

8 DCNC2008/0603/F - CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL. LAND TO THE REAR OF QUAKERFIELD, 34 RADNOR VIEW, LEOMINSTER, HEREFORDSHIRE, HR6 8TF.

For: Mr & Mrs EGW Brooks per Caldicotts, 21 Burgess Street, Leominster, Herefordshire, HR6 8DE.

Date Received: 28 February 2008

Ward:

Grid Ref:

Expiry Date: 24 April 2008

Leominster North

48804, 59307

Local Member: Councillor J French and Brigadier P Jones

1. Site Description and Proposal

- 1.1 The applicant's bungalow is located in a housing estate within the town boundary of Leominster. There are open fields directly to the north of the applicant's dwelling. The town boundary runs along the rear (northern) boundary of the applicant's garden. The application site itself is a small section of the large field which backs directly onto the applicant's rear garden. The site measures 12 metres by 12.5 metres and the proposal is to change the use of this land from agricultural to residential in order to enlarge the residential curtilage, ie garden area, of the applicant's dwelling.

2. Policies

2.1 Planning Policy Guidance/Statements:

PPS1 - Delivering Sustainable Development

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan:

Policy S2 - Development Requirements

Policy DR1 - Design

Policy LA2 - Landscape Character and Areas Least Resilient to Change

Policy LA3 - Setting of Settlements

2.3 Herefordshire Council's Supplementary Planning Guidance:

Design and Development Requirements

3. Planning History

3.1 None.

3.2 On adjacent site - DCNC2007/3028/F - Change of use of land from agricultural to residential at 32 Radnor View. Planning permission with conditions granted 20th November 2007.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 The Traffic Manager has no objections.

5. Representations

5.1 The applicant's agent states that there is no operational development involved in this application to change the use of the agricultural land into use as a garden to be used by the applicant once he has purchased the land.

5.2 The Leominster Town Council states:

"Town Council recommends refusal. The change of use is outside the settlement boundary."

5.3 A letter of objection has been received from:

- Mr RF Oliver, Chairman of Leominster Civic Society, 118 Godiva Road, Leominster, Hfds, HR6 8TA

The main points being:

- In 1996-1998 Hintons tried to develop field north of The Rugg, Leominster. The application was rejected on access and environmental grounds. The application was for a significant encroachment into countryside.
- Last year permission was granted for No 32 Radnor View for change of use of agricultural land to residential ie land at bottom of their garden. Now there is current application next door for same type of proposal.
- There should be no built development outside the existing settlement boundary. If permission is granted then it should be for the exclusive domestic recreational use of the residents or owners of the existing bungalow.

5.4 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The main issues relate to:

- The principle of extending the curtilage/garden area of the dwelling into the field.
- The effect of the proposal on the visual amenities and character of the area.

The most relevant policies with respect to these issues are: S2, DR1, LA2 and LA3 of the Herefordshire Unitary Development Plan.

6.2 The principle of extending the garden area into the adjacent field as shown, on the submitted drawing, is in general terms considered to be acceptable. The additional area is only small and is located in the corner of this large field. In addition the proposal will be viewed against the backdrop of the existing residential development on the Town's boundary.

- 6.3 However, during the inspection of the site by the case officer it was noted that the application site had already been enclosed by a wooden fence approximately 1.8 metres high. The fence consists of wooden panels (vertical tannalized boarding) with concrete posts and plinth. It is considered that as the site projects into the field, and in effect into open countryside, that the outside boundary should be in the form of a hedgerow of native indigenous species. This will ensure that the development does not adversely affect the character and appearance of the landscape. However the new wooden fence that has been erected is quite prominent on the landscape to the extent that it does adversely affect the visual appearance and character of the landscape. If the fence was erected on the inside of a new hedgerow then this would be acceptable.
- 6.4 The adjacent dwelling to the east ie No 32 Radnor View, recently received planning permission for essentially the same proposal ie extending the garden into the field to the same depth but a narrower width, on 20th November 2007 – ref No DCNC2007/3028/F. Conditions 2 and 3 on the planning permission required that details of the intended boundary treatment be submitted for approval and that a new hedgerow be planted along the edge of the new boundary (ie on the outside of any new fencing/walling that may be erected) of a species to be first agreed by the local planning authority. The new hedgerow is required by the condition to be planted in the first planting season following commencement of the residential use of the land. At the time of the case officer site inspection (with respect to the current planning application) it was noted that a wooden fence identical to the one erected around the current application site had also been erected along the boundary of the site approved for change of use at No 32 Radnor View. No hedgerow or fencing details have been received by the local planning authority with respect to this planning permission. No hedgerow has been planted. Given the position of the fence line in both cases a hedge cannot be planted on the outside of the fence, whilst remaining within the application site.
- 6.5 In conclusion it is considered that with respect to the current application site the proposed change of use would be acceptable provided a native hedgerow is planted along the site boundary (ie north and west) and the newly erected fencing, which is currently positioned directly on the boundary line, is repositioned behind (ie on the inside) of the new hedgerow. This will however require the dismantling and repositioning of the fence.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 Unless otherwise first agreed in writing by the local planning authority, a new hedgerow shall be planted along the edge of the new boundary (ie northern and western sides and also outside of any new fencing/walling that may also be erected) of a species first agreed in writing by the local planning authority in the first planting season following the commencement of the residential use of the land. In the event of this new hedgerow being seriously damaged or destroyed then it shall be replaced by a new hedgerow of the same species in the next

planting season unless otherwise first agreed in writing by the local planning authority.

Reason: In order to protect the visual amenities and character of the surrounding rural area.

- 3 Before the use hereby approved commences and unless otherwise first agreed in writing by the local planning authority the existing newly erected fencing on the north and west boundaries of the site shall be repositioned within the application site (ie on the inside of the new hedgerow required by condition 2) in accordance with details showing the new position to be first submitted to and be subject to the prior written approval of the local planning authority. Full details of any alternative fencing would also need to be submitted for the written approval of the local planning authority prior to its erection.

Reason: In the interests of protecting the visual amenities and character of the surrounding rural area.

Informatives:

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 N03 - Adjoining property rights
- 3 The applicants should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. If in doubt the applicants are advised to seek legal advice on the matter and contact the owners of adjacent properties where these rights may be affected prior to undertaking any development.
- 4 N14 - Party Wall Act 1996
- 5 N19 - Avoidance of doubt - Approved Plans

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2008/0603/F

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of Quakerfield, 34 Radnor View, Leominster, Herefordshire, HR6 8TF

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