

**11 DCNW2006/1643/F - CONSTRUCTION OF DWELLING HOUSE AND GARAGE AT LAND ADJOINING THE FORGE, LINGEN, BUCKNELL, SHROPSHIRE, SY7 0DY****For: Mr & Mrs P Barnett, David Taylor Consultants,  
The Wheelwright's Shop, Pudleston, Leominster,  
Herefordshire, HR6 0RE**

Local Member: Councillor O Barnett

**1. Site Description and Proposal**

- 1.1 The application seeks planning permission for the construction of a three bedroomed two storey detached dwelling and detached garage/store.
- 1.2 The site is located within the defined settlement development boundary of Lingen and is located alongside the applicants existing dwelling known as 'The Forge'. This structure was formally part of one dwelling that has been divided into two separate dwelling units. Grade II listed, it is of sandstone rubble, timber-frame with plaster and brick infill construction under a tile roof.
- 1.3 The site for the proposed development is within an area designated as a Protected Area and adjacent to a Scheduled Ancient Monument, it is also within the Lingen Conservation Area.
- 1.4 The location is semi-rural in nature and other than the applicants dwelling, the scheduled Ancient Monument (Castle Motte and Bailey and the Church, within close proximity to the eastern side of the proposed development site) is surrounded by agricultural land. This land is within an Area of Great Landscape Value as designated in the Leominster District Local Plan. The C.1007 public highway adjoins the southern boundary of the application site.
- 1.5 The proposal is for a detached two-storey house of external lime render and stone/brick under a plain tile roof. The proposed internal layout includes an entrance hall, sitting room, kitchen/dining room and utility on the ground floor and en-suite bedroom and two further bedrooms and a bathroom on the first floor. Alongside the north western elevation, it is proposed to erect a detached single bay garage and attached store using external construction materials to compliment the proposed dwelling.

## 2. Policies

### 2.1 Planning Policy Guidance Note 3 – Housing

#### Planning Policy Guidance No. 16 – Planning and Archaeology

### 2.2 Leominster District Local Plan

A1 – Managing the District's Assets and Resources

A2 – Settlement Hierarchy

A9 – Safeguarding the Rural Landscape

A10 – Trees and Woodland

A18 – Listed Buildings and their Settings

A21 – Development within Conservation Areas

A22 – Ancient Monuments and Archaeological Sites

A23 – Creating Identity and an Attractive Built Environment.

A24 – Scale and Character of Development.

A25 – Protection of Open Areas or Green Spaces

A54 – Protection of Residential Amenity

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

S1 – Sustainable Development

S2 – Development Requirements

S3 – Housing

S7 – Natural and Historic Heritage

DR1 – Design

DR4 – Environment

H6 – Housing in Smaller Settlements

H13 – Sustainable Residential Design

LA2 – Landscape Character and Areas Least Resilient to Change

LA3 – Setting of Settlements

LA5 – Protection of Trees, Woodlands and Hedgerows

LA6 – Landscaping Schemes

NC4 – Sites of Local Importance

HBA4 – Setting of Listed Buildings

HBA6 – New Development within Conservation Areas

HBA8 – Locally Important Buildings

HBA9 – Protection of Open Areas and Green Spaces

ARCH3 – Schedule Ancient Monuments

## 3. Planning History

DCNW2005/1029/F – Erection of detached dwelling and garage – refused 15<sup>th</sup> July 2005.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 English Heritage – State in their response: 'Lingen Castle is a monument of national importance surviving as a set of coherent earthworks to the north of the Parish Church of St. Michael. Together, the Castle and Church form a classic historic group which may be appreciated and enjoyed in an open undeveloped setting. The open setting enables the castle to be understood as part of our history in the English landscape. Indeed as so many ancient places have been encroached upon, the undeveloped setting of Lingen Castle adds to its significance and as such merits being sustained for

the long term. It is possible that remains of the castle extend into the proposed development site and that remains of medieval settlement may survive in this area next to the castle and close to the church. Such remains would be likely to be damaged or destroyed by development activities, at first and over the years. The Desk Based Assessment which accompanied the application documents significant historic remains in the area around the castle tending to reinforce the value of the historic landscape setting. With regard to the settings of monuments of national importance and their remains, Government Policy Guidance No.16 Paragraph 8 of PPG16 states as follows '*Where nationally important archaeological remains, whether scheduled or not and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation*'. The castle with the church beside it form a major heritage asset at the heart of this community, its setting in our view deserves to be sustained as it has survived for hundreds of years, for the people of today and the people of tomorrow.

In our opinion, that this development proposal would be detrimental to the setting of Lingen Castle and that Government Policy on the presumption towards the preservation of ancient monuments and their settings applies in this case. It is our recommendation that the setting of Lingen Castle be preserved from this development proposal'.

#### Internal Council Advice

- 4.2 Highways Manager has no objection to the grant of permission.
- 4.3 Public Rights of Way Manager states 'The proposed development would not appear to affect public footpath LN28. However the following points should be noted:  
The applicants should ensure that they hold lawful authority to drive over the public footpath LN28 which runs along the front of the proposed development site (as per the attached plan), as the land does not appear to be part of the highway verge. Records suggest that this land may be part of the church property, but the applicants would need to carry out their own investigations.
- 4.4 County Archaeologist response states 'You will no doubt be aware that a very similar application on this site (DCNW2005/1029/F) was refused last year, with archaeology rightly being fundamental to that refusal. I would suggest you refer to the advice I gave at that time. Given this planning history, and the obvious accordance between the previous application and this new one, it is surprising that the applicants have not had any pre-application discussions with yourselves. You may well consider that as the new proposal is so little different, it is essentially the same, and should therefore be the subject of a straightforward refusal recommendation, as before.

Plainly, the form position and general appearance of the newly proposed structures differs in only minor ways from that previously proposed. The house and garage would still occupy a prominent and damaging position on this sensitive and protected plot of land. The "redesign" claimed in the agent's letter (2) is minimal, and insufficient for me to regard the new proposal as being any different in terms of its effect on the setting of Lingen Castle site, or indeed the local historic environment generally.

The submitted archaeological desk based assessment (6) is of questionable relevance to the issues before us, and the history and archaeology of Lingen are well known already. Moreover, some of this desk-based work appears to be unduly tendentious, and not as objective and rigorous as such work should be. I'm afraid I would regard the so-called "Visual Impact Assessment"(7) as seriously flawed and not to be relied upon

as any kind of evidence. I should point out in particular that the ASHIDOHL process it invokes is not in fact an appropriate methodology to assess this kind of development nor is it (or other analyses undertaken) correctly carried out. In short, I consider that neither assessment has provided valid support to the application.

In summary, given that the new proposal is so similar to the previous one, and that nothing material has changed in terms of the archaeological issues, I would therefore re-state the advice previously given.

**DCNW2006/1643/F should be refused on archaeological grounds, in accordance with Policies A25 and A22 of the adopted Leominster District Local Plan, 1999’.**

- 4.5 Conservation Manager response states ‘As for the previous application (NW/2005/1029/F) the construction of a dwelling in this location will not enhance the character or appearance of the Lingen Conservation Area. Its proposed location between a listed building (The Forge) and a Scheduled Ancient Monument is not appropriate and would not contribute positively to this historically significant setting.
- 4.6 Landscape Officer response states ‘The application site consists of part of the garden of The Forge. It is bounded to the north-east by a historic site, a Motte and Bailey and to the south-east by St. Michael’s and all Angels’ Church. The site falls within the settlement boundary for Lingen and within the village Conservation Area.

In terms of tree issues, I have no objections, as all of the significant trees on the site would be retained. However, this development would impinge on the setting of the historic site and the church. I recommend, therefore, that permission should be refused for the development because it would be contrary to Policy A.25: Protection of Open Areas or Green Spaces, of the Leominster District Local Plan (1999).

- 4.7 Forward Planning Manager has responded to the application stating that the proposed development is contrary to Policies A1, A21 and A25 of the Leominster District Local Plan, the site is within a protected area around the church. The proposal is also contrary to Policies H6, HBA6 AND HBA9 in the Herefordshire Unitary Development Plan as the plot area exceeds the recommended 350 square metres and the dwelling size also exceeds the limit of 90 square metres for a three bed roomed house. The response further states that Inspector has now reviewed and considered the relevant UDP policies in his report and has made no recommendations for changes and therefore considerable weight can be given to the relevant UDP Policies with regards to this application. Consideration should also be given to comments to the proposed development from the Council’s Archaeologist and Conservation officers.

## 5. Representations

- 5.1 Lingen Parish Council states in their response to the application: ‘The Council resolved to support this application as it has been modified from the original earlier request. Also the following are included in the resolution.
- This proposed dwelling is within the village boundary. Please note March 29<sup>th</sup> 2001 3 properties gained permission even though they were outside the boundary and overlooked another archaeological site. (NW2000/0440/F).
  - The site does not affect the un-marked ancient monument which is now more a grass mound and in recent past other buildings i.e. Village Hall are also in the vicinity have been passed.
  - The new structure is sympathetic to its surroundings.

5.2 Twenty four letters have been received in support of the application from members of the public. Key issues in support of the proposal raised in the letters to the application are:

- That a local family should have such difficulty in obtaining planning permission to build a new house.
- The family support the local community.
- The proposed development will not have a detrimental impact on the setting of the castle mound.
- The proposed new house is of a simple cottage design that will blend into the surrounding environment.
- The development proposal is within the development limits of the settlement.
- Mr & Mrs Barnett wish to remain in the settlement and leave their present home for personal reasons.

5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Committee Meeting.

## **6. Officer's Appraisal**

6.1 This application should be assessed against the development plan policies concerning location and setting of the adjacent site of the Ancient Monument, The Castle Motte and Bailey, the nearby Church, adjacent Grade II listed dwelling known as 'The Forge' and policy designation of the surrounding area.

6.2 The application is accompanied by a Desk Based Assessment and Visual Impact Assessment. The plans subject to this application indicate the dwelling at a slightly different angle in a similar location to that of the previous planning application ref. NW05/1029/F refused planning permission by this Committee at the July 2005 meeting. Also as part of the application there is a proposal for the construction of a garage and store to the rear of the site in the same position as that of the previous proposed garage and store subject to the previous refused application.

6.3 The proposed development represents the construction of a two-storey house with an internal floor space of 167.5 square metres when measured externally, of the same height to its eaves from ground level, as that of the previously refused proposal. This represents a substantial dwelling in a design that is less sympathetic to the adjacent grade two listed building, than that of the previous refused proposal. The previous proposal, although of a similar size, indicated dormer windows to its south elevation.

6.4 The proposal conflicts directly with two particular policies in the Leominster District Local Plan: Policy A22: Ancient Monuments and Archaeological Site and A25: Protection of Open areas and Green Spaces. Policy A1 on Managing the District's Assets and Resources is also relevant.

6.5 Policy A1 states in criterion 2  
'Open or undeveloped sites which contribute to the character appearance and amenity of a settlement will be protected from development even when they fall within a settlement boundary in accordance with Policy A25'.

6.6 Policy A25 on Protection of Open Areas or Green Spaces states amongst its criteria

'Proposals which 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 where such elements:

- 1) Provide relief within an otherwise built up frontage;
- 2) Create a well defined edge to the settlement;
- 3) Provide a buffer between incompatible uses;
- 4) Provide important views of attractive buildings or their settings, or of attractive landscapes.
- 5) Provide an important amenity of value to the local community.
- 6) Contribute as an important element within an attractive street scene or
- 7) Represent an historic element within the origins or development of the settlement or area.

6.7 Policy A22 on Ancient Monuments and Archaeological Sites states: 'There will be a presumption against development proposals which would fail to preserve the site or setting of a scheduled Ancient Monument or other nationally important monument.'

6.8 The responses received from English Heritage and the Council's Archaeological Adviser set out strong objections to the proposal securely based on the local and national planning policies referred to above.

6.9 Policy H6 of the Herefordshire Unitary Development Plan, Revised Deposit Draft is also relevant. The Inspector's report to the Unitary Development Plan has now been published in which he recommended that this specific Policy be adopted in its current form. This Policy states that Lingen is classed as a smaller settlement where residential development on plots arising from the infilling of small gaps between existing dwellings be permitted where the habitable living space of a four bed roomed house does not exceed 100 square metres, the plot size is limited to a maximum area of 350 square metres and the infill gap is no more than 30 metres frontage. The current proposal does not conform with these criteria and, given the Inspector's support for this policy, the policy now carries considerable weight.

6.10 Although Officers do have sympathy with the applicants personal circumstances, and have taken note of all letters received in support of the application, it is considered that the proposed development is in direct conflict with Policies A1, A21, A22 and A25 of the Leominster District Local Plan and Policies S7, H6, HBA6, HBA9 and ARCH3 of the Herefordshire Unitary Development Plan, Revised Deposit Draft.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1. The site for the proposed development is designated as a protected area and is adjacent to a Scheduled Ancient Monument. It is considered that the proposed development will have a significant detrimental impact on the historic and visual setting of the location and is therefore contrary of Policies A1, A21, A22 and A25 of the Leominster District Local Plan and Policies S7, HBA6, HBA9 and ARCH3 of the Herefordshire Unitary Development Plan, Revised Deposit Draft.**
  
- 2. The proposal is contrary to Policy H6 of the Herefordshire Unitary Development Plan, Revised Deposit Draft in that the proposal is for a dwelling in excess of 100 square metres habitable living accommodation on a plot in excess of 350 square metres with a frontage in excess of 30 metres.**

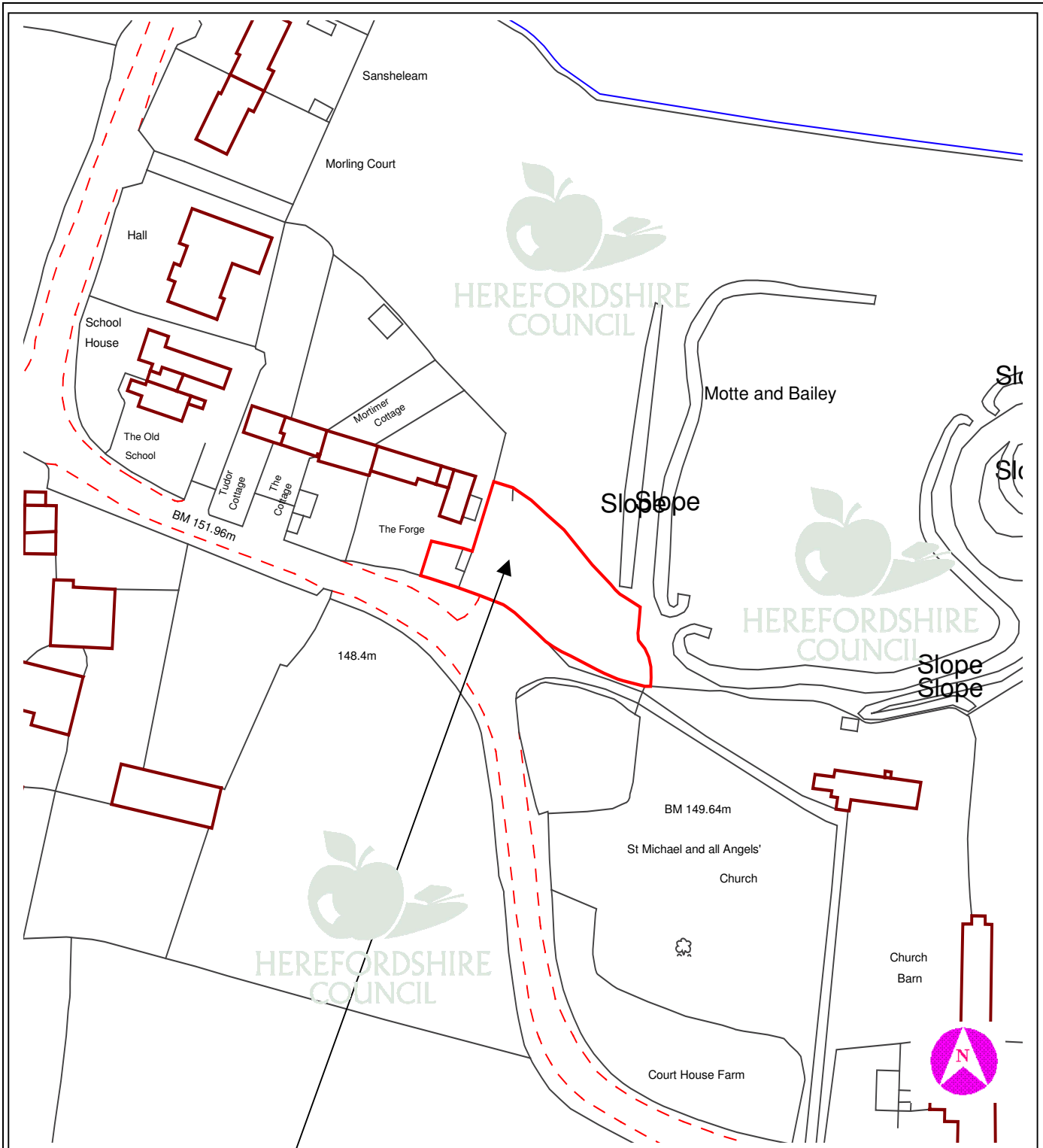
Decision: .....

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**Background Papers**

Internal departmental consultation



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**APPLICATION NO:** DCNW2006/1643/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjoining The Forge, Lingen, Bucknell, Shropshire, SY7 0DY

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