

## DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED (CHANGES OF USE)

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**Applicant:**

Mrs Rachel Farr  
1 Tump Cottages  
Fownhope  
Hereford  
HR1 4NJ

**Agent:**

Mr Andrew Venables  
AV Architecture  
61 Ross Road  
Hereford  
Herefordshire  
HR2 7RJ

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Application code: 160555	Name of Conservation Area:
Date of receipt of application: 23 February 2016	Grid ref: 344601, 227170

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**Proposal:**

**SITE:** Merry View Farm, Orcop, Hereford  
**DESCRIPTION:** Proposal to convert barn into a dwelling

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Determination under Part 3 of Schedule 2

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice that:-

**PRIOR APPROVAL IS REFUSED**, for the following reasons:-

- 1 By virtue of failing to meet the parameters of development deemed permitted by Part 3 Class Q of the General Permitted Development Order for the below reason, the proposed development requires planning permission and cannot be dealt with way of a prior approval application:
  - a. Class Q.(b) only allows for building works that are reasonably necessary to facilitate the conversion of the building. The NPPG expands on this, explaining that development permissible by Class Q is not intended to allow the provision of new structural elements. In proposing the replacement of all external walls, a new roof and significant structural alterations to the building, the application scheme would be tantamount to the provision of a new building rather than work reasonably necessary to convert the building, exceeding the limitations of Class Q.(b).
- 2 Notwithstanding that the proposed development is not permitted development, the applicant has also failed to demonstrate that the scheme would comply with the conditions at Class Q.2 of Part 3 of the General Permitted Development Order, for the following reasons:
  - a. The proposed development gives rise to contaminated land concerns by virtue of its proximity to a slurry bed located immediately to the north of the site. The applicant has provided no proper assessment of this issue; and



- b. The proposed development is proximal to a range of farm buildings giving rise to concern for noise impacts and the desirability of the buildings location particularly in terms of odour and human health. The applicant has provided no proper assessment of this issue.

Planning Services  
PO Box 230  
Hereford  
HR1 2ZB



**Date: 24 March 2016**

**DEVELOPMENT MANAGER**

- Please note the appropriate application forms are available from the website [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk) in the section 'Making a Planning Application'