

10 DCCE2007/2237/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 DW 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 applicant's 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.
- 1.3 Planning permission was refused by the Central Area Planning Sub-Committee on 4th July, 2007 for the re-siting of the approved replacement dwelling to the western boundary of the field adjoining the applicant's existing accommodation and 160 metres from the C1130. Planning permission is now sought for the re-siting of the approved replacement dwelling from a site 35 metres west of the C1130 to a new site 93 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.

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:

CE2007/0951/F - Replacement dwelling and temporary use of existing outbuilding as full residential accommodation. (Alternative siting of approved dwelling under CE02/1868/F) Planning permission refused 4th July, 2007. The reasons for refusal were:

- 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.

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: We support this application and feel the planning authority should grant an exception to normal planning policy due to the blight caused by the inclusion of a Park and Ride facility in the UDP.

There are other properties in the locality so it cannot really be called open countryside.

5.2 Withington Parish Council: Withington Parish Council has sympathy with the applicant because of the station/park and ride site identified alongside his land. For this reason, Withington P.C. does not object to the existing premises being moved to the new location.

5.3 One letter of objection has been received from C. Hunt of Holmleigh, Whitestone. The main points raised are:

- The application site is supposed to be pasture land. The applicant has already built a new house, which he now wants to call an annexe. Only one property should be allowed to replace the original Swiss Cottage and he already has that.

5.4 A further letter from J. and A. Allen, Railway House, Whitestone has been received, the main points raised are:

- We have no objection to the development providing the annexe is not used for any residential accommodation as soon as the new house has been built. We would add that the new entrance to the site does not lend itself to any more vehicular traffic.

5.1 A letter has been provided by the applicant's agent in support of the application. The main points raised are:

- There is no reference in the 2002 application file to possible changes in the rail network or its impact on the proposal at that time. If the allocation were in place at the time, it must be seriously questioned whether planning permission would have been granted on the approved site as it could now prevent implementation of the new rail station.
- The applicants have objected to the allocation throughout and in February 2004 requested the re-siting of the approved dwelling.
- The new rail station and park and ride allocation extends along 130 metres of the applicants land adjoining the railway line.
- If a platform is required on both sides of the track as indicated in the rail study it will encroach on the applicant's land.
- The revised siting excludes over 50% of the adjoining pasture land within the applicant's ownership.
- The revised siting will enable a tree screen to be planted.
- The applicant has tried to sell the property but no offers were made prior, during or after the auction.
- The extant permission can be revoked and the applicant's existing accommodation changed to ancillary accommodation in accordance with the current approval.
- The council has no plans within its capital programme to develop the station.
- The relocation of the dwelling will ensure that one major objection to the allocated rail station and park and ride is removed.

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 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 50 metres (165 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. Whilst the site now proposed under this application is considerably closer to the approved site than with the recently refused proposal, it is still 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 40 metres away from the railway line, the proposed site for the railway station and existing mature trees and vegetation providing some screening. Further planting could be undertaken to minimise any overlooking.
- 6.4 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. Furthermore, the applicants have not provided any evidence to demonstrate that the potential or existing noise exceeds acceptable thresholds or that satisfactory amenity could not be safeguarded with the approved siting. 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.
- 6.5 There is also a concern regarding the future use of the building currently occupied by the applicant. The applicant states that their existing accommodation would become 'ancillary' to the new dwelling as required by the current permission. However, the footprint of the existing accommodation is larger than the proposed new dwelling containing all the normal facilities associate with an independent dwelling. Allied with the distance now proposed between the existing accommodation and proposed dwelling its is difficult to see how the accommodation could be ancillary. In effect, two potentially independent dwellings would be created.
- 6.6 The supporting information indicates that the applicant has been 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 through early consultations on the Unitary Development Plan prior to the applicant obtaining planning permission in 2002 for the current siting of the dwelling.
- 6.7 Therefore, notwithstanding that the siting now proposed brings the dwelling nearer to the approved siting, 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.

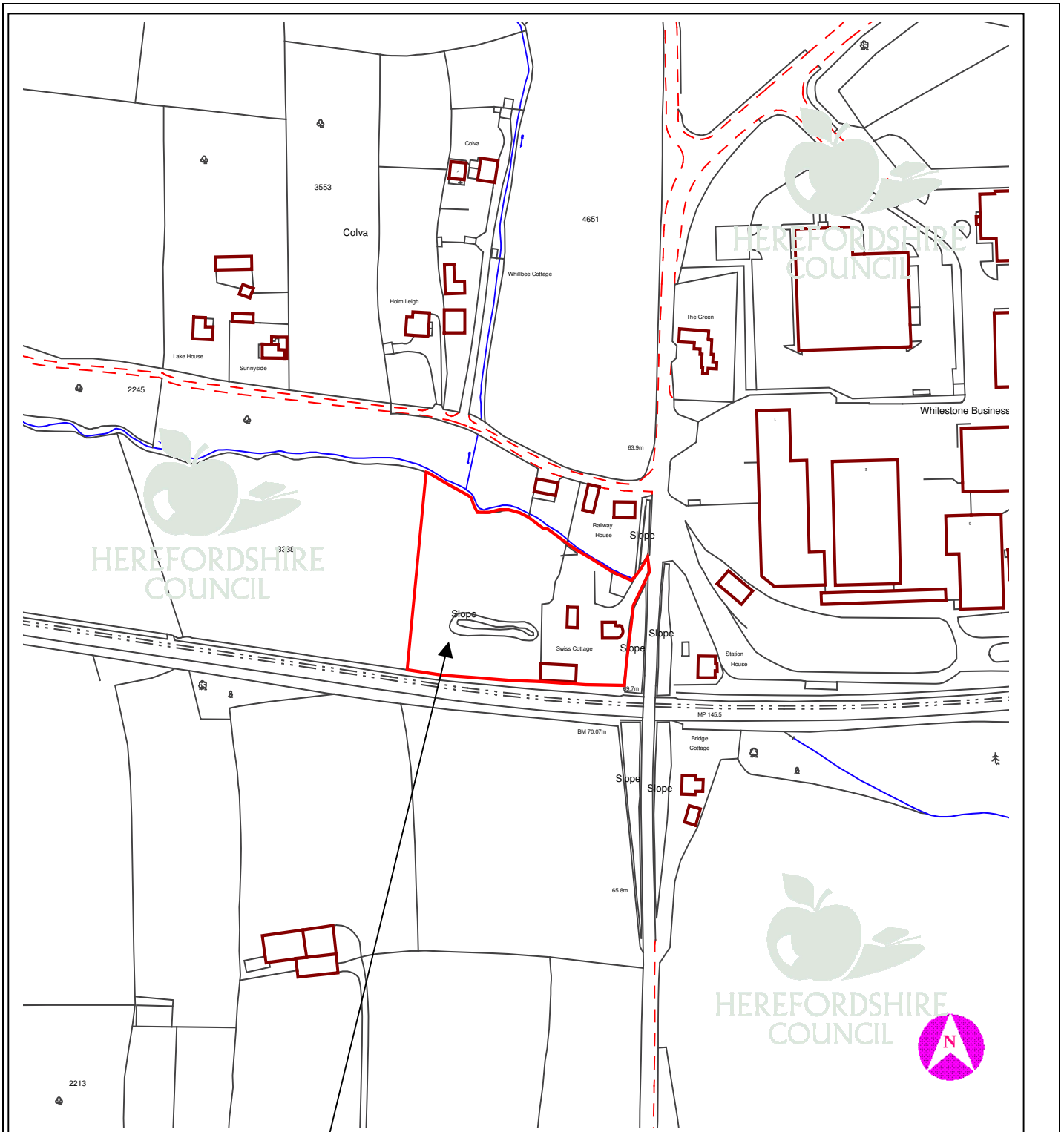
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/2237/F

SCALE : 1 : 2500

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

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