

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 8 April 2014

Report of the Development Manager

Corona Cottage, Hovingham

Purpose of the Report

To advise Members of an alleged breach of planning control and recommend an appropriate course of action.

1. SITE LOCATION

- 1.1 Corona Cottage lies within the designated Conservation Area in the village of Hovingham, and is also within the saved development limits of the village as defined within the Ryedale Local Plan. The property also lies within the Howardian Hills Area of Outstanding Natural Beauty.

2. ALLEGED BREACH OF PLANNING CONTROL

- 2.1 The erection of a 1.4m high timber boundary fence following demolition of boundary wall.
- 2.2 Members are made aware of Part 2 Minor Operations of the General Permitted Development Order 1995. This allows “*The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure*” without the need for planning permission, subject to the following relevant condition:

(a) *the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;*

Members will note that in this case, the fence requires planning permission because it exceeds 1m in height.

- 2.3 Members will note that as the original wall did not exceed 1m in height, consent was not required for its demolition.

3. WHEN ALLEGED BREACH FIRST OCCURRED

- 3.1 The Local Planning Authority was first made aware of the breach on 19 August 2011.

#### 4. HISTORY AND EVIDENCE OF BREACH

4.1 Planning application ref. 13/00263/HOUSE seeking retrospective planning permission for a 1.2m high timber boundary fence was validated by the Local Planning Authority on 7 March 2013. The application was refused planning permission on 22 July 2013 for the following reasons:-

1. The retention of the 1.2m high timber boundary fence is not considered to be a characteristic boundary feature of Hovingham Conservation Area. The retention of the fence will neither enhance or preserve the setting of the Conservation Area.

The proposal is therefore, contrary to the provisions of Section 12 of the National Planning Policy Framework and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Ryedale Local Plan Policy ENV2 states that “(v) Where development is permitted, it must be of the highest standard of design reflecting the traditional character of buildings in the area, using materials traditional to the area and be sited so as to integrate satisfactorily with the surrounding landscape”.

In this case, the proposed development, being the boundary fence, would not respect the character of the original dwellinghouse and the boundary fence is considered to be an alien feature that is not appropriate in open countryside within the Area of Outstanding Natural Beauty. The application would therefore be contrary to the requirements of criteria (v) of Policy ENV2 of the Ryedale Local Plan.

4.2 A site visit was undertaken on by the Council’s Enforcement Officer on 13 August 2013 which identified that the unauthorised fence was still in situ.

4.3 A letter was sent to the property owner on 20 August 2013 requesting that the fence be removed in accordance with the recent planning decision.

4.4 A further site visit was undertaken on 17 March 2014 which identified the fence was still in situ.

#### 5. APPRAISAL

5.1 The relevant planning policy considerations are:

##### National Planning Policy Framework

##### Section 7: Requiring Good Design

*64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*

## Section 12: Conserving and Enhancing the Historic Environment

131. *In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

### Ryedale Local Plan Strategy

#### Policy SP12: Heritage

Ensures that *“Distinctive elements of Ryedale’s historic environment will be conserved and where appropriate, enhanced.”*

#### Policy SP16: Design

Requires that *“To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings...”*

#### SP20: Generic Development Management Issues

Ensures that in considering new development account will be taken of the following:

- *Character*
- *Design*
- *Amenity and Safety*
- *Access, Parking and Servicing*

- 5.2 In consultation of planning application ref. 13/00265/HOUSE, the AONB Manager stated *‘Although this may only be a short length of fence, and in itself the change might be relatively small, the impact on the street scene of the Hovingham Conservation Area has been quite significant.’* The Building Conservation Officer also raised objections to the application.
- 5.3 The traditional form of the boundaries of the properties on Main Street is low stone built walls, similar to what was originally in place at Corona Cottage. The erection of the fence is not in keeping with the surrounding Conservation Area and is considered to result in a significant loss of character. If the fence was to remain as built it could set a precedent for this type of development within the Hovingham Conservation Area and the Howardian Hills AONB.

6. WHY IS IT CONSIDERED EXPEDIENT TO SERVE A NOTICE?

6.1 The reasons why it is considered expedient to serve an enforcement notice are outlined below (as stated in the decision of the refusal of planning application ref. 13/00263/HOUSE):

1. The retention of the timber boundary fence is not considered to be a characteristic boundary fence of Hovingham Conservation Area. The retention of the fence will neither preserve the setting of the Conservation Area. The proposal is therefore contrary to the provisions of Section 12 of the National Planning Policy Framework and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The boundary fence does not respect the character of the original dwellinghouse and the boundary fence is considered to be an inappropriate feature which does not respect the character and context of its setting within Hovingham. The proposal is therefore contrary to the requirements of Policy SP12, SP16 and SP20 of the Ryedale Local Plan Strategy.

7. STEPS NECESSARY TO REMEDY THE BREACH

7.1 This report seeks authorisation to serve a formal enforcement notice for the removal of the fence.

8. SUGGESTED PERIOD FOR COMPLIANCE

8.1 A compliance period of 2 months is recommended in respect to any enforcement notice.

Recommendation

The Council Solicitor be authorised in consultation with the Head of Planning and Housing Services to issue an enforcement notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring the removal of the fence.