

7 DCSW2005/2970/F - UPGRADING OF TRACK, CONVERTING BARN TO STABLES AND CHANGE OF USE ON ANIMAL SHED TO WORKSHOP/STORE/GARAGE, THE CLOSERIE, LYSTON, WORMELOW, HEREFORDSHIRE, HR2 8EL

For: Mr. A. Regan, The Closerie, Lyston, Wormelow, Hereford, HR2 8EL

Date Received: 15th September, 2005 Ward: Pontrilas Grid Ref: 49568, 28834

Expiry Date: 10th November, 2005

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

- 1.1 The Closerie is a modern red-brick dwelling almost due north of Lyston House, a Grade II Listed house, from which it is well screened by existing trees in a parkland setting to the north and north-east of Lyston House. Access is gained onto the A466 road to the north-west of The Closerie.
- 1.2 The proposal has three elements, one is the upgrading of a track which has taken place already, secondly the use of a stone barn for stables, and lastly the use of a single-storey shed for use as a workshop/store/garage. The buildings referred to above are situated in the south-eastern corner of a paddock just to the east of Applegarth, which is in separate ownership/occupation. This dwelling is very well screened from northerly views. It is understood that these buildings and adjoining land were made available to the applicants when they relatively recently purchased The Closerie. The paddock to the north of the stone building proposed to be used for stables and the breeze-block building parallel and immediately to the north of it are outside the residential curtilage of The Closerie. They have been placed intermittently along the northern side of the proposed workshop/store/garage.

2. Policies

2.1 Planning Policy Guidance

- PPS.1 - Delivering Sustainable Development
PPS.7 - Sustainable Rural Development

2.2 Hereford and Worcester County Structure Plan

- Policy CTC.2 - Development in Areas of Great Landscape Value
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.8 - Development within Areas of Great Landscape Value

Policy C.10	-	Protection of Historic Parkland
Policy C.29	-	Setting of a Listed Building
Policy C.36	-	Re-use and Adaptation of Rural Buildings
Policy T.3	-	Highway Safety Requirements
Policy T.8	-	Public Footpaths and Cycleways

2.4 Unitary Development Plan (Revised Deposit Draft)

Policy S.2	-	Development Requirements
Policy S.7	-	Natural and Historic Heritage
Policy DR.3	-	Movement
Policy DR.14	-	Lighting
Policy HBA.4	-	Setting of Listed Buildings
Policy HBA.12	-	Re-use of Rural Buildings

3. Planning History

3.1 There is no planning history to the application site.

4. Consultation Summary

Statutory Consultations

4.1 Open Spaces Society has no objections.

4.2 The Ramblers Association observes:

“The development does not appear to have any impact upon the adjacent Public Right of Way, Llanwarne LW2, however we would ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a public right of way at all times.”

4.3 Hereford and Worcester Gardens Trust observes:

“Lyston House has some excellent grounds, which were laid out in the late 18th century by Dr. John Cam, an eminent physician and an important figure in the cultural life of late Georgian Herefordshire. Throughout the 19th century the pleasure grounds and small park were much admired by several commentators as an example of the picturesque on a small scale. The development in the late 20th century of a veritable industrial estate close to the northern boundary of the pleasure grounds of Lyston House, where once there was an orchard, is to be deplored. The visual integrity of the grounds needs to be defended. If the workshops are to be retained, consent for the work of conversion should be made dependent upon new landscaping, which creates a cordon sanitaire between the parkland and the industrial buildings.”

Internal Council Advice

4.4 The Traffic Manager observes:

“This proposal is for the track to join the existing private drive to Lyston House, which has poor visibility at its northern end towards the south west at its junction with the A466. I note that another existing track which crosses the site towards Lyston Villa and enters the junction just on the north side would have better visibility in the same direction. Nevertheless, these tracks are existing private drives and it appears that it is

unlikely to be any significant intensification in the use of the access onto the public highway. The proposed development would not appear to affect public footpath LW2.”

- 4.5 Conservation Manager has no objections from an architectural point of view nor to the principle of the track, but in its present form it is a little over-dominant in the landscape. Recommend that only the wheel tracks should be left constructed in stone and that a central strip should be reinstated to grass. This would minimise the visual impact of the track. Concerns have been raised regarding the colour of the roofing materials and the planning authority should seek confirmation that any new materials should be muted in colour.

5. Representations

- 5.1 The Parish Council observes:

“The Parish Council have concerns over new roadway to stables for which no consent appears to have been granted.”

- 5.2 Three letters of objection have been received from:

The Occupier of North Lodge, Lyston Court, Llanwarne, Herefordshire, HR2 8EL
Mr. & Mrs. D.G. Banks, Applegarth, Wormelow, Hereford, HR2 8EL
S.E. Sayce, Lyston Villa, Wormelow, Hereford, HR2 8EL

The main points being:

- The application should be retrospective.
- There has never been a track across the field.
- Work has already been undertaken to create a 2.8 metres wide and approximately 100 metres length, formed diagonally across the field from double gates.
- Works already completed in respect of workshop/store/garage.
- Insertion of double doors and windows to east elevation and double doors and four windows to north elevation.
- Concerned about the oxide red box profile and transparent sheeting, an inappropriate colour in its surroundings.
- Buildings have been in use for several months.
- The west wall of proposed storage conversion is a party wall to the adjacent annexe occupied by an elderly relative.
- Applegarth's septic tank to southern wall of barn, concerned proposed work will adversely affect our ability to maintain tank.
- No provisions for effluent from stables.
- Concerned that new road might be intended for an increased volume of traffic.
- Work and conversion is next to our property, applicants dwelling is over 100 metres away.
- The works remove our privacy and adversely affects our quality of life.
- The plan shows access using Lyston Villa drive, this is a private drive and Closerie does not have a right of access.

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 are considered to be the impact of the development in the landscape, use of the buildings, affect upon neighbouring amenity, setting of the listed building and impact upon public right of way.
- 6.2 The conversion of the barn to stables retains the existing fabric of the building this being breeze block and steel to sides and roof. The only alteration to this building is the internal layout, which divides the area into three individual stables using tanalized stud walling. The existing animal shed measures 12.5m x 7m x 3.6m, which is situated north of the barn, built of breeze block. The alterations to this building include red oxide sheeting to the roof, double doors and four windows to the north elevation as well as the removal of two single doors replaced with a double and windows to each side to the east elevation. Internally the dividing wall is removed to provide the space for the new use of workshop/store and garage.
- 6.3 The track has been formed to gain access to these two buildings, constructed of crushed stone measuring 2.8m wide by approximately 77 metres, which crosses the paddock diagonally as delineated on the submitted drawing.
- 6.4 Policy C.8 of the South Herefordshire District Local Plan seeks to ensure that proposals do not adversely affect the landscape and are sensitively designed. Policy C10 ensures that unregistered parks and gardens of historic interest are also protected for its landscape quality. The Hereford and Worcester Gardens Trust state that further landscaping should be encouraged between the parkland and buildings. The area to the south visually screens the buildings from Lyston House and in consideration of its impact within the surrounding landscape, it would be beneficial to provide further landscaping to the north elevation to help reduce its prominence especially when viewed from the north aspect of the site, across the paddock area.
- 6.5 The Conservation Manager has no objections to the proposal, nonetheless, would encourage that only the wheel tracks should be left constructed of stone and that a central strip of grass be reinstated to reduce its visual impact. The workshop roof is of red oxide sheeting, this is visually intrusive within the surroundings and should be of a colour to minimize its intrusiveness. In the Officer's opinion through the use of appropriate conditions the colour of the roofing material and design of the track could be achieved to reduce their impact within the surrounding landscape.
- 6.6 The concerns of the neighbouring properties are noted having regard to the fact that the development has taken place and its associated use. Due to the distance from the applicant's dwelling, the buildings would be accessed daily by use of the car or by foot. The barn offers three stables and a combined use of workshop/store and garage, this in itself would not be seen as an over intensification of the site. However, the amenity currently enjoyed by neighbouring properties may be disturbed in terms of noise and light pollution. In the Officer's opinion in order to ensure that the amenities of neighbouring properties are protected, the buildings and lighting can be controlled through the use of appropriate conditions.
- 6.7 Lyston House is a Grade II listed building situated south-west of the proposal site, the Conservation Manager considers that the development would not affect the setting of the listed building. Furthermore, LW2 public footpath lies to the north and the Traffic Manager does not object to the proposed development.

- 6.8 It is noted that there are concerns relating to property rights, shared access and maintenance of the septic tank. However, these issues are not a planning matter and the local planning authority can only consider the application upon its own merits.
- 6.9 In assessing the proposed application, it is noted that the development has already taken place, however, in the Officer's opinion, the controlled use of the buildings, further landscaping and appropriate materials would ensure that the neighbouring properties and landscape qualities would not be adversely affected by this proposal.

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. The whole of the roof of the workshop/store and garage shall be finished in accordance with a finish, which shall first have been submitted to and approved by the local planning authority.

Reason: To secure properly planned development.

4. The whole of the track serving the buildings shall provide a central strip of grass which shall first have been submitted to and approved by the local planning authority.

Reason: To secure properly planned development.

5. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6. The workshop/store and garage and access thereto must be reserved for the garaging or parking of private motor vehicles and the garage shall at no time be converted to habitable accommodation.

Reason: To ensure adequate off street parking arrangements remain available at all times.

7. The workshop/store and garage hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

8. E11 (Private use of stables only)

Reason: In order to safeguard the residential amenity of the area.

9. The workshop/store/garage and stables and the dwelling known as The Closerie 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.

10. G04 (Landscaping scheme (general))

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

11. G05 (Implementation of landscaping scheme (general))

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

Informative(s):

- 1. N04 - Rights of way**
- 2. N14 - Party Wall Act 1996**
- 3. N15 - Reason(s) for the Grant of Planning Permission**

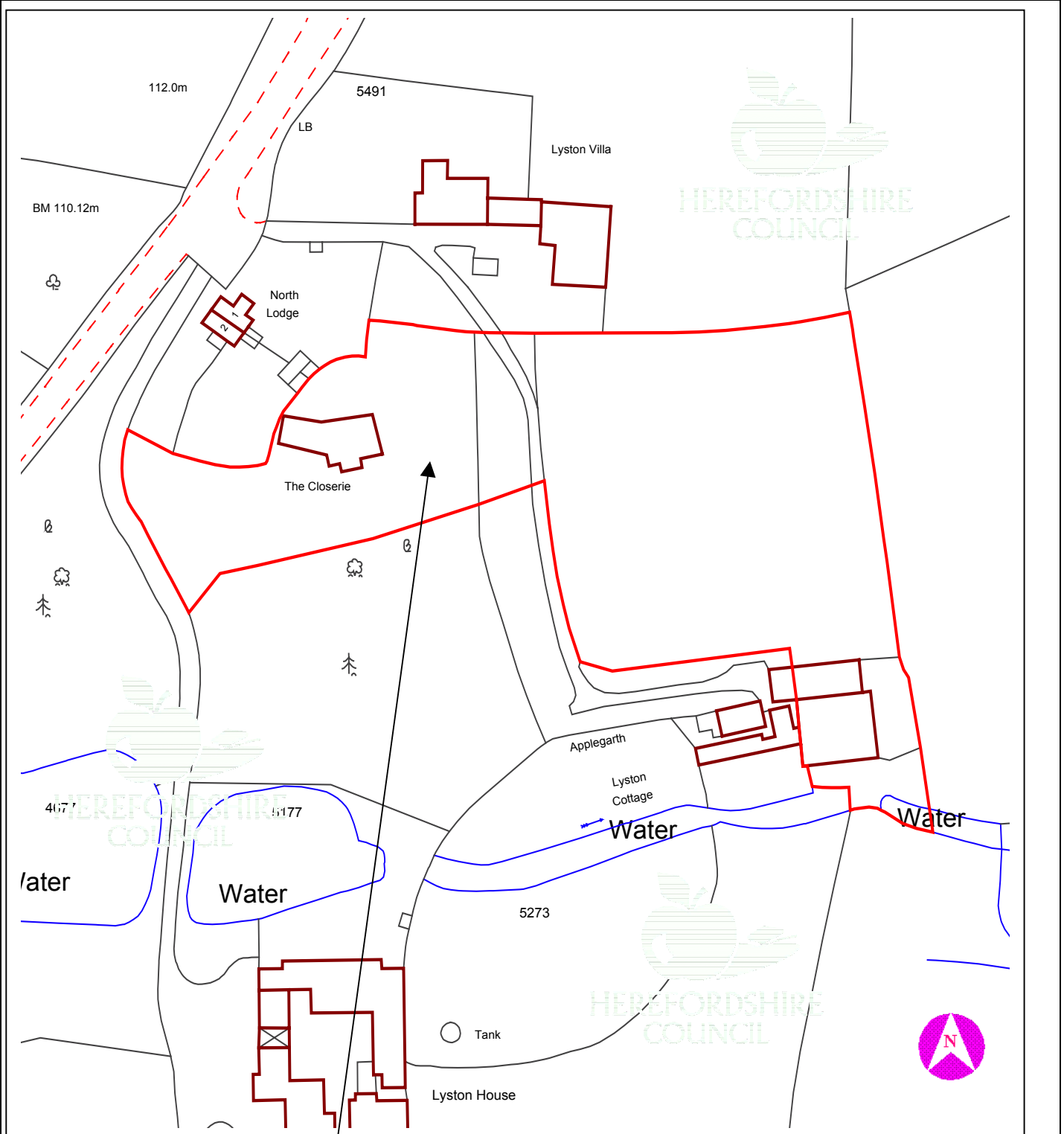
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2005/2970/F

SCALE : 1 : 1250

SITE ADDRESS : The Closerie, Lyston, Wormelow, Herefordshire, HR2 8EL

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