

**12 DCSW2006/0956/F - FORMATION OF PARKING AREA, 'CWM HILL ENTRANCE' ABBEYDORE, EWYAS HAROLD COMMON, EWYAS HAROLD, HEREFORD, HR2 0AB.**

**For: Mr. J.I. Rogers, Fiddlers Cottage, Itton, Chepstow, Monmouthshire, NP16 6BX**

**Date Received: 27th March, 2006**

**Ward: Golden Valley  
South**

**Grid Ref: 38151, 30105**

**Expiry Date: 22nd May, 2006**

Local Member: Councillor J.B. Williams

## **1. Site Description and Proposal**

- 1.1 The site is at the north-western extremity of Ewyas Harold Common and constitutes an arbitrary strip of land between an existing hedgerow and concrete strip some 35 metres from the cattle grid entrance to the north-west of this part of the Common. The strip is some 5/6 metres wide and 20 metres long. It is stated that this will provide 4/5 parking spaces. The surface being of 50mm of stone with 10mm covering.
- 1.2 The unclassified road (u/c 74211) that provides access to the Common is some 570 metres from the junction of the C1212 road. It passes Cwm Hill Farm and Meadow Croft fronting onto the unclassified road. The site is in the parish of Dulas. The access road (u/c 74211) is in Abbey Dore and the majority of the Common within the parish of Ewyas Harold.

## **2. Policies**

### **2.1 Planning Policy Guidance**

- PPS.7 - Sustainable Development in Rural Areas  
PPG.17 - Sport and Recreation

### **2.2 South Herefordshire District Local Plan**

- Policy GD.1 - General Development Criteria  
Policy R.12 - New Access Provision  
Policy CF.6 - Access for All  
Policy C.8 - Area of Great Landscape Value  
Policy C.10A - Common Land

### **2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

- Policy S.2 - Development Requirements  
Policy RST.4 - Safeguarding Existing Recreational Space  
Policy RST.6 - Countryside Access

### 3. Planning History

3.1 No relevant history identified.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Open Spaces Society "opposes the application as it will infringe the rights of commoners and damage the Common. Bringing vehicles onto Common unlawful if without authority. Also consent needed from Secretary of State under Section 194 of the Law of Property Act 1925."

#### Internal Council Advice

4.2 The Traffic Manager has no objections.

4.3 The County Land Agent states:

"In my opinion this will be a great asset to the Common and will ensure that people can park legally on the Common without the risk of getting stuck, which will ensure that the lanes are not blocked by parked cars.

Mr. Rogers will obtain a Section 194 Order. The opening up of the Common in this way will enable the best intentions of CROW to be followed.

Public Rights of Way Officer could be interested too."

### 5. Representations

5.1 In a letter that accompanies the application the applicant makes the following points:

- looked at 3 sites relating to Cwm Hill entrance
- site close to entrance will need a lot of fill, site near right hand hedge will bring cars onto the Common, the third option is on road approach and should provide parking for 6 cars and least use of Common.

5.2 Abbey Dore Parish Council's observations are awaited.

5.3 Dulas and Ewyas Harold Parish Councils have no objections.

5.4 Five letters of representation and objection have been received:

Mr. & Mrs. L. & B. Lloyd, Cwm Hill Farm, Abbey Dore, HR2 0AD

Mr. M. G. & Mrs. J.M. Wright, Hill Place, Ewyas Harold, HR2 0JG

Mr. C. & Mrs. G.P. Hales, Valley View, Ewyas Harold, HR2 0JD

Mr. A. Scarrott, The Foxes, Ewyas Harold Common, Ewyas Harold, HR2 0JD

L. Overstall, Little Cwm, Dulas, Hereford, HR2 0HL

The main points raised being:

- no objection with provisos
- need more signs for cattle grid, sheep and cattle use road
- not lawful in any case, more than 15 yards from highway (38 metres in this instance)
- needs authorisation under Section 194 of Law of Property Act 1925
- contrary to Parish Plan, i.e. encouraging large numbers of people to access Common from this part of the Common
- 4 miles (x 2) drive for Ewyas Harold residents
- Cwm Hill road dangerous and steep for elderly and disabled
- most walkers start at car parks, not sufficient space here
- no car parks on other commons in Herefordshire, should not be case here
- if car park established at north-west entrance unlikely ever to establish facilities near Springletts Lane entrance within 30 yards of Common entrance
- applicant should buy piece of land for car park off the Common
- has been damage to Common caused to grazing land by illegal vehicles, footpath became impassable and closed for weeks
- 4 grid entrances to Common, better to spread car parking around legally.

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. Officer's Appraisal**

- 6.1 The main issues are considered to be the principle of development and secondly the impact of the proposal on residents and highway safety.
- 6.2 This site is wholly on Common land, and therefore not only does the proposal require planning permission as it constitutes an engineering operation to the land, but almost certainly consent will be required from the Secretary of State under the provisions of Section 194 of the Law of Property Act 1925. This application has been appropriately publicised and those most affected consulted, indeed some of those nearest to the proposed car park have written to the authority. In the event that the applicant needs to seek the consent of the Secretary of State for the works proposed, it will then open up the proposal to all those whom have interest in Ewyas Harold Common.
- 6.3 Policy C.10A contained in the South Herefordshire District Local Plan requires that common lands are conserved and enhanced, and that access and recreational use is promoted where legislation allows. This last proviso relates back again to the provisions of Section 194 of the Law of Property Act 1925. It is evident from representations received that the Common is used by walkers and regrettably by those whom have damaged the Common with the use of vehicles. There is also a debate about the most appropriate place if any for a car park. The car park site proposed does not affect the amenities of nearby residents in terms of noise and disturbance. It is not also considered such that it would detract from the amenity of this part of the Area of Great Landscape Value and is therefore not contrary to the provisions of Policies GD.1 or C.8 in the South Herefordshire District Local Plan.

- 6.4 The main route from Ewyas Harold is up Cwm Hill and it is, as has been stated in representation, a road that is steep and has limited forward visibility or passing places. Nevertheless, the Traffic Manager has not objected to the proposal and therefore a refusal reason on these grounds is not considered to be sustainable. It could also be the case that visitors to the Common arriving by car could come from the west, thereby avoiding Cwm Hill altogether.
- 6.5 Therefore it is considered that with the emphasis on greater access for recreation in the countryside in Government advice, as set out in PPS.7 and PPG.13, the proposal can be supported on planning policy grounds.

**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. **A07 (Development in accordance with approved plans)**  
**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**Informative(s):**

- 1. **The applicant's attention is drawn to the need for consent under Section 194 of the Law of Property Act 1925.**
- 2. **N15 - Reason(s) for the Grant of Planning Permission**

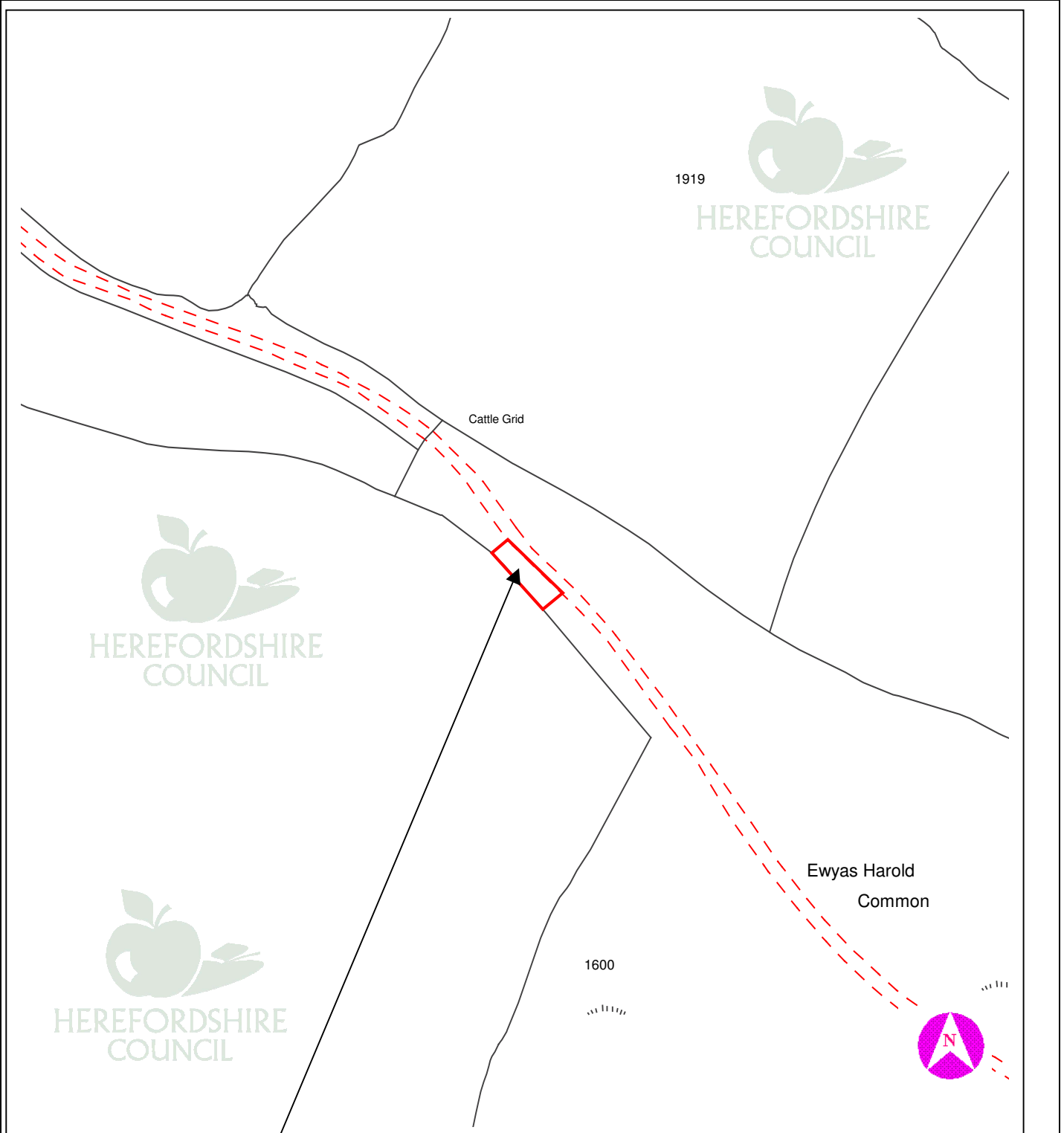
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCSW/2006/0956/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 'Cwm Hill Entrance' Abbeydore, Ewyas Harold Common, Ewyas Harold, Herefordshire, HR2 0AB

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005