

22 DCNC2006/0079/F - CHANGE OF USE FROM AGRICULTURE TO DOMESTIC GARDEN AT LAXTON BARN, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3HS**For: Mr. M. Davies at same address****Date Received:**
11th January 2006**Ward: Hampton Court** **Grid Ref:**
54447, 50048**Expiry Date:**
8th March 2006

Local Member: Councillor K.G. Grumbley

1. Site Description and Proposal

- 1.1 The application site comprises an area of land measuring 0.05 hectares, to the rear of Stonehouse, the applicant's property.
- 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

2.2 Unitary Development Plan

HBA9 – Protection of Open Areas and Green Spaces

3. Planning History

3. None relevant.

4. Consultation SummaryStatutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager: No objection to the grant of permission.

5. Representations

- 5.1 Bodenham Parish Council cannot support this application for the following reasons:

- The site is outside the Bodenham Settlement boundary. This is something the Parish Council wishes to maintain.
- The proposals are contrary to Policy A53 - Protection from Encroachment into the Countryside.
- The proposals are contrary to Policy A41 - Protection of Agricultural Land.
- It is thought that the proposals may have an adverse effect on the occupants of Stonehouse, the adjacent property.

6. Officers Appraisal

6.1 The main considerations in the determination of this application are as follows:-

- a) Policy and impact upon the surrounding area
- b) Residential Amenity

Policy and impact upon the surrounding area

- 6.1 The application site lies outside, but adjacent to the settlement boundary. The site is a square parcel of land, which measures approximately 20metres by 20metres. The area of land is tended and has the appearance of an informal garden area with a small storage building situated on the eastern boundary of the site.
- 6.2 The land which bounds the application site to the north is currently overgrown garden area with consent for the erection of two detached dwellings. There is presently no fence or hedge separating this section. To the east, the land is bound by a hedge and adjoins land occupied by a detached residential property known as Stonehouse. To the south of the site, there is a gravelled parking area, a timber outbuilding/garage and smaller shed which fall within the residential curtilage of Laxton Barn. Post and rail fencing and double wooden gates separate this land from the application site. The agricultural land to the west is separated from the site by a stock proof fence with a gated opening to the field.
- 6.3 Policy A25 of the Leominster District Local Plan and Policy HBA9 of the UDP both state that proposals that would result in the loss of important open areas or green spaces, which contribute to the character, form and pattern of a settlement, will not be permitted.
- 6.4 It is considered that this proposal would not result in a loss of important open land due to the fact that it is currently fenced off from the agricultural field and appears to already form part of the residential curtilage of the surrounding dwellings to the east of the site. It is not visible from the public highway and does not form an important gap in a built up frontage.
- 6.5 By removing permitted development rights, this area of land would remain open, blending into the adjacent agricultural land. Should permitted development rights be removed, the applicant would be required to apply for planning consent for any form of development on this parcel of land, including the erection of fences. It should be noted that there would be no control over the planting of hedges.

6.6 The proposed change of use would not encroach into the adjacent agricultural land, and the change of use, with associated residential paraphernalia would not represent an intrusive form of development within this area of Bodenham.

Residential Amenity

6.7 The Parish Council expressed concern that the change of use of this land to domestic curtilage could be detrimental to the amenity of the occupiers of Stonehouse, the adjoining property. It is considered that the change of use would not change the way the land is currently used and would therefore not be of further detriment to the residential amenity currently enjoyed by the occupiers of the adjoining property. No objections have been received from residents of surrounding properties.

Conclusion:

6.8 The proposed garden extension covers approximately 0.05 hectares. The land in question relates well to the surrounding residential dwellings and the area is not considered excessive. Currently the land appears to be part of the residential curtilage and it is considered that this is not detrimental to its immediate surroundings. By the inclusion of this land, the settlement boundary would still remain in its present position and by incorporating a condition removing permitted development rights, the land would be protected from development. It is therefore considered that the change of use of this land from agricultural to domestic curtilage should be support. As such approval is recommended subject to the following conditions.

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 - E16 (Removal of permitted development rights) (delete ‘dormer windows’) (Incl. Part 2)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

Informative:

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

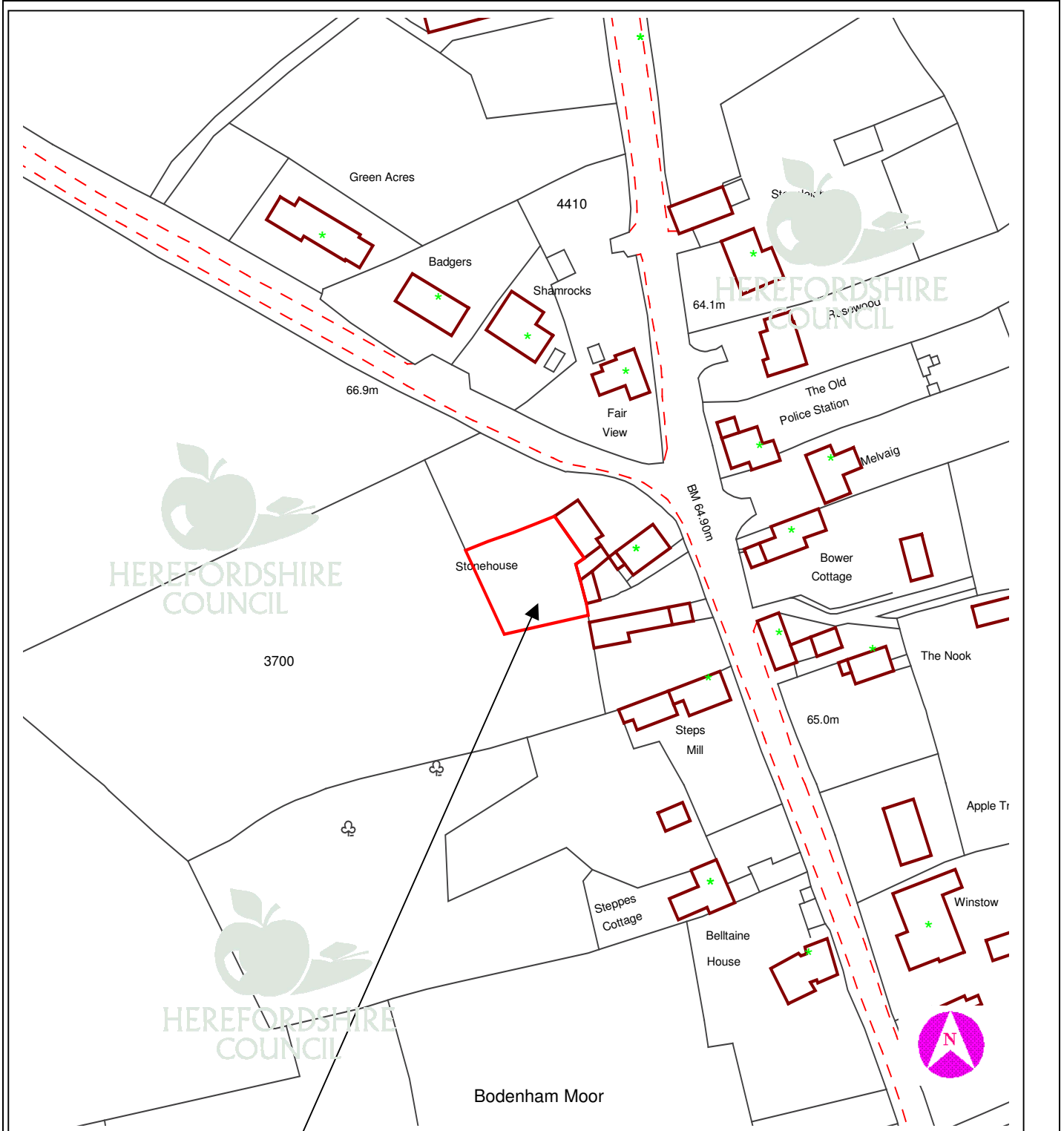
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/0079/F

SCALE : 1 : 1250

SITE ADDRESS : Laxton Barn, -, Bodenheim, Hereford, Herefordshire, HR1 3HS

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