

23 DCNW2005/3732/F - CHANGE OF USE OF LAND FROM AGRICULTURAL TO DOMESTIC GARDEN AT 51 HEADBROOK, KINGTON, HEREFORDSHIRE, HR5 3DY**For: Mr T Hall per McCartneys, 54 High Street, Kington, Herefordshire, HR5 3BJ****Date Received:**
18th November 2005**Ward: Kington Town****Grid Ref:**
30282, 56438**Expiry Date:**
13th January 2006

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 The application site comprises an area of meadow land approximately 10m by 19m that lies to the rear of the existing residential property and garden known as 51 Headbrook.
- 1.2 The proposal is to incorporate this area of land into the residential curtilage of the property for use as domestic garden.

2. Policies**2.1 Leominster District Local Plan**

A1 – Managing the District's Assets and Resources
A2(D) – Settlement Hierarchy
A25 – Protection of Open Areas or Green Spaces
K9 – River Meadows

2.2 Unitary Development Plan

S7 – Natural and Historic Heritage
HBA9 – Protection of Open Areas and Green Spaces

3. Planning History

- 3.1 NW2005/1594/F - Change of use of land from agricultural to domestic garden - Refused on 1st July 2005 for the following reason:

The application site lies within an area designated for protection from development due to its significant contribution to the character and setting of the town. As such the proposed use of the site as domestic garden would be an intrusion into this protected land contrary to Policy K9 of the Leominster District Local Plan.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency notes that the site is located within Floodzone (1% annual probability flooding)... It is noted that the proposed is to change the use of the land to domestic garden. On this basis, we recommend that there is no raising of ground levels in the 1% flood plain, above existing, to prevent the loss of flood storage and flood risk elsewhere. Condition is recommended.

Internal Council Advice

- 4.2 The Transportation Manager has no objection to the grant of permission.

5. Representations

- 5.1 Lyonshall Parish Council have no objections but would request no buildings be permitted on the land.
- 5.2 Kington Town Council:
- This application is recommended for refusal
 - This application should be retrospective as this area of agricultural land has already been fenced.
 - The land is situated on the flood plain and should remain as agricultural land.
- 5.3 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 application site lies within an area designated within the Leominster District Local Plan as "River Meadow". The area is considered and is documented as significantly contributing to the character and setting of the town and as such should be protected from intrusive development in particular having reference to policy K9 of the Leominster District Local Plan.
- 6.2 Policy K9 states that there should be no development on the river meadows of the "Arrow" and Back Brook which forms essential elements in the setting of Kington (defined on the Kington inset map). At present the area has a strong linear boundary formed by the dwellings and gardens along Headbrook. The proposed change of use would encroach into this land, and the change of use, with associated residential paraphernalia would represent an intrusive form of development within this protected area that has been identified for its special qualities. As such the proposed change of use is considered to be contrary to policies K9 of the Leominster District Local Plan.
- 6.3 In addition to this policy HBA9 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) also allocates the site for the protection of open areas and green spaces where encroachment and development is also resisted.

6.4 As this application is identical to that revised under the Council's Scheme of delegation in July 2005 there are no changes to policy on the application which would substantiate a revised recommendation.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 - The application site lies within an area designated for protection from development due to its significant contribution to the character and setting of the town. As such the proposed use of the site as domestic garden would be an intrusion into this protected land contrary to Policy K9 of the Leominster District Local Plan.**

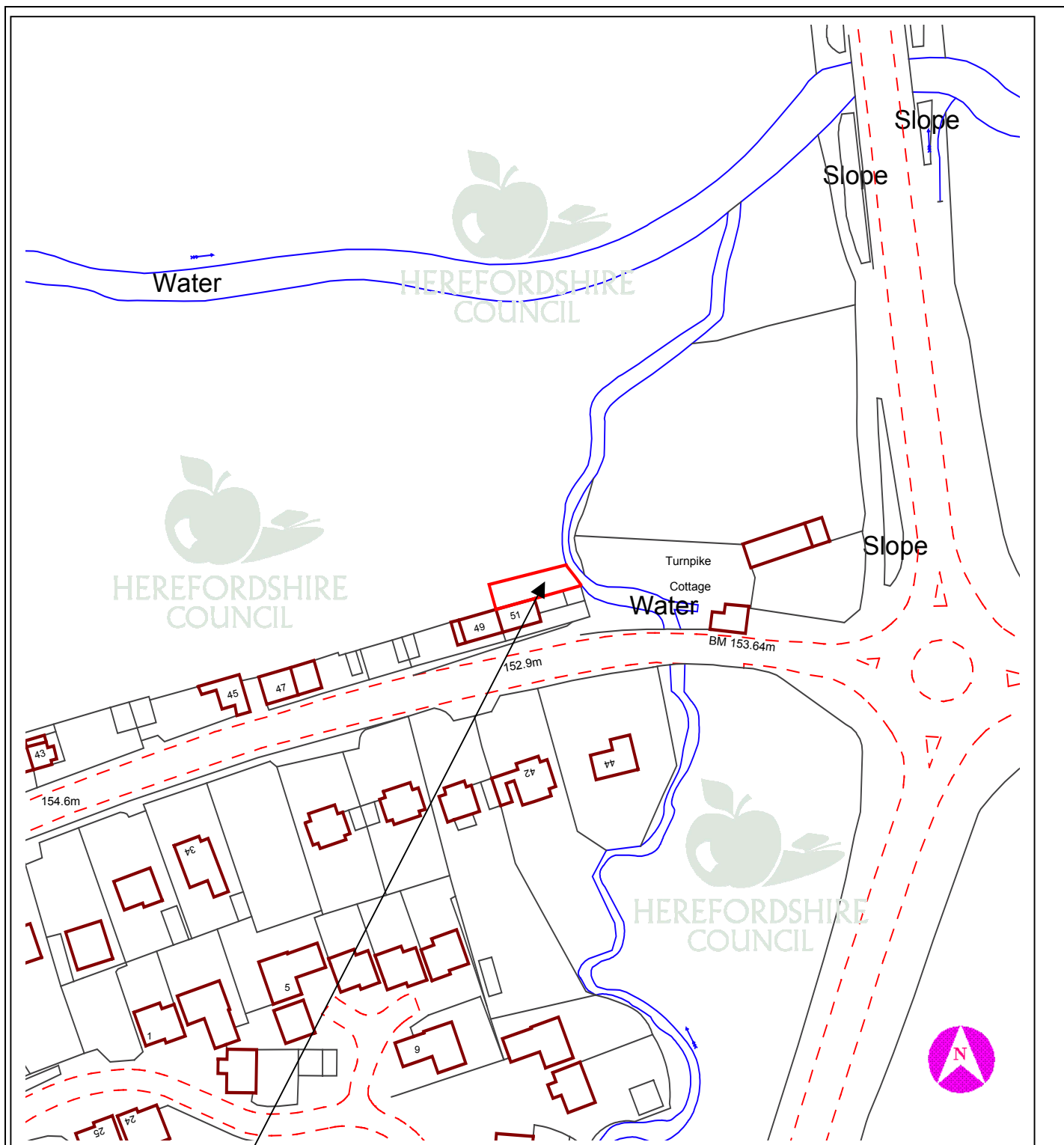
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/3732/F

SCALE : 1 : 1250

SITE ADDRESS : 51 Headbrook, Kington, Herefordshire, HR5 3DY

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