

REFUSAL OF PLANNING PERMISSION

Applicant:

Ms Hutchinson
Broken Gate Cottage
Woolhope
Hereford
HR1 4QX

Agent:

Mr Brendan Beal
BGB UK Ltd.
The Old Forge
How Caple
Hereford
HR1 4TE

Date of Application: 3 March 2022

Application No: 220525

Grid Ref:359791:236395

Proposed development:

SITE: Land on the Northern side of the C1297 and the Eastern boundary of Haugh Woods, Woolhope, Hereford, HR1 4QX

DESCRIPTION: Outline permission (all matters reserved except drainage) for the re-erection of a replacement dwelling.

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 site is located in open countryside some distance from the nearest identified settlements at Woolhope and Mordiford and the proposal does not meet any of the exceptional circumstances that would otherwise allow for a new dwelling in such a location. In this regard it is considered that the proposal represents an inherently unsustainable form of development that would be heavily reliant on the use of a car by future occupiers such that it is considered contrary to Policies SS1 and RA3 of the Herefordshire Local Plan Core Strategy, Policy FW11 of the Fownhope Neighbourhood Development Plan and the guiding principles of the National Planning Policy Framework.
- 2 The site lies within the hydrological catchment area of the River Wye Special Area of Conservation (SAC) and it has been identified that the proposed development has the potential, if unmitigated, to have significant effects on water quality, through the transference of phosphates to the SAC. The proposed cesspool is justified by reference to the requirement of Policy SD4 of the Herefordshire Local Plan Core Strategy but it has not been possible to conclude that the scheme would have no likely significant effects upon the integrity of the SAC either alone or in combination. As such the proposal is in conflict with Policies SD3, SD4 and LD2 of the Herefordshire Local Plan - Core Strategy, Conservation of Species and Habitats Regulations 2017, Natural Environment and Rural Communities (NERC) Act 2006 and the guidance set out within the National Planning Policy Framework.

Informatives:

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations by identifying matters of concern with the proposal and determining the application, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development, although this would be in the context of seeking to address technical issues given that the principle has been found unacceptable.

Planning Services
PO Box 4,
Hereford,
HR4 0XH



ANDREW BANKS
DEVELOPMENT MANAGER

Date: 8 December 2023

YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

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, or 12 weeks if the scheme is for that of "household" development using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- 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.

Right to Challenge the Decision of the High Court

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision. Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review (JR).

The decision may be challenged by making an application for judicial review to the High Court. The time limits for bringing such challenges are very strict, and applications need to be made as soon as possible after the issue of the decision notice. So, if you think you may have grounds to challenge a decision by Judicial Review you are advised to seek professional advice as soon as possible.

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000). For further information on judicial review please go to <http://www.justice.gov.uk>

The Council has taken into account environmental information when making this decision. The decision is final unless it is successfully challenged in the Courts. The Council cannot amend or interpret the decision. It may be redetermined by the Council only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

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.