

4 DCCE2003/2935/F - CHANGE OF USE OF LAND FOR DOMESTIC CURTILAGE TOGETHER WITH RETENTION OF SUMMERHOUSE AT MARSHFIELD COTTAGE, CROSS KEYS, HEREFORDSHIRE, HR1 3NN

For: Mr. & Mrs. Lancett per Mr. J.I. Hall, New Bungalow, Nunnington, Hereford, HR1 3NJ

Date Received: 29th September 2003

Ward: Hagley

Grid Ref: 55149, 44104

Expiry Date: 24th November 2003

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 The application site comprises a 0.15 ha parcel of land located to the rear of Marshfield Cottage, in open countryside to the north-west of the A465. To the west of the site is a stream with open land beyond. To the north side is a small orchard associated with the adjacent house, and to the south side a small paddock.
- 1.2 The proposal is to change the use of the land to enlarged domestic curtilage and retain a summerhouse erected thereon. The summerhouse measure 6.4 metres by 4.2 metres by 3.3 metres high, and is constructed primarily from timber.

2. Policies

- 2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Development within Open Countryside
Policy C44	-	Flooding

3. Planning History

- 3.1 CE1999/2725/F Extension to dwelling. Approved 14/01/00.
- 3.2 CE2001/1339/F Small outbuilding. Approved 18/7/01.
- 3.3 DCCE2003/2936/F Retention of conservatory. Approved 24/11/03.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: "The Agency holds historical flood records which show the area, where the summerhouse is located, to have flooded in September 1977, December 1981 and May 1983.

The site also lies within the Agency's Indicative Floodplain of the Little Lugg, which shows the 1% apf (annual probability flooding).

The Little Lugg is a designated Main River at this location and under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of The Agency is required for any proposed works or structures in, under, over or within 7 metres of the top of the bank of the main river (Little Lugg). A Consent is also required for the construction of any building in the floodplain or the raising of ground levels. The summerhouse (in its current location) is within 7 metres of the river and is considered likely to impede flood flow routes. However, the Agency cannot issue retrospective consents (for the existing summerhouse).

However, due to the remote location of this site and minor scale of the summerhouse the Agency would not anticipate taking enforcement action, against the summerhouse, under the Agency's Byelaw permissions, however would support the LPA if they decide to progress this matter under their powers.

It is recommended that the applicant relocates the summerhouse away from the River Lugg, where it is less likely to act as an impediment to flood flow routes.

It is strongly recommended that if the LPA approve the application for use of the land to domestic curtilage then the permitted development rights should be removed. The Agency would be likely to object to any new developments (buildings or structures) or raising of ground levels within the floodplain (of the domestic curtilage), due to the cumulative effect of development upon the floodplain (storage and flood flows)."

Internal Council Advice

4.2 Head of Engineering and Transportation: no requirements.

5. Representations

5.1 Withington Parish Council: no objection.

5.2 Two objection letters have been received from Beechcroft and The Old Post Office, Cross Keys summarised as follows:

- retrospective application;
- no regard to neighbours;
- detrimental to flood plain and wildlife;
- inappropriate appearance;
- change in levels.

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

6. Officers Appraisal

6.1 The main issues are the impact of the proposals on amenity and the flood plain.

6.2 The change of use element of the proposal affects a relatively small area of land which is surrounded on three sides by a paddock, orchard and the existing garden at Marshfield Cottage. Within this partially formalised setting it is not considered that any harm has been caused to the openness of the countryside.

- 6.3 The summerhouse is a timber structure which is not readily viewable from outside of the site, and which 'reads' as a small outbuilding or stable appropriate for the rural location. Subject to restricted use, its retention is considered acceptable, and no harm would be caused to visual or residential amenity.
- 6.4 The Environment Agency recommends that the summerhouse is relocated in view of its position within the flood plain. The Environment Agency does not, however, recommend refusal and specifically states that it would not take enforcement action under Land Drainage Byelaws. With this in mind, it is not considered that a refusal based on flooding issues could be sustained. A condition is recommended removing permitted development rights for further outbuildings.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, or garages, outbuildings or other buildings shall be erected other than those expressly authorised by this permission.**

Reason: To safeguard the amenities of the locality and to protect the flood plain from inappropriate development, in accordance with Policies C1 and C44 of the South Herefordshire District Local Plan.

Note to Applicant:

- 1. **The decision to grant planning permission has been taken having regard to the policies and proposals in the South Herefordshire District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

Policies C1 and C44

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.