

## LISTED BUILDING CONSENT

**Applicant:**

Mr R Swain  
Stonewater Ltd  
Suite C, Lancaster House, Grange Business Park  
Enderby Road  
Whetstone  
Leicester  
LE6 8EP

**Agent:**

Mr M Davies  
Red Oak Surveying  
Britannia House  
Caerphilly Business Park  
Caerphilly  
CF83 3GG

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Date of Application: 28 September  
2022

Application No: 222920

Grid Ref:329770:256679

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**Proposed development:**

**SITE:** 2 High Street, Kington, Herefordshire, HR5 3AX

**DESCRIPTION:** Proposed removal and replacement of rotten timbers imbedded into external brickwork wall. Removal and replacement of rotten timber floor joists and 2 surrounding door frame and architraves. Hacking off of modern gypsum plastering to lobby area and basement wall and replacing in lime. Investigation works in the form of hacking off of modern gypsum plaster at high level in the basement area in an attempt to find previously blocked up air vents. If feasible, we propose to install natural air ventilation via air bricks or similar. Uplifting and removal of modern concrete floor and dpm to basement and ground floor bathroom. Repairs to timber staircase basement.

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THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Act that LISTED BUILDING CONSENT has been GRANTED for the execution of the works referred to above in accordance with the application and plans submitted to the authority subject to the following conditions:

- 1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent

Reason: Required to be imposed by Section 18 (1) of the Planning (Listed Building & Conservation Areas) Act 1990.

- 2 The development shall be carried out strictly in accordance with the approved plans:
- amended lobby plaster removal,
  - submitted drawings 01,02,03,04, amended ground floor plan submitted 18/10/2022,
  - submitted excel spreadsheet stipulating schedule of works,

except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**Informative:**

- 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,

including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Planning Services  
PO Box 4,  
Hereford,  
HR4 0XH



**ANDREW BANKS**  
**DEVELOPMENT MANAGER**

Date: 6 December 2022

#### YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

**Please note:** This consent refers only to that required under the Planning (Listed Buildings and Conservation Areas) Act 1990 and does not include any consent or approval under any other enactment, byelaw, order or regulation.

#### NOTES

##### Appeals to the Secretary of State

- If you are aggrieved by the decision of the local planning authority to refuse Listed Building Consent or Conservation Area Consent for the proposed works, or to grant consent subject to conditions, you may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) 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, 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.

##### 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 Listed Building Consent or Conservation Area Consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.