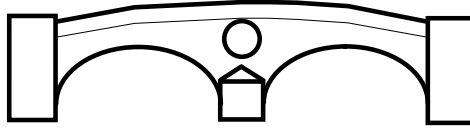


# MAISEMORE PARISH COUNCIL



**22/01131/FUL | Change of use from agricultural land to residential garden (C3 use class) to incorporate the construction of the new track and entrance way. | The Annexe The Old Vicarage The Rudge Maisemore Gloucester Gloucestershire**

## Summary

Maisemore Parish Council is responding covering two issues – firstly the actual matters contained within the Planning Application, and secondly a detailed commentary on the other changes at this site which are causing concern to residents and which require investigation.

## Background

There have been concerns about operations at this site for some months. During the summer it was noted that a number of mature trees had been felled.

Then in mid-September a local resident contacted the Parish Council and the ongoing works were discussed.

Subsequently the Parish Council was advised by letter on 23 September 2022 (addressed to Minsterworth!) that “*an enquiry concerning a planning enforcement issue*” had been received and was being investigated.

This was followed up by the Planning Application in question received and validated by TBC on 24 October 2022.

The matter was discussed at the November meeting of the Parish Council. The applicant was not in attendance.

The Parish Council’s concerns go beyond those issues actually covered in the Planning Application. We will firstly set out the history of the site so that our comments can be put into context.

### History of the site:

The Old Vicarage as seen today is largely a product of the Victorian era albeit the Savills sales particulars noted:

*The Old Vicarage is an impressive and versatile period country property originally dating back to around 1700 with later additions from the Victorian era.*

There appears to be no visible evidence of that earlier date. It is also not a Listed Building.

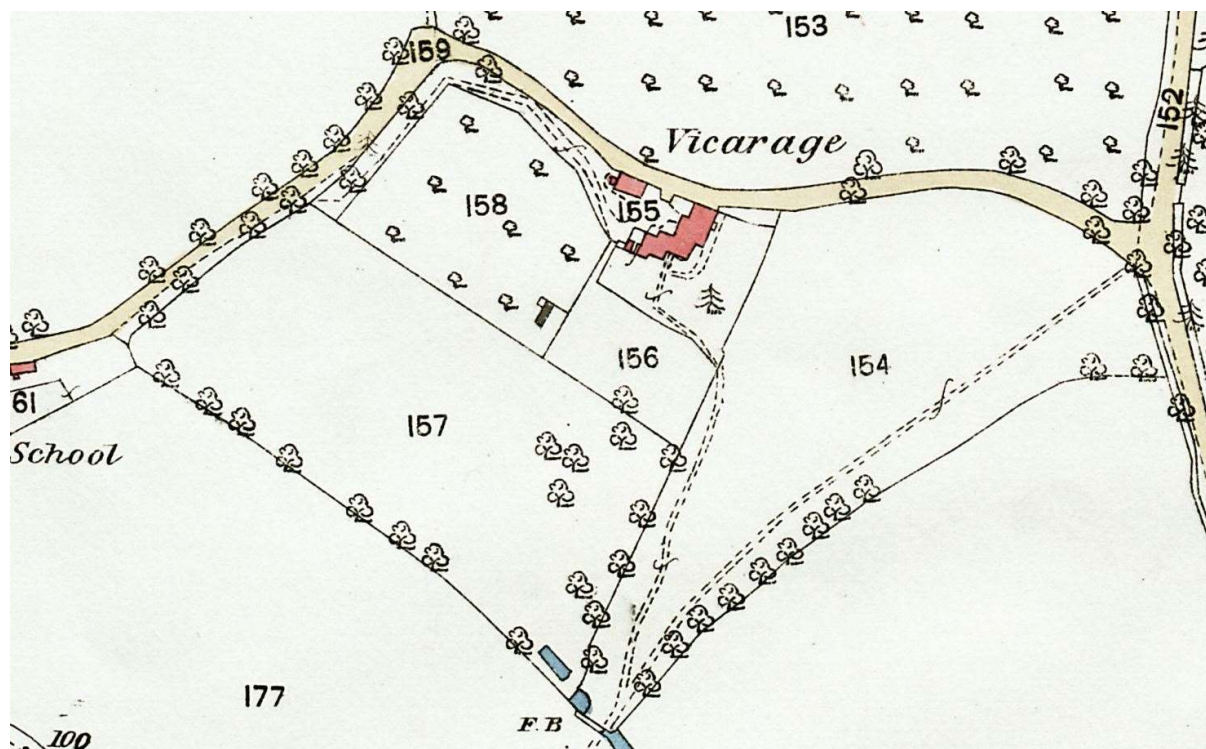
The Parish Council has always seen the property as just The Old Vicarage and that is certainly how it was recently sold – as just one property. We were unaware that the western part of the land was deemed to be agricultural. We note from Land Registry records that the western part is in a different parcel – albeit the boundary between them doesn't follow the land designation boundary – note that the applicant also owns the field to the east, which isn't revealed in the submitted documentation:



Source – Parish Online

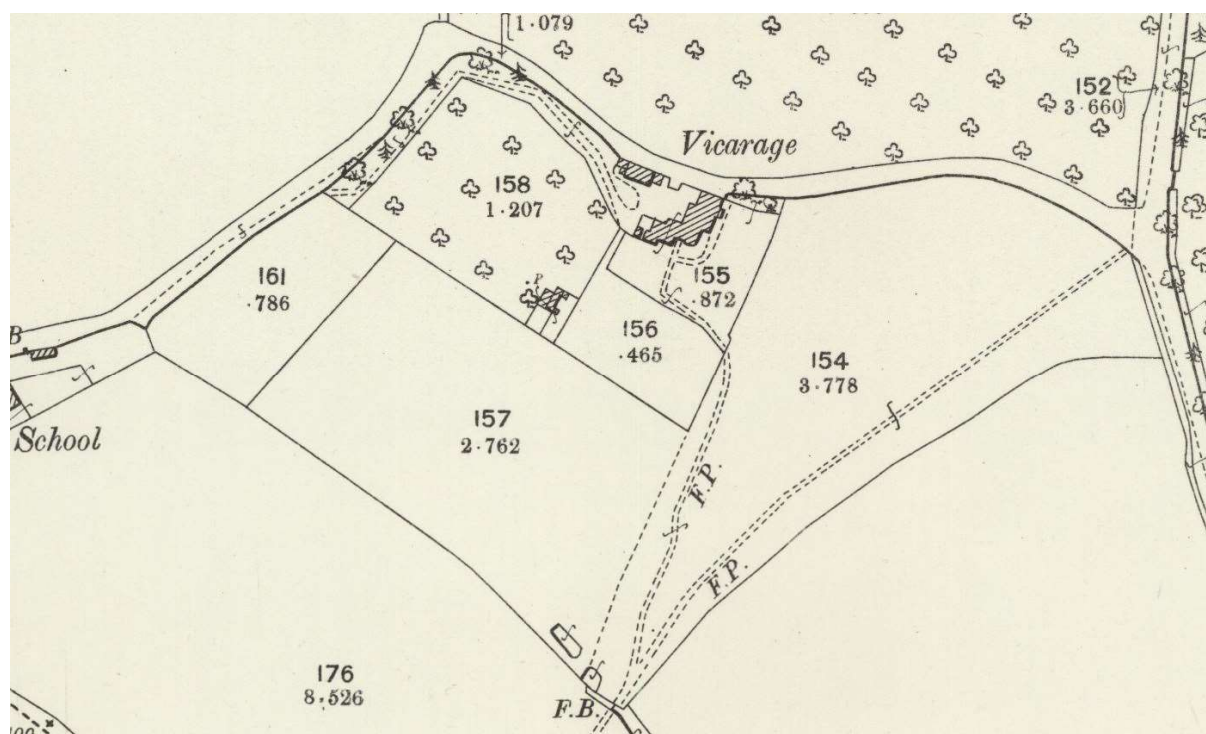
The western part is referred to as an “orchard” by long term Maisemore residents and indeed the older Ordnance maps clearly depict it as such:

1885:



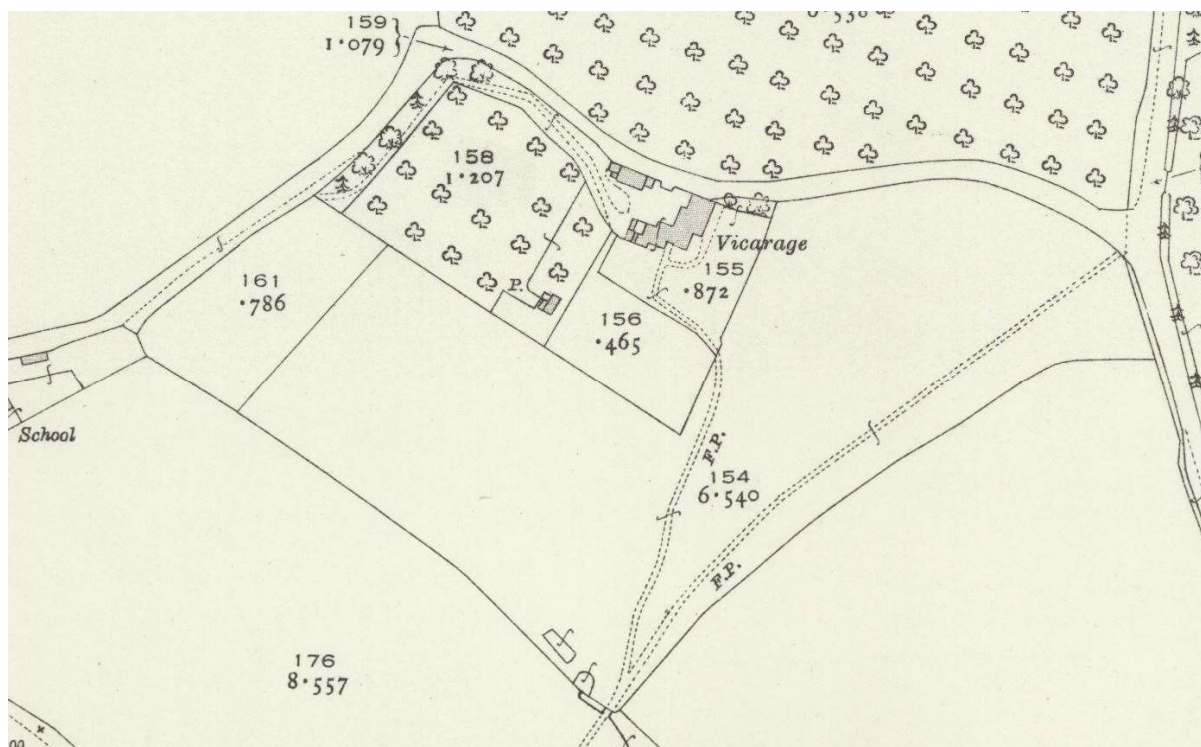
'Reproduced with the permission of the National Library of Scotland'

1903:



'Reproduced with the permission of the National Library of Scotland'

1923:



'Reproduced with the permission of the National Library of Scotland'

The 1947 aerial photo also shows trees in the area concerned:



Source – Parish Online



It is not known when it went out of use as an orchard but it was certainly in much more recent times.

However by 1999 the former fruit-bearing trees had largely been cleared away and some new trees had been planted:



Source – Google

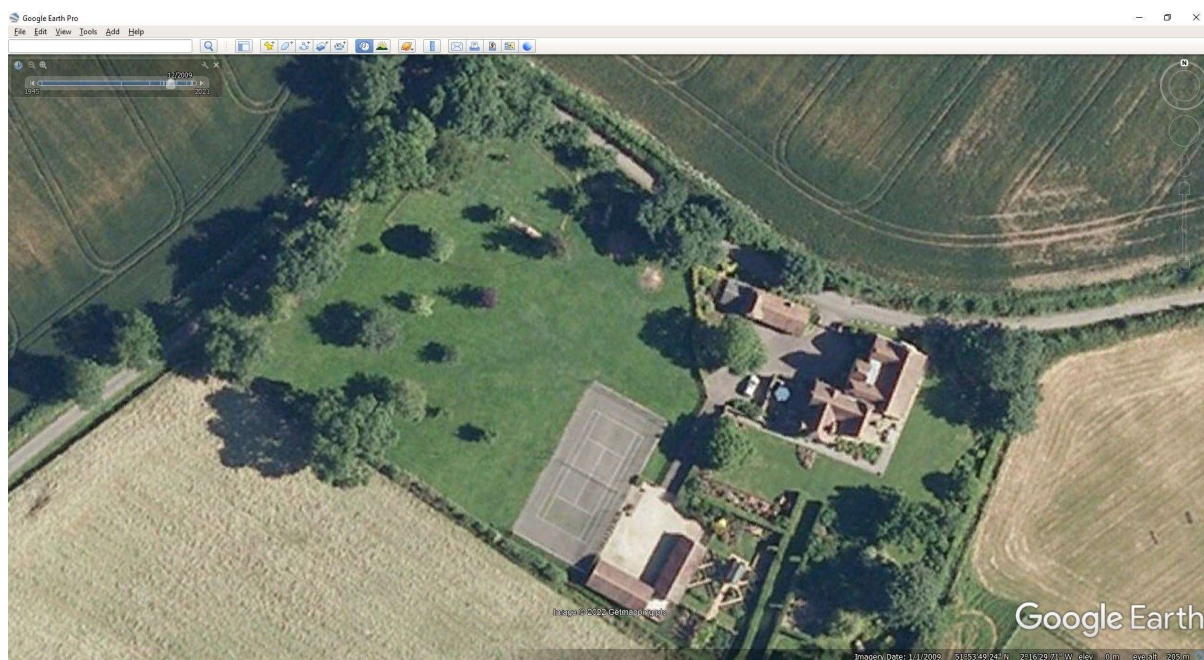
Over the years those trees have grown – here's 2006:



Source – Google

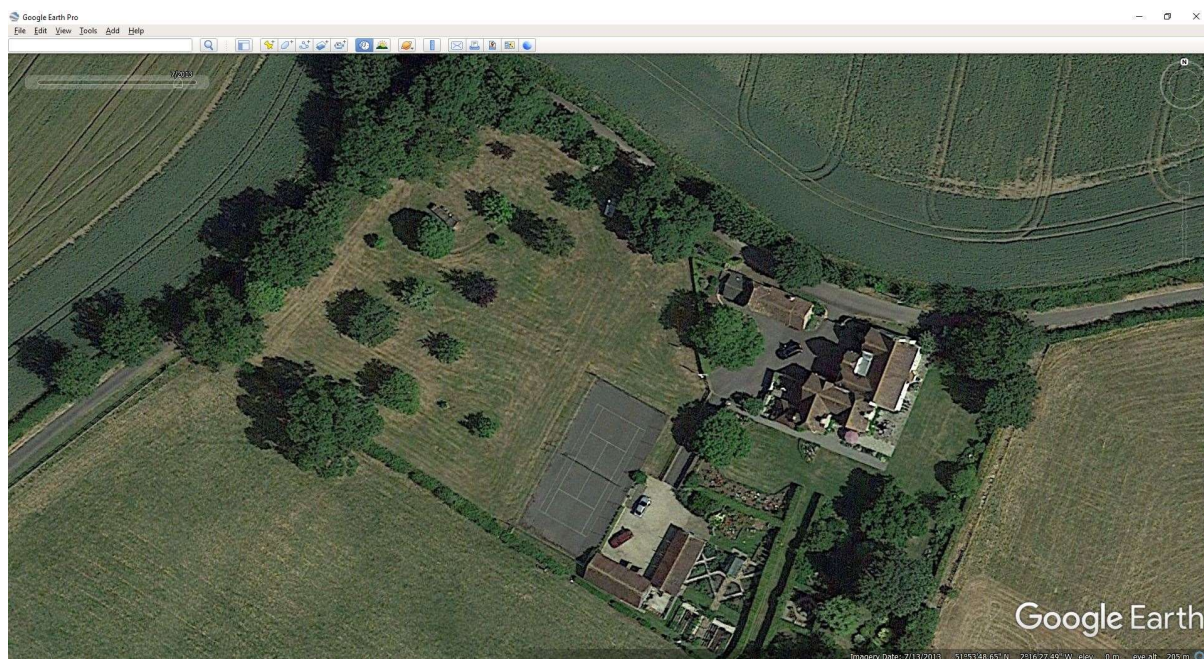


2009:



Source – Google

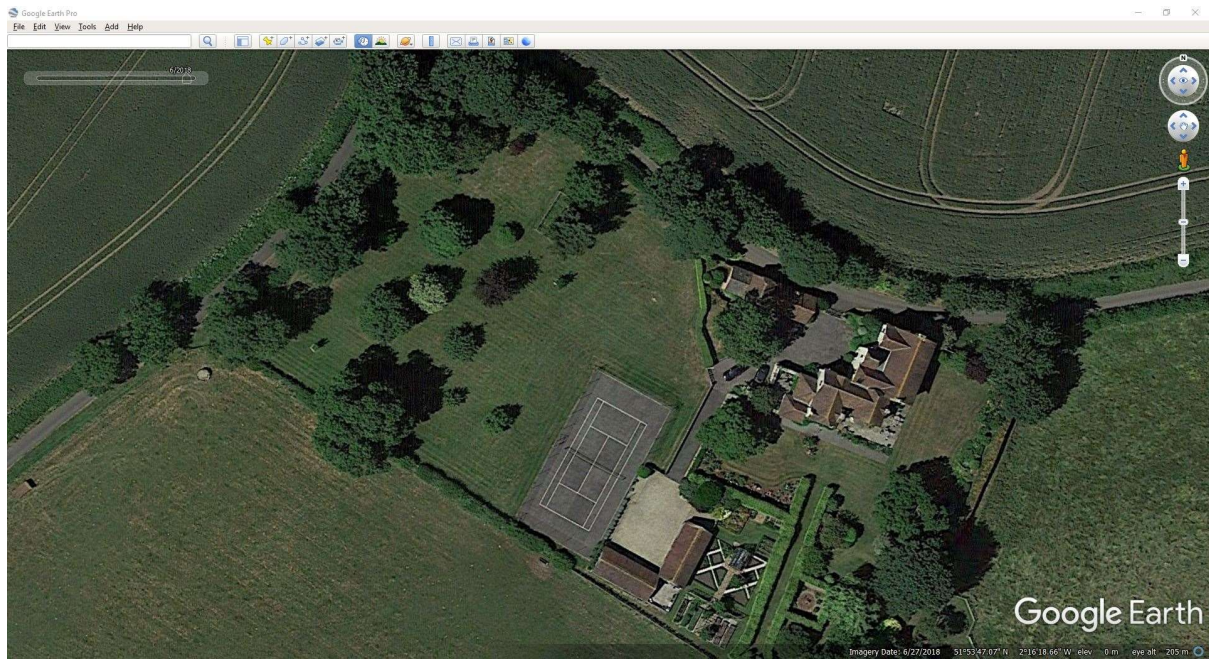
2013:



Source – Google



2018:



Source – Google

In 2019 the property was sold to the present owner.

At that time the sales particulars illustrated the area under investigation as follows:



Source – Savills

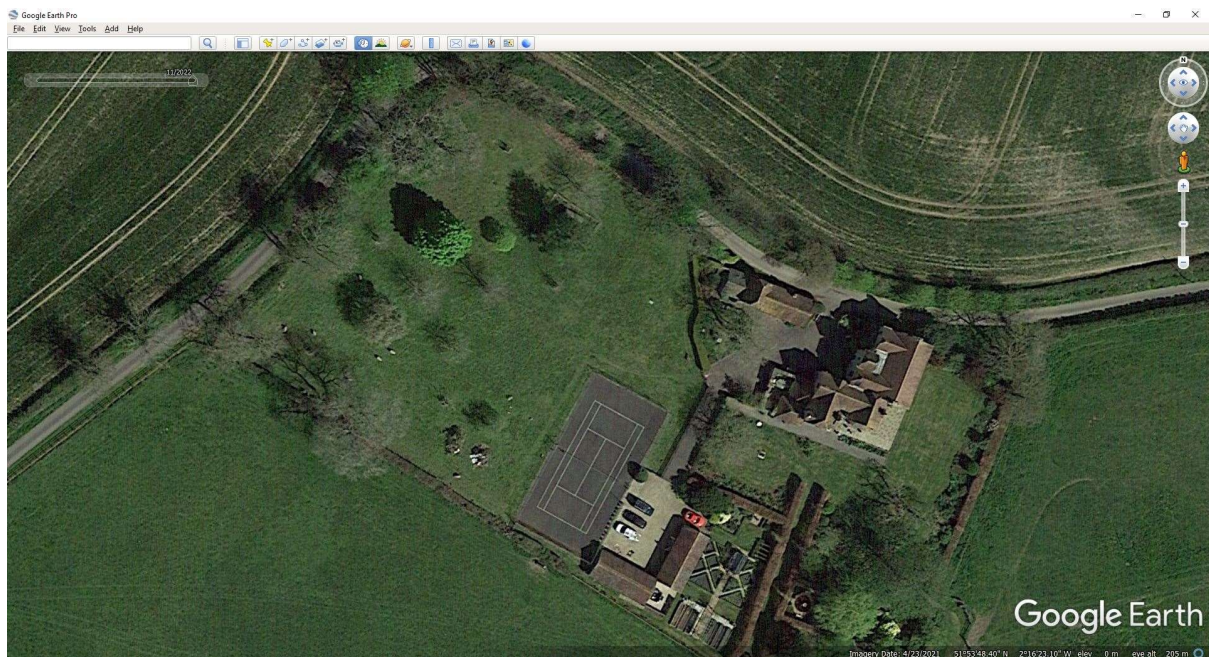




Source – Savills

Note the grounds are showing as close mown and the trees are ornamental in character.

The land remained unaltered for two further years – here is the aerial from 2021:



Source – Google

It was only this summer that large scale works commenced, first chopping down a number of mature trees, particularly along the road boundary, and then more major works involving the new gates, the new access road and removal completely of the roadside hedgerow. There has also been further hedgerow removal to the south east boundary of the property as well as reduction/removal of the hedging on the south eastern side of the formal garden area. These aspects will be illustrated in a later section.

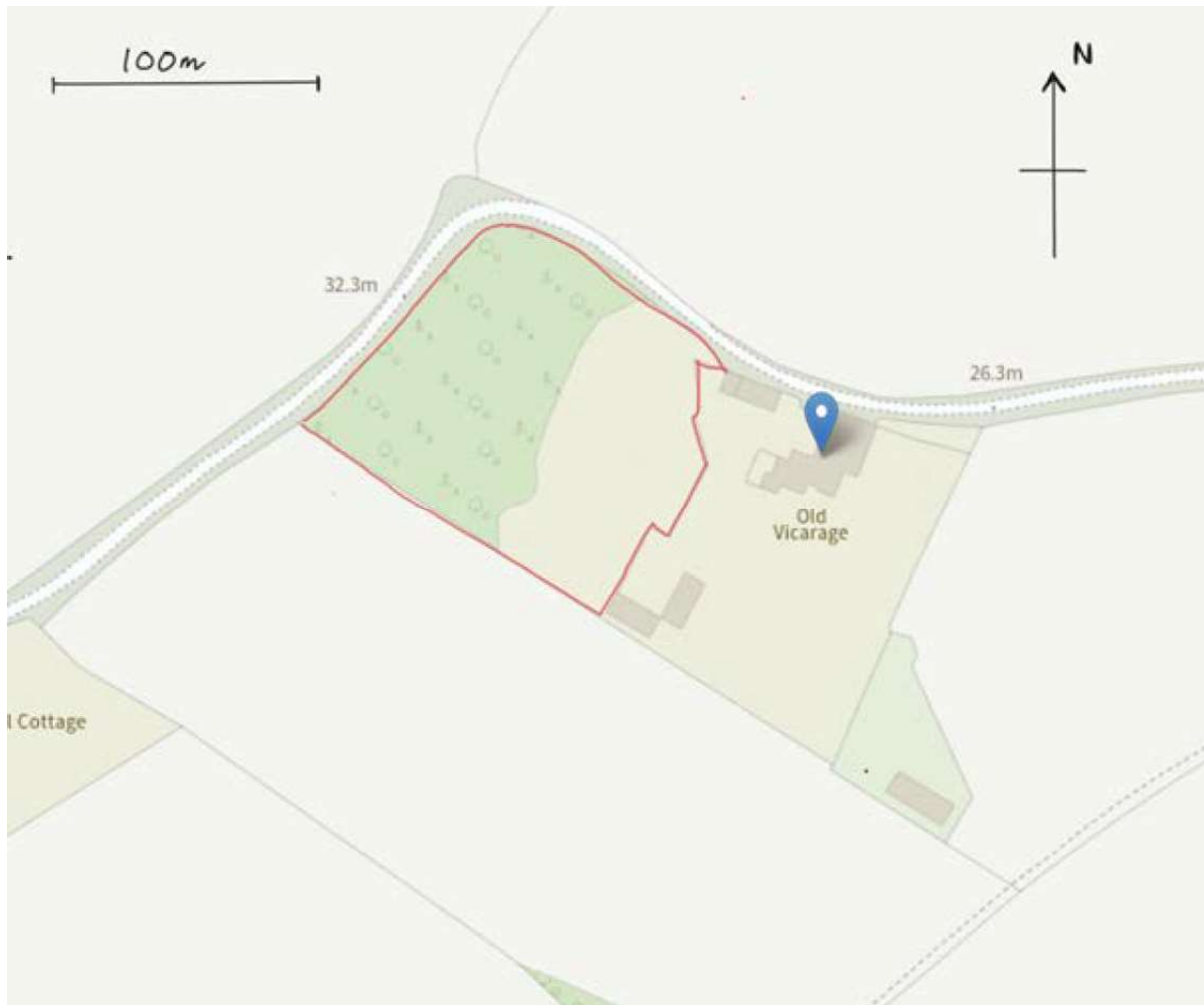


## Response to the Planning Application

The Planning Application has been largely retrospective in nature following the initiation of enforcement action.

The documents as presented are very poorly put together.

The “Location Plan” does not show a blue line around other parts of the site within the applicant’s ownership.



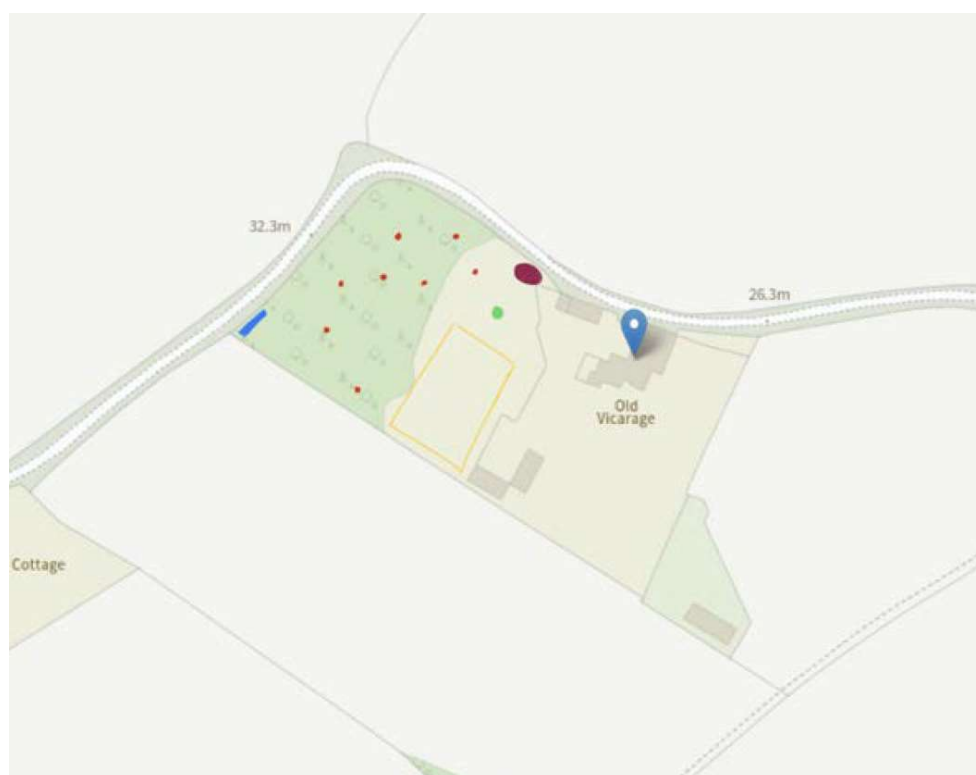
The scale bar shows “100m” – however using Parish Online the Parish Council estimates the length depicted is approximately 66m!

The Application Form notes the area concerned as 800m<sup>2</sup> - however using Parish Online the Parish Council estimates the Red Line Boundary area to be approx. 5473m<sup>2</sup>; a significant discrepancy:



Source – Parish Online

The “Site Plan” isn’t annotated to explain what the various markings are meant to represent:

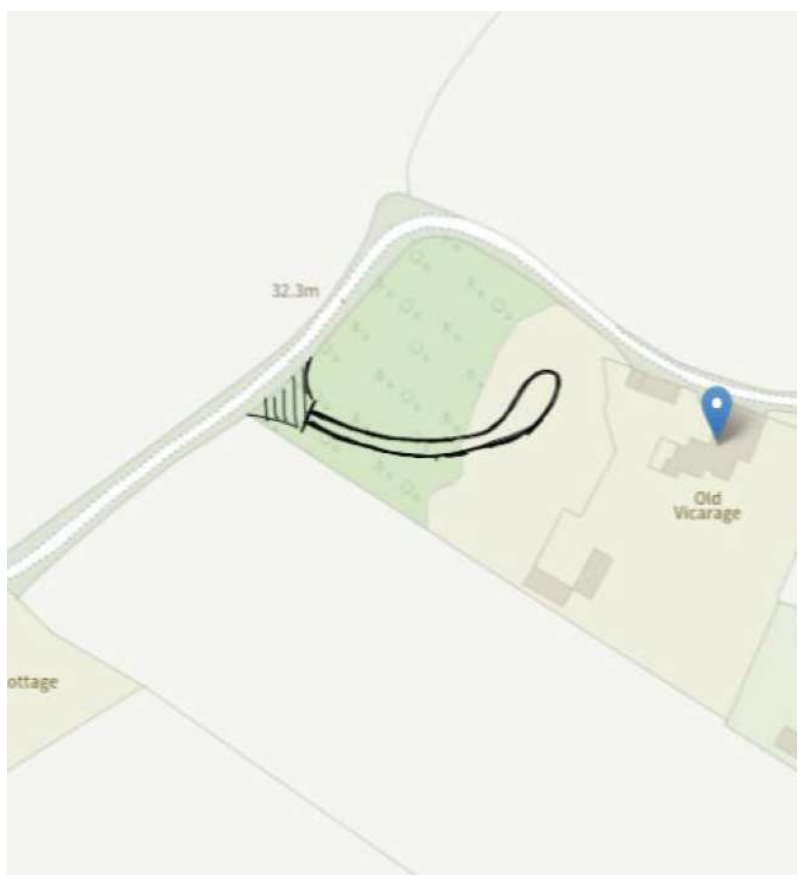


Source – TBC

It also doesn’t have any scale bar or dimensions.



The Proposed Site Plan” is far too simplistic to be a proper representation of the proposals:



Source – TBC

It also doesn't have any scale bar or dimensions – or a north point. It is also not particularly accurate. Compare the recently taken aerial (inverted to roughly correspond):



The only other document is a set of unannotated photographs:

The top photo is a depiction of the original access to the field from the road – it's taken from the August 2010 Google Streetview image. Note the size of the mature tree adjacent which has recently been felled:



Source – TBC

The second photo is standing south of the house looking eastwards toward the corner of the eastern field – it's taken from the Savills document. This photo is irrelevant in respect of the application being considered but does in fact clearly show the hedge on the right that has gone from the south eastern boundary.



Source – TBC



The third photo shows the land in question before any works have been carried out – it's taken from the Savills document:



Source – TBC

There are no details given of the construction of the new access track, nor any details of the new entrance gates and flanking walls – not even any current photographs as might have been expected in a retrospective application.

The applicant's statement on the Application Form is as follows:

*To the north of the property and adjoining the 'garden' is an area of approximately 1 acre [MPC estimates 1.35 areas] which historically was an orchard. It ceased to a working orchard over 20 years ago. This parcel of land in my ownership is bound on the east side by my garden, on the north and west sides by an unregistered road and on the south side by a pasture field.*

*The impression of any visitor is that this parcel is part of the garden ie domestic as opposed to agricultural in use. This includes an initial visit from david ballard, compliance officer at tewkesbury borough council.*

*The reason for this impression is that there is no discernable boundary between the garden and this parcel of land. It has for years been tendered as garden by being mown regularly with [a] domestic mower. It contains only one fruit tree, the rest are a number of mature trees being domesticated, garden trees- including silver birch, turkish oak, english oak, copper beech, spanish chestnut, horse chestnut, ginko, pine, [and a] tulip tree. It contains a number of spring bulbs including hyacinth, daffodil and tulips- with established beds. It contains a number of mature shrubs including magnolia, pyracanthus, rhus typhena, lilac, buddleia etc. It contains a number of domestic structures- the oil tank, tennis court and fencing (built with planning permission in the 1990s) as well as the septic tank for the main house. It contains electric cabling and lighting.*

*There exists to the southwest corner a double-gate for access to the plot, in place for years. The septic tank within this plot needs to be emptied on a regular basis. On the last occasion the tanker could not get into the plot, as soon as it entered it started to sink into mud and the driver refused to go any further. The firm will only return if the access is improved. (i gather that due to environmental law tankers that empty septic tanks which are smaller and shorter wheel-base are being phased out) At risk of an environmental disaster, with contamination of the plot and potentially the local water source, i have arranged for a wider gate in the same place and a permeable track to be laid with turning area into the plot. This work is largely already complete. I was under the impression it would be allowed through GDPR. I have since been informed by mr ballard that planning should be applied for the above works.*

*The reason for the above is that the plot is officially designated as orchard/agricultural - in reality it has been domesticated for over 20 years. I would therefore like to apply for recognition that this plot has changed use from agricultural to domestic. This would allow continuation of above works under GDPR, which are simply sensible and safe. I would point out that the access is onto an infrequently used unregistered road, is not overlooked and i have no immediate neighbours. Use of the new access for domestic purposes would also be more practical and safe than the existing access with poor visibility and tight turning angle. [MPC would note that the Proposed Plan does not presently show the new track connecting with the existing vehicular route around the house and its garages]*

Subject to the corrections noted above, the Parish Council is broadly in agreement with this statement in so far as it relates to the new access road and the principle of the existing entrance being upgraded. Note that the Victorian Ordnance map shows both an access point at the south-east corner and indeed a track leading around to the present location of the septic tank! Like the applicant, the Parish Council had not appreciated that Planning Permission would be required for the works covered by this application thinking they were within the domestic curtilage and hence covered by Permitted Development. However, the Parish Council would like TBC's opinion as to whether the new gateway and its flanking walls do still require Planning Permission even if converted to garden designation.



Other issues of concern to the Parish Council:

The Parish Council and many local residents were horrified to witness the complete destruction of the roadside hedge and its associated trees and bank. Comparison can readily be made between Google Streetview images and the current situation:

These images are taken walking westwards up the lane from by the annex around to the new gateway:



Source – Google







Source – Google







Source – Google







Source – Google







Source – Google







Source – Google





Compare the aerial image before any works were carried out with a current aerial showing the complete change resulting:



Source – Google





This hedgerow and its associated trees were clearly there for a considerable number of years – certainly back until Victorian times and likely much earlier. This destruction has angered many local residents.

Furthermore, the regrading works to the bank would even appear to be on land outside the control of the applicant – here is the Land Registry plan again showing the boundary is clearly the hedge line at the top of the bank:



Looking at this Google image it appears some of the trees were actually located on the bank and thus the applicant has felled trees not even belonging to him! Does he have permission from the land owner (presumably the County Council?) for these works?



Source – Google



As well as the situation on the land covered by this Planning Application, it appears that the applicant has also removed another hedgerow – that on the south eastern boundary of his land. Note the hedgerow on the right-hand side of this Google image:



Source – Google

... and compare with a current aerial view showing it completely grubbed out:



## Conclusions

1. Maisemore Parish Council records “No Objection” to the actual matter covered by the application – i.e. the change in use of the land – albeit it has concerns in other areas regarding the quality of the application and elements which aren’t included.
2. Maisemore Parish Council requests that TBC investigates other recent changes at this site for possible infringement action.
3. Maisemore Parish Council is also concerned that by redesignating the land as “domestic curtilage” it effectively becomes “brownfield” land and could more easily become a housing development, far outside the village envelope. Can a condition be imposed that if granted domestic status, this in no way opens the door for residential development?

Note – unattributed photographs were taken by or on behalf of the Parish Council.