

**20 DCCW2006/2760/F - CHANGE OF USE TO RESIDENTIAL CURTILAGE AT 24 HOSPITAL HOUSES, BURGHILL, HEREFORD, HR4 7RE****For: Mr. D. Allen, Orchard Cottage, 24 Hospital Houses, Burghill, Hereford, HR4 7RE****Date Received: 21st August, 2006****Ward: Burghill,  
Holmer & Lyde****Grid Ref: 48229, 43393****Expiry Date: 16th October, 2006**

Local Member: Councillor Mrs. S.J. Robertson

**1. Site Description and Proposal**

- 1.1 The application site is comprised of a small parcel of land immediately adjacent to a semi-detached cottage, located to the eastern side of an unclassified road approximately 2 kilometres to the northwest of Hereford.
- 1.2 The cottage together with its neighbour were originally within the grounds of St Mary's Hospital, and they provided accommodation for workers employed at the hospital.
- 1.3 Following the closure of the hospital and the subsequent disposal of the buildings and grounds for residential development, the cottage known as 24 Hospital Houses and some additional general amenity land directly adjoining its existing lawful curtilage was sold to the then sitting tenant Mr. Allan in the spring of 1999 under a single Title Deed.
- 1.4 At that time Mr. Allen was not advised of the need to secure planning permission for the change of use of the additional land to domestic curtilage, but has nevertheless since that time used and enjoyed the land as such, including erecting ancillary buildings, the placement of a static caravan and the parking of motor vehicles.
- 1.5 Following complaints about the erection of a car port in 2005, the local planning authority became aware that the land had been incorporated into the domestic curtilage without the benefit of planning permission, and the present application has been submitted in response to negotiations by the Enforcement Officer to regularise that situation

**2. Policies**

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1 - Design

- 2.2 South Herefordshire District Council:

Policy GD1 - General Development Criteria

**3. Planning History**

3.1 None.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 None.

##### Internal Council Advice

4.2 Traffic Manager: No objection.

#### **5. Representations**

5.1 Burghill Parish Council: Objection - the change of use will lead to the mobile home being used as residential accommodation.

5.2 Two letters of objection have been received from Mr. Jones of Penbury Cottage and Mrs. Bradford of 11 Cedar Lane, which are summarised as:

- The land is already used as a garden.
- The caravan should not become a residence as a result of the change of use.
- This will lead to further development.
- Ancillary buildings and structures have already been erected.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

#### **6. Officers Appraisal**

6.1 The land in question is enclosed on all sides by residential development, and has been used and enjoyed as part of the domestic curtilage serving 24 Hospital Houses since the purchase of the whole hereditament in 1999.

6.2 Visually the application site is read within the context of the surrounding residential development, and as such it does not have a demonstrably harmful impact on the visual amenity of the wider locality.

6.3 Although the comments of the Parish Council and two neighbours are noted, they do not raise any material planning objections pursuant to the actual scope of the application, that being the regularisation of the change of use of the land to domestic curtilage. Rather the objections focus on the presence of a number of ancillary buildings, or more specifically in relation to the application site a carport and a static caravan, and a perception that if permitted this application could lead to the caravan becoming a separate unit of residential accommodation.

6.4 Although the carport and caravan technically required planning permission as they are not within a lawful domestic curtilage, given the character of the wider locality they are not considered to be demonstrably harmful to either the visual or residential amenity of

the area, and in terms of their size, design and siting they are otherwise within the permitted development limits normally enjoyed within a domestic curtilage.

- 6.5 Therefore it is not considered reasonable to pursue enforcement action against them or insist on the submission of punitive retrospective applications, as they will effectively become regularised following the approval of the present application.
- 6.6 With regard to the perceived fear that the caravan will become a separate unit of accommodation, this would require planning permission, and the present application would not override that obligation, and an appropriate informative has been recommended informing the applicant of this fact.
- 6.7 Overall the proposal complies with the relevant policies in the development plan policies, and as such, approval is recommended.

**RECOMMENDATION**

**That planning permission be granted subject to the following condition:**

- 1. **A06 (Development in accordance with approved plans).**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**Informatives:**

- 1. **This permission does not imply any rights to use the static caravan as a separate self-contained unit of accommodation, and as such a use would require a separate planning application to be submitted for consideration by the local planning authority.**
- 2. **N19 - Avoidance of doubt.**
- 3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

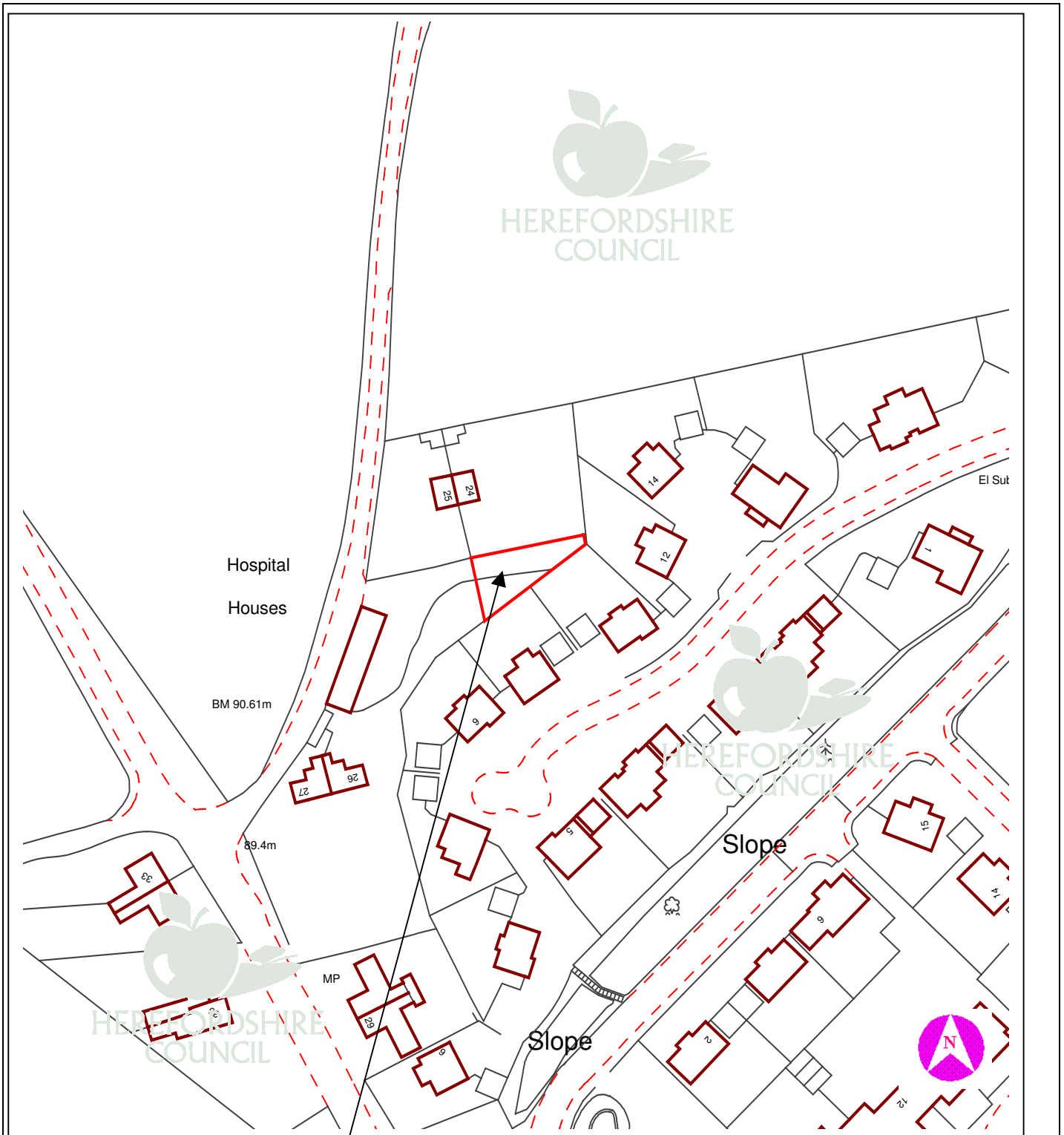
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/2760/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 24 Hospital Houses, Burghill, Hereford, HR4 7RE

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