

REFUSAL OF PLANNING PERMISSION

Applicant:

Mr Nic Cox
The Mill
Chanstone Court Farm
Vowchurch
Herefordshire
HR2 0QE

Agent:

Alice Pearson
Crown & Canopy
Merchants House
Wapping Road
Redcliff, Bristol
BS1 4RW

Date of Application: 23 April 2024

Application No: 240836

Grid Ref:336391:235653

Proposed development:

SITE: Land at Chanstone Court Farm, Vowchurch, Herefordshire, HR2 0QE
DESCRIPTION: The proposal is for the siting of 1 timber-built fully accessible treehouse, which is a cabin built on pile foundations plus associated landscaping and parking. The unit would provide accommodation for 6-8 guests, year-round.

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 application site is located outside of any identified settlement and in the absence of any exceptional circumstances represents unacceptable development in the open countryside, a form of development that is considered to be inherently unsustainable and contrary to the sound spatial strategy of the Herefordshire Local Plan – Core Strategy. As a result, occupants would be unduly reliant upon the private motor vehicle to access basic services and amenities and the proposal does not represent a sustainable pattern of development. It is therefore considered contrary to Policies 3 & 9 of the Vowchurch and District Group Neighbourhood Development Plan, Policies SS1, RA2, RA3 and LD1 of the Herefordshire Local Plan – Core Strategy and the relevant provisions of the National Planning Policy Framework.
- 2 The proposed development by virtue of its inappropriate design and scale, would not create a strong sense of quality place making, associated with the Principal Wooded Hills Landscape Character type identified in the Herefordshire Landscape Character Assessment. The proposal would result in a formalising the landscape character given its residential design approach and become incongruous with its setting. The proposal is hence in conflict with Policy SS1, SS6 and LD1 of the Herefordshire Local Plan Core Strategy and Chapter 15 of the National Planning Policy Framework.
- 3 The site lies within the catchment of the River Lugg Special Area of Conservation (SAC), which comprises part of the River Wye SAC, and triggers the requirement for a Habitat Regulations Assessment. In the absence of sufficient information, the application does not demonstrate a foul water drainage solution which will not result in a likely significant effect on the water quality in the River Wye Special Area of Conservation, contrary to

Policies SS1, SS6, SD3, LD2 and SD4 of the Herefordshire Local Plan Core Strategy, the Conservation of Species and Habitats Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); the Natural Environment and Rural Communities (NERC) Act 2006, the Wildlife & Countryside Act (1981 amended) and the National Planning Policy Framework 2021.

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 by identifying matters of concern with the proposal and determining the application within a timely manner, 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.

Planning Services
PO Box 4,
Hereford,
HR4 0XH



SIMON WITHERS
DEVELOPMENT MANAGER

Date: 25 October 2024

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.