

8 DMSE/092727/F - CHANGE OF USE OF EAST WING TO TWO HOLIDAY LETS AT CARADOC COURT, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS.

**For: Mr Handby Per Mr John Handby, Caradoc Court
Sellack, Ross-on-Wye, Herefordshire, HR9 6LS.**

Date Received: 22 October 2009 Ward: Llangarron Grid Ref: 355864.0,227484.0

Expiry Date: 17 December 2009

Local Member: Councillor JA Hyde

1. Site Description and Proposal

1.1 The application seeks planning permission for the change of use of the East Wing at Caradoc Court, Sellack to form two holiday lets. Caradoc Court is an imposing Grade II* listed limestone and sandstone country house located on a river scarp above the Wye. The Court was gutted by fire in the mid 1980's and restored thereafter. The East Wing as described in the application comprises the 3-storey element at the eastern end of the dwelling, but also the studio flat located over the existing garage, which is set back substantially from the main façade.

1.2 The holiday let proposed within the East Wing is the larger of the two, extending over three floors and comprising part of the 'original' house. The ground floor contains an entrance hall, kitchen, dining room and sitting room. At first floor there are two large bedrooms with en-suite with a third bedroom and what is described as a sitting room/fourth bedroom on the second floor. There is a linking door at first floor back into the remainder of the house.

1.3 The studio flat/let is more basic comprising a small kitchen, double bedroom and bathroom.

2. Policies

2.1 National Guidance

PPS 7	-	Sustainable Development in Rural Areas
PPG 15	-	Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
H7	-	Housing in the Countryside Outside Settlements
LA1	-	Areas of Outstanding Natural Beauty
RST1	-	Criteria for Recreation, Sport and Tourism Development
RST2	-	Recreation, Sport and Tourism Development Within Areas of Outstanding Natural Beauty
RST12	-	Visitor Accommodation
HBA1	-	Alterations and Extensions to Listed Buildings
HBA3	-	Change of Use of Listed Buildings
HBA4	-	Setting of Listed Buildings

T6 - Walking

3. Planning History

- | | | | |
|-----|------------------------|--|--------------------------|
| 3.1 | SH83/0803PF | Change of use from agricultural and residential to health and leisure complex (including hotel) at Caradoc Court, Sellack: | - Approved
09.11.83 |
| 3.2 | SH84/020PF | Change of use to a residential home for the elderly/nursing home at Caradoc Court, Sellack | - Approved
25.04.84 |
| 3.3 | SH89/0963PF
& 0964L | Restoration and extension to form 20 apartments and erection of 5 cottages in walled garden at Caradoc Court, Sellack: | - Deemed
withdrawn |
| 3.4 | SH94/0997PF | Rebuild fire damaged house to original state as single residence with outbuildings and six houses on adjoining land at Caradoc Court, Sellack: | - Approved
24.02.95 |
| 3.5 | DCSE2006/1684/V | Certificate of lawfulness for six new houses (approved on Planning Permission SH940997PF), Caradoc Court, Sellack | - Approved
06.12.06 |
| 3.6 | DCSE2007/0330/U | Certificate of lawfulness for existing use as a residential unit, The East Wing, Caradoc Court, Sellack | - Withdrawn
27.11.08 |
| 3.7 | DCSE2007/1771/G | Variation of Section 106 Agreement Ref: SH940997PF at Caradoc Court, Sellack | - Refused
12.09.07 |
| 3.8 | DCSE2009/2850/F | To hold a limited number of weddings/functions at the property (no more than 25 per annum) | - As yet
undetermined |
- 3.9 Of particular relevance to the planning history is application SH94/0997PF. This gave permission for the restoration of the Court to a single residence together with the construction of enabling development comprising 6 detached dwellings on land to the east of East Lodge. Although the development was described as the restoration of the Court to a single residence, there was no associated planning condition or clause in the S.106 agreement stipulating that the Court should remain a single dwelling in perpetuity.

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage: No objection

Internal Council Advice

- 4.2 Traffic Manager: Visibility at the new point of access onto the C classified Hoarwithy Road needs to be improved to 2.4m x 90m as per the previously approved scheme for the enabling development. Any intensification of use of this access without this improvement would not be acceptable.
- 4.3 Conservation Manager (Building Conservation): No objection
- 4.4 Tourism Manager: No objection

5. Representations

- 5.1 Sellack Parish Council: No objection

5.2 Letters of objection have been received. The content is summarised as follows:

- The restoration of Caradoc Court was linked to an enabling development of 6 houses to be constructed on a nearby site. The planning permission stipulated Caradoc Court be rebuilt to its original state as a single residence. The approval of the enabling development on such a scale and in such a sensitive location presumably reflected the size of development needed to fund the restoration of the Court as a *non-commercial venture*.
- It is clear that the Court has not been rebuilt in the manner intended. It is also clear that the present owners intend to use the Court for commercial purposes. Had this outcome been intended in 1995, it is reasonable to assume that a smaller (or even no) enabling development might have been approved.
- The proposed self-catered B&B units would intensify the use of the vehicular access and junction onto the C road. As part of the enabling development a new junction was cut above the existing gated entrance adjacent the lodge. It is uncertain as to whether the current owners, or their guests, intend using the new access. This is a highway safety issue.

5.3 The applicants have written in response to the points raised by the letters of objection. The letter explains that Caradoc Court has been home historically to not just the principal occupants, but also to a host of servants and estate workers. A former owner also converted and occupied the east wing as a separate residence.

The applicants disassociate themselves from the site for the six enabling houses and state that Caradoc Court was purchased with a strong desire to complete the restoration and bring it back to life, principally as a family home, but with the purchase predicated upon the belief that some form of commercial use would be necessary to assist with the considerable upkeep associated with a dwelling of this size.

The applicants believe that operating the East Wing as holiday accommodation is a good use of that part of the property, which is in line with the tourist objectives for the area and will be of benefit to local businesses whilst ensuring the continued integrity and viability of Caradoc Court.

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

6. Officer's Appraisal

6.1 Caradoc Court is a large Grade II* listed country house, which has its origins in the C16 and C17th. Following severe fire damage in 1986, it has been restored over the last 15 years to a point where work has been completed to the satisfaction of the local planning authority and the dwelling is occupied primarily as a private dwelling. It is in this context that the applicants are seeking planning permission to change the use of the East Wing and studio over the garage to form two separate holiday let units.

Policy Framework

6.2 National guidance on historic buildings is provided by PPG15 (draft PPS15 is at the consultation stage). The generic advice on the change of use of historic buildings is given at Paragraph 2.18:-

"New uses may often be the key to a building's or area's preservation, and controls over land use... and other planning matters should be exercised sympathetically where this would enable a historic building or area to be given a new lease of life. The Secretary of State is not generally in favour of tightening development controls over changes of use as a specific instrument of

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

conservation policy. He considers that, in general, the same provisions on change of use should apply to historic buildings as to all others. Patterns of economic activity inevitably change over time, and it would be unrealistic to seek to prevent such change by the use of planning controls.”

- 6.3 In addition to the adopted Government guidance the Unitary Development Plan contains various policies that are of relevance. As holiday lets are de facto dwellings (subject to restrictive occupancy conditions) Policy H7 could be argued as of relevance, as could policy H17, which deals with the subdivision of existing housing (and does not specifically preclude the subdivision of housing in the open countryside). Although the site is within the AONB, Policy LA1 is of less relevance as the proposal involves the re-use of an existing building and does not involve any new build or other harm to the AONB.
- 6.4 Policy HBA1 deals with alterations and extensions to listed buildings, although the proposal does not involve any alterations to the fabric of the listed building itself. Policy RST1 deals with proposals for recreation, sport and tourism development and states a presumption in favour of the re-use of existing buildings for proposals in the open countryside. Policy RST2 deals explicitly with recreation, sport and tourism development within Areas of Outstanding Natural Beauty and requires that development must respect and be in keeping with the inherent distinctiveness of the local landscape, be small scale and make a positive contribution to the understanding and quiet enjoyment of the natural beauty of the area. In this instance the proposal does not involve any new build and has no impact upon the distinctiveness of the local landscape.
- 6.5 RST12 deals with visitor accommodation and states that in the open countryside the provision of permanent serviced or self-catering accommodation for visitors will only be permitted if it consists of the re-use and adaptation of a rural building and:
- Is of an appropriate scale and design for its surroundings;
 - Does not harm the character or appearance of the countryside;
 - It is wherever possible accessible by a choice of modes of transport and is designed to incorporate access for the disabled;
 - The proposal does not harm the character of the original building.
- 6.6 In this instance it is the fourth of the above criterion that is of most consequence in assessing this application. The Conservation Officer has commented that the proposal has no implications for the pre-existing use of the Court as it intends no alterations and proposes a use that is residential in character. Accordingly the proposal is considered to accord not only with Policy RST1 but also HBA1.
- 6.7 The letters of objection refer to the fact that the enabling development was associated with the restoration of the Court as a single dwelling, although the wording of the associated Section 106 did not confirm this and the planning permission did not contain a planning condition to that effect. Although the substance of the objections is understood, it is maintained that the enabling dwellings served the purpose of securing the restoration of the building to a point whereby it became capable of occupation as a single residence. An objective that has been satisfied. Now complete, it is entirely appropriate to consider the alternative use of the building in accordance with currently adopted policy.
- 6.8 The Traffic Manager is satisfied that the existing drive is capable of accommodating any increase in vehicular traffic associated with this proposal, but has recommended a condition to improve visibility at the new access onto the C classified Hoarwithy Road. This is achievable and can be governed via a condition to require the improvements to be undertaken within a prescribed timescale.

6.9 Although the planning history is material to the consideration of this case, it does not determine that the Court shall remain as a single dwelling in perpetuity and it is entirely legitimate to consider the future of the property and the other material planning considerations associated with permitting an alternative use of the property. On this basis the proposal is considered to accord with the purpose of the planning policies referred to above and is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. F30 Use as holiday accommodation**
- 3. H04 Visibility over frontage**

INFORMATIVES:

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

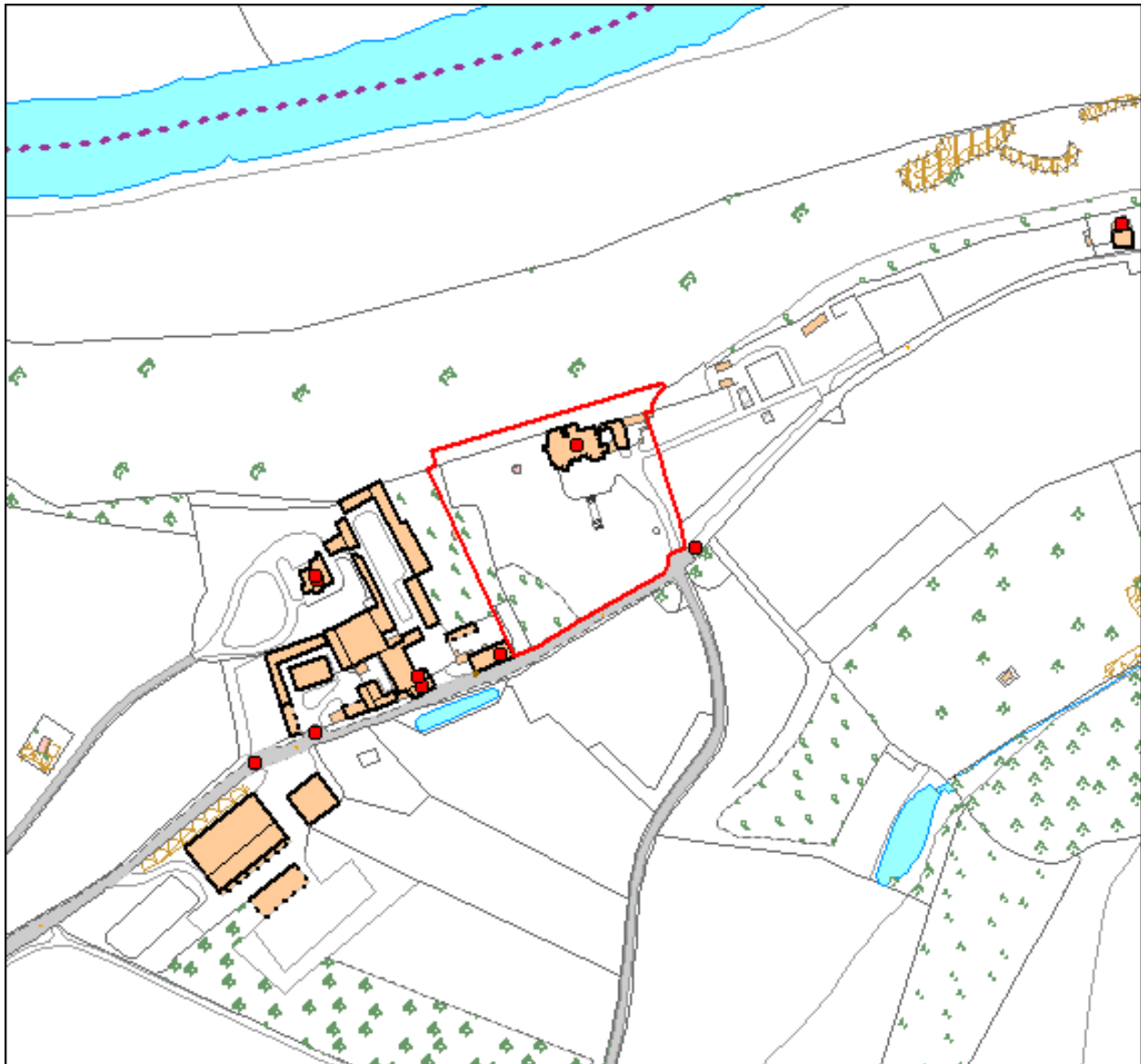
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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SITE ADDRESS : CARADOC COURT, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS

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