

**DCNW2007/2326/F - PROPOSED AREA FOR THE
DISPLAY OF DECORATIVE GARDEN PRODUCTS AT
THE OAKS, MARSTON, PEMBRIDGE,
HEREFORDSHIRE HR6 9HZ**

**For: Mr & Mrs A Davies per McCartneys, 7 Broad
Street, Leominster, Herefordshire HR6 8BT**

Date Received:
18th July 2007

Ward:
Pembridge &
Lyonsall with Titley

Grid Ref:
36559, 57297

Expiry Date:
12th September 2007

Local Member: Councillor RJ Phillips

This application was considered by the Northern Area Planning Sub-Committee at its meeting on the 22nd August 2007 when Members resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 22nd August 2007 the Northern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

The proposed development represents a form of unsustainable development in a rural location, unlikely to be accessed by modes of transport other than private motor vehicles. Furthermore the proposal will also have a detrimental impact on the landscape character of the surrounding area by means of its domestic nature. Therefore the proposal is contrary to policies S1, S2, DR2, DR3, DR4, E11 and LA2 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7, Sustainable Development in Rural Areas.

In the debate the members of the Area Sub-Committee gave weight to the concept of farm diversification and the need to encourage businesses in rural areas. They felt that the road access to the site was adequate given the low level of traffic currently using the lane and the existence of four passing bays.

It was resolved to grant planning permission with the following restrictions:

- A temporary three year trial period
- Restrictions on nature of use and delivery times
- Restriction on hours of business
- Restrictions on any lighting for the site
- Landscaping conditions
- Re-instatement of the site in the event that the business ceases

The application raises the following issues:

1. The site is currently a relatively small paddock with planning permission for a stable. What is proposed is quite suburban in character with ornamental features such as feature paving and pathways. The basic appearance of the site will thereby change

from something quite rural in character to something very suburban in character. This will conflict with landscape policy as pointed out by the Landscape Officer

2. The site is remote from centres of population and is, effectively, only accessible to customers by means of private transport. The proposed business use has no connection with any other nearby enterprise. It is therefore unsustainable in the sense referred to in the Sustainability policies of the Unitary Development Plan.
3. The number of conditions proposed by the Sub Committee rather emphasises the point that such a use may give rise to a number of concerns. The proposed trial period indicates some doubt as to whether the development is acceptable.

In the light of the above it can be seen that the proposal conflicts with the development plan policies which seek to restrict urban/suburban development in the open countryside in the interests of protecting the County's landscape character, and to direct development to sustainable and accessible locations. Consequently, the application is referred to this meeting of the Planning Committee for further consideration.

The original report to the Northern Area Sub-Committee was drafted before letters of objection had been received and, consequently, they were reported verbally to the meeting. One letter of objection, in particular, was countersigned by 13 residents of Marston. Their objections were submitted with the following headings and the comments made are summarised below:

Impact on the natural environment Marston is a small, rural hamlet where the only commercial activity is farming and/or work relating to farming. The application proposes a commercial use not relating to any other activities in Marston. There will be an increase in noise, disturbance and loss of amenity.

Highway Infrastructure. The lane through Marston is single track and is unsuited to the kind of commercial traffic which would be created by the proposed use.

Benefit to the local community There is no such perceived benefit. Much of the custom for the new use is anticipated to come from distant locations.

Incremental development. The applicant's long term aspirations for the site are unclear and an approval at this stage may lead to pressure for further intensification of the use subsequently.

Unsustainability There is no gas or electricity supply to the site and further development will be require to sustain the proposed business

Views of Local Residents The representations which have been received in support of the application do not come from the residents of Marston itself.

Pembridge Parish Council do not object.

Since the meeting on 22nd August four further letters of objection have been received from residents of Marston (who also signed the objection letter referred to above). They are still concerned that the development would be an inappropriate commercial development on a greenfield site, it would damage the character and setting of the rural hamlet of Marston, it would introduce commercial traffic on a lane unsuitable for such traffic, and the changes to the site to provide paving, fencing etc. etc. would be out of keeping with the rural character of the site and its surroundings.

Having considered all the representations which have been received the recommendation remains one of refusal for the reasons recommended to the Northern Area Planning Sub-Committee on 22nd August 2007. The report to that Sub-Committee follows.

1. Site Description and Proposal

- 1.1 The application site is a green field located in open countryside adjacent to a stable block and yard. Access to the site is obtained from an unclassified public highway (91418) that adjoins the western boundary of the application site.
- 1.2 The application proposes an ornamented landscaped area for the display of decorative garden products, consisting of a series of paths constructed with different sized and colour decorative gravels to allow potential customers to view a variety of garden products. Also, forming part of the application, is a proposal for a gazebo to provide an office facility.
- 1.3 The application is accompanied by an accountant's letter, explaining that the proposal has a prospect of being a viable business given adequate facilities. Also, accompanying the application are 6 supporting letters from members of the public and potential customers, as well as a petition signed by 8 local residents.

2. Policies

2.1. Planning Policy Statement 7: Sustainable Development in Rural Areas.

2.2. Herefordshire Unitary Development Plan

- S3 - Sustainable development
- S2 - Development requirements
- S3 - Employment
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- E8 - Design standards for employment sites.
- E11 - Employment in the smaller settlements and open countryside.
- E15 - Protection of green field land.
- LA2 - Landscape character and areas least resilient to change.
- LA5 - Protection of trees, woodlands and hedgerows.

3. Planning History

- 3.1. NW0711279/F - Proposed area for the display of decorative garden products - Refused 15th June 2007.
- 3.2. NW04/2545/f - Timber stable block - Approved 3rd September 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2. The Public Rights of Way Manager raises no objections.
- 4.3. The Transportation Manager objects to the application, if total projected trips to the site exceed 10 per day, because of highway safety and sustainability.

5. Representations

- 5.1. Pembridge Parish Council - A verbal report will be presented on their response.

6. Officer's Appraisal

- 6.1 The main issues of concern in relationship to this application are:-

- sustainability
- public highway access
- impact on landscape character

6.2. Sustainability

The site is located in open countryside, outside a designated settlement boundary and forms part of a green field site with no buildings upon it.

- 6.3 Policy S1: emphasises how development proposals must protect and enhance the natural environment, respect local landscape character, regenerate previously developed land, direct new development to sites that best meet the appropriate sustainable development criteria, while reducing the need to travel, making use of different modes of transport from that of personal motor transport.
- 6.4 The site for the proposed development is in open countryside on a green field site with no existing buildings and served by an unclassified public highway (U9141P) with no evidence of access by alternative modes of transport.
- 6.5 The application proposes the creation of a business to display decorative garden products along with a gazebo for use as an office and, therefore, very domestic in appearance on a site in open countryside, and hence not respecting the local landscape's distinctive character. Neither does the proposed use have any functional relationship with any nearby use. No audited accounts have been submitted to support the viability of the business. For these reasons the application does not comply with Policy S1: Sustainable Development of the UDP or the relevant criteria of Planning Policy Statement 7: Sustainable Development in Rural Areas.
- 6.6. Policy E11: Employment in the smaller settlements and open countryside emphasises that development proposals in locations such as this will not be permitted, unless it is an operation of agriculture, forestry or mining of minerals, represents a form of farm diversification or re-use of a rural building in accordance with Policies HBA12 and HBA13. The proposal does not meet these criteria and consequently does not comply with Policy E11.

6.7 Public Highway Access

The Transportation Manager has recommended refusal to the application if total projected trips to the site exceed 10 per day, on the grounds of highway safety and sustainability.

6.8 The applicants, in their Design and Access Statement, have stated that it is anticipated that, during the summer, opening times will be 9.00 am until 5.30 pm Tuesday – Saturday and 10 am until 4.00 pm on Sundays, with more limited opening hours during the winter months, to allow for darkness. The statement further states that there will be at least one member of staff on site at any one time, along with one or two part-time staff.

6.9 Anticipated vehicles movements to and from the site are difficult to predict. However, in order for the business to be viable, in consideration of its opening hours and staffing arrangements, visitor traffic, along with vehicle movements to service the site, is likely to exceed 10 on many days.

6.10 Impact on Landscape Character

The application proposes ornamental garden development in the open countryside, completely divorced from any domestic habitations such as dwelling houses, with no essential need for locating to this specific site. The proposal, therefore, will have an adverse affect on the overall character of the landscape, with no demonstration provided as to why the landscape character has influenced the design, scale, nature and site selection of the proposal. Therefore, the application is also contrary to Policy LA2 – Landscape Character and Areas Least Resilient to Change of the UDP.

6.11 Therefore, in consideration of sustainability issues and impact on landscape, this application does not conform with relevant national and local policies, and cannot be supported.

RECOMMENDATION

That planning permission be refused for the following reason:-

The proposed development represents a form of unsustainable development in a rural location, unlikely to be accessed by modes of transport other than private motor vehicles. Furthermore the proposal will also have a detrimental impact on the landscape character of the surrounding area by means of its domestic nature.

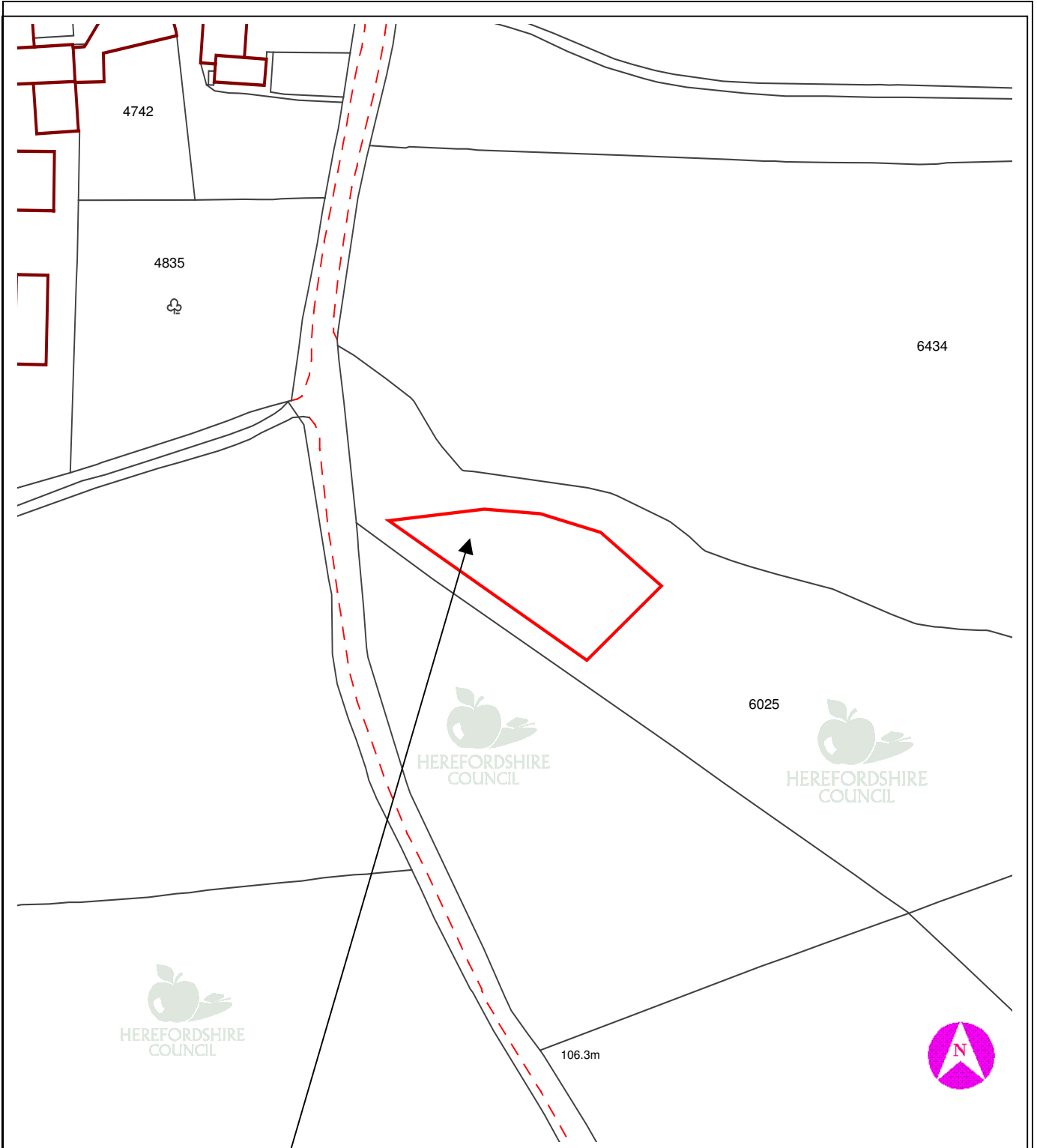
Therefore, the proposed development is contrary to policies S1, S2, DR2, DR3, DR4, E11 and LA2 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7 Sustainable Development in Rural Areas.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/2326/F

SCALE : 1 : 1250

SITE ADDRESS : The Oaks Marston Pembridge Herefordshire HR6 9HZ

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