882/F - REMOVAL OF CONDITION 3 FROM PLANNING APPROVAL SH950274PO, MILLENNIUM HOUSE, ALLENSMORE, HEREFORDSHIRE, HR2 9BE.**For: Mr. & Mrs. R. Knipe per Mr. C. Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW.****Date Received: 15th June, 2007****Ward: Valletts****Grid Ref: 44852, 35170****Expiry Date: 10th August, 2007**

Local Member: Councillor Mrs. M.J. Fishley

1. Site Description and Proposal

- 1.1 The application site is on the north-western side of the unclassified road (u/c 73411) that leads southwards out of Cobhall Common, and to the west of the hamlet of Hungerstone. This unclassified road joins the B4348 road at a point approximately half way between Thrupton and Winnal. Therefore this site is in open countryside.
- 1.2 The dwelling is subject to a planning condition attached to the original planning permission granted on 20th September, 1995. This condition is as follows:

‘The occupation of the accommodation hereby permitted shall be limited to a person solely or mainly employed in connection with the use of the associated land comprising Cobhall Court Stud for the breeding and training of horses, including any dependants of such persons residing with him/her or a widow or widower of such person.

Reason: Justification for the accommodation is based on the need to provide staff accommodation associated with horse breeding and training in connection with the business conducted at Cobhall Court Stud. An unrestricted residential use in this location would be contrary to national and local rural planning policies.’

- 1.3 The property comprises a four bedroom dwelling, one bedroom is on the ground floor, the remaining ones are within the roof space lit by dormer windows to the rear and rooflights to the front elevation. Two stables and a tack room are attached on the north-eastern end and on the opposite wing is a double garage.
- 1.4 The Cobhall Court Stud is no longer operating, it closed several years ago, in 2000, therefore the applicants are seeking to remove a condition which cannot be complied with.
- 1.5 A marketing exercise has been carried out by a local agent.

2. Policies**2.1 Planning Policy Guidance**

PPS.7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy H.8 - Agricultural and Forestry Dwellings and Dwellings
Associated with Rural Businesses

3. Planning History

- | | | | | |
|-----|-----------------|--|---|--------------------|
| 3.1 | SH950274PO | Dwelling and stables for stud groom | - | Approved 20.09.95 |
| | SS980288PM | Dwelling and stables for stud groom | - | Approved 26.08.98 |
| | DCSW2006/2334/F | Removal of condition 3 of planning approval SH950274PO | - | Withdrawn 22.09.06 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager has no objection.

5. Representations

- 5.1 In a letter that accompanied the application the applicants' agent makes the following main points:

- previous application withdrawn given need to advertise the property; even though there is not a market with the imposition of condition 3
- the property was advertised in the Hereford Times by local agent. Extensive interest, however tie/condition deterred further interest. No offers were received
- my clients have been informed of an alleged breach of condition 3, outcome pending outcome of this application
- stud ceased trading in 2000, therefore condition cannot be complied with.

- 5.2 Allensmore Parish Council make the following observations:

“While understanding that the business has ceased trading and the applicant's need to settle their business affairs we feel this application for the removal of condition 3 will have to be a matter for the Council's Planning and Legal departments. On the original planning site visit report it stated that a modest single storey dwelling would be appropriate but it would appear the planning office later accepted plans for a larger dwelling with condition 3 attached. This property would not have been built here without this condition: reason for conditions on outline planning dated 20th September 1995 - 'justification for the accommodation is based on the need to provide staff accommodation associated with horse breeding and training in connection with the business conducted at Cobhall Court Stud. An unrestricted residential use in this location would be contrary to national and local rural planning policies'.”

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 main issue is the principle of allowing the removal of a planning condition which restricts the occupation of Millennium House. The condition in question which is reproduced above is very specific and ties the occupation to Cobhall Court Stud. The approach that needs to be undertaken, for proposals for the removal of conditions such as in this case, is set out in Policy H.8. This states:

‘Applications for the removal of agricultural occupancy conditions will only be permitted if it can be demonstrated that the original condition was unreasonably imposed or that there is no longer a current or foreseeable need for an agricultural dwelling either on the holding or in the locality, and that there has been a genuine and unsuccessful attempt to market the property at a realistic price.’

6.2 The Parish Council refer to the size of the dwelling in their observations, however it is the principle of removal of the condition and the relationship of the dwelling to Cobhall Court Stud which is the crucial issue. It is stated that the stud ceased operation in 2000, which technically means that the house should be unoccupied.

6.3 It is considered that the condition attached is a very restrictive one, albeit that it was reasonably imposed at the time. This was in order to establish a link between two different operations on two geographically divorced sites. There is considered not to be a continuing need for the condition as required by planning policy. The property has been marketed at a realistic valuation for such a modern dwelling in open countryside.

6.4 Therefore, given the restrictive condition and the fact that the Cobhall Court Stud has ceased, it is not considered unreasonable for the condition to be removed. It would not be realistic varying the condition, i.e. to tie the occupation of the dwelling to another occupation or enterprise given that none such exist.

RECOMMENDATION

That planning permission be granted.

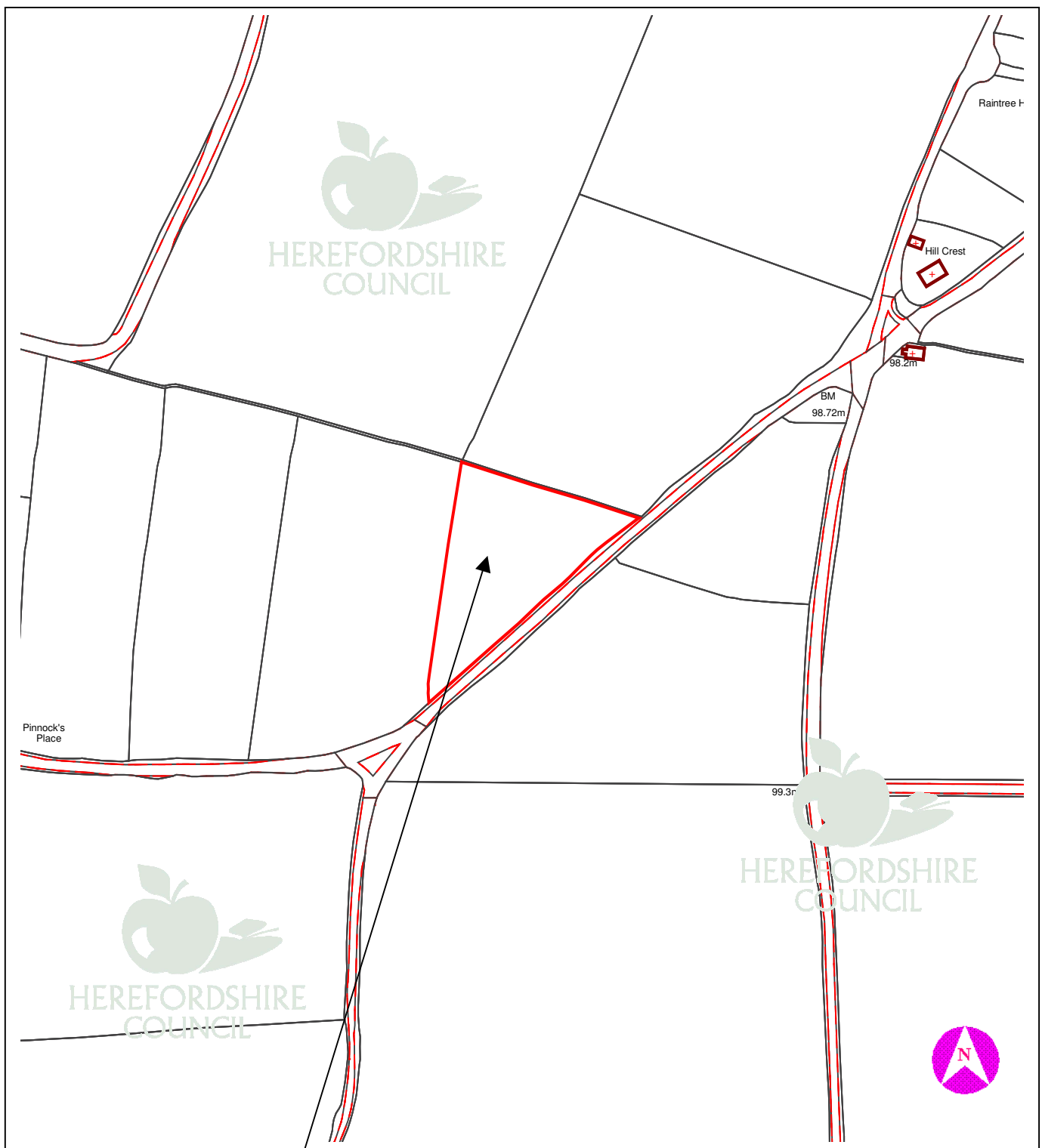
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/1882/F

SCALE : 1 : 2500

SITE ADDRESS : Millennium House, Allensmore, Herefordshire, HR2 9BE

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