

# Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**1 OCTOBER 2014**

**DEV14/135**

**Report of the Head of Planning and Regulatory  
Services**

**PLANNING APPLICATION DC/14/0801/FUL – COBBLESTONES, 74 UPPER  
GREEN, HIGHAM**

## **Synopsis:**

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

## **Recommendation:**

**It is recommended that the Committee determine the attached application and associated matters.**

## **CONTACT OFFICER**

Julie Sheldrick (Case Officer)  
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# Committee Report DC/14/0801/FUL

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**Date** 30 April 2014 **Expiry Date:** 25 June 2014

**Registered:**

**Case Officer:** Julie Sheldrick **Recommendation:** Approve with conditions

**Parish:** Higham **Ward:** Icen

**Proposal:** Resubmission of DC/13/0203/FUL: retrospective application - erection of entrance gates and adjoining brick wall (altered to create a simplified design - removal of iron finials and stone ball finials)

**Site:** Cobblestones, 74 Upper Green, Higham

**Applicant:** Mr Trevor Buckley

## **Background:**

**This application is referred to the Development Control Committee due to the planning history of the site. Members previously refused a retrospective application for the entrance gates and wall at the Committee meeting on 5 February 2014. Subsequent alterations have been made to their appearance and these are detailed within this current application.**

**The application is recommended for APPROVAL.**

## **Proposal:**

1. This is a retrospective application to retain the black gates and adjoining brick wall and piers that have been erected at the entrance to the site.
2. Since the refusal of the previous retrospective planning application the gates have been altered to simplify the design, in accordance with recommendations made by the Conservation Officer. These alterations include the removal of the decorative iron finials from the gates and adjoining railings and the removal of the ball finials from the top of the brick pillars.

## **Application Supporting Material:**

3. Information submitted with the application as follows:
  - Location plan and block plan showing the position of the entrance

- gates and brick wall
- Annotated photographs

### **Site Details:**

4. The site is located at the western extremity of the village and lies within the Higham Conservation Area. The land to the south of the entrance gates is used as paddocks for grazing horses and a driveway leads to a recently constructed stable block. The entrance to the site is accessed from the road that connects Higham and Gazeley and the gates are set back from the road by approx. 9.3 metres.
5. The entrance gates are positioned approx. 220 metres (measured by road) from the main house (Cobblestones, 74 Upper Green) where the applicant resides. Other residential properties lie to the north, on the opposite side of the road, and are set back from the road by front gardens and vegetation that contribute to the rural character of the area. The paddock is enclosed by a post and rail fence that runs along the boundary of the road and established hedges define the boundary on the opposite side of the road. The surrounding area, to the north, east and south, comprises of agricultural fields interspersed by hedgerows and trees.

### **Planning History:**

6. DC/13/0203/FUL - Retrospective Application: erection of entrance gates and adjoining brick wall (refused at the committee meeting held on 5<sup>th</sup> February 2014)
7. F/2011/0341/FUL – Change of use of land to paddocks including the erection of a stable block with hardstanding and access track (approved with conditions at the committee meeting held on 21<sup>st</sup> September 2011)

### **Consultations:**

8. FHDC Conservation Officer:

*"Following a refusal of the previous application for the retention of the gates and flanking walls, which were considered to be overly ornate for their location, a very informative meeting was held with the applicant. There are clearly significant security measures required for the site and therefore the gates and walls must be of a suitably robust construction. Timber gates and fencing would not be adequate and could not house the security equipment needed.*

*The use of brick walls and metal gates is therefore considered to be acceptable. The existing gates and walls have been simplified with the removal of the ball finials from the brick pillars and the removal of the arrowheads from the railings and gates.*

*Having regard to the needs of the applicant together with impact of the walls and gates on the conservation area, I consider that the simplified scheme is a reasonable, balanced solution. I therefore have no objection to this application"*

9. Highway Authority: No objection – *"the gates are set well back from the highway and do not restrict visibility"*

**Representations:**

10. Higham Parish Meeting: Object, their comments can be summarised as:

- The minor changes offered under this retrospective application do not go far enough to address the objections made to the original application
- The land is agricultural and within the Higham Conservation Area
- The land is enclosed by agricultural fencing and the gate should be of a design suited for a field access, namely a standard 5 bar gate or similar on timber posts, not gates of wrought iron on massive brick pillars better suited to a secure development in the Home Counties
- The applicant should not be permitted to retain the gates and pillars and should be made to replace the previous gate and posts

11. Three letters of objection have been received from local residents and their comments can be summarised as:

- The removal of the arrowheads and stone balls is the smallest possible change that could have been made and should not be acceptable
- There is no significant improvement in terms of their impact on the rural environment
- Within the conservation area the development of this site is required to be constructed in a manner which has minimal visual impact on its environment and is sympathetic to its location
- The entrance does not require substantial brick piers and iron gates which present a significant intrusion to the surrounding environment
- The fencing around the paddock is wooden post and rails and an appropriate entrance to a low profile paddock and stables in a rural setting would be a wooden or metal 5 bar gate
- The entrance is more appropriate for the entrance of a house and is in fact, more ornate and substantial than the entrance to the applicant's residence (Cobblestones, 74 Upper Green)
- Security cannot realistically be cited as a reason for the existing gateway and is no more secure than any other, more sympathetic example

**Policy:** The following policies of the Forest Heath Core Strategy (2010) and the Forest Heath Local Plan (1995) have been taken into account in the consideration of this application:

12. Forest Heath Core Strategy (2010):

- Policy CS3: Landscape Character and the Historic Environment
- Policy CS5: Design Quality and Local Distinctiveness

13. Saved Policies of the Forest Heath Local Plan (1995):

- Policies 9.1 & 9.2: The Rural Area & New Development

**Other Planning Policy:**

14. National Planning Policy Framework (2012) Core Principles, Section 7: Requiring Good Design and Section 11: Conserving and Enhancing the Historic Environment

**Officer Comment:**

15. The issues to be considered in the determination of the application are:

- Background to the Application
- Impact on Visual Amenity and the Character and Appearance of the Conservation Area

**Background to the Application:**

16. Planning application DC/13/0203/FUL was considered at the committee meeting on 5<sup>th</sup> February 2014. This was a retrospective application for the entrance gates and adjoining brick wall that had been constructed at the site. The application was the result of enforcement action taken by the Authority, by way of a Breach of Condition Notice served on the applicant.

17. Planning permission F/2011/0341/FUL was granted for the change of use of the land to paddocks and the erection of a stable block in the south-west corner of the site. At the time, the site was served by an existing access, in the same location as the current access, but which comprised of a timber gate with adjoining post and rail fencing and there was no hard surface. The approved plans showed the existing field access and there were no proposals for alternative gates or fences as part of the proposal. Planning permission was granted with a number of conditions to ensure that the development would be satisfactory within this location. Of particular relevance, condition 15 states:

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the application site unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application made in that behalf.*

*Reason: To retain the open nature of the site in the interests of the character of the conservation area.*

18. Within the adopted Higham Conservation Area Appraisal, the site is identified as an important open space and as such, this condition was

considered necessary to ensure that the Authority had control over any fences, gates or walls that were to be erected at the site so that the open nature and rural character of the area could be preserved.

19. The Authority received a complaint regarding the erection of the entrance gates, brick piers and wall and following a site visit by the Case Officer, and discussions with the Conservation Officer, it was concluded that the development was inappropriate within this rural location and harmful to the open character of the conservation area. A Breach of Condition Notice was subsequently served on the applicant on 23<sup>rd</sup> August 2013 which required the gates and brick wall to be removed within 28 days and a timber gate, to match the one previously present at the site, to be re-instated. Planning application DC/13/0203/FUL was submitted in response to the Notice and therefore the Authority considered it reasonable in this context to take no further enforcement action until this application had been determined.

20. Planning application DC/13/0203/FUL was refused at the committee meeting for the following reasons:

*The gates and brick walls have a suburban appearance that do not reflect the rural, open character of the area or the traditional boundary designs found in this part of Higham. The development has no regard to local context and constitutes an inappropriate design in this location. It is therefore visually intrusive and harmful to the rural character of the area that contributes to this part of the conservation area. The development is contrary to Policies CS3 and CS5 of the Forest Heath Core Strategy (2011) that require new development to have regard to local distinctiveness and the historic environment and Saved Local Plan Policies 9.1 and 9.2 that require boundary treatment in the rural area to be of an appropriate rural character. It is also contrary to the objectives of the National Planning Policy Framework (2012) that seek to deliver good design that makes a positive contribution to the quality and local character of an area.*

21. The minutes of the committee meeting on 5<sup>th</sup> February 2014 read:

*"Whilst Members recognised that the applicant had breached a condition in respect of his 2011 planning permission by erecting the entrance gates and brick wall, some of the Committee expressed sympathy with his security concerns that he raised. It was therefore proposed that retrospective permission be refused but that the Breach of Condition Notice not be enforced subject to a further retrospective planning application being submitted for a suitable alternative within a period of three months"*

22. Following the committee meeting, a site meeting was arranged with the applicant, Case Officer and Conservation Officer. During this meeting a number of options were discussed for possible alternative designs for the entrance to the site.

23. It is apparent that the applicant has significant security concerns and he explained that there have been a number of recent attempts to break in to the site. An alarm system has been installed at the stable block but this does not appear to be an effective deterrent. The entrance gates are therefore required to be of a suitably robust construction. It was concluded that timber gates and fencing, which previously defined the entrance to the site, would not be adequate to meet the security demands of the site.

**Impact on Visual Amenity and the Character and Appearance of the Conservation Area:**

24. This location forms the approach to the village from Gazeley and has a predominantly rural character, with hedges and low palisade fencing marking boundaries. The Higham Conservation Area Appraisal identifies the applicant's land to the south as an area of important open space and recognises the 'fine panoramic views' from the road looking west away from Upper Green and towards the valley where the land slopes down. This area therefore makes an important contribution to the character of the conservation area.

25. Taking into consideration the security needs of the applicant and the impact on the character of this part of the conservation area, discussions took place to determine how the design of the metal gates and brick walls could be simplified to provide a more appropriate appearance within the context of the site. The Conservation Officer is satisfied that the removal of the iron finials from the gates and railings (52 in total) and the removal of the ball finials from the brick pillars provides a simplified scheme that is a *"reasonable, balanced solution"*.

26. In addition, consideration has been given to the position of the gates, which are set back from the road by approx. 9.3 metres as well as existing vegetation along the roadside boundary that partially screens the entrance from views further along the road to the east and west.

**Conclusion:**

27. Whilst the objections received from Higham Parish Meeting and local residents have been taken into consideration, all matters have been carefully considered and a balanced view has been taken. Officers consider that the simplified design of the gates and walls, in conjunction with their position within the site and presence within the street scene, is not considered to cause significant harm to the visual amenities of the surrounding area and the character of this part of the conservation area.

28. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

**Recommendation:**

29.It is recommended that planning permission be **APPROVED**.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<http://planning.stedmundsbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N4UOQSPD03G00>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY

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