

# **REFUSAL OF PLANNING PERMISSION**

**Applicant:**

Organge PCS Ltd  
St James Court  
Almondsbury Park  
Bradley Stoke  
Bristol  
BS32 4QJ

**Agent:**

Mr Alistair Edwards  
Millhouse  
Elmsfield  
Worcester Road  
Chipping Norton  
Oxfordshire  
OX7 5XS

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Date of Application: 25 November 2009 Application No: DMCE/093025/F Grid Ref:353349.0:241795.0

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**Proposed development:**

**SITE:** land at Lugg Bridge Farm, Lugg Bridge Road, Hereford, HR1 3NB  
**DESCRIPTION:** Erection of 17.3m Mast 3 Antenna 4 Transmission Dishes 6 Cabinets and ancillary development within 10m x 8m fenced compound.

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THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been REFUSED for the carrying out of the development described above for the following reasons:

- 1 The applicants have not satisfactorily demonstrated that there are no more appropriate sites. As such the development is contrary to Policy CF3 of the Herefordshire Unitary Development Plan 2007 and advice contained within Planning Policy Guidance Note 8.
- 2 The proposed mast would adversely impact upon the character and appearance of the landscape including the unregistered Historic Park and Garden contrary to Policies LA2 and LA4 of the Herefordshire Unitary Development Plan 2007.
- 3 The proposed site for the mast falls within an area of safeguarded mineral reserve. The applicants have not satisfactorily demonstrated how the development will not restrict or sterilise the site and its immediate surroundings as a future mineral working. As such the development is contrary to Policy M5 of the Herefordshire Unitary Development Plan 2007.

Planning Services  
PO Box 230,  
Hereford,  
HR1 2ZB



**Date: 20 January 2010**

**Team Leader Central**

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

## **NOTES**

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from the Planning Inspectorate at Tollgate House, Houlton Street, Bristol, BS2 9DJ.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.