

9 DCNE0009/0962/F - ERECTION OF TWO POST AND RAIL FENCES AND TIMBER RAISED FLOWER BED (PART RETROSPECTIVE) PUTLEY MILL, PUTLEY, LEDBURY, HEREFORDSHIRE, HR8 2QW.

For: Mr G Gwenlan per Tudor Design, Manaakitanga, Hillend Barn, Rushall, Ledbury, HR8 2PB.

Date Received: 1 May 2009

Ward: Frome

Grid Ref: 64832, 37579

Expiry Date: 26 June 2009

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The application site is located in open countryside, near the hamlet of Putley, accessed from the C1303 or via public footpath.
- 1.2 The application site comprises the restored mill, which is a listed building and forms a dwelling with associated curtilage, which includes a number of outbuildings. Adjacent is Mill Cottage, also a listed building.
- 1.3 The proposal is for the retention and erection of a post and rail fence.

2. Policies

Herefordshire Unitary Development Plan:

S1 – Sustainable Development
DR1 – Design
DR2 – Land use and activity
HBA4 – Setting of listed buildings

3. Planning History

- 3.1 DCNE2008/2900/F - Proposed post and rail fence - Withdrawn

4. Consultation Summary

Statutory Consultations

None required

Internal Council Advice

- 4.1 The Council's Highways department makes no objection to the proposal.
- 4.2 The Council's Conservation Officer makes no objection to the proposal, noting the pre-application discussions, which took place and considers the scheme is acceptable.
- 4.3 The Council's PROW Officer makes no objection to the proposal.

5. Representations

5.1 Putley Parish Council objects to the proposal on the following grounds:

- Out of keeping with the listed building
- Proposal serves no useful function

5.2 One letter of objection has been received from a neighbour, Ms S Webster, Mill Cottage, Putley, who objects on the following grounds:

- Proposal would impede access to property
- Prevents legal maintenance of wall
- Interference with adjoining land uses
- Impact upon the character and setting of the listed building

5.3 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. Officer's Appraisal

6.1 The proposal follows the pre-application advice and negotiations with Planning and Conservation Officers which followed enforcement complaints which led to application NE2008/2900/F. This previous application was withdrawn on advice of Planning Officers as a number of issues were not resolved. This application now clarifies the situation.

6.2 The proposed post and rail fence is in two parts, comprising untreated timber. This fence delineates the applicant's driveway, ensuring users of the PROW do not come to harm over the significant drop in land levels across the curtilage area. The fence in front of the wall serves as a support to the growing of a jasmine hedge. A raised flower bed within the curtilage is also proposed as part of this application and is located on the outskirts of the hard-surfaced drive area.

6.3 The main issues are the impact of the proposal upon the adjacent PROW, and also the character and setting of the listed buildings Putley Mill and Mill Cottage adjacent.

6.4 The PROW Officer has been instrumental in pre-application advice to the applicant and Planning Department in respect of the proposals impact upon the enjoyment of the PROW. No objection has been made from this department and therefore the proposal is considered not to compromise the PROW and its use.

6.5 The Conservation Officer also has been involved at pre-application and enforcement stages and again makes no objection to this proposal.

6.6 In respect of the issues of access and maintenance of the occupiers of Mill Cottage, this is a civil matter. It is acknowledged the post and rail fence opposite the access into Mill Cottage and the permitted car port could be awkward, however Highways confirm the proposal is acceptable. In regards the issue of maintenance of the wall, other legislation enforces the neighbours rights to maintain their property. The applicant has also confirmed in writing that the fence will be removed as requested maintenance purposes.

6.7 The extent of the proposed fence in front of Mill Cottage is a 3 metre section and such that potentially an argument that it is diminimus could be mounted, and this is not an enclosure. However the application attempts to regularise the arrangements.

6.8 The proposed raised flower beds raise no concerns.

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. **The post and rail fence shall not be treated with any stain or colour unless agreed in writing the Local Planning Authority.**

Reason: To ensure the proposal is of a satisfactory finish, in order to ensure the character and appearance of the agricultural building and the wider open countryside location are preserved and maintained, in accordance with Herefordshire Unitary Plan policies DR1 and HBA4.

- 3. **In the event of the jasmine planting dieing or being removed, that section of fence, as referenced 'fence 2' on the approved plans shall be removed.**

Reason: To safeguard the character and setting of the Grade II listed buildings, in accordance with UDP policies DR1 and HBA4

Informatives

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

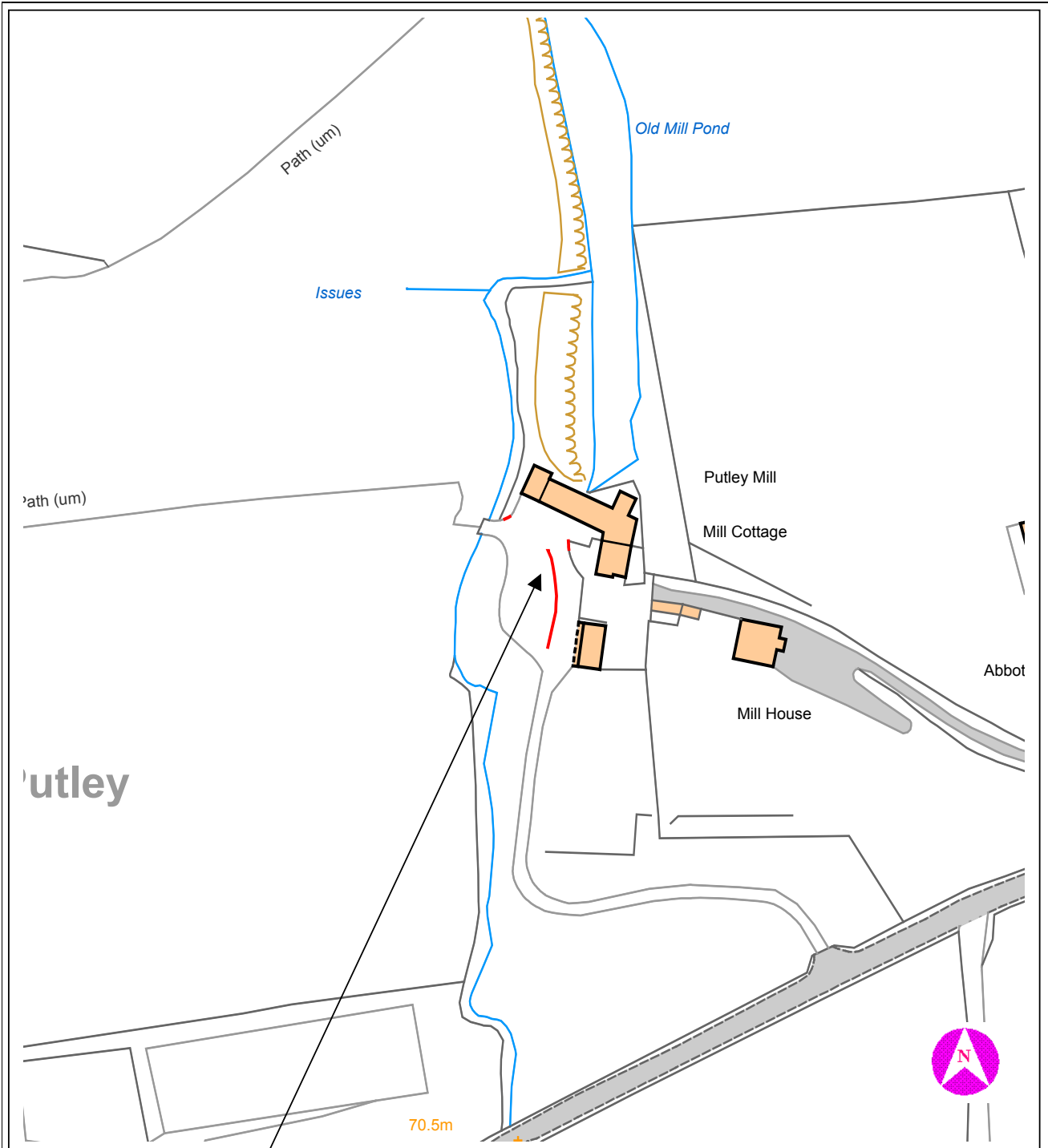
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE0009/0962/F

SCALE : 1 : 1250

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