

Application No: 11/0821N

Location: LITTLE ISLAND NURSERIES, HAYMOOR GREEN ROAD,
WYBUNBURY, CW5 7HG

Proposal: Retrospective Application for a 10m x 6m x 2m Garage

Applicant: Mr G Heath

Expiry Date: 30-May-2011

SUMMARY RECOMMENDATION

Impact of the development on:-

- **Principal of the development**
- **Design**
- **Residential amenity**

SUMMARY RECOMMENDATION:

Approve subject to conditions

1. REASON FOR REFERRAL

This application is referred to the Southern Area Planning Committee at the request of Cllr Clowes for the following reason

Following consultation with Wybunbury Parish Council we would like to CALL IN the above Planning Application on the following grounds:

- a) This is RETROSPECTIVE planning application*
- b) The previous planning history (on-going) at this site has bearing on this additional application*
- c) There are highway implications associated with this application*
- d) Impact on the countryside*

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located on the eastern side of Haymoor Green Road within the Open Countryside. To the front of the site is a detached two-storey red brick dwelling which has an agricultural tie. To the east of the dwelling the majority of the greenhouses and buildings which were associated with the former nursery have now been demolished and work has commenced on a manege and stables (Planning permission was refused for these elements under application 10/4497N and this application is currently at appeal). To the northern boundary of the site two

buildings associated with the former nursery have been retained. A small brook runs along the northern boundary of the site and the site is enclosed by mature hedgerows and a number of trees of varying sizes.

3. DETAILS OF PROPOSAL

This is a full planning application for a detached garage within the curtilage of the dwelling at Little Island Nurseries. The garage has been erected and the application is retrospective. The garage measures 10.7 metres in length, 6.2 metres in width and 3.1 metres to the ridge.

4. RELEVANT HISTORY

10/4497N - Change of use for the land from horticultural to equestrian. Provision of 60x30m manege and 60x12m stable block, the provision of a muck midden and hay store, the provision of a horse walker and the request for variation of occupancy of the site to include equestrian manager – Refused 23rd February 2011 – Appeal Lodged

10/2457N - Change of Use from horticultural to equestrian, provision of open air manege, stable block, horse walker, muck midden and hay store. Variation on occupancy of tied dwelling to include occupation for equestrian management – Refused 22nd September 2010

P03/0291 - Agricultural Workers Dwelling – Approved 21st November 2003

P01/0796 - Agricultural Workers Dwelling – Refused – Appeal Lodged

P01/362 - Detached Dwelling – Refused 4th June 2001

7/20012 - Renewal of temporary permission 7/15572 for mobile home – Approved 26th September 1991

7/19375 - Erection of glass housing – Approved 7th February 1991

7/15572 - Erection of mobile home on existing agricultural land – Approved 11th July 1988

5. POLICIES

Local Plan Policy

NE.2 – Open Countryside

RES.5 – Housing in the Open Countryside

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.11 – Improvements and Alterations to Existing Dwellings

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 7 (Rural Areas)

Planning Policy Guidance 18 (Enforcing Planning Control)

Supplementary Planning Document on Extensions and Householder Development

6. CONSULTATIONS (External to Planning)

Environmental Health: No objection conditions requested in relation to hours of construction and external lighting

7. VIEWS OF THE PARISH COUNCIL

Wybunbury Parish Council objects to the application for the following reasons;

- The submitted plan and drawings do not match the application
- Part of on-going problem – planning legislation not being adhered to by applicant
- Dimensions do not tally up
- Too many inconsistencies
- Garage already been erected

8. OTHER REPRESENTATIONS:

Letters of objection received from the occupants of Rosemead, The Moorlands, and Fairfields, Haymoor Green Road raising the following points;

- The application is retrospective
- The garage is too large for a farmhouse and too small for a tractor
- A decision should not be made on this application until the appeal for application 10/4497N has been determined
- The application should be refused until the appeal has been determined
- The site is beginning to look like an industrial estate

9. APPLICANT'S SUPPORTING INFORMATION

Supporting Planning Statement produced by Civitas Planning and dated February 2011

- The document concludes that the application is for a lightweight small scale, traditionally designed garage that forms part of an equine complex in the rural area. The garage is essential to the applicants needs in terms of being necessary to the business (occasional parking and minor storage) and using the tied dwelling as a home. The development does not have an adverse effect on the visual amenity of the area due to its infill location on site and its relatively small scale in comparison to the dwelling already on site and the proposed equine development.

10. OFFICER APPRAISAL

Principle of Development

The site is located within the open countryside and the provision of a garage within the curtilage of a residential property is acceptable in principal providing that it is in accordance with policies RES.11, NE.2, BE.1 – BE.4 and the Councils Supplementary Planning Document on Extensions and Householder Development.

In this case the dwelling is also subject to a restrictive agricultural occupancy condition. Policy RES.5 applies a size limit in relation to new dwellings which serve agricultural workers. Permitted Development Rights have been withdrawn in order to retain control over the size of the dwelling in relation to its purpose. If Permitted Development Rights had not been removed this garage could be constructed without the need for planning permission.

The reason for removing permitted developments rights is that if an agricultural workers dwelling was extended, the larger dwelling will be more expensive and the restrictive occupancy condition

will be prejudiced straightaway if the dwelling is outside the range of property affordable by the local workforce.

In this case, it is not considered to be unreasonable for a dwelling to have a garage within its curtilage. Although the garage is larger than a standard single detached garage it is of a lightweight timber construction and it could not easily be converted to ancillary residential accommodation. It is therefore considered that this detached garage would not prejudice the restrictive occupancy condition and is acceptable in principle.

Design

Policy RES.11 states that development within the curtilage of the dwelling should respect the design scale and form of the original dwelling. The garage measures 10.7 metres in length, 6.2 metres in width and 3.1 metres to the ridge.

The Council's SPD on Extensions and Householder Development gives guidance on the provision of garages and outbuildings within the curtilage of residential properties. The guidance states that *'The building should be modest in size and height and must appear subordinate or ancillary to the main dwelling'*.

The proposed garage would be sited to the rear of the dwelling and would be modest in size and height. It would be shorter and have a smaller footprint than the existing dwelling. Therefore it is considered that the proposal would be subordinate to the host dwelling and would meet the requirements of the SPD.

In terms of the design of the detached garage, it is accepted that the garage has a utilitarian appearance. However this is not uncommon for garages serving farms in the rural area. In this instance the garage would be seen in relation to the existing dwelling and would be largely screened by the existing mature boundary treatment. It is therefore considered that the detailed design is acceptable and that the development would not have a detrimental impact upon the character and appearance of the open countryside.

Amenity

The supporting statement indicates that the garage would also include some ancillary storage in connection with the equine business on the site but that its main use would be to serve the dwelling on the site; this is not uncommon with garages serving dwellings attached to rural enterprises.

The nearest residential property is approximately 70m away from the proposed garage and given the scale of the garage, the screening around the site and the separation distance it is not considered that the development would have a detrimental impact upon residential amenity. Furthermore the Council's Environmental Health Officer had no objection to the development.

Other Issues

Concern has been raised over the retrospective nature of the development. It is accepted that works have already commenced on the site. This is at the applicants own risk and is not a reason to refuse the application.

Although an appeal has been submitted in relation to the manege and stables, there is no reason why this application could not be determined. This is a free standing separate application for a detached garage.

The Parish Council has raised concerns that the dimensions do not tally up. This issue has been raised with the applicant's agent and an amended plan to scale will be provided.

11. CONCLUSIONS

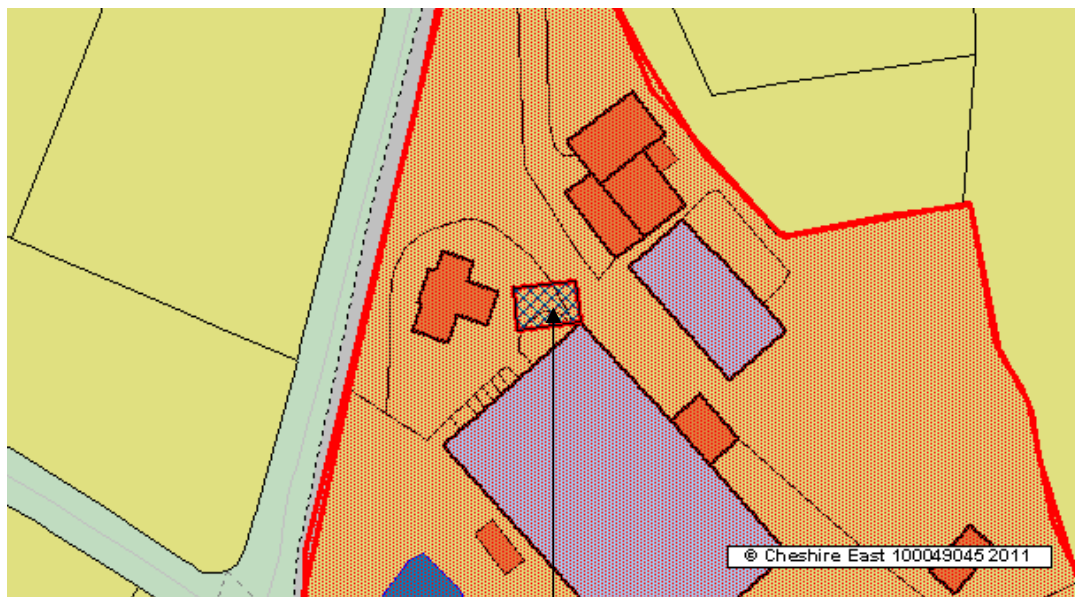
The principle of the detached garage is considered to be acceptable. The proposed garage would not raise any amenity issues; it is of an appropriate design and scale and would not harm the character and appearance of the open countryside. As such the proposal complies with Policies RES.5, RES.11, NE.2, BE.1 and BE.2 of the Local Plan and the Supplementary Planning Document on Extensions and Householder Development.

12. RECOMMENDATIONS

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS;

- 1 Within 3 months of the date of approval, details of any external lighting to the garage shall be submitted to the LPA and approved in writing. The lighting shall be in accordance with the approved details.**
- 2 The garage shall be used as a garage only and shall not be converted to ancillary residential accommodation.**

Location plan



The Site