

13 DCSW2005/1171/F - CHANGE OF USE FROM AGRICULTURAL TO GARDEN LAND, LAND ADJACENT TO ORCHARD COTTAGE, PENROSE GREEN, BROAD OAK, HEREFORDSHIRE, HR2 8QT**For: Mr. M. Colwell, Orchard Cottage, Penrose Green, Broad Oak, Herefordshire, HR2 8QT****Date Received: 14th April, 2005****Ward: Pontrilas****Grid Ref: 48854, 21891****Expiry Date: 9th June, 2005**

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

- 1.1 The application site lies within open countryside as defined by the South Herefordshire District Local Plan. The property known, as Orchard Cottage is a two storey detached dwelling situated in rectangular grounds. The property and access has been built at right angles upon the common land known as Penrose Green. Access to the common is via the B4521 road to Skenfrith, which leads onto the unclassified 71410 road, a single track serving Penrose Green. The track is approximately 0.1 of a mile and then forms a loop around the common land serving Penrose Farmhouse to the north-west, Orchard Cottage to the north and 1 to 3 Penrose Cottage to the north-east.
- 1.2 The proposal relates to a change of use from agricultural to garden land to the north and northeast of Orchard Cottage. The land between Orchard Cottage and proposal site is divided by common land and an area to the south-western corner is also common land. The land is oblong in shape and gradually slopes northerly to lower agricultural fields. The area measures 57m north to east, 28m east to south, 50m south to west and 32m west to north. The land has been divided from agricultural land and provides post and wire mesh fencing to its northern and eastern boundaries. The western boundary provides a mixture of trees and hedging. The southern boundary to the common provides a mixture of trees, hedging and double wooden gates serving the land. Access to the land is served over the common land consisting of compacted stone.

2. Policies**2.1 Planning Policy Guidance**

PPS1 - Delivering Sustainable Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC7 - Development and features of Historic and Architectural Importance

Policy CTC9 - Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C1	-	Development within open countryside
Policy C10A	-	Common Land
Policy C29	-	Setting of a Listed Building

2.4 Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy LA2	-	Landscape character and areas least resilient to change
Policy HBA4	-	Setting of Listed Building

3. Planning History

- 3.1 SH921187PM One two-storey cottage style - Approved 11.11.92 dwelling
- SW2005/0153/F Change of use from agricultural - Withdrawn 14.02.05 to garden land

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objections.
- 4.3 The Conservation Manager observations are as follows:-

"I would be guided by yourself regarding the planning issues involved. I would not wish to make architectural observations other than if you should consider this proposal to be acceptable then type of boundary demarcation should be confirmed and to be approved."

- 4.4 The County Land Agent's observations are as follows:-

- Part of the site for the proposed storage barn is on common land, as per plan.
- A fence has been erected across the common land.
- The field access for some years is as per the plan, not as per the application.
- Part of the area and track has been stoned.
- If it is to be garden why the very large shed, stoned area and need for double gates.
- Various items of storage have been placed on the common.

5. Representations

5.1 St. Weonards Parish Council has no objections.

5.2 One letter of objection has been received from:

A. Newland & S. Rainbow, 3 Penrose Cottages, St. Weonards, Hereford. HR2 8QT

The grounds of objection can be summarized as follows:-

- Concerned that the land is used for business.
- The amount of traffic, machinery and noise next to our home.
- Not happy that the common land has a road over it where our children have played in.

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

6. Officers Appraisal

6.1 The key issues in the consideration of the application are:-

Impact upon Common Land
Impact upon the surrounding landscape
Setting of the Listed Building
Amenity of nearby residents

6.2 The proposed change of use lies to the north of the common. The common is a Section 9 common and therefore there is no known owner with whom to treat for an access. It is considered that the right of access over the common land and area of common to the south-western part of the land is not a planning matter and would need to be dealt with by the County Land Agent.

6.3 The planning issue of the proposal is whether the change of use has an impact upon the common land in terms of its character and appearance. At present Penrose Common is wild and unattractive and served by a rough stoned track. The houses situated around the common, provides front gardens and hedging, having part grassed frontages to the track, which are maintained. The proposal site has provided double wooden gates to the entrance of the land and provides post and wire fencing to its northern and eastern boundaries. All existing trees and hedging to the east and south of the site will remain. It is considered that the garden area will be grassed and have an open appearance and would not harm the characteristics of Penrose Common.

6.4 The Council's draft Supplementary Planning Guidance "Landscape Character Assessment" defines the area as Sandstone Farmlands, landscape types that are resilient to change. These are open agricultural landscapes with moderate to gently undulating landform. Tree cover is limited, being restricted to sparsely scattered hedgerow trees. The proposed parcel of land provides scattered hedgerow trees to its western boundary and the land slopes gradually northerly to lower ground. Visually the land is viewed westerly from the B4251 approximately ½ mile past the crossroad junction of the A466.

- 6.5 At present the land has been cleared to the south-western corner to accommodate the proposed storage barn submitted under planning application SW2005/1170/F and a large area of land to the east is covered by stone, continuation of the stone access into the field for parking and turning. The applicant has suggested that additional planting; hedging to boundaries and where the grass has been destroyed will be reseeded. Having considered that the area is resilient to change, the SPG seeks to encourage new hedgerow planting and tree planting should development be allowed. With the use of appropriate conditions, the change of use of agricultural to garden would not have a harmful effect upon the character and appearance of its rural surroundings.
- 6.6 The proposal lies to the north-east of Penrose Farmhouse, a grade II Listed Building. Policy C29 seeks to ensure that proposals would not adversely affect the setting of a Listed Building. In terms of its location Penrose Farmhouse is visually screened from view and Orchard Cottage lies in between the proposed site. It is considered that the application would not harm the setting of the Listed Building.
- 6.7 The concerns of the neighbouring resident regarding the proposed use for business and the amount of traffic, noise and disturbance that may be generated from such change of use are noted. The applicant does run a plant hire business and certain items were evident on the land, however, the application seeks a change of use for domestic purposes and such items would not be allowed to be stored on the land. From a planning point of view the proposal has to be considered upon its own merits and its impact upon the surrounding landscape. The applicant has provided post and wire fencing to the boundaries and is prepared to provide additional planting and re-seed grassed areas. To ensure that the land is controlled for its intended use, conditions can be attached as well as restricting further buildings being erected on the land. In this regard, the change of use is acceptable and would not affect the amenities of the nearby residents.
- 6.8 Having regard to the above and with appropriate conditions it is considered that the proposal would accord with the relevant local plan policies.

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. A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. G04 (Landscaping scheme (general))

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. G12 (Planting of hedgerows which comply with Hedgerow Regulations)

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

6. E16 (Removal of permitted development rights)

Reason: To safeguard the character and amenities of the locality.

7. The storage barn and associated land and dwellinghouse known as Orchard Cottage shall not be sold separately from each other.

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

Informative(s):

- 1. The applicant's attention is drawn to access rights over the common land and to ensure the necessary consent is sought.
- 2. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.