

9 DCNE2005/2794/F - RETROSPECTIVE APPLICATION FOR ANIMAL HOUSING AT THE LONG BARN, COWL BARN LANE, COLWALL, MALVERN, WR13 6EU**For: Mrs A J Cross at same address.****Date Received:
24th August 2005****Ward: Hope End****Grid Ref:
75669, 43236****Expiry Date:
19th October 2005**

Local Member: Councillor R Stockton and Councillor R Mills

1. Site Description and Proposal

- 1.1 This application is made in retrospect and seeks permission for the retention of animal housing within the curtilage of The Long Barn, Cowl Barn lane. Historically The Long Barn would have been associated with the listed Cowl Barn farmhouse although it is now annexed and in separate ownership. Through this association The Long Barn may still be considered as de facto listed.
- 1.2 The property is approached via Cowl Barn lane, which is a public footpath along the southern edge of the site. Land in the applicant's ownership extends to include the paddock to the north. The domestic curtilage is limited to the southern portion of this land. The application site falls both within the Colwall conservation area and The Malvern Hills Area of Outstanding Natural Beauty.
- 1.3 The animal housing, which is best described as a cattery and is proposed for this purpose, is located to the western edge of the site adjacent to the boundary wall with "Tantala" at a distance of approximately 20 metres from both The Long Barn and "Tantala."
- 1.4 The monopitch structure sits on a concrete base and comprises an UPVc frame subdivided into eleven individual cathouses within a double-glazed outer frame.
- 1.5 The structure has a maximum height of 2.1m and length of 8.79m where it runs parallel to the property boundary. The total footprint is 29.3 square metres.

2. Policies**2.1 Malvern Hills District Local Plan**

Conservation Policy 2 – New Development in Conservation Areas
Conservation Policy 11 – The Setting of Listed Buildings
Landscape Policy 2 – Areas of Outstanding Natural Beauty

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 – Design
LA1 – Areas of Outstanding Natural Beauty
HBA4 – Setting of Listed Buildings

3. Planning History

3.1 None relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Transportation Manager: Has no objection to the grant of permission

4.3 Conservation Manager (Historic Buildings): No objection

4.4 Conservation Manager (Landscapes): A small number of trees have been felled but these were not protected trees. The loss of these trees has not affected the amenity of the conservation area.

4.5 Environmental Health Manager: No objection

5. Representations

5.1 Colwall Parish Council: The Parish Council wishes to object to this application, as the building is not in keeping with the Malvern Hills Area of Outstanding Natural Beauty and the Colwall conservation area. This building is close to a listed building and is contrary to the Village Design Statement.

5.2 Letters of representation have been received from:

Mr M Sutton, Tantala, Redland Drive, Colwall (the nearest neighbour) and
Mr D Stock, Applecross, Redland Drive, Colwall.

The content of the letters is summarised below.

- a) The structure should be sited further from the boundary with neighbouring dwellings;
- b) This is the latest of several animal houses to be erected without first obtaining permission;
- c) The application is accompanied by insufficient detail. Photographs are not sufficient to show the size, scale and nature of the building;
- d) The roof is white and prominent when viewed from neighbouring dwellings;
- e) Is the building required in connection with a domestic or commercial use;
- f) The felling of trees to accommodate the building has left a scar of the Area of Outstanding Natural Beauty.

5.3 Further letters have been received from Mr Sutton seeking clarification as to the detail of the proposal, including the size of the building, payment of fees and the necessity for listed building consent.

5.4 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 key issues in the determination of this application are the impact that the development has on the character and appearance of the conservation area, the setting of the listed building and the amenity of neighbouring dwellings.

6.2 Under S.72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990, special attention must be paid to the desirability of preserving the character or appearance of that area. Case law holds that it is sufficient to consider whether the development would harm the area and not whether development makes a positive contribution to the area. It is also the case that the duty may be applied with greater rigour in those parts of the conservation area that display its special characteristics.

6.3 In this instance it is recognised that the structure is sited in close proximity to the mutual boundary with Tantala. However, the building is unobtrusive, only the roof being visible from the neighbour's property. It is proposed that a condition requiring the painting of the roof a more appropriate colour. The building is not visible from any stretch of the footpath and does not therefore detract from its amenity. Members will note that the Conservation Manager has not raised objection to the development on listed building or conservation area grounds. In particular the Landscapes Officer states explicitly that the loss of trees to make way for the structure "has not affected the amenity of the conservation area."

6.4 Officers recognise that a structure of this nature has no architectural merit and that with the passing of time the condition of the building may deteriorate to a degree that makes its retention within the conservation area unacceptable. It is therefore recommended that planning permission, if forthcoming, be for a limited period of time. This approach is often applied to applications for temporary structures and enables the local planning authority, at the expiration of the prescribed period, to reconsider the application, having regard to any material change in the condition of the building.

6.5 The concerns of local residents are noted. In particular it is proposed that certain planning conditions be attached to any forthcoming permission to ensure that the structure is used solely for the housing of cats on a non-commercial basis. It is not considered that the structure has an undue adverse affect on the amenity of neighbouring residents. The cats are housed behind what amounts to two 'skins' – an inner and outer frame, which is in turn double glazed - and noise disturbance would not present an issue in the way that dog kennels may.

6.6 The application is thus recommended for a temporary 2-year permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 - E21 (Temporary permission and reinstatement of land)

Reason: In order that the local planning authority can give consideration to the desirability of retaining the building, which by virtue of it's construction is not considered suitable for permanent retention within the Conservation Area.

[An agreed note showing the condition of the site before works begin should be attached to a permission granted subject to this condition].

- 2 - Within 1 month of the date of this permission the roof of the structure hereby approved shall be painted in a colour to be agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

- 3 - The structure hereby approved shall be used for the housing of cats only and not for any commercial activity.

Reason: In order to protect the amenity of local residents.

Informatives:

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

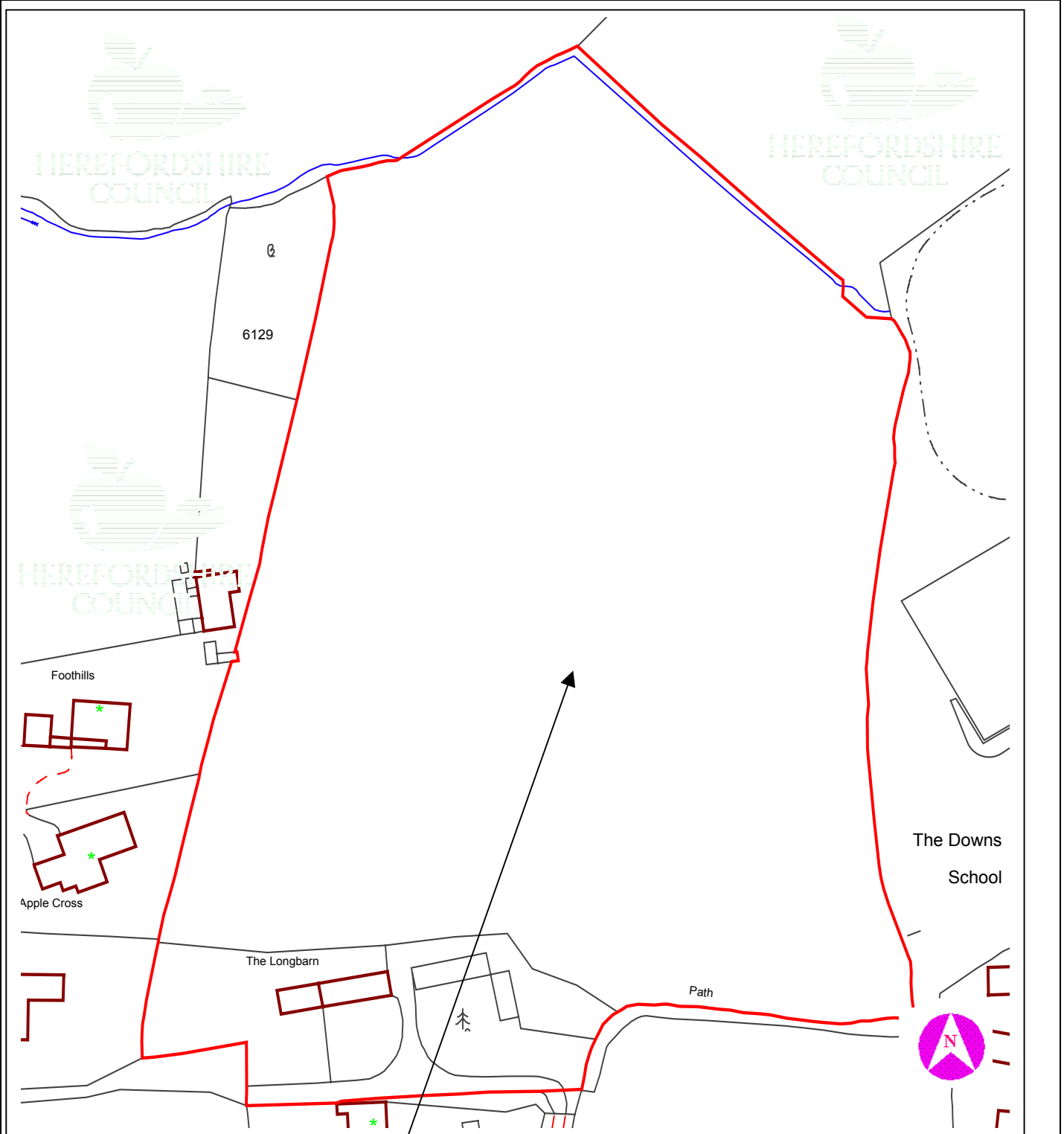
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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SCALE : 1 : 1250

SITE ADDRESS : The Long Barn, Cowl Barn Lane, Colwall, Malvern, Herefordshire, WR13 6EU

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