

7 DCNE2004/2398/RM - ERECTION OF A NEW AGRICULTURAL WORKERS DWELLING AND DETACHED GARAGE AT GILBERTS FARM, LILLY HALL LANE, LEDBURY.

For: Mr. & Mrs. G. Gilbert per David Bull Associates, 25 Blanquettes Avenue, Worcester, WR3 8DA

Date Received: 1st July 2004

Ward: Ledbury

Grid Ref: 68422, 36944

Expiry Date: 26th August 2004

Local Members: Councillors D.W. Rule M.B.E., B.F. Ashton and P.E. Harling

1. Site Description and Proposal

1.1 The site is located on the northern side of the access road leading to Lilly Hall and Old Lilly Hall, Ledbury. This access is onto the u/c 6002 road midway between Ledbury and Little Marcle at Rowlands Green.

1.2 The proposal is for the erection of a 2-bedroomed dwelling and detached double garage. The dwelling proposed will provide in the order of approximately 110m² floor space.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 7 – Siting and design of agricultural dwellings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H8 – Agricultural and forestry dwellings

2.3 Planning Policy Statement 7 – Sustainable development in rural areas

3. Planning History

NE02/3637/F - Erection of farm dwelling and detached garage. Appeal against non-determination. Dismissed 23.12.03. on the grounds that the Inspector was not convinced of an agricultural need and that the dwelling would be “unusually large and out of proportion to the needs of the enterprise. The fact that the applicant could afford to build the house is not the point, it needs to be sustainable in the long term by reference to the income-generating capability of the farm itself.”

NE01/2341/O - Outline planning permission granted for agricultural worker's dwelling 13.2.02.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection subject to conditions.

Internal Council Advice

- 4.2 Public Rights of Way: No objection.
4.3 Head of Engineering and Transport: No objection.

5. Representations

- 5.1 Ledbury Town Council recommend refusal – Members felt that the proposed dwelling is out of keeping with the area, cannot be justified on the grounds of agricultural need and would be out of proportion to the needs of the enterprise.

The proposal is contrary to : PPG 7: 15 (a-e), 16(a), 17, 18, 110-111, 117

Should planning permission be granted then a condition should be attached to prohibit the garage being used or converted into accommodation at a future date.

- 5.2 In support of the application the applicant's agent advises: 'We have designed a 2-bedroomed house as a simple gable with the first floor accommodation within the pitch of the roof. The roof lines extend down towards the ground to visually anchor the building to its site. Materials will be a combination of heavy masonry, possible local stone, and timber weatherboarding above with a plain tiled roof. External joinery, including all windows and doors, will be in stained hardwood.

Whilst we have kept the three-dimensional form of the building fairly simple, we acknowledge that the building is a new dwelling and have modelled the elevations to reflect this in a contemporary way. We have attempted to replicate the basic form of the house in the detached garage and will copy the house's gable treatment by utilizing timber boarding above garage eaves level.'

- 5.3 Letters of objection have been received from

Morton Fisher Solicitors, on behalf of Mr. and Mrs. Casdagli, of Old Lilly Hall
Mrs. J. Caro of Lilly Hall Stables
and Thomas Casdagli

making the following points:

- 1) A questionable decision to grant outline planning permission in the first instance, as confirmed by the Inspector on appeal, and critical of the original report to committee
- 2) The dwelling should be sited closer to agricultural buildings as currently proposed on the highest part of a relatively flat field
- 3) Could be located to the north-west to be less intrusive
- 4) Inappropriate design, inappropriate materials
- 5) No right of access across the grass verge to the site
- 6) Too little attention paid to landscaping
- 7) No dimensions on drawings and appears to be larger than 110m² suggested

In addition, comments stating 'I regularly travel pass the driveway and feel the design does not fit in with the relaxed local environment and support the previous submissions of objection' have been received from:

Mrs. C. Deacon of Ross-on-Wye
Mr. and Mrs. Bouchier of Little Marcle
J. Mahot of Hereford
S. Fowler of Newant
T. Fowler, also of Newant
P. Wheeler of Longhope
D. McGonnell of Colwall
G. Jenkins of Colwall
L. Lancet of Colwall

Additionally, comments supporting the previous objections of local residents have been received from:

Jemma Cox of Lilly Hall Farm
Christy Sheehan of The Hop Kiln
From Overseas Farm, Little Marcle
P. Brown, The Rafters, Rowlands Green
C. Rushton, Rowlands Green Farm

5.4 Three letters of support have been received from:

Mr. and Mrs. Davenport, Flights Orchard, Falcon Lane, Ledbury
Mr. and Mrs. Beard, Upton Bishop, Ross-on-Wye
Mr. and Mrs. Baker, Lilly Hall Lane, Ledbury

5.5 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 Despite references to the earlier decision to grant outline planning permission and the Inspector's conclusion on the need for a dwelling, there remains an extant outline planning permission for the erection of a farm worker's dwelling. The matters for consideration in this instance are the siting, design and external appearance, the means of access and the landscaping of the dwelling. It is also necessary to consider the appropriateness of the scale of the dwelling in terms of the needs of the holding and whether or not it is commensurate with that need.
- 6.2 The location of the application site was determined with the grant of the outline planning permission. The proposed house is to be located centrally within that plot. There is at this particular location a ridge in the ground which means that unless ground levels are reduced in height the dwelling would sit proud of the remaining field. This can be addressed with the imposition of a condition.
- 6.3 An indicative landscaping proposal has been submitted which shows planting within the application site. Further details of this planting will be required before the condition can be discharged.

6.4 In terms of the scale and design of the property, this is a modest dwelling with a ridge height of approximately 7.5m. The footprint of the dwelling measures approximately 8m x 9m. It is not considered that the use of stone, weatherboarding and plain tiled roof is inappropriate.

6.5 In terms of the question of the dwelling being commensurate with the need, the dwelling is considerably smaller than many that have been approved recently for agricultural workers' dwellings and complies with advice consistently given by officers. It is considered that on this point the application addresses the concerns of the Planning Inspector.

RECOMMENDATION

That Approval of Reserved Matters be granted subject to the following conditions:

1 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

2 E16 (Removal of permitted development rights)

Reason: To ensure the property remains commensurate with the need.

3 F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

4 F17 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

5 G04 (Landscaping scheme (general))

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

6 G05 (Implementation of landscaping scheme (general))

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

Informative:

1 N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

Background Papers

Internal departmental consultation replies.