

# DELEGATED DECISION REPORT

**APP. NO. NE2006/2823/F**



**CASE OFFICER:** Mr R. Close  
**DATE OF SITE VISIT:** ...5<sup>th</sup> September  
 2006.....

**Relevant Development Plan Policies:** Malvern Hills District Local Plan 1998 – Housing policy 16 and Landscape Policy 5.  
 Herefordshire Unitary Development Plan Revised Deposit draft May 2004 – policy H18.

**Relevant Site History:** MH97/1201 – Conversion of outbuilding into ancillary accommodation – Permitted 31/3/98  
 DCNE2003/3403/F – Variation of condition 3 of planning permission MH97/1201 to allow the Coach House to be used as a separate dwelling – Permitted 7<sup>th</sup> January 2004.

## CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council			*		
Transportation			*		
Historic Buildings Officer	N/A				
Ecologist/Landscape Officer	N/A				
Environmental Health	N/A				
Environment Agency	N/A				
Forward Planning	N/A				
PROW	N/A				
Neighbour letter/ Notice		*			
Other	N/A				
<b>Local Member</b>	√		√ Keep informed		

Correspondence



## PLANNING OFFICER'S APPRAISAL:

Site description and proposal: The application site lies on the northern side of this country lane. The application site lies outside of any defined rural settlements and as such lies within the open countryside in planning policy terms. Upon the application site at present is a converted Coach House used as a dwelling.

The applicant has constructed a double garage without the benefit of planning permission some 10 metres north-east of the original Coach House. Technically the land upon which it is built lies outside the lawful curtilage permitted under reference MH97/1201. Therefore a change in the use of the land is also involved.

The garage measures 7.4 metres in width and 6 metres in depth. It has a height to eaves of 2.3 metres and a height to ridge of 5.4 metres. It is primarily clad in timber, has a brick plinth and has second-hand pantiles upon the roof.

Representations: The Yarkhill Parish Council has no objections to the development.

The Transportation Section has no objections to the development.

Pre-application discussion: None

Constraints:

Appraisal: With regard the extension to the residential curtilage this is a very small parcel of land sandwiched between the lawful curtilage of 'The Coach House' and the depot to the east used by a demolition contractor. It is not proposed to extend the curtilage into the genuinely open countryside (in terms of character) to the north.

With regard the garage it is well separated from the Coach house and set back from it. This ensures that a high degree of physical separation has been achieved and the setting of "The Coach House" has not been adversely affected. In terms of its wider visual impact the garage is set against a bank that rises. As such it is not considered to be visually intrusive in the wider landscape.

The external appearance of the garage is considered to be satisfactory.

**RECOMMENDATION:**      PERMIT ☒      REFUSE ☐

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

1. The building hereby permitted shall only be used incidental to the use of 'The Coach House' upon the site as a single family dwellinghouse and shall not be used in connection with any trade or business;

Reason: - To safeguard the countryside from inappropriate development and to safeguard the amenities of the occupiers of other dwellings in the vicinity;

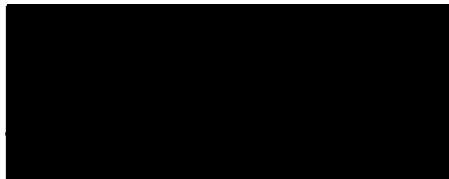
NOTE

1. N15 - Malvern Hills District Local Plan 1998 – Housing policy 16 and Landscape Policy 5.  
Herefordshire Unitary Development Plan Revised Deposit draft May 2004 – policy H18.

2. For the avoidance of any doubt the plans to which this decision relates are: -

- Application Site Plan (Scale 1:1250) received 26<sup>th</sup> April 2006;
- Block Plan (Scale 1:500);
- Floor Plans and Elevations – Drawing number 416.1

Signed:



Dated: 13<sup>th</sup> July 2006

5th October

DIVISIONAL PLANNING OFFICER'S COMMENTS:

DECISION:

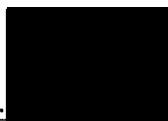
PERMIT

☒

REFUSE

☐

Signed: .....



Dated: .....

S/10/06

REASON FOR DELAY (if over 8 weeks)

Negotiations

☐

**Environment**  
Director: G. Dunhill

John Phipps  
Bank Lodge  
Coldwells Road  
Holmer  
Hereford  
HR1 1LH

Your Ref:  
Our Ref:  
Please ask for: Mr R Close  
Telephone: 01432 261803 Ext 1803  
Fax: 01432 260970  
E-mail: RCLOSE@HEREFORDSHIRE.GOV.  
UK

Date: 5th October 2006

Dear Mr Phipps,

**SITE:** Poole House, -, Monkhide, Ledbury, Herefordshire, HR8 2TX  
**DESCRIPTION:** Retrospective application for the change of use of land to an enlarged residential curtilage together with the erection of a double garage  
**APPLICATION NO:** DCNE2006/2823/F  
**APPLICATION TYPE:** Full

I refer to the above site.

I write to inform you that unless it can be proven that the single storey rear "lean-to" extension and the single storey side extension were substantially completed more than four years ago, they are unlawful. The reason for this is that condition 4 of planning permission MH97/1201 withdrew permitted development rights.

Your client is therefore invited to submit retrospective applications for these unauthorised developments.

I am sure that you will supply your client with your professional view as to the likelihood of these structures being granted retrospective planning permission. In my mind the main issue is whether their detailed design and external appearance respect the character and appearance of the original "Coach House" allowed to be converted.

With regard the current planning application for the retention of the double garage, I shall now progress it towards a determination. I shall endeavour to determine the application prior to 25<sup>th</sup> October 2006.

Yours faithfully

  
**Mr R Close**  
**PRINCIPAL PLANNING OFFICER**

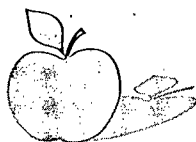
---

Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future  
County of Herefordshire District Council, Northern Planning Services, PO Box 230, Blueschool House,  
Blueschool Street, Hereford, HR1 2ZB  
Tel: 01432 261787, Fax: 01432 261970  
Main Switchboard (01432) 260000 - [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

---

DC5000MW





HEREFORDSHIRE  
COUNCIL

**Environment**  
Director: G. Dunhill

Mrs V Madgen  
Clerk to the Parish  
YARKHILL CP  
C/O Yarkhill Court  
Watery Lane  
Yarkhill  
Hereford  
HR1 3TD

HEREFORDSHIRE COUNCIL PLANNING SERVICES DEVELOPMENT CONTROL	
25 SEP 2006	
To: .....	
Ack'd: .....	File: .....

Your Ref:  
Our Ref:  
Please ask for: Mr R Close  
Telephone: 01432 261803 Ext 1803  
Fax: 01432 260970  
E-mail:

Dear Parish Clerk

Date: 1st September 2006

I should be pleased to receive the comments or views of your Parish Council on the enclosed application. If the land concerned is on or near the parish boundary, we consult both councils as a matter of courtesy and welcome local views.

Please use the space below to respond **by 22nd September 2006** and return the plans to me as we have only a limited number of copies. The duplicate copy of this letter is for you to record your Council's comments and keep on file.

I look forward to hearing from you.

Yours faithfully,

**SUPPORT SERVICES OFFICER**

<b>SITE:</b>	Poole House, -, Monkhide, Ledbury, Herefordshire, HR8 2TX
<b>DESCRIPTION:</b>	Retrospective application for a garage
<b>APPLICATION NO:</b>	DCNE2006/2823/F
<b>GRID REF:</b>	61476,44032
<b>APPLICATION TYPE:</b>	Full

The Parish Council or its appropriate committee has resolved to make the following comments:-

This quite large but attractively built building is not in full view of any neighbouring properties so we have no further doubts about it being granted retrospective planning permission.

Signed \_\_\_\_\_  
Clerk to YARKHILL CP

Date Returned

22/9/06

Chairman



Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future  
County of Herefordshire District Council, Northern Planning Services, PO Box 230, Blueschool House, Blueschool Street,  
Hereford, HR1 2ZB

Tel: 01432 261787, Fax: 01432 261970

Main Switchboard (01432) 260000 – www.herefordshire.gov.uk

DC5018MW

**Environment**  
Director: G. Dunhill

John Phipps  
Bank Lodge  
Coldwells Road  
Holmer  
Hereford  
HR1 1LH

Your Ref:  
Our Ref:  
Please ask for: Mr R Close  
Telephone: 01432 261803 Ext 1803  
Fax: 01432 260970  
E-mail: RCLOSE@HEREFORDSHIRE.GOV.  
UK

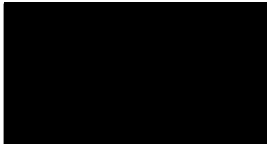
Date: 25th September 2006

Dear Mr Phipps,

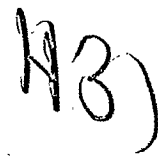
**SITE:** Poole House, -, Monkhidé, Ledbury, Herefordshire, HR8 2TX  
**DESCRIPTION:** Retrospective application for a garage  
**APPLICATION NO:** DCNE2006/2823/F  
**APPLICATION TYPE:** Full

I refer to my letter dated 7<sup>th</sup> September 2006 (copy attached). I note that I have not yet received your full written reply. I would be grateful to receive your full written reply by Thursday 28<sup>th</sup> September 2006 at the very latest.

Yours faithfully,



**Mr R Close**  
**PRINCIPAL PLANNING OFFICER**



✓

HEREFORDSHIRE COUNCIL  
TRANSPORTATION UNIT  
RECEIVED  
04 SEP 2006

SITE VISITED: YES/NO

**Environment**  
Director: G. Dunhill

John Phipps  
Bank Lodge  
Coldwells Road  
Holmer  
Hereford  
HR1 1LH

Your Ref:  
Our Ref:  
Please ask for: Mr R Close  
Telephone: 01432 261803 Ext 1803  
Fax: 01432 260970  
E-mail: RCLOSE@HEREFORDSHIRE.GOV.  
UK

Date: 7th September 2006.

Dear Mr Phipps,

**SITE:** Poole House, - Monkhide, Ledbury, Herefordshire, HR8 2TX  
**DESCRIPTION:** Retrospective application for a garage  
**APPLICATION NO:** DCNE2006/2823/F  
**APPLICATION TYPE:** Full

I refer to the above planning application. Having reviewed the history of the site it is evident that the garage has been built outside the confines of the lawful residential curtilage. Therefore a change in the use of land has also taken place.

Thus you should formally write to me amending the description of the proposed development to read: -

**"A retrospective application for the change of use of land to an enlarged residential curtilage together with the erection of a detached double garage".**

Given that the planning fee for a change of use is £265 a **further fee of £130** is payable. I would be grateful if you would make out a further cheque to the value of £130 made payable to Herefordshire Council.

In addition, I would be grateful if you would supply me with answers to the following questions: -

- When did construction upon the rear lean-to structure commence?
- When was the rear lean-to structure substantially completed?
- What is the volume / cubic content of the rear lean-to structure (external measurements)?
- When did construction upon the single storey side extension commence?
- When was construction upon the single storey side extension substantially completed?
- What is the volume / cubic content of the single storey side extension?
- When did construction upon the double garage commence?
- When was the double garage substantially completed?

---

Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future  
County of Herefordshire District Council, Northern Planning Services, PO Box 230, Blueschool House,  
Blueschool Street, Hereford, HR1 2ZB  
Tel: 01432 261787, Fax: 01432 261970  
Main Switchboard (01432) 260000 - [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

---

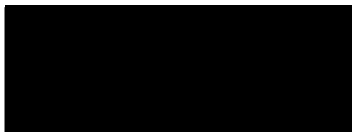
DC5000MW





I would be grateful if you would supply me with all of the above information by Thursday 21<sup>st</sup> September 2006 at the latest.

Yours faithfully,



**Mr R Close**  
**PRINCIPAL PLANNING OFFICER**

MH 197/1201 - Conversion of  
outbuilding into consulting accommodation -

Permitted

DCNF 2003/3403/F - Variation of condition 3  
of planning permission MH 97/1201 to allow  
the coach house to be let independently - Approved.

DCNF 2006/2823/F - Retrospective application  
for a garage - ~~approved~~

NE06/2823/F

**Environment**  
Director: G. Dunhill

John Phipps  
Bank Lodge  
Coldwells Road  
Holmer  
Hereford  
HR1 1LH

Your Ref:  
Our Ref: DCNE2006/2823/F  
Please ask for: Mr R Close  
Telephone: 01432 261803 Ext 1803  
Fax: 01432 260970  
E-Mail:

Date: 31st August 2006

Dear Sir/Madam,

**SITE:** Poole House, -, Monkhide, Ledbury, Herefordshire, HR8 2TX  
**DESCRIPTION:** Retrospective application for a garage  
**APPLICATION NO:** DCNE2006/2823/F  
**APPLICATION TYPE:** Full

I received the above application from you on 26th April 2006 and it was registered as valid on 30th August 2006.

If any further plans, documents or information are required before a decision can be made, you will be notified.

If the description of the application is incorrect, or you have any queries concerning your application, it is important that you contact Mr R Close, the Case Officer who will be dealing with your application.

Every effort will be made to deal with your application as quickly as possible. However, if you do not receive a decision in writing by 25th October 2006 you may either:

- agree to allow the Council more time to make a decision; or
- appeal to the Secretary of State for the Environment for him to make the decision. If you do this, all work on the application by my department will stop, and you will have to wait for the Secretary of State to make the decision. If you wish to appeal, you should apply for a form from the Planning Inspectorate at Room 3/08B Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

Before you decide which option to take, please discuss with Mr R Close.

Yours faithfully,

**SUPPORT SERVICES OFFICER**



Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future  
County of Herefordshire District Council, Northern Planning Services, PO Box 230, Blueschool House, Blueschool Street,  
Hereford, HR1 2ZB

Tel: 01432 261787, Fax: 01432 261970  
Main Switchboard (01432) 260000 - [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

DC5001MW

NE 06 / 2823 / F

**Environment**  
Director: G. Dunhill

Mr Ball  
Poole House  
Monkhide  
Nr Ledbury  
Herefordshire  
HR8 2TX

Your Ref:  
Our Ref:  
Please ask for: Ms D Wright  
Telephone: 01432-383095  
Fax: 01432-261970  
E-mail:

Date: 5th May 2006

Dear Sir/Madam,

**SITE:** Pool House, -, Monkhide, Ledbury, Herefordshire, HR8 2TX  
**DESCRIPTION:** Retrospective application for a garage  
**APPLICATION NO:** T2006/1376  
**APPLICATION TYPE:** Full

Thank you for your application, received on 26th April 2006.

Before it can be registered, I will need the following further information or plans from you:

- Please outline the application site in red, usually your garden boundary, please ensure the development is within the red line.
- Please supply photographs or plans, to a metric scale, of all elevations of the garage.
- Please supply a block plan to showing the actual positioning of the garage in relation to neighbouring buildings; this plan should be in a metric scale of 1:500.
- Please sign and date the Certificate of Ownership

Would you please return the above information using the sticky self-addressed label enclosed, but please note it is not a pre-paid label.

As soon as your application is valid it will be registered and the 8 week determination period will begin.

If you have any queries concerning this letter, please contact Ms D Wright.

Thank you for your assistance.

Yours faithfully,

**SUPPORT SERVICES OFFICER**

---

Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future  
County of Herefordshire District Council, Northern Planning Services, PO Box 230, Blueschool House,  
Blueschool Street, Hereford, HR1 2ZB  
Tel: 01432 261787, Fax: 01432 261970  
Main Switchboard (01432) 260000 – [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

---

DC5004MW



