

PLANNING PERMISSION

Applicant:

Mr Julian Parry
The Chicken Shed
Ocle Pychard
Herefordshire
HR1 3RE

Date of Application: 11 October 2022

Application No: 222983

Grid Ref:359022:246526

Proposed development:

SITE: Mobile Home at The Chicken Shed, Ocle Pychard, Herefordshire, HR1 3RE
DESCRIPTION: Variation of condition 3 of permission 212753 - Proposed variation of condition 3 of planning permission 200179/O (Variation of condition 3 ref P170609/O (2 detached 4 bedroom houses with detached single storey garages) redesign of the house in plot 2) - change of design of Plot 1 to a modern barn-like 4 bedroom house.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application and plans submitted to the authority subject to the following conditions:

- 1 The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. JP2, JP3 and Application Form dated 27/09/2022) and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 2 Prior to the first occupation, or use, of the dwellings hereby permitted, and at all times thereafter, the en-suite bathroom windows identified in drawing no. JP5a shall be glazed with obscure glass only. The obscured glazing shall be retained in perpetuity. In regard to plot 1, development shall be carried out in accordance with drawing numbers: JP2B, JP3B, JP4B and JP8B, as validated on 16th July 2021.

Reason. To ensure adherence to the approved plans in the interests of public and neighbouring amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies OPG5 and OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

- 3 In regard to the Habitat enhancement scheme, the development shall be carried out in accordance with details dated 25th February 2018 submitted and approved under ref. 180801.

Reason: The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any demolition and/or groundworks are undertaken in order to ensure that diversity is conserved and enhanced in accordance with the requirements of the NERC Act 2006 and Policy LD2 of the Herefordshire Local Plan – Core Strategy, Policy OPG11 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows shall be constructed in the west elevations of the two dwellings and no dormer windows other than those expressly authorised by this permission shall be constructed in the north facing roof slope of plots 1 or 2.

Reason. To ensure adherence to the approved plans in the interests of public and neighbouring amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: Monday-Friday 0700-1800, Saturday 0800-1300 nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy, Policy OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and the National Planning Policy Framework.

- 6 In regard to drainage, the development shall be carried out in accordance with plans and details dated 12th March 2019 submitted and approved under planning ref. 180801.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy, Policy OPG13 of the Ocle Pychard Group Neighbourhood Development Plan and 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, 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.



ANDREW BANKS
DEVELOPMENT MANAGER

Date: 3 March 2023

YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

Notes

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular consent may be required under the Building Regulations.

The applicant is advised that additional Council Tax payments may be sought in the event that the Valuation Office, who routinely monitor decision notices, consider any part of the development hereby permitted to be self-contained. This assessment is particularly likely to be the case in respect of flats, basement conversions, granny annexes, studio rooms and log cabins and/or where the additional accommodation contains its own kitchen, bathroom and bedroom. Further information can be found on the Council's website at <https://www.herefordshire.gov.uk/search?q=annexes>

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.