

**5 DCSE2006/1583/F – RETENTION OF SMALL DOG KENNEL AND RUN AT BRAMLEY COTTAGE, HOWLE HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SH****For: Ms. Mackie, Bramley Cottage, Howle Hill, Ross on Wye, Herefordshire, HR9 5SH****Date Received: 22nd May 2006      Ward: Kerne Bridge      Grid Ref: 60551, 20528****Expiry Date: 17th July 2006**

Local Member:    Councillor J.G. Jarvis

**1. Site Description and Proposal**

- 1.1 The application property is a detached cottage set well back from the Coughton - Ruardean road on Howle Hill. The garden has been extended by incorporating part of the large field (also in the applicant's ownership) to the east. Planning permission (SE20042359/F) for change of use from field to domestic curtilage was granted in August 2004. The north-western corner of this field had previously been added to the garden of the adjoining house (Maytree Cottage). The latter is part of a cluster of dwellings to the north of the field and Bramley Cottage.
- 1.2 The premission was subject to a condition (no. 3) removing permitted development rights to erect fences, gates, enclosures and buildings with the new garden area. However a dog kennel has been constructed within a fenced enclosure and the current application is for retrospective planning permission. The wooden kennel is about 2.1 m long by 1.6 m wide by 2 m to ridge. The enclosure is 5.56 m x 3.78 m by about 1.8 m high and formed by stout wooden posts with wire mesh. The ground surface is sand. It is positioned close to the hedge that was the original boundary of the garden and about 4 m to the north of the garage. To the south (and also within the new garden area) is a children's unfenced play area with slide, climbing frame and trampolene.

**2. Policies****2.1 Hereford and Worcester County Structure Plan**

- Policy CTC1    -      Area of Outstanding Natural Beauty  
Policy CTC2    -      Area of Great Landscape Value

**2.2 South Herefordshire District Local Plan**

- Policy C5        -      Development within AONB  
Policy C8        -      Development Within Area of Great Landscape Value  
Policy SH23     -      Extensions to Dwellings  
Policy GD1      -      General Development Criteria

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

- Policy LA1      -      Areas of Outstanding Natural Beauty  
Policy H18      -      Alterations and Extensions

### 3. Planning History

3.1	DCSE2001/0584/F	Alterations and extensions to include dependent relatives annexe.	-	Appeal dismissed 2.10.01
	DCSE2001/1488/F	Alterations and extensions to include dependent relatives annexe.	-	Approved 26.7.01
	DCSE2002/0602/F	Two-storey extension.	-	Approved 8.5.02
	DCSE2002/2531/F	Part reconstruction and two storey extension of cottage.	-	Approved 23.10.02
	DCSE2003/0270/F	Detached double garage with room over.	-	Refused 27.3.03
	DCSE2003/2187/F	Detached double garage.	-	Approved 12.9.03
	DCSE2004/2359/F	Change of use of part field to domestic curtilage.	-	Approved 23.8.04

### 4. Consultation Summary

#### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

4.2 Traffic Manager has no objection to the grant of permission.

### 5. Representations

5.1 Walford Parish Council comment:

"Councillors objected to this retrospective application. The attached photographs shown clearly fences and structures that have been erected in direct contravention of Condition No. 3 in the consent to planning application SE2004/2359/F. The visual amenities have not been protected."

5.2 One letter of objection has been received. In summary the following concerns are raised:

- (i) contravenes the conditions the Council has placed on all new gardens in Wye Valley AONB - to allow this shed and enclosure would make a mockery of these planning conditions,
- (ii) if approval granted only fair that these conditions be removed from all other approvals for change of use from agricultural ground to private garden - otherwise it would seem that conditions imposed merely to make money out of planning applications for sheds and enclosures that would normally be permitted development.

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 application premises are within a sensitive landscape which is designated as part of the Wye Valley Area of Outstanding Natural Beauty and defined in the County Structure Plan as of great landscape value. Condition no. 3 was imposed therefore to protect the landscape from inappropriate and visually intrusive development. Such structures could be erected under the Town and Country Planning (General Permitted Development) Order. By removing permitted development (PD) rights the Council can control domestic outbuildings, fences and enclosures etc. However this does not imply that such development would always be refused : each proposal should be considered on its merits and assessed against prevailing national and local policies and in particular the effect on the landscape. Applications for development that would be PD but for a planning condition do not require a fee.
  
- 6.2 The structures are sited close to the former boundary hedge and to the garage which is itself close to the house. This would provide some screening from the south and west. A public footpath extends through the property to the west of the house but the existing hedge, house and garage ensure that the kennel and enclosure would not be visible, at least during the summer, from the footpath. The new garden boundary has a post and rail fence and a hedge has only recently been planted. However, the kennel and dog run are open to view from the east and north. The new hedge will help to mitigate this in the future. Nevertheless as the structures are sited close to the house and garage, adjoining an established hedge, are small and of acceptable design and materials, I consider that the development does not have any significant adverse impact on the natural beauty of the attractive rural area. The kennel is about 75 m from the nearest house and no complaints have been received regarding persistent barking.

**RECOMMENDATION**

**That planning permission be granted.**

**Informative:**

**1 N15 - Reason(s) for the Grant of Planning Permission.**

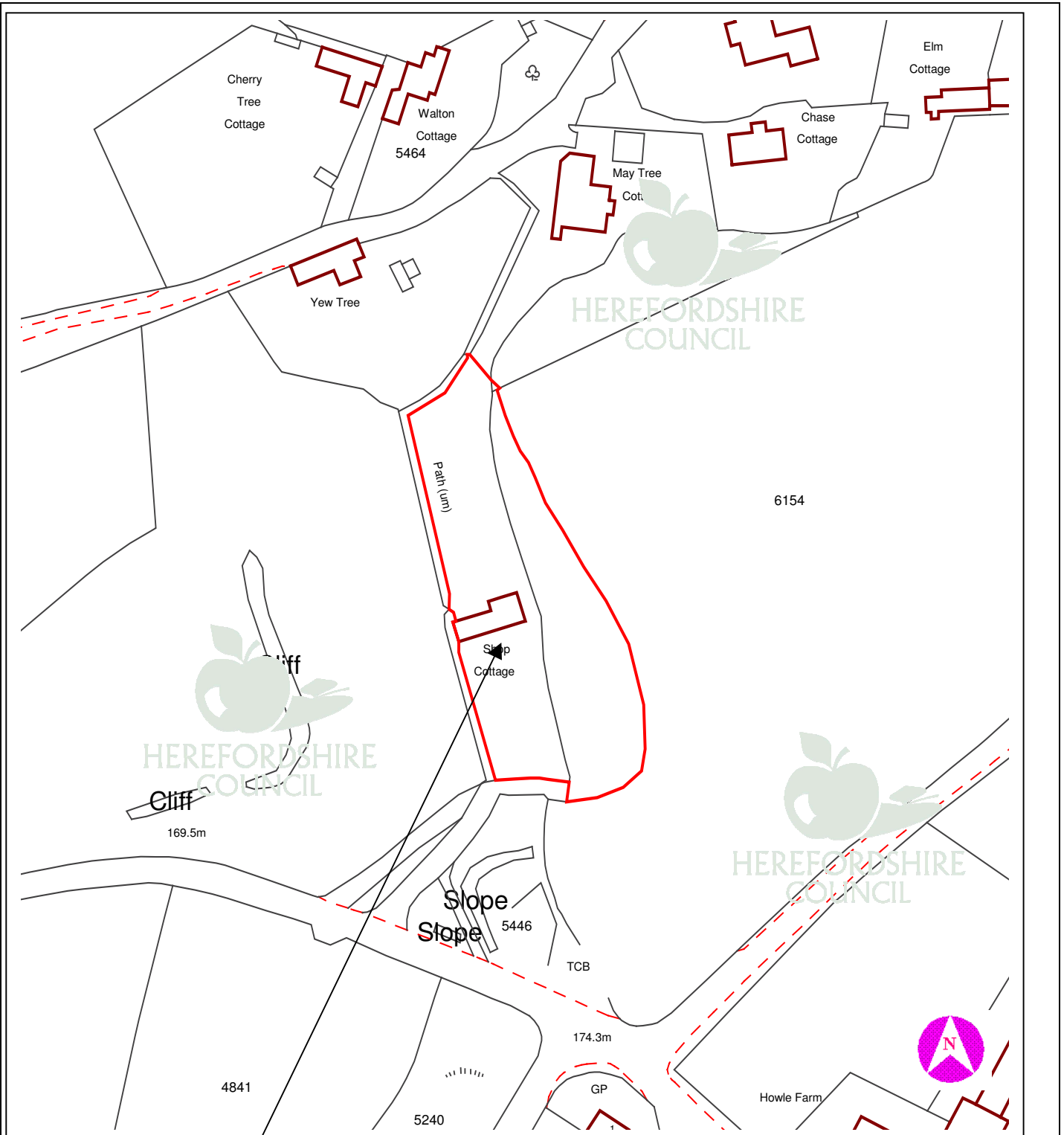
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2006/1583/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Bramley Cottage, Howle Hill, Ross-on-Wye, Herefordshire, HR9 5SH

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