

DELEGATED DECISION REPORT

APPLICATION NUMBER

211059

The Mynde, Much Dewchurch, Hereford, HR2 8DN

CASE OFFICER: Mr David Gosset
DATE OF SITE VISIT: ...6th May 2021.....

Relevant Development **Herefordshire Local Plan – Core Strategy**
Plan Policies: **Policies:**

LD4 - Historic environment and heritage assets

NPPF

Relevant Site History: DCH973173/L & DCH973145/F – Alterations & change of use of existing timber framed barn to form workshop & part demolition of adjoining buildings - Approved with Conditions - 06-Aug-1997

CONSULTATIONS

	Consulted	No Response	No Objection	Qualified Comment	Object
Parish Council	X	X			
Historic Buildings Officer	X		X	X	
Historic England	X		X		
Press/ Site Notice	X	X			
Local Member	X		X		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application proposes the installation of a biomass boiler within The Mynde Park Estate. It will be placed in an existing building with a flue proposed within the western roof slope of the barn. The barn is a Grade II listed building in its own right and is located approximately 100 yards south south west of the Mynde. There are a range of listed heritage assets in the vicinity of the application site.

Representations:

Historic Buildings Officer:

There is no heritage objection to the proposed scheme, subject to an appropriate flue colour treatment; approval with conditions can be supported.

C07 – DEVELOPMENT IN ACCORDANCE WITH APPROVED PLANS AND MATERIALS

CJ3 – FLUES

Details of the colour of exterior boiler flue shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the relevant section of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Listed Building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

CJ7 - MAKING GOOD – MATCHING

All work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: To ensure the development is in keeping with the existing building and sympathetic to the visual amenity of the Conservation Area under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

Local Member – Ward Councillor Bolderson confirmed delegated authority via email on the 5th October 2021.

Pre-application discussion:

-

Constraints:

Road No U72400

Listed Buildings:

- GII - GARDEN WALLS TO SOUTH OF THE MYNDE
- GII - STABLES AND OUT BUILDINGS ATTACHED TO SOUTH-WEST OF THE MYNDE
- GII - HA HA ABOUT 30 YARDS TO EAST OF THE MYNDE

- GII - KITCHEN GARDEN WALLS TO NORTH OF THE MYNDE
- GII - COTTAGE ABOUT 90 YARDS SOUTH OF THE MYNDE
- GII - OUT BUILDING ATTACHED TO NORTH WEST OF THE MYNDE
- GI - THE MYNDE
- GII - BARN ABOUT 100 YARDS SOUTH-SOUTH-WEST OF THE MYNDE
(application barn

PROW Footpath adjacent

Protected Species noted

Surface Water Nearby

SSSI Impact Zone

NE Priority Habitats Nearby

SWS: Nearby

Unregistered Park and Garden The Mynde

Ancient Woodland Nearby

Appraisal:

Policy context

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has been made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Much Dewchurch Neighbourhood Area, which has not published a draft Neighbourhood Development Plan for consultation and so no weight can be attributed to any draft document at this stage. The National Planning Policy Framework 2021 is a significant material consideration, but does not hold the statutory presumption of a development plan.

Policy LD4 states that development proposals should protect, conserve and enhance the heritage assets and wider historic environment that they affect. This includes emphasising the original form and function through the use of sympathetic design, contributing to the character and distinctiveness of the local townscape. The scope of the works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance.

Special regard has to be given to the desirability of preserving and enhancing historic assets and their setting. Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Herefordshire Council, as the local planning authority, is required, when considering development which affects a listed building or its setting:

“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

The proposed boiler flue is located on the western roof slope within the lowest section of the cascading gable roof forms of the barn and as such is largely screened from view within the courtyard. It will have only a marginal visual impact as a result and is not considered to detract from the historic character of the building or the wider setting within which it is located.

The introduction of the external flue will not impact the setting of the wider estate and associated heritage assets including Grade I listed Mynde.

The internal installation of the biomass boiler is not considered to adversely impact the character or heritage value of the building and accords with its traditional use.

Given that the application is considered to, subject to conditions, converse the historic environment it is recommended that listed building consent be granted subject to the below conditions.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

1. CE7
2. C07 – Boiler details plan, 21.04.03 & 21.04.04
3. CJ3 – FLUES

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Signed: Dated:5th October 2021.....

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☒

REFUSE ☐



Signed: Dated: 5 October 2021.....

Is any redaction required before publication? Yes/**No**