



IMcH Planning and Development Consultancy

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Change of Use of Privately Owned Vacant Land to Residential Garden (Retrospective)

Woodside House, 15 Ashby Road, Melbourne, DE73 8ES

Supporting Planning and Heritage Statement

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1. Introduction

1.1 This letter is in support of a planning application for the above development. It describes the proposal; identifies the main issues; and addresses the relevant planning policies and associated guidance.

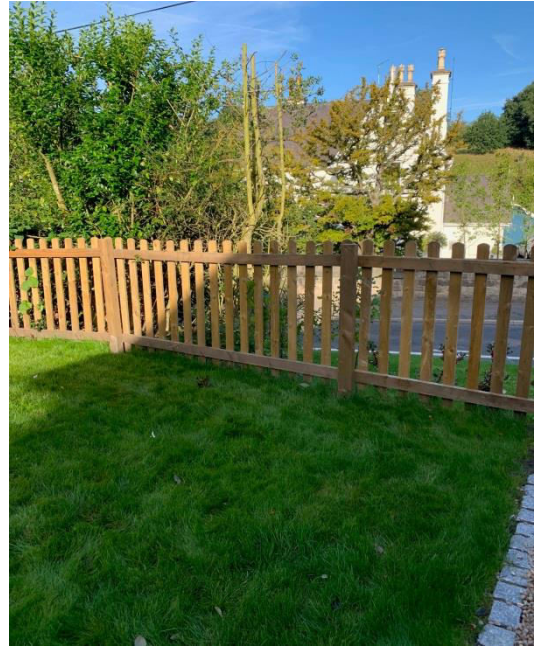
2. The Site and Its Surroundings

2.1 The application site, which covers some 300 square metres, is situated on the eastern side of Ashby Road, to the south of the applicant's dwelling. The land is owned by the applicant and was conveyed to him following the construction of his house in 2017/2018. The site was described in the planning application for the dwelling (Council reference; 9/2017/0123) as an area of scrub and trees that would be maintained by the owners of number 15 Ashby Road (number 15). The applicant/owner did not realise that planning permission for a change of use to a garden was required.

2.2 The site adjoins an area of woodland that was formerly part of a quarry at the rear and side of number 15. The application site is within the Melbourne Conservation Area (CA), although the applicant's dwelling is outside. Prior to the formation of the domestic garden, the site contained some small trees and other vegetation. The Council agreed to their removal following the submission of the statutory 6 week notice, which was required because of the site's location within the CA. In the vicinity of the appeal site, the predominant land-use is residential, comprising houses that occupy plots that vary in size and shape.

3 The Proposal

3.1 The proposal is to retain the land as part of the applicant's garden. It has been laid to grass and is enclosed a low timber open fence along the Ashby Road frontage and by mesh fencing at the side and rear (see photos below).





3.2 The extended garden area has remained open, apart from the placement of a rotary clothes dryer and a trampoline. No buildings have been erected.

4. Relevant Planning Policies and Guidance

4.1 The applicant has taken into consideration the relevant policies of the adopted Development Plan, which comprises the South Derbyshire Local Plan Parts 1 and 2 (LP 1 and LP 2). In addition, the provisions of the National Planning Policy Framework 2019 (NPPF) are a material consideration. The relevant policies and guidance are referred to in the next section of this statement.

5. The Main Issue and the Case for the Applicant

5.1 The main issue is considered to be:

- The effect of the proposal on the character and appearance of the area, in particular whether the proposal would preserve or enhance the character or appearance of the CA.

5.2 It is a statutory requirement when considering applications for planning permission that decision makers have regard to the desirability of preserving or enhancing the character or appearance of conservation areas. This duty is reflected in Policy BNE2 of LP 1, which seeks to protect, conserve and enhance the heritage assets of the District. More detailed requirements are contained in Policy BNE10 of LP2. These policies are also consistent with Section 16 of the NPPF. In assessing whether a proposal will preserve or enhance the CA, it

is necessary to have an understanding of the significance of the heritage asset.

5.3 In this case, further information on the CA is provided in the Melbourne Conservation Area Character Assessment, which was published and adopted by the Council in 2011 and updated in 2013. The application site is within, but on the edge of, the CA and is part of an area defined in the Assessment as 'Character Area 1'. This part of the CA is considered to be significant because it provides the historic setting to Melbourne Hall. It includes the Hall's formal gardens and landscaped parkland to the south and west. The houses facing 'The Pool' together with the church are also positive and important features of the CA, which contribute to its significance.

5.4 Although the application site is within the CA and within 'Character Area 1', it is considered that its contribution to the significance of the heritage asset is negligible. The site's position on the edge of the CA, together with an existing dense tree screen to the south and east means that there is little (if any) visual or functional relationship with the parkland setting of Melbourne Hall. In addition, the area of proposed garden is relatively small and the fencing (1.2m in height) is unobtrusive and appropriate to its surroundings in terms of materials and appearance. The site has also remained open in its appearance. Consequently, it is considered that the proposal has a neutral effect on the significance of the CA.

5.5 For the above reason, it is contended that the proposal preserves both the character and appearance of the CA. Therefore, the development accords with Policies BNE2 and BNE10 of the Development Plan, and with the provisions of the NPPF as referred to in paragraph 5.2 above.

6. Other Matter

6.1 Paragraph 127 (f) of the NPPF seeks to ensure that new developments create places that provide a high standard of amenity for existing and future users. Whilst the original planning permission for number 15 showed the new dwelling to be sited on a relatively large plot, much of the approved site is occupied by ancillary buildings and areas for vehicle parking and manoeuvring, with the area of 'soft' garden space being relatively small. The proposal provides an additional area of garden that is commensurate with the size of the dwelling and provides a safe and accessible space for the applicant and his family. This has increased their enjoyment of the property and accords with the intentions of the NPPF.

7. Conclusion

7.1 It is concluded that the application proposal preserves the character and appearance of the CA and increases the applicant's enjoyment of the dwelling. There is no conflict with the adopted Development Plan or with the NPPF and, therefore, planning permission should be granted.

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