

# M.E.Thorne & Co.

THE RIDGE, BUCKCASTLE HILL, BRIDSTOW, NR. ROSS-ON-WYE, HEREFORDSHIRE. HR9 6QF Telephone / Fax (01989) 563317

Martin E. Thorne BSc C. Eng MICE

Architectural, Town Planning  
Civil & Structural Engineering  
and Surveying Services

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The Planning Officer,  
The Herefordshire Council,  
PO Box No. 230,  
Blueschool House,  
Hereford HR1 2ZB

For the attention of Mr S Holder

Dear Sir,

## **PROPOSED EXTENSION TO MANAGER'S HOUSE AT WYE LEA COUNTRY MANOR, BRIDSTOW, ROSS-ON-WYE FOR MR COLIN BATEMAN**

I would refer to my meeting on 10 November last in your offices with Messrs M Willmont and S Holder to discuss the content of Mr Holder's letter dated 22 October in reply to mine of 22 September, when I wrote to object to what was to us the arbitrary and unacceptable imposition of an occupancy condition on the Manager's House at Wye Lea in the Planning Permission dated 14 August 2003 issued under ref. no. DCSE2003/1859/F.

Mr Holder made the point in his letter dated 22 October that the Manager's House would be comprised of *'the existing dwelling plus part of the extension'*, while the extension, designed to provide Reception and Office facilities for the existing holiday centre at Wye Lea Country Manor, together with a Relief Manager's Bedroom and a third bedroom for the adjoining existing Manager's House, *'was only acceptable as an expansion of the holiday complex rather than a residential unit and hence the conditions 3 and 4'*.

At my meeting with Mr Willmont and Mr Holder, Mr Willmont likened this scenario to that which had arisen in the past when a farm worker's dwelling had been approved on an existing farming enterprise but only subject to an agricultural worker's occupancy condition being imposed on the existing farmhouse. While we would all accept the validity of such a condition, in order to avoid the farmhouse then being sold off separately, this analogy is not relevant in this instance and, frankly, will not do, for the simple reason that no new dwelling was sought in this application, merely a one-bedroom extension to the existing Manager's House plus the Reception and Office facilities and Relief Manager's Bedroom referred to above.

The only complication is the fact that the proposed additional bedroom would comprise a 'flying freehold' over the other facilities which we completely accept would not be acceptable other than as an expansion of the existing holiday complex, as already stated by Mr Holder. However, the existence or otherwise of a 'flying freehold' is of itself of no relevance in planning terms and does not justify the imposition of an occupancy condition on the existing Manager's House, where none previously existed. Furthermore, it would generally be held that a one-bedroom extension of an existing two-bedroom cottage in the countryside would be entirely in accord with Planning Policy and would readily be approved if no other objection was apparent.

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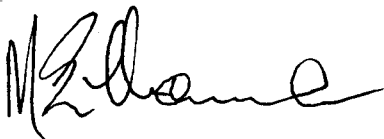
We remain of the opinion, therefore, that though Condition 4 is justified and acceptable, Condition 3, which imposes an occupancy condition on the existing Manager's House, is not justified, is not acceptable and should be removed, regardless of the fact that one cannot anticipate this property being anything but immediately and permanently linked with the existing holiday enterprise at Wye Lea. In short, this is a matter of principle where we believe that the Planning Department has overstepped its authority.

At our meeting, when you were not able to justify the inclusion of Condition 4 in any other terms other than those to which I have referred above, I agreed to try and conceive of a condition that might be imposed instead of the existing Condition 4. I have to say that I have failed in this and see no alternative but to seek your formal removal of the offending Condition, hence the enclosed Planning Application which seeks the Removal of Condition 3 as imposed on permission DCSE2003/1859/F.

In considering this application, I would point out that your Authority's previous refusal to grant planning permission for development on this site which included a new Manager's House, which could have readily had an occupancy condition attached to it, does not justify the imposition of the same occupancy condition on what (apart from Wye Lea House) is the only 'free' dwelling on this site. I would also point out that using Dobbin Cottage, as it has hitherto been known, as the Manager's House has been forced upon the applicant by your Authority's refusal of the previous application which makes it doubly unacceptable for you now to seek to impose an occupancy condition on this dwelling.

I have previously pointed out that I know of no clause in the Planning Act nor any Planning Policy which supports the imposition of an occupancy condition on the Manager's House and you have thus far not been able to disabuse me of this fact. Indeed, may I again request such details if you consider that there are any. In the absence of such convincing argument, I hope that you will agree that Condition 4 is not justified either by the Planning Act or by Policy and agree to its removal as I must advise you that the applicant intends to pursue this matter to appeal, if necessary. However, I trust that that will not be necessary and that you will approve the enclosed application.

Yours faithfully,



Martin Thorne