

9 DCNW2005/1029/F - ERECTION OF DETACHED DWELLING AND GARAGE LAND ADJOINING THE FORGE, LINGEN, BUCKNELL, HEREFORDSHIRE, SY7 0DY

For: Mr & Mrs P Barnett, Bryan Thomas Architectural Design Ltd at The Malt House Shobdon Leominster Herefordshire HR6 9NL

Date Received:
30th March 2005

Ward:
Mortimer

Grid Ref:
36494, 67248

Expiry Date:
25th May 2005

Local Member: Councillor Mrs L.O. Barnett

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of a three bedroomed two storey detached dwelling and detached garage/store.
- 1.2 The site is located within the defined settlement development boundary of Lingen and is adjacent to the applicants dwelling at 'The Forge'. This structure was formally one dwelling that has been divided into two separate dwelling units. Grade II Listed it is of sandstone rubble, timber-frame with plaster and brick infill construction under a tile roof.
- 1.3 The site for the proposed development is also designated as a Protected Area and adjacent to a Scheduled Ancient Monument it is also within the Lingen Conservation Area.
- 1.4 The location otherwise is semi-rural in nature and other than the applicants dwelling, the scheduled Ancient Monument (Castle Motte and Bailey and the Church, within close proximity to the eastern side of the proposed development site) is surrounded by agricultural land. This land forms part of an Area of Great Landscape Value as designated in the Leominster District Local Plan. The C.1007 public highway adjoins the southern boundary of the application site.
- 1.5 The proposed development is a 'cottage style' development of external facing brickwork laid in lime mortar under the natural blue/grey slate roof. The proposed plans indicate purpose made timber windows. The proposed dwelling internally to contain an entrance hall, sitting room, kitchen/dining room and utility on the ground floor and three bedrooms and bathroom on the first floor. It is proposed that the windows of these bedrooms are of 'dormer' construction. Alongside the north western elevation, it is proposed to erect a detached single bay garage and attached store using external construction materials to compliment the proposed dwelling.

2. Policies

2.1 Planning Policy Guidance Note 3 – Housing

2.2 Leominster District Local Plan

- A1 – Managing the District's Assets and Resources
- A2 – Settlement Hierarchy
- A9 – Safeguarding the Rural Landscape
- A10 – Trees and Woodland
- A18 – Listed Buildings and their Settings
- A21 – Development within Conservation Areas
- A22 – Ancient Monuments and Archaeological Sites
- A23 – Creating Identity and an Attractive Built Environment.
- A24 – Scale and Character of Development.
- A25 – Protection of Open Areas or Green Spaces
- A54 – Protection of Residential Amenity

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable Development
- S2 – Development Requirements
- S3 – Housing
- S7 – Natural and Historic Heritage
- DR1 – Design
- DR4 – Environment
- H6 – Housing in Smaller Settlements
- H13 – Sustainable Residential Design
- LA2 – Landscape Character and Areas Least Resilient to Change
- LA3 – Setting of Settlements
- LA5 – Protection of Trees, Woodlands and Hedgerows
- LA6 – Landscaping Schemes
- NC4 – Sites of Local Importance
- HBA4 – Setting of Listed Buildings
- HBA6 – New Development within Conservation Areas
- HBA8 – Locally Important Buildings
- HBA9 – Protection of Open Areas and Green Spaces
- ARCH3 – Schedule Ancient Monuments

3. Planning History

None relevant to this planning application.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - No objections in principle subject to the attachment of a condition to any approval notice issued with regards to a scheme of foul drainage works.
- 4.2 English Heritage – State in their response: 'The Castle and Church at Lingen form an important group and this development would adversely affect the setting of the castle. English Heritage therefore object to this application. The castle and Church at Lingen form a classic historic group of high value. Their setting will be significantly affected by the insertion of this new development. The construction appears to impinge upon the

remains immediately outside the castle. On the above grounds, we would object to this application.

We consider that the implications of this application are so significant that we would welcome the opportunity of advising further on the revised proposals. Please let me have the necessary additional information in time for us to comment again if necessary, before the application is determined.

Please send us a copy of the decision notice in due course. This will help us monitor actions related to changes to historic places.

Internal Council Advice

- 4.3 Highways Manager has no objection to the grant of permission.
- 4.4 Public Rights of Way Manager states 'The proposed development would not appear to affect public footpath LN28. However the following points should be noted:
The applicants should ensure that they hold lawful authority to drive over the public footpath LN28 which runs along the front of the proposed development site (as per the attached plan), as the land does not appear to be part of the highway verge. Records suggest that this land may be part of the church property, but the applicants would need to carry out their own investigations.
- 4.5 County Archaeologist states 'The application site is a particularly sensitive one archaeologically, and in relation to the historic form of Lingen. The site is directly adjacent and very close to the extent earthworks of Lingen Castle, a Scheduled Ancient Monument (site and monuments ref HSM 1669). The site is also within the layout of the medieval settlement of Lingen (ref HSM 8267) and close to the Church.

The general location of the site is part of a historically significant open space associated with castle and Church in this part of Lingen. The importance of this open space is acknowledged by the currently adopted Leominster District Local Plan 1999, which explicitly includes the site within the meaning of Policy A25 (protection of open space). Having regard in particular to parts (1) and (4) of this policy. I have major concerns.

It is further my view that development would have an unacceptable impact on the setting of the castle here. Given the proximity of the Church already noted, and the numerous Public Rights of Way around the open space of both the Church and castle, and infill development at proposed would be very damaging.

Accordingly on the basis of the clear guidance given in PPG16 Section 8, County Structure Plan Policy CTC.5, and in particular Policy A.22 (1) of the Leominster District Local Plan 1999, I would advise that this application be refused on archaeological grounds.'

- 4.6 Conservation Manager response states ' The construction of a dwelling in this location will not enhance the character or appearance of the Lingen Conservation Area. Its proposed location between a listed building (The Forge) and a Scheduled Ancient Monument is not appropriate and would not contribute positively to this historic significant setting. The conclusion is objections as outlined above.
- 4.7 Landscape Officer response states 'The application site consists of part of the garden of The Forge. It is bounded to the north-east by a historic site, a Motte and Bailey and

to the south-east by St. Michael's and all Angels' Church. The site falls within the settlement boundary for Lingen and within the village Conservation Area.

In terms of tree issues, I have no objections, as all of the significant trees on the site would be retained. However, this development would impinge on the setting of the historic site and the church. I recommend, therefore, that permission should be refused for the development because it would be contrary to Policy A.25: Protection of Open Areas or Green Spaces, of the Leominster District Local Plan (1999).

5. Representations

5.1 Lingen Parish Council states in their response to the application: 'The executive Planning Sub Committee met on site on 9th April and spent some time studying the site and its position in relation to the Church and The Forge. The Leominster District Plan and recent building do allow this application but the Committee felt that they would ask full Council to consider the plans especially in relation to cladding, as any construction needs to be sensitive to this particular site. Eventually the Council resolved to support the application in overall principle with some concerns only relating to the external cladding and its sympathy with The Forge.

5.2 One letter in support of the application has been received from the applicants agent. This letter in summary states: That the objections from the consultees are noted. That the proposed dwelling is a modest 175 sq metres in floor area and has been designed to compliment rather than compete within the adjoining Listed Building and that the dwelling is to be sited 100 metres from the castle and 75 metres from the church. The letter further states that the site is within the Lingen settlement boundary and not designated as protected open space as far as he is aware.

The letter further states that the settlement has seen recent development and that Mr & Mrs Barnett wish to remain in the settlement and leave their present dwelling for personal reasons.

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

6. Officers Appraisal

6.1 This application is clearly controversial on issues of location and setting historically in relationship to the adjacent site of the Ancient Monument, The Castle Motte and Bailey, the nearby Church, adjacent Grade II Listed dwelling known as 'The Forge' and policy designation of the surrounding area in which the application site is located.

6.2 The proposed dwelling is in principle relatively sympathetic to the setting of the listed building in architectural and design form, and the proposed external cladding of the dwelling can be addressed through a condition attached to any approval notice issued. Therefore, is it considered that the proposed development generally is in accordance with Policy A18 on Listed Buildings and their Settings in the Leominster District Local Plan.

6.3 The two policies in the Leominster District Local Plan that this proposal clearly does not conform with are Policies A22: Ancient Monuments and Archaeological Site and

A25: Protection of Open areas and Green Spaces. Also of relevance is Policy A1 on Managing the District's Assets and Resources.

- 6.4 Policy A1 states in criteria 2
'Open or undeveloped sites which contribute to the character appearance and amenity of a settlement will be protected from development even when they fall within a settlement boundary in accordance with Policy A25'.
- 6.5 Policy A25 on Protection of Open Areas or Green Spaces states amongst its criteria
'Proposals which would result in the loss of important open areas or green spaces which contribute to the character, form and pattern of a settlement, will not be permitted where such elements:
- 1) Provide relief within an otherwise built up frontage;
 - 2) Create a well defined edge to the settlement;
 - 3) Provide a buffer between incompatible uses;
 - 4) Provide important views of attractive buildings or their settings, or of attractive landscapes.
 - 5) Provide an important amenity of value to the local community.
 - 6) Contribute as an important element within an attractive street scene or
 - 7) Represent an historic element within the origins or development of the settlement or area.
- 6.6 Policy A22 on Ancient Monuments and Archaeological Sites states in Section 1 'There will be a presumption against development proposals which would fail to preserve the site or setting of a scheduled Ancient Monument or other nationally important monument.'
- 6.7 The applicants agent in a letter dated 22nd April 2005 and 10th May 2005 from Planning Services has been informed of objections received as earlier mentioned in this report and no response has been received other than the letter of response as summarised in Section 5.2 on Representations has been received.
- 6.8 Although Officer's do have sympathy with the applicants personal circumstances, these are not relevant to the planning issues and the proposed development clearly goes against policy criteria of Policies A1, A22 and A25 of the Leominster District Local Plan.

RECOMMENDATION

That planning permission be refused for the following reason:

The site for the proposed development is designated as a protected area and is adjacent to a Scheduled Ancient Monument. It is considered that the proposed development will have a significant detrimental impact on the historic and visual setting of the location and is therefore contrary of Policies A1, A22 and A25 of the Leominster District Local Plan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.