

**10 DCSW2008/1885/F - REPLACEMENT OF STEEL FRAMED STABLE ETC. BUILDING WITH OAK FRAMED GARAGE/STORAGE/STUDIO BUILDING, ENLARGEMENT TO RESIDENTIAL CURTILAGE, FORMATION OF ECOLOGY POND AND IMPROVEMENT TO VEHICULAR ACCESS, WELL COTTAGE, PRIORY WOOD, CLIFFORD, HEREFORDSHIRE, HR3 5HF.**

**For: Mr Hughes per Roger Gell Chartered Building Surveyors, Penderw, Old Radnor, Presteigne, Powys LD8 2RP.**

**Date Received: 23 July 2008    Ward: Golden Valley North    Grid Ref: 26068, 45342**

**Expiry Date: 17 September 2008**

Local Member:    Councillor PD Price

**1.    Site Description and Proposal**

- 1.1 The site is on the northern side of an unclassified road (u/c 75202) at Priory Wood. This unclassified road is characterised to the west of the site by mature tree planting and stone rubble cottages. This part of the dispersed settlement opens up to the east of Well Cottage and to the south-east is a triangular area of land, understood to form part of the Common Land in Priory Wood.
- 1.2 Well Cottage is a detached stone and boarded house which is set down below the level of the unclassified road. There is a public footpath (CL4) which runs along the eastern boundary. This affords westerly views across the site to the former paddock to the rear of Well Cottage which now constitutes an extension of residential curtilage. On the western side of the former paddock a range of buildings have been constructed, as well as a pond in the northern portion of the former paddock.
- 1.3 This is a retrospective application which seeks to regularise the erection of the large ancillary outbuilding and the change of use of the former paddock into an extended residential curtilage including a pond.
- 1.4 The range of buildings comprise a storage building with a dormer window in the east facing roof slope, adjoining it is an open fronted two bay garage, workshop and a studio/store. The building is constructed in stone and cedar boarding with a corrugated roof. This new building is located on the footprint of a former stable building measuring 6.5m to the ridge. The height of the proposed buildings varies between 4m and 4.5m.
- 1.5 A further element to this retrospective planning application are the improvements made to what was a gated access and is now a recessed entrance access, with a gate set back 4 metres from the edge of the highway and splayed by stone walling. This is intended to provide an improved means of access to the aforementioned garage/storage block.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H18	-	Alterations and Extensions
Policy LA2	-	Landscape Character and Areas Least Resilient to Change

## 3. Planning History

- 3.1 SW2002/2321/F First floor rear extension and porch to side - Approved 27.09.02
- SW2003/2789/F Bedroom over hall extension - Approved 29.10.03

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

- 4.2 The Traffic Manager states that works have been partially completed and that the gate should be set back 5 metres not 4 metres. This will allow a vehicle to pull off the highway. Also need a consolidated surface at access not stone.
- 4.3 The Public Rights of Way Manager has no objections, as footpath (CL4) passes outside expanded residential curtilage.

## 5. Representations

- 5.1 In the Design and Access Statement submitted the following main points are raised:

- existing building was a standard framed building with an agricultural fibre cement sheet roof. Very unattractive. Roof much higher than replacement
- client believed replacement building was on area of domestic curtilage (when part of adjoining property). Building mostly 4 metres to 4.5 metres but still some 2 metres below ridge height of replaced building
- new building designed to be vernacular structure, mainly oak framed in local cedar and stone under a traditional 3 inch profile corrugated sheet roof
- building follows contours by stepping
- necessary to accompany Well Cottage as garaging for cars, a workshop, animal feed storage, general storage and an office/studio (to facilitate quiet concentration)
- purchase of additional land allowed, restricted curtilage to Well Cottage previously
- land used for grazing horses
- improve formerly scruffy horse pasture to mini parkland with an orchard and pond
- will be a minimum of domestic curtilage, i.e. flower beds, mostly kept to grassland
- northern boundary hedge will remain

- it should be noted that existing storage shed to west of pond was once a separate residence and had large domestic curtilage to north and west of it.

Pond

- pond takes advantage of slow running watercourse and will not require to be artificially filled. Much smaller pond always existed in this position. Larger pond good for flora and fauna

Vehicular Access

- existing access gates still exist in roadside hedge. New recessed access an improvement on existing situation, as agreed by planning officer

5.2 In a letter received from the applicant the following main points are raised:

- attended Parish meeting last week; Chairman confirmed happy with barn but concerned with increase in curtilage
- informed Parish Council that Council could impose conditions restricting use
- would like though to have leeway to refurbish the tin shed (:next to the pond) plus ugly elements to rear of Well Cottage
- consider this our real home now, not London
- not clear what required planning permission, have submitted a detailed planning application as advised by the Planning Department. Trust it will be dealt with on its merits.

5.3 Clifford Parish Council make the following observations:

“Originally, Well Cottage with steel framed stable outside residential curtilage.

Owner has, without planning permission, now changed steel framed barn into an extravagant design for a garage, which from the nature of the change is an improvement.

Objection - previous vehicular access sufficient for size of dwelling.

Objection - to enlargement of residential curtilage, further developments would be requested.

Demonstration of knowingly doing, without seeking correct authorisation.”

5.4 One letter of representation has been received from:

Mr J & Mrs A Meres, Malt House, Priory Wood, Clifford, HR3 5HF

The following main points are raised:

- dismayed work carried out
- seems that two large buildings will replace one steel framed stable building
- having had planning permission refused, disappointed when observing buildings being constructed in the area without following regulations.

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 This is a retrospective application with three elements, the erection of the garage/store and studio building along the western boundary of the enlarged property, the new access and the incorporation of land to the north of Well Cottage into residential curtilage.
- 6.2 It is evident from the aerial photograph and the description of the building that formerly stood on the site that the building replaced was taller, wider and of a greater mass than the range of buildings that replace it. The new buildings are not clearly discernible from the public highway but are visible from the east from the public footpath that skirts the eastern boundary of Well Cottage. The materials used including cedar wood cladding, oak framing, natural stone rubble walling and profile corrugated sheeting compliment the vernacular buildings in the locality in which stone and slate predominate. The siting for the building allows sufficient parking and turning space on the site, which it is not possible presently. The buildings have a dual purpose of serving the domestic requirements of Well Cottage and secondly for the enlarged curtilage, in terms of providing for the storage of equipment in association with the maintenance of the former paddock and the pond.
- 6.3 It is considered that the building, whilst erected without the necessary permission, does not impinge upon the amenity of the locality nor dominate the site, particularly given the modest height of the building which would largely be permitted development within an established residential curtilage. The scheme in this respect satisfies the requirements of Policies LA2, H18 and DR1 of the Unitary Development Plan.
- 6.4 The second element is the improvement to the existing access point which will, as confirmed by the Council's Traffic Manager, improve the visibility achievable on the unclassified road from which access is gained. This issue is not one highlighted by representations received including those of the Parish Council and therefore subject to a condition requiring a set back of 5 metres for any gates, as recommended by the Traffic Manager, it is considered that improvements have been achieved to highway safety in accordance with Policy T8 in the Unitary Development Plan.
- 6.5 The final issue relates to the incorporation of land to the north of Well Cottage as residential curtilage. It is understood that this paddock was used for horses in connection with Garlands, immediately to the west. The Parish Council are concerned that the extension of the curtilage will open up the possibility for further development than that which has taken place already. The appearance of the land used by the applicant has been sensitively improved with the planting of an orchard to the north-east of Well Cottage. It will not be laid to lawn or flower beds but will be a semi-natural area of orchard planting including the pond. Permitted development rights controlling the erection of buildings in the future would allay the fears of locals about the possibilities of encouraging further domestic buildings to be erected to the north of Well Cottage, which would be clearly visible from the adjoining public footpath to the east. The applicant has stated that an existing building to the west of the pond would be one that he would wish to renovate for ancillary use, this is a matter that could again be controlled by planning condition.

- 6.6 This retrospective application can be supported subject to conditions controlling the future development of the extended garden curtilage, the use of the buildings erected and improvements already made to the main access point serving the property.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Class E of Part 1 shall be carried out within the extended residential curtilage hereby approved.**

**Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.**

- 2. Any works carried out to the existing building (identified as a shed on the approved site plan) adjoining the pond shall be the subject of the prior written approval of the local planning authority. This building shall remain as an ancillary building to Well Cottage in accordance with Condition 3.**

**Reason: To ensure that the building is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

- 3. F07 (Domestic use only of garage/store/studio)**

**Reason: To ensure that the building is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

- 4. F13 (Restriction on separate sale)**

**Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy H7 of Herefordshire Unitary Development Plan.**

- 5. H05 (Access gates ) (5 metres)**

**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan**

**Informatives:**

- 1. N19 - Avoidance of doubt - Approved Plans**
- 2. N15 - Reason(s) for the Grant of Planning Permission**

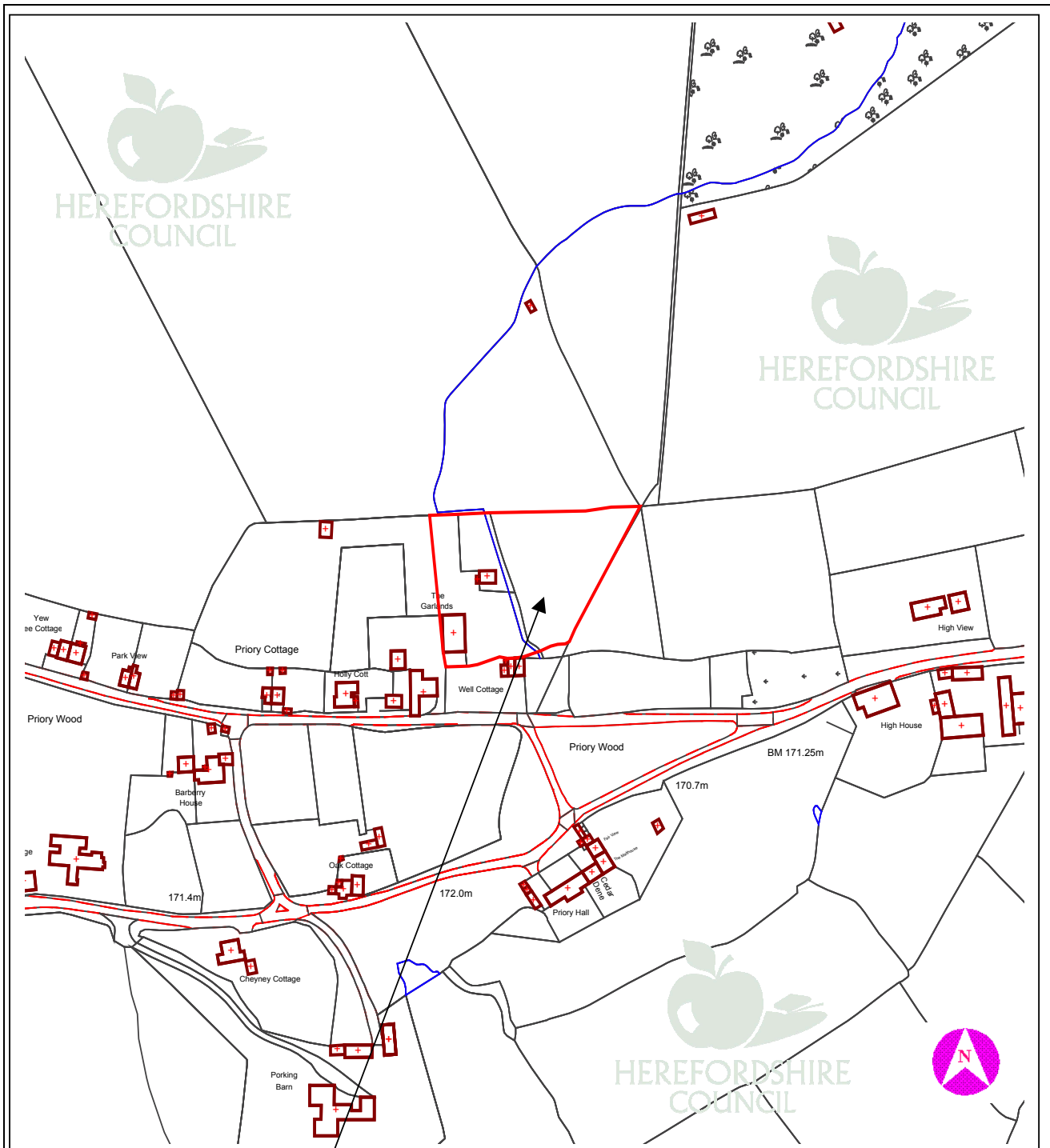
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2008/1885/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Well Cottage, Priory Wood, Clifford, Hereford, Herefordshire, HR3 5HF

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