

4 DCCE2003/2808/F - CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC GARDEN. ERECTION OF BRICK FACED RETAINING WALL, BRICK PIERS AND METAL INFILL PANELS AT STANFORD HOUSE, RECTORY ROAD, HAMPTON BISHOP, HEREFORD

**For: Mr. W. Beaumont per James Spreckley, MRICS
FAAV, Brinsop House, Brinsop, Herefordshire, HR4
7AS**

Date Received: 30th September 2003 Ward: Backbury Grid Ref: 55254, 38357

Expiry Date: 25th November 2003

Local Member: Councillor Mrs. J.E. Pemberton

1. Site Description and Proposal

- 1.1 The application site comprises an approx. 0.03 ha. parcel of land positioned to the side of a recently completed detached house, Stanford House. Stanford House is situated within the Hampton Bishop Settlement. The application site is situated in open countryside. Both Stanford House and the application site are situated in the wider defined Hampton Bishop Conservation Area.
- 1.2 The proposal is for retrospective planning permission to change the use of the land from part of a larger field to enlarged garden area for Stanford House. A new boundary wall with infill railings has been erected along the front boundary of the site and the common boundary with the adjacent field, this also the subject of the application. The enclosed land has been laid out as lawn.
- 1.3 The application has been made as a consequence of an enforcement investigation.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Development within Open Countryside
Policy C2	-	Settlement Boundaries
Policy C22	-	Maintain Character of Conservation Areas
Policy C23	-	New Development affecting Conservation Areas
Policy C44	-	Flooding
Policy C45	-	Drainage

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR7	-	Flood Risk

- Policy LA2 - Landscape character and area least resilient to change
Policy LA3 - New Development within Conservation Areas

3. Planning History

- 3.1 CE2001/0643/F Site for erection of dwelling. Approved 9th October 2001.
3.2 CE2003/0526/F Amended access on to Rectory Road. Approved 11th April 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: The supporting letter from the applicant's agent states that there have been no changes to ground levels and thereby no material loss of flood storage. On the understanding that this development is for domestic garden usage and that permitted development rights are removed, no objection is raised. This is on the basis that the proposed development would not expose additional persons to a risk of flooding.

Internal Council Advice

- 4.2 Head of Engineering and Transportation: recommends conditions.

5. Representations

- 5.1 Hampton Bishop Parish Council: application supported.
- 5.2 Three objection letters have been received, all from Mr. Chadwick of Rectory Road, Hampton Bishop, summarised as follows:
- ground levels have been raised in addition to development set out in application particulars;
 - proposals extend intrusively on to agricultural land outside Settlement boundary;
 - precedent for similar encroachment elsewhere around Settlement;
 - site supports telegraph poles and cables which would be difficult to access by responsible authority;
 - brick wall not in accordance with original approved drawings which indicate post and rail fence and hedging;
 - potential for structures to be erected on enlarged area.

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 in this case are the impact of the proposals on the amenities of the countryside, the character and appearance of the Conservation Area and flood storage capacity.
- 6.2 The change of use element of the proposal impacts on a relatively small area of land which is effectively bounded on two sides by existing domestic cartilages. Within this already partly formalised setting it is not considered that any adverse harm has been

caused to the openness or amenity of the countryside, particularly having regard to the relatively small area of land involved.

- 6.3 The boundary walls are prominent in the street scene. However, they are not untypical, there being other walls and fences defining boundaries in the vicinity of the site. For this reason it is not considered that they have a detrimental impact on the character or appearance of the Conservation area or countryside.
- 6.4 The applicant has advised that there have been no changes in ground levels as a consequence of the development, and on this basis the Environment Agency raises no objection in principle. The third party objection disputes this, suggesting a raising in levels. As the application is retrospective it is not easy to confirm this one way or another. However, it is likely that if a change has occurred then it will have been slight with no resulting significant impact on flood storage capacity. A condition is recommended removing permitted development rights on the land to satisfy the Environment Agency and safeguard flood storage capacity of the land.
- 6.5 Access to the telegraph poles and cables is a private matter between the landowner and the responsible authority. Approval of the development would not set a precedent for other garden extensions, this application being considered on its particular merits only. The conditions recommended by the Head of Engineering and Transportation are not considered relevant to this application where no access is proposed.

RECOMMENDATION

That planning permission be granted subject to the following condition:-

- 1. **Notwithstanding the provision 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, other buildings or hardstandings/surfacings shall be erected or constructed other than those expressly authorised by this permission.**

Reason: To safeguard the amenities of the locality and to safeguard the flood storage capacity of the land, in accordance with Policies C1 and C44 of the South Herefordshire District Local Plan.

Note to Applicant:

- 1. **Reason(s) for the Grant of PP/LBC/CAC.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.