
Appeal Decisions

Site visit made on 24 July 2017

by Elizabeth Jones BSc (Hons) MCTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 August 2017

Appeal A Ref: APP/W1850/C/17/3172936

Appeal B Ref: APP/W1850/C/17/3172937

Land at Brooks Farm, Pontrilas, Herefordshire HR2 0BL

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr Derek Wood (Appeal A) and Mrs Mary Wood (Appeal B) against an enforcement notice issued by Herefordshire Council.
 - The enforcement notice was issued on 28 February 2017.
 - The breach of planning control as alleged in the notice is without planning permission unauthorised operational development by erection of a veranda to the rear elevation.
 - The requirements of the notice is permanently remove the unauthorised veranda (as shown in the approximate location, marked 'x' on the attached plan edged in red).
 - The period for compliance with the requirements is 3 months.
 - The appeals are proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since the appeals have been brought on ground (a), applications for planning permission are deemed to have been made under section 177(5) of the Act.
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Decisions

1. The appeals are allowed, the enforcement notice is quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a veranda on land at Brooks Farm, Pontrilas, Herefordshire HR2 0BL referred to in the notice.

Appeal A and Appeal B on ground (a)

Main Issue

2. The main issue is the effect of the development on the character and appearance of the appeal property and the area.
3. Brooks Farm is a converted stone barn. The partially enclosed veranda erected on the north elevation provides a covered area at this end of the dwelling. The simplicity of the design of the veranda together with its position is such that it does not impact adversely on the scale and character of the dwelling.
4. The veranda's light weight construction and open appearance contrast with the solid character of the barn and therefore the veranda does not undermine the integrity of the original barn.
5. The development is contained visually within the confines of the garden area and has no particular detriment to the wider area.

6. The appeal site has a planning history which includes an appeal decision (22 December 2009) for; *a single storey garden room* in the same location as the veranda (APP/W1850/D/09/2115537). I have considered the previous Inspector's findings and decision based primarily upon the grounds of the proposal being incongruous and out of character with the existing dwelling. The Council have placed some reliance on the previous Inspector's decision and I acknowledge the importance of consistency in these matters. However, whilst I have not been provided with the full details, that appeal concerned a "*lean-to extension with extensive domestic style window and door openings*" and does not mirror the development before me which I have determined upon its own merits.

Conclusion

7. Overall, I consider that the development does not harm the character and appearance of the appeal dwelling or have a detrimental impact on its surroundings and landscape setting. I therefore conclude that the development does not conflict with Policies SS6, RA3, RA5, SD1 and LD4 of the Council's Herefordshire Local Plan Core Strategy 2011-2031 (2015) which aim to ensure that design proposals respect the character and significance of any redundant or disused building. The development also generally accords with the aims of the National Planning Policy Framework which sets out that the planning policies and decisions should seek to promote or reinforce local distinctiveness.

Elizabeth Jones

INSPECTOR