

8 DCSE2004/2165/F - INCREASE IN DOMESTIC CURTILAGE OF JESSAMINE COTTAGE AND FOR THE PARKING OF COMMERCIAL VEHICLES WITHIN EXTENDED CURTILAGE, LAND ADJOINING, JESSAMINE COTTAGE, WOODEND LANE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SF

For: Ms. Morris, Jessamine Cottage, Woodend Lane, Gorsley, Ross-on-Wye, HR9 7SF

Date Received: 15th June, 2004 **Ward: Penyard**

Grid Ref: 67413, 25559

Expiry Date: 10th August, 2004

Local Member: Councillor H. Bramer

1. Site Description and Proposal

- 1.1 This site at Gorsley, which is a designated larger village, is a small section of land adjoining the applicant's dwelling. The land was formerly part of the adjacent field and has been fenced off to form part of the applicant's curtilage to their dwelling. This is therefore a retrospective application for change of use of land to residential. The application also involves the parking of the applicant's commercial vehicles on the land.
- 1.2 The lower (northern) section of the site, i.e. new curtilage area, is a grassed area and the southern section is a gravel area where the applicant has a small number of cars parked. A post and rail fence with a gate in the middle bisects the two areas. There is a new post and rail fence on the new south-western boundary of the site on the inside of which has recently been planted a new hedge. At the north-western boundary of the site is a brook with mature trees on either side. Some sapling fruit trees have also been planted on the inside of this brook. At the southern corner of the applicant's curtilage (and which does not form part of the new curtilage land) is an existing hard-surfaced car park area which can cater for a number of vehicles.
- 1.3 Vehicular access from the road to the applicant's dwelling is located in the southern corner of the garden area where the hard surfaced car parking area is located. There is another gate on the north-western side of this original car park which gives access to the new curtilage area. There is no direct vehicular access from the new curtilage area to the road/highway other than through the original hard surfaced car park area.

2. Policies

2.1 Planning Policy Guidance

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|-------|---|--|
| PPS.1 | - | Delivering Sustainable Development |
| PPS.7 | - | Sustainable Development in Rural Areas |

2.2 Hereford and Worcester County Structure Plan

- | | | |
|--------------|---|--|
| Policy H.16A | - | Development Criteria |
| Policy H.18 | - | Residential Development in Rural Settlements |

- Policy H.20 - Residential Development in Open Countryside
- Policy CTC.9 - Development Criteria

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
- Policy C.1 - Development within Open Countryside
- Policy C.2 - Settlement Boundaries
- Policy C.3 - Criteria for Exceptional Development outside Settlement Boundaries
- Policy T.3 - Highway Safety Requirements

2.4 Unitary Development Plan – Revised Deposit Draft

- Policy S.2 - Development Requirements
- Policy DR.1 - Design

3. Planning History

- | | | | | |
|-----|---------------|--|---|------------------------------|
| 3.1 | SH960266PF | Two storey side and rear extension after demolition of existing outhouse | - | Refused 18.04.96 |
| | SH960667PF | Two storey side and single storey extension | - | Planning Permission 10.08.96 |
| | SE2000/1306/F | Single storey side conservatory extension | - | Planning Permission 05.07.00 |

Note: All the above applications relate to the applicant's existing dwelling and not the new curtilage area.

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 to the proposal. There appears to be no intensification of usage of the access.
- 4.3 The Chief Conservation Officer comments that the applicant's letter clarifies landscape proposals for the site and has overcome previous objections to the application.

5. Representations

- 5.1 The applicant has submitted a letter of explanation. The main points being:
- purchased a small parcel of land adjacent to Jessamine Cottage 3 years ago and have sectioned off a small part of this land to park vehicles owned by the applicant

- were requested by Council to apply for planning permission to park applicant's company vehicles (which are used to travel to and from work)
- a wooden fence was planted along boundary and indigenous hedging planted along whole of boundary
- part of land sectioned off for parking with a wooden post fence along which fir trees were planted
- along brook edge fruit trees, daffodils, primroses and fir trees were planted by the applicant in order to gain more privacy and to encourage birds and wildlife into area
- would like to alleviate the concerns received by Council from a neighbour with respect to this planning application
- not applicant's intention to use land commercially but only to park applicant's company vehicles that are used to travel to and from work and also private vehicles which includes race and rally cars
- can only assume the letter of complaint did not take into account the company trading at the barns adjacent to Jessamine Cottage. Perhaps the increased noise, damage to hedges and verges are being caused by this
- applicant's future plans for land in question include a small fruit orchard with wild flowers. The indigenous hedging which has already been planted will encourage birds and wildlife.

5.2 The Parish Council notes the further intentions and looks forward to their completion.

5.3 A letter of objection has been received from neighbours at The Glen, Gorsley, Ross-on-Wye, HR9 7SG. The main points being:

- over past two years have witnessed a steady build up of a commercial business at Jessamine Cottage
- a portable cabin office installed along with amplified telephone line for business use
- heavy metal engineering noise at unsociable hours, often late in the evening and at weekends
- increased traffic of commercial delivery vehicles which have difficulty passing in the narrow lane resulting in damage to hedges and verges
- the parking of 10/20 light and commercial vehicles in the adjacent field
- no obvious controls for the disposal of hazardous waste material
- suspicious of reasons for application to park commercial vehicles on the land as a service, maintenance and repair business, trading as Fleet Care, is operated from this address
- this is a 24 hour service which necessitates vehicles leaving at all hours of day and night
- original domestic garage has been increased in size to accommodate business and the application reflects desire to expand the commercial enterprise
- prior to original notification of planning application the cabin has been removed and the vehicle activity and repairs have diminished
- views across the fields to Linton Church has already been spoiled by construction of large commercial depot in the opposite field
- Council should protect rural areas such as this from the encroachment of industry.

NB. The objector was formally notified of the subsequent letter of explanation submitted by the applicant. However no further representations were received from the objector.

The full text of these letters 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 main issues relate to the acceptability of the increase in the size of the residential curtilage, in particular in terms of its effect on the visual appearance and character of the area and the residential amenities of neighbouring dwellings. In addition, the impact on the surrounding environment and neighbouring dwellings with respect to the parking of commercial vehicles on the land. The most relevant policies in this case are GD.1 and T.3 of the Local Plan.
- 6.2 The land in question has been fenced off and is now used by the applicant for residential use, i.e. as part of the curtilage of the applicant's current dwelling. The land is roughly triangular in shape, similar to the applicant's original curtilage. As such, the two areas of land put together form an oblong shape. The land in question is positioned at a low level with the land around it at a slightly higher level. The brook on the northern boundary of the site being the lowest level. There are fields to the west of the site where the land eventually rises up. The land immediately to the north of the site rises more steeply. The applicant has planted a hedgerow on the western boundary and also trees on the northern boundary to supplement the existing mature trees. Also the existing hedgerow on the side boundary of the original curtilage has been retained except for a small walk through gap. The applicant also intends to plant fruit trees to form a small orchard area in the northern section of the land. For these reasons it is considered that the extended curtilage land forms a natural extension to the original curtilage and will not be prominent/intrusive on the landscape. Consequently it is considered that the proposed use will not adversely affect the visual amenities and character of the surrounding area.
- 6.3 The applicant currently parks a small number of cars/vehicles on the southern section of the new curtilage area, i.e. rally cars and also some old cars which the applicant intends to renovate. There is no commercial use involved with these cars which are used purely for hobby/recreational purposes. The applicant currently parks two commercial vehicles, i.e. two small vans, on the site. The business is based elsewhere and the applicant only uses the vans to travel to and from work. The business is a vehicle repair business, i.e. repairing vehicles on the roadside which have broken down. The applicant has stated that no commercial activities are carried out or operated from the dwelling. In these circumstances it is considered that the use of the land as described above is considered acceptable and in accordance with normal residential use of the land.
- 6.4 The development and use of the land as has been carried out and as described in the applicant's letter of explanation is considered to be acceptable and in accordance with the planning policies for the area. The parking of the two commercial vans on the land with no other commercial activity involved is considered to be acceptable. At the time the site was inspected by the application case officer only one van was on site and it was parked within the car park area of the original curtilage, which it is understood the vans are normally parked.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The use of the land hereby approved shall be used solely for domestic/residential purposes incidental to the enjoyment of the existing adjoining dwelling as such, and not for the operation of any trade or business. The parking of any commercial vehicles within the original/new curtilage of the dwelling shall be limited to the criteria set out in the applicant's letter of explanation dated 26th April, 2005 unless otherwise first agreed in writing by the local planning authority.

Reason: To define the terms to which this planning permission relates and to protect the residential amenities and character of the surrounding area.

- 2. The existing trees and hedgerows (including those recently planted) within the whole of the application site, i.e. the new and original curtilage, shall be retained unless otherwise first agreed in writing by the local planning authority.

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

Informative(s):

- 1. N03 - Adjoining property rights
- 2. N15 - Reason(s) for the Grant of Planning Permission

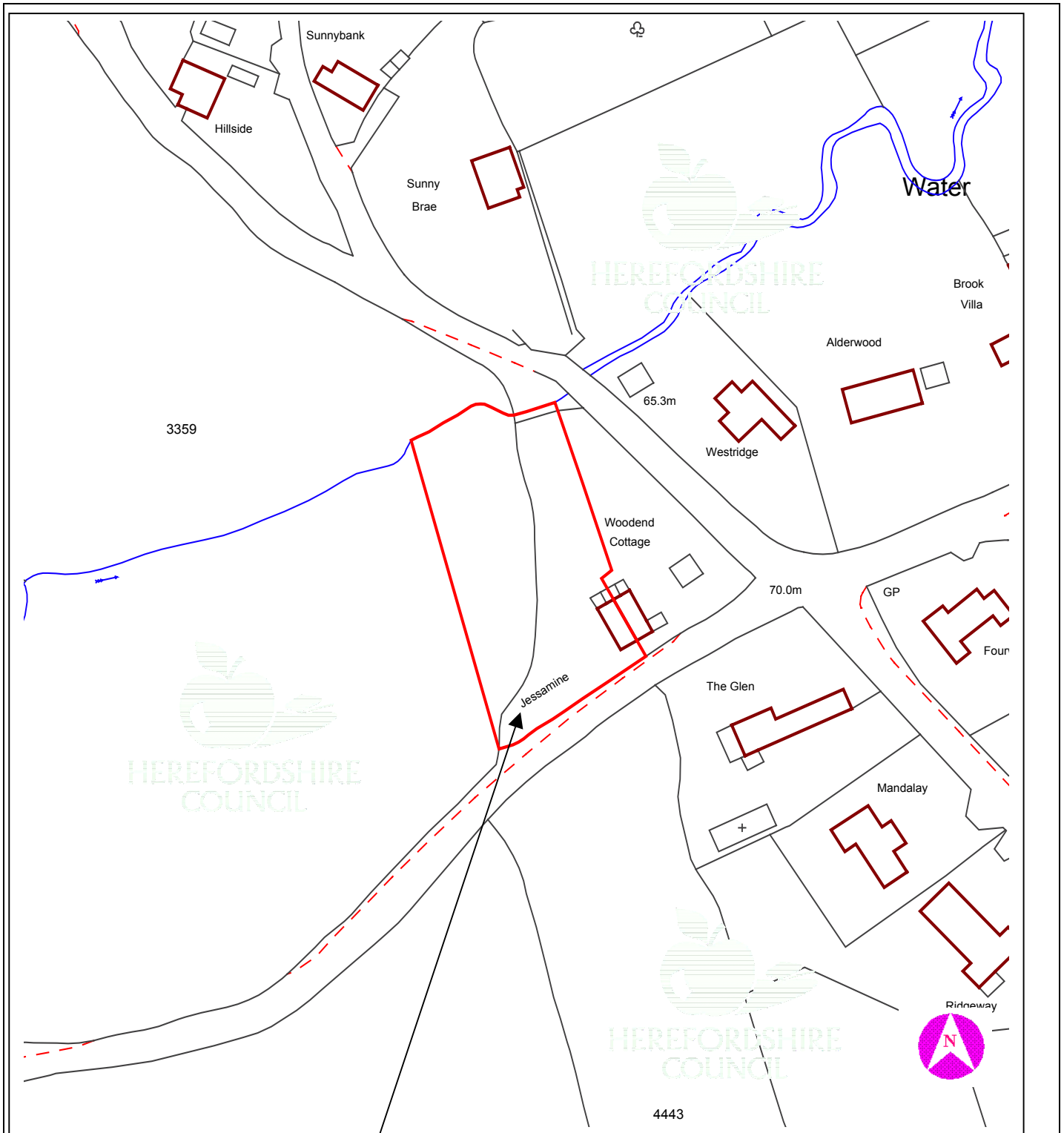
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2004/2165/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjoining, Jessamine Cottage, Woodend Lane, Gorsley, Ross-on-Wye, Herefordshire, HR9 7SF

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