

DCSW2007/2543/O - SITE FOR NEW DWELLING IN GARDEN OF SANDRIDGE, BARRACK HILL, KINGSTHORNE, HEREFORDSHIRE, HR2 8AY

**For: Mr R Poole & Mrs G Phillips per Mr C Goldsworthy
85 St Owens Street, Hereford, HR1 2JW**

Date Received: 3rd August 2007
Expiry Date: 28th September 2007
Local Member: Councillor R. Smith

Ward: Pontrilas

Grid Ref: 50429, 32276

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on 12th September 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 12th September 2007 the Southern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

- 1. The site does not form part of the smaller settlement of Kingsthorne, as defined by policy H.6 of the Herefordshire Unitary Development Plan 2007 and as such it lies within open countryside. The proposal does not satisfy any of the exceptional criteria allowing for housing in the open countryside and it is therefore contrary to policy H.7 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7, Sustainable development in Rural Areas.**

Policy H.6 of the Unitary Development Plan is:

H6 Housing in smaller settlements

In the following settlements, proposals for residential development on plots arising from the infilling of small gaps between existing dwellings within the settlement will be permitted, where:

1. the dwelling size is limited to a habitable living space of 90 sq m (3 bedroom house) or 100 sq m (4 bedroom house);
2. the plot size is limited to a maximum area of 350 sq m; and
3. the infill gap is no more than 30 metres frontage.

In considering such planning applications priority will be given to applications on previously developed land.

Developments on an appropriate infill plot larger than 30 metres frontage will be permitted for affordable housing where a proven local need has been successfully demonstrated.

Planning permission for the extension of dwellings approved under this policy will not be permitted. Planning permissions will be subject to a condition removing permitted development rights for the conversion of an ancillary garage into habitable accommodation, or for erection of any extension or detached buildings within the curtilage.

Proposals should be compatible with the housing design and other policies of the Plan and respect the character and scale of the settlement concerned.

Ashperton	Monkland
Bishopstone	Mordiford
Brampton Bryan	Much Birch
Bredenbury	Much Marcle
Bredwardine	Pencombe
Burley Gate	Peterstow
Dorstone	Pontrilas
Fromes Hill	Preston-on-Wye
Garway	Richard's Castle
Holme Lacy	Stoke Lacy/Stoke Cross
Hope under Dinmore	Stoke Prior
Kimbolton	Stretton Sugwas
Kings Caple	Swainshill
Kingsthorpe	Upton Bishop
Lingen	Wellington Heath
Llangrove	Woolhope
Longtown	Winforton

In the debate the Members of the Area Sub-Committee expressed the view that the cluster of houses on Barrack Hill could be properly regarded as being within the settlement of Kingsthorpe, and therefore the site should be considered as an appropriate form of infill development. In particular there are existing houses to north, south, east and west of the site. They felt that a strict application of the "30 metre" criterion was not appropriate in this case. They also noted that the applicant has the support of the Parish Council and the application had given rise to no objections other than from planning officers.

It was resolved to grant planning permission

The application raises the following issues:

1. Kingsthorpe is a "Smaller settlement" in the UDP for which there are no defined boundaries. However, the main body of the village lies to the south of this site, which is physically separated from the rest of the village by an open field. It is therefore reasonable to regard the group of houses on Barrack Hill as a separate group of houses to which policy H.6, Housing in Smaller Settlements, does not apply.
2. Even if the above argument is not accepted, then the proposal does not meet the requirement of policy H.6 because the proposed building plot is not in a "small gap of no more than 30 metres within the built up area of the settlement" as specified in the policy. This has been interpreted by officers, and supported on appeal, as meaning a 30 metre gap between buildings; not plot boundaries. The frontage to Barrack Hill is formed by a substantial hedge, and the houses to north and south do not create an effective built frontage to the road. Indeed, the proposed new property would effectively not front on to Barrack Hill at all and may not even be visible from Barrack

Hill. The proposed house plot cannot meet the criterion set by policy H.6 for infill development.

3. The applicants made representations to the Area Sub-Committee to point out that the purpose of the dwelling is to provide alternative accommodation for the single elderly person who is physically infirm and, following a bereavement, now lives alone in Sandridge. One member questioned whether this would count as the kind of local need allowed for by policy H.10 for rural exception housing. The proposal does not meet the policy tests of policy H.10.
4. Overall the proposed new dwelling would be a 4-bedroomed property, which is not in the main body of Kingsthorpe, and, even if policy H.6 is applied, cannot meet the specific criterion of that policy which deals with infill development. It would, thereby amount to a new dwelling outside a settlement and contrary to the Council's policies for housing in rural areas.

Overall, an approval in this case would effectively "stretch" policy H.6 to allow the concept of the Smaller Settlements to apply groups of houses that are near such settlements rather than actually in the main body of the village. This was not the intention of the policy. Furthermore, the concept of infill in Smaller Settlements is described in Policy H6 as "Residential development on plots arising from the infilling of small gaps between existing dwellings within the settlements". There is no built frontage to Barrack Hill at this site and the "gap" between the nearest dwellings is over 50 metres. The new house would actually front onto Eden Lane and in that case current the gap between buildings is also over 50 metres. This is not, therefore, a marginal case of policy interpretation.

In the light of the above it can be seen that the proposal conflicts with the development plan policies which seek to restrict new housing outside settlements in the rural parts of the County without special justification. Consequently, the application is referred to this meeting of the Planning Committee for further consideration.

The original report to the Southern Area Planning Sub-Committee follows.

1. Site Description and Proposal

- 1.1 The proposal site is reached off the western side of Barrack Hill. It comprises an arbitrary area of garden area to the east of Sandridge, a modern bungalow. Sandridge is at the entrance of a cul-de-sac of development of various dwelling types and materials, i.e. stone, render, slate and concrete tiles, mostly standing in large gardens.
- 1.2 Sandridge fronts onto the unadopted driveway (Eden Lane). A double garage, just under 6 metres away, will remain with the property. The existing access serving the property will also be utilised by the proposed new dwelling. Indicative plans submitted provide for a two-storey four bedroom dwelling with 99.34m² floor area and angled towards the north-west, i.e. at an angle to Barrack Hill. The rear or southern boundary is of evergreen hedging, the eastern roadside boundary is a post and rail one well supplemented by trees and hedging. There is a low stone rubble wall on the northern boundary which provides open views across the otherwise well screened site.
- 1.3 This is a planning application for which only the means of access, i.e. the existing one is to be determined at this stage. The remaining reserved matters or details will be determined at a later stage in the event that planning approval were granted for the principle of developing the site.

2. Policies

2.1 Planning Policy Statement

PPS.1	-	Delivering Sustainable Development
PPS.7	-	Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy S.2	-	Development Requirements
Policy H.7	-	Housing in the Countryside Outside Settlements

3. Planning History

3.1	DCSW2006/3917/O	New dwelling in garden	-	Refused 05.02.07
	DCSW2007/1087/O	New dwelling in garden	-	Refused 14.05.07

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager's recommendation is awaited.

5. Representations

5.1 The applicants' agent has submitted a Design and Access Statement. The following main points are raised:

- daughter wishes to move to Sandridge to be near her independent and elderly mother
- design of house will be as eco-friendly as possible
- site is flat, bounded by Barrack Hill and private road. Two yew trees at corner of plot will be retained
- garage will be retained
- small 4 bedroom house proposed, two parking spaces and garden area to front and rear
- floor area (99.4m²) consistent with Policy H.6 in the UDP
- percolation tests undertaken
- designed to be life-time home, i.e. 3 bedrooms on first floor and fourth on ground floor for future use
- landscaping, little alteration required.

5.2 In a further letter, a copy of which has been sent to all Members, the following main planning issues are raised:

- evident site is in Kingsthorpe, as it was previously
- neither of the previous applications have attracted any objections and the Parish Council fully support the proposal

- policies are for guidance, with regard to 30 metres infill gap and 30 metres infill plot, referred to in Policy H.6 have substantial differences in meaning
- the 30 metres requirement relates to frontage and must be considered in general terms as it cannot be site specific (the site has two frontages)
- each of nine properties (in cul-de-sac) fronts onto the road and not all squeezed into a gap between properties fronting onto Barrack Hill

comments on notes to Policy H.6:

- given client cannot afford dwelling in Kingsthorpe, therefore need and low cost requirements are established (5.4.60)
- states development permissible in the form of small infill opportunities (5.4.61)
- the plot sits comfortably within proposed limitations (5.4.62) meets needs of local people and contributes to housing targets, i.e. making best use of land (PPG.3) (5.4.63) based on assessment of community sustainability better to be larger than smaller, be near facilities described in section 5.4.63
- proposal falls within the remit of policies, for this essential and worthy application.

5.3 The Parish Council's observations are awaited.

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 relates to the policy framework relating to Kingsthorpe.

6.2 There are not issues of highway safety nor the infringement of amenity of residents in the vicinity. The site is also comparatively well screened from view. Kingsthorpe is the name of a settlement but which does not relate to a parish of that name. It comprises two parishes, Much Dewchurch and Much Birch. Much Dewchurch is on the western side of the C1263 road, the main thoroughfare, and indeed the only classified road in Kingsthorpe. Much Birch which contains the proposal site also has a cluster of dwellings along the A49(T) road and is named in Policy H.6, along with Kingsthorpe, as being a smaller settlement. Development in smaller settlements, as defined in Policy H.6, is limited to infill plots of no greater than 30 metres between dwellings which are in built up frontages. The objective of the policy is to provide limited infilling in gaps in established frontages for prescribed dwellings, such that those dwellings will provide more affordable dwellings than in the larger settlements.

6.3 These smaller settlements as defined in Policy H.6 in the Unitary Development Plan do not have delineated settlement boundaries, as is the case for the larger settlements. Therefore, it is not sufficient for the purposes of what is current Development Plan policy to have regard to the previously identified settlement boundary. The main cluster of dwellings follows the C1263 road on the western side and then follows the Wrigglebrook Valley. The unclassified roads that lead off eastwards and then both turn south-eastwards following the declining topography from the boundaries to the north and south of the sprawling settlement. The proposal site is within a distinct and separate cluster of dwellings that starts some 175 metres from the bottom of Barrack Hill. This cluster of dwellings is separate enough visually to be recognised as the Barrack Hill area which has the village hall in the northern area. It is not considered that this group of dwellings primarily fronting onto Barrack Hill, or just sited off it, as is the case with Sandridge, are within the distinct entity of Kingsthorpe.

- 6.4 The second issue relates to the interpretation of Policy H.6 which requires that new plots are no more than 30 metres in frontage and between existing dwellings. It is not possible for this plot to meet this criterion, which has been tested on Appeal to the Secretary of State. Sandridge has no dwelling to the east of it, only Barrack Hill. It is not sufficient to state that there are dwellings across the cul-de-sac entrance to the north-east (Elland Cottage) and south-west (Anfield House). Policy H.6 is clear in not encouraging corner plots; the cornerstone of the policy is the identification of plots between existing dwellings, which in turn are in frontages.
- 6.5 The proposal plot is not within the main cluster of dwellings of Kingsthorpe, it is within a distinct and separate grouping of dwellings located around Barrack Hill, therefore the development constitutes development in open countryside as it falls outside the identifiable limits of an identified settlement.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **This site does not form part of the smaller settlement of Kingsthorpe, as defined by Policy H.6 of the Herefordshire Unitary Development Plan 2007 and as such it lies within open countryside. The proposal does not satisfy any of the exceptional criteria allowing for housing in the open countryside and it is therefore contrary to Policy H.7 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7, Sustainable Development in Rural Areas.**

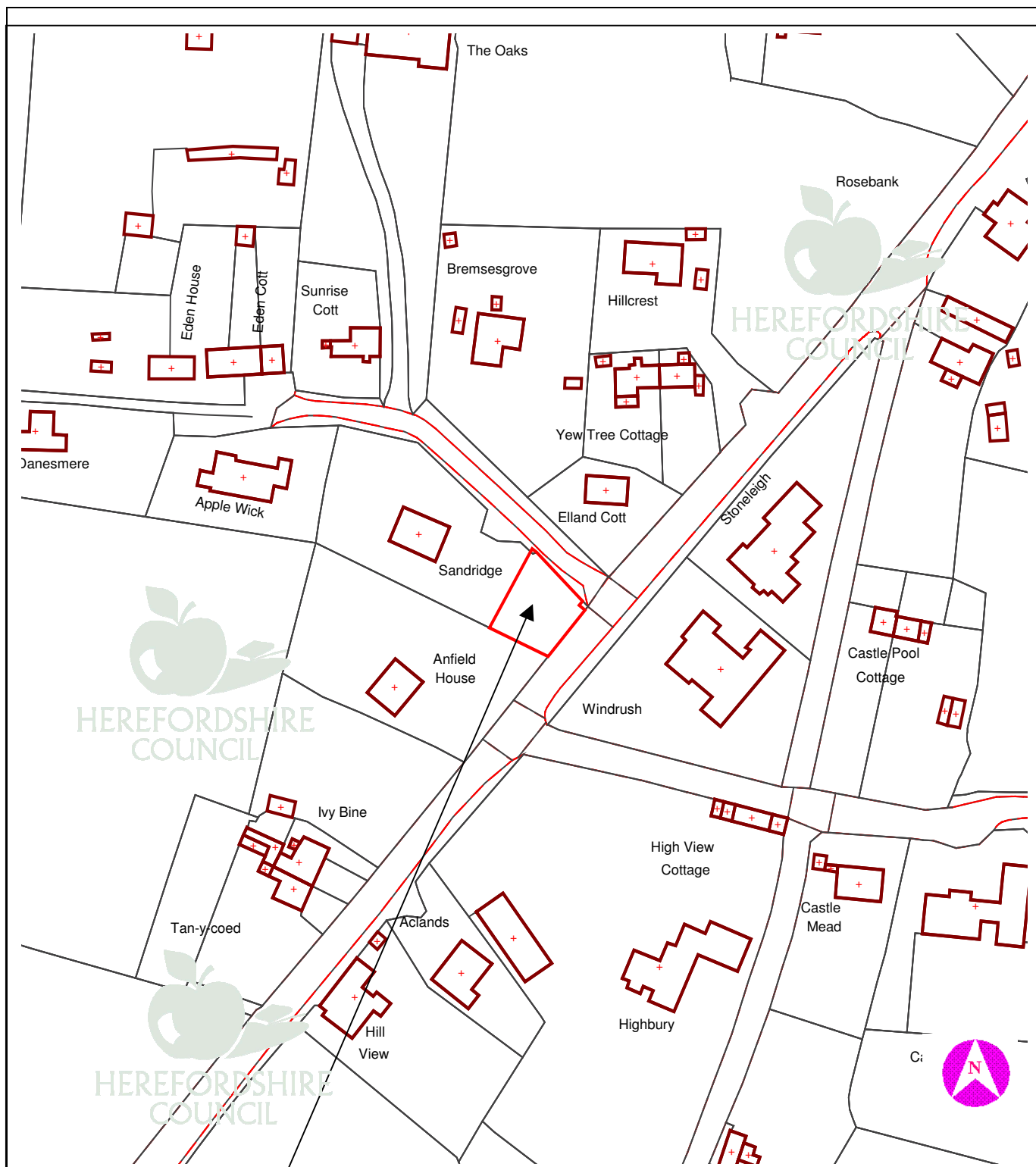
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/2543/O

SCALE : 1 : 1250

SITE ADDRESS : Sandridge, Barrack Hill, Kingsthorpe, Herefordshire, HR2 8AY

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