

16 DCNW2004/1680/F - CHANGE OF USE FROM AGRICULTURAL LAND TO GARDEN. TO CONVERT EXISTING PITCHED ROOF BARN TO A LEAN-TO RANGE AT STAPLETON CASTLE COURT, STAPLETON, PRESTEIGNE, HEREFORDSHIRE, LD8 2LS

For: Mr. T.B. Griffiths at same address

Date Received:
10th May, 2004

Ward:
Mortimer

Grid Ref:
32406, 65637

Expiry Date:
5th July, 2004

Local Member: Councillor Mrs. L.O. Barnett

1. Site Description and Proposal

- 1.1 The application site comprises Stapleton Castle Court, a detached stone built property (built pursuant to application no. N98/0715/N), a former agricultural building which projects forward from the property and agricultural land located to the north west which slopes steeply to the remains of Stapleton Castle (Scheduled Ancient Monument).
- 1.2 The agricultural land is surrounded on 3 sides by mature trees and native species hedgerows.
- 1.3 The whole of the site lies within an Area of Great Landscape Value.
- 1.4 Planning permission is sought for the change of use of part of the agricultural land to the rear of Stapleton Castle Court into domestic garden, the formation of a track across the land to provide access to the grazing land to the west and the adaptation of the existing barn structure at the front of the property to provide domestic storage and a greenhouse.
- 1.5 The plans submitted with the application also indicate proposals for orchard planting to the north of the proposed garden and additional hedgerow planting to the south of the site. These proposals would not involve the change of use of the land affected and as such cannot form part of the consideration of this application.

2. Policies

Hereford and Worcester County Structure Plan

Policy CTC.2 - Areas of Great Landscape Value
Policy CTC6 - Landscape Features
Policy CTC.7 - Landscape Features
Policy CTC.9 - Development Requirements
Policy CTC11 - Trees and Woodlands

Leominster District Local Plan (Herefordshire)

Policy A1 - Managing the District's Assets and Resources
A2(D) - Settlement Hierarchy
A9 - Safeguarding the Rural Landscape
A10 - Trees and Woodlands
A22 - Ancient Monuments and Archaeological Sites
A24 - Scale and Character of Development
A41 - Protection of Agricultural Land
A54 - Protection of Residential Amenity

Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR2 - Land Use and Activity
DR4 - Environment
LA2 - Landscape Character and Areas Least Resilient to Change
LA5 - Protection of Trees, Woodlands and Hedgerows
ARCH4 - Other Sites of National or Regional Importance
E15 - Protection of Greenfield Land

3. Planning History

92/532 - Redevelopment of existing farm buildings to provide 2 detached and 2 semi-detached dwellings - Approved 16 February 1993

N98/0715/N - New dwelling - Approved 5 January 1999

4. Consultation SummaryStatutory Consultations

- 4.1 English Heritage raise no objection and support the reduction of the roofline to the barn but comment that the change of use of the garden should not be subject to bulk earth moving.

Internal Council Advice

- 4.2 Chief Conservation Officer raises concerns regarding turning a large part of the area into a domestic garden commenting that the introduction of garden structures and ornamental species could detract from the simplicity of the castle mound. Emphasis should be on leaving some space which has simplicity of character.

No objection is raised to the proposed orchard planting or the conversion of the pitched roof barn into a lean-to range.

- 4.3 Head of Engineering and Transportation raises no objection.

5. Representations

- 5.1 A total of 7 letters have been received in response to the application. The concerns raised can be summarised as follows:

- original permission (98/715/N) required barn to be taken down to the level of natural stone walling and create a walled garden.

- plans produced inaccurate, retention of boarding will mask view from property.
- ivy has no wildlife value.
- corrugated iron is not an acceptable material in an Area of Great Landscape Value, which would be visible from the castle mound.
- building far too high and dominant.
- planting of additional hedgerow (line B-C) would impact upon open character and setting of Stapleton Castle. Potential for non-agricultural use and new access to site.
- change of use proposals should not result in justification for another dwelling. Concern that shabby appearance of the proposed building will be used in an effort to enlarge the site.
- further creeping suburbanisation of the Stapleton area.

5.2 The applicant has by way of a response to the concerns raised made the following additional comments:

- the actual garden area will amount to an area 20 metres in length from the house and be screened from Stapleton Castle by hedge planted in 2001/2002.
- no buildings other than a gazebo are proposed with the remainder of the site laid out as orchard.
- proposed trackway surface would be compacted stone, which would then be reseeded to provide a grassy surface.
- remaining land will be retained in agricultural use
- lean-to range will not be readily visible from the castle.
- retention of ivy covered boarding will conceal most of the new roof when viewed from neighbours garden and serve to protect their privacy.
- corrugated iron is in keeping with a number of domestic and agricultural buildings in the area
- no intention of making further applications.

5.3 Stapleton Parish Council comment that they are happy to see the proposed change of use from agricultural to garden land, on condition that this does not lead to further development of the site. They consider therefore that any consent should contained the proviso that no new driveways or hard-standing should be allowed on the ground in question - in other words Class E permitted development should be excluded, along with the other normal exclusions in cases of this sort. They have no particular view on the conversion of the barn to a lean-to range and the consequent change of roof-line, and assume that the planning authority will assess this on the basis of its visual impact on the immediate environment and decide accordingly.

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

6. Officers Appraisal

6.1 The main issues for consideration in the determination of this application are as follows:

- a) the planning history of Stapleton Castle Farm with particular respect to the barn element of this proposal;
- b) the visual impact of the proposal upon the Area of Great Landscape Value and the Setting of the Scheduled ancient Monument and;
- c) the effect of the proposed upon the amenities of neighbouring residents

Planning History

- 6.2 The original permission for the development of this site (Application No. 92/532) and the later permission granted for the applicant's property (Application No. N98/0715) both refer to the removal of the metal clad building, the subject of this application, down to the level of the historic stonework. However, in neither instance was a condition requiring the removal of the building, either prior to the commencement of development or upon occupation of the dwelling, attached, and, accordingly, it is not considered that the removal of the modern elements of the building can be effectively or expediently enforced.
- 6.3 In essence, whilst there is an intention inferred within these approvals, it is not a matter which the Local Planning Authority would be in a position to pursue, other than through persuasion and negotiation.
- 6.4 Members may recall that the lack of a time specific condition in this instance was a feature of their consideration of the application to re-site the fourth dwelling approved by the extant 1992 permission.

Visual Impact on Area of Great Landscape Value and Scheduled Ancient Monument

- 6.5 The assessment of this proposal requires separate consideration of the proposed change of use of the agricultural land to the north-west of the property and the alterations to the barn structure on the south side.
- 6.6 The applicant has confirmed that the intention would be to limit the actual garden curtilage to an area extending some 20 metres from the rear elevation of the property, within which only very limited changes in ground levels are proposed, together with the erection of a small gazebo. Beyond this boundary, the remainder of the field would be planted to orchard (an agricultural operation not requiring planning permission). Within the orchard area, a stone track would be constructed to provide a link between the castle field and agricultural land to the east of the site, beyond the mill pond.
- 6.7 Having regard to these specific aspects of the proposal, it is considered that, with careful control over design and materials and the removal of permitted development rights, there would be no significant adverse effect upon the character of the Area of Great Landscape Value and the setting of Stapleton Castle. Furthermore, the existing hedgerow planting undertaken, together with the screening qualities of the proposed orchard, will reduce any major impact in views from public vantage points. The use of appropriate conditions would serve to address satisfactorily the concerns/comments raised by English Heritage and the Chief Conservation Officer.
- 6.8 The works relating to the existing barn are clearly more relevant to the adjacent occupiers, as evidenced by the objections raised to this aspect of the application. The planning position regarding the removal of the barn has been set out above and presents an important material consideration in this case.
- 6.9 The applicant's proposal essentially involves the retention of the main structural elements of the barn, together with its vertical, ivy covered and boarded front elevation, which projects above the stone wall of this historic farm building. The height of the existing barn would be reduced to the level of the breeze blocks which form the

rear elevation of the barn and a new, partly mono-pitched and part flat roofed structure would be created, using metal cladding. The exposed breeze blocks would be clad in timber weatherboarding. In terms of the impact upon the Area of Great Landscape Value and the setting of the castle, the reduction in the size of the building, subject to control over the materials used in the cladding of the roof, will serve to limit its impact upon the area and, as such, it is not considered that there are grounds to refuse the applicant in terms of its implications for the wider countryside.

Impact on Residential Amenity

- 6.10 Concern has been raised in respect of the impact of the adapted building upon the amenities of property which is set down below the application site. It is acknowledged that the complete removal of the tin-clad and weatherboarded elements, as shown on the approved plans for the development of the application site, would serve to improve the outlook from the property immediately to the east. However, it is advised that the building, in its current form, other than restricting views towards the castle ruin, would not have an unacceptable, overbearing or overshadowing effect, justifying the refusal of permission. It follows, therefore, that the proposal to reduce the height of the building will improve the current unenforceable situation and thereby improve the neighbours' position, without adversely affecting current levels of privacy.

Conclusion

- 6.11 This application serves to highlight the need to condition the removal of buildings where there is a specific and reasonable justification to do so. The lack of intervention in this case is such that it would not be expedient for the Local Planning Authority to enforce the removal of the building down to its stone plinth. As proposed, the application represents a compromise between the current and intended treatment of the building, which, notwithstanding the local concerns, would not cause demonstrable harm to the character of the area or the amenities of neighbouring occupiers to warrant the refusal of permission.
- 6.12 On a final point, the planting of new hedgerow (Section B-C on the submitted plans) would not, subject to the land remaining agricultural in use, result in development requiring planning permission. The formation of an access, as suggested in a number of responses, would require planning permission in its own right and, as such, cannot be considered within the scope of this application. It should also be stressed that no part of this application sets a precedent for further residential development in and around the site.

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) Notwithstanding the details submitted with the application, prior to the commencement of the development hereby permitted, details of the following shall be submitted to and approved in writing by the Local Planning Authority:**

- a) the materials and colour of the external surface of the roof;
- b) existing and proposed levels and appropriate sections identifying the extent of excavations and groundworks required in respect of the approved garden area;
- c) details of the design and location of the proposed gazebo

The development shall be carried out strictly in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the site and the surrounding countryside.

- (3) G04 - Landscaping Scheme: (omit 'landscaping' and substitute 'orchard planting')

Reason: In order to protect the visual amenities of the area.

- (4) G05 - Implementation of Landscaping scheme (general)

Reason: In order to protect the visual amenities of the area.

- (5) 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/garages/buildings or hardstanding areas shall be erected or constructed, other than those expressly authorised by this permission.

Reason: To preserve the character and appearance of the site and surrounding countryside.

Informative:

- 1. N15 – Reasons for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.