

6 DCCE2006/0554/F - ERECTION OF 2 NO. PROPOSED DWELLINGS WITH ADJOINING GARAGES ON PLOTS 1 AND 2 ADJACENT TO THE WOODLANDS FARM, WATERY LANE, LOWER BULLINGHAM, HEREFORD, HR2 6JW

For: Mr. F.G. Morris per Mr. J.I. Hall, New Bungalow, Nunnington, Hereford, HR1 3NJ

Date Received: 13th February, 2006 Ward: Hollington Grid Ref: 52934, 37275

Expiry Date: 10th April, 2006

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 Woodlands Farm is situated at the eastern end of the unclassified road known as Watery Lane and on the north facing slope of Dinedor Hill. Immediately to the west of the application site is the farmhouse itself with the surrounding land to the north and south being used for the open storage of scrap cars. To the east of the site is agricultural land.
- 1.2 The site is located in open countryside, which is designated as an Area of Great Landscape Value.
- 1.3 Detailed planning permission is sought for the construction of two detached houses constructed in brick and render under a slate roof.
- 1.4 The application represents a revised submission following the deferral of the consideration of an undetermined application (SH950300PF) which was reported to Members in September 2005. A copy of the original report is attached at Appendix 1 for reference. This revised application principally seeks to overcome the second recommended reason for refusal by resiting the proposed dwellings away from the approved line of the Rotherwas Access Road. It has also been clarified that should this application be approved, the removal of the scrap yard use would be secured and the historic application would be formally withdrawn/rescinded.

2. Policies

2.1 South Herefordshire District Local Plan:

- SH11 - Housing in the countryside
- C1 - Development in the open countryside
- GD1 - General development criteria
- T1 - Safeguarding highway schemes

2.2 Hereford and Worcester County Structure Plan:

- H20 - Housing in rural areas outside the green belt

- T9 - Major road proposals
- T10 - Major road proposals

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- H7 - Housing in the countryside outside settlements
- T10 - Safeguarding of road schemes

2.4 National Planning Policy Guidance:

- PPS1 - Delivering sustainable development
- PPS7 - Sustainable development in rural areas

3. Planning History

- 3.1 SH890029ZZ - Enforcement action in respect of the storage of scrap vehicles.
- 3.2 SH920282PO - Site for erection of two dwelling houses. Granted 16th June, 1992 (permission not implemented and lapsed in 1995).
- 3.3 SH941265PF - Proposed development of two houses. Withdrawn 28th February, 1995.
- 3.4 SH950300PF - Erection of two proposed dwellings with adjoining garages. Undetermined.
- 3.5 SH960429SZ - Certificate of Lawful Use. Storage and dismantling of vehicles, operation of recovery vehicles and sale of spare parts. Approved 16th October, 1996.

The site is also affected by:

- 3.6 CE2002/2558/F - Proposed Rotherwas Access Road. Approved 21st February 2003.
- 3.7 CE2004/3753/F - Amendments to approved application for New Access Road. Approved 8th December, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection.
- 4.2 Environment Agency: Comments awaited.
- 4.3 HSE: No objection.

Internal Council Advice

- 4.4 Traffic Manager: No objection, conditions recommended.
- 4.5 Environmental Health and Trading Standards Manager: No comment.

5. Representations

- 5.1 Lower Bullingham Parish Council: No objections.

6. Officers Appraisal

- 6.1 The key issue for consideration in the determination of this application now focuses on the principle of residential development in open countryside and whether there are material considerations that should override the strong presumption against allowing new housing in isolated rural locations.
- 6.2 Policy SH11 of the South Herefordshire District Local Plan sets out the criteria against which housing proposals in open countryside must be assessed and these are broadly endorsed in the Herefordshire Unitary Development Plan (Revised Deposit Draft) and Government guidance contained in PPS7. The proposal does not seek to justify itself on the basis of being essential for agricultural, forestry or another rural enterprise and it does not satisfy any of the other exceptions criteria. It follows therefore that since it constitutes new housing development in open countryside that it is contrary to well established adopted and emerging policies and guidance.
- 6.3 The case put forward in this instance is whether sufficient weight can be attached to 'other material considerations' to warrant the overriding of adopted policies. The applicant principally relies on the overall improvement of the landscape quality of the site through the controlled removal of the scrap cars, which benefit from a lawful use. It is acknowledged that there will be a significant improvement of the immediate locality but in a broader context the area is characterised by other commercial uses and would also be affected by the construction of the approved access road. In these circumstances it is not considered that the landscape enhancement of the site is sufficiently compelling to enable an exception to be made.
- 6.4 In discussions with the applicant and his representatives since the deferral of the historic application it has been explained that outline permission was granted by the former planning authority and as such the principal of residential development was established. Ultimately however, the detailed planning application that followed (SH950300PF) despite receiving a favourable resolution from the former planning authority could not be approved due to the intervention of the Highways Agency who issued a Direction to refuse planning permission. Rather than refusing the application the former planning authority resolved to record the application undetermined.
- 6.5 In essence the only permission granted for residential development at Woodlands Farm was an outline permission (SH920282PO) which has expired. Despite support from the former planning authority, no subsequent detailed application was approved. The manner in which the consideration of the 1995 application was concluded is recognised as being unsatisfactory but it is not considered that it represents a material consideration enabling support for this revised submission.
- 6.6 By way of conclusion, whilst the applicant has successfully overcome the objection based on the delivery of the Access Road, there are insufficient grounds upon which to override the adopted plan policies so far as development in the open countryside is concerned.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 The site lies in open countryside outside any recognised settlement boundary and the proposal does not satisfy any of the recognised exceptions for residential development and furthermore there are no other material considerations that would override the strong policy presumption against site development. The proposal would therefore be contrary to Hereford and Worcester County Structure Plan Policy H20, South Herefordshire District Plan Policies GD1, C1 and SH11, Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies S1 and H7 and Planning Policy Statement 7 - Sustainable Development in Rural Areas.

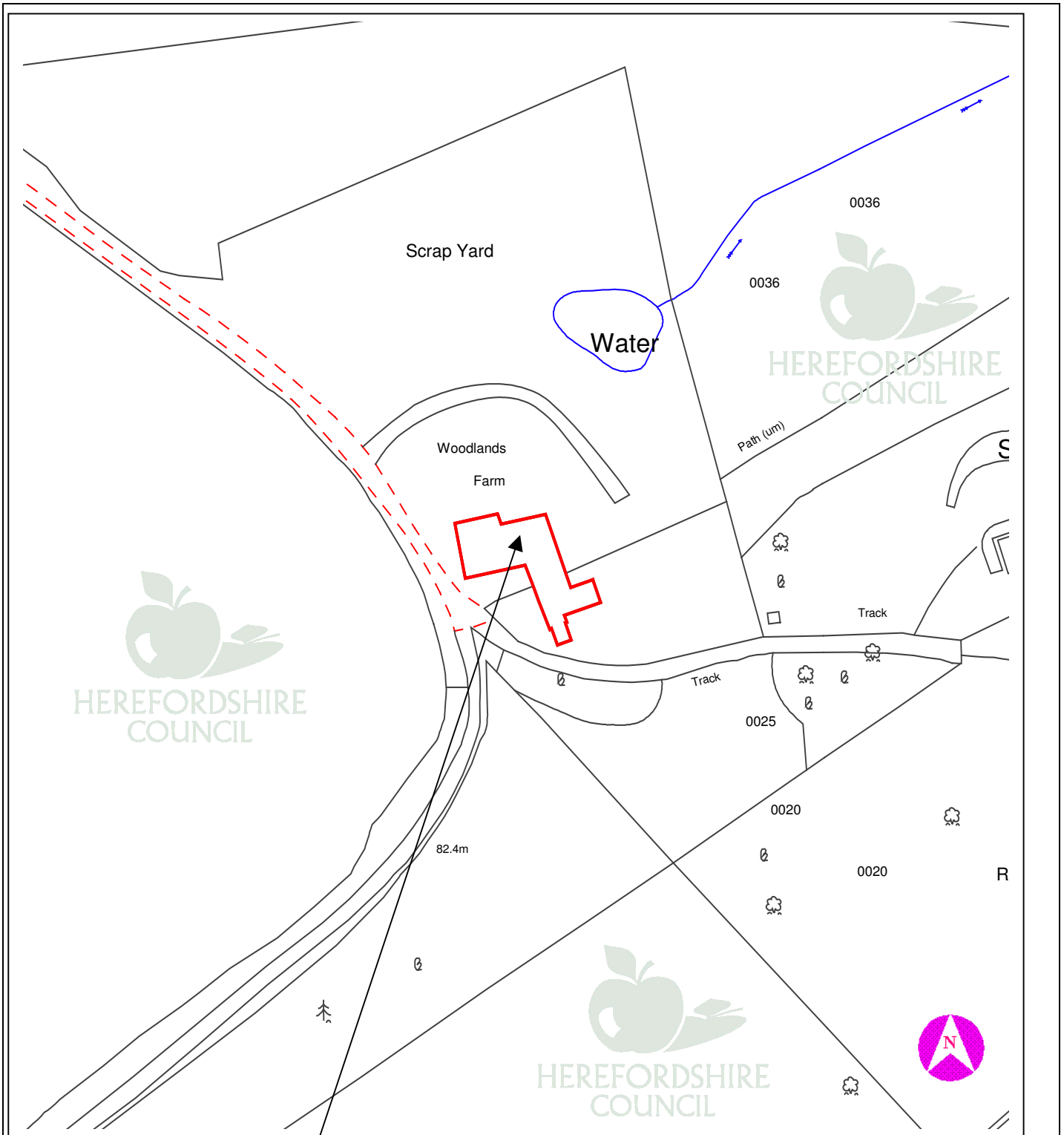
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/0554/F

SCALE : 1 : 1250

SITE ADDRESS : Adjacent to The Woodlands Farm, Watery Lane, Lower Bullingham, Hereford, HR2 6JW

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