

P28.

From Mr J F AIREY

TEMPLE 2

The MANOR

HERRINGSWELL

BURY St EDMUNDS

Suffolk, IP28 6WJ

19 January 2015

To

HEREFORD COUNCIL PLANNING SERVICES

PO BOX 230

HEREFORD

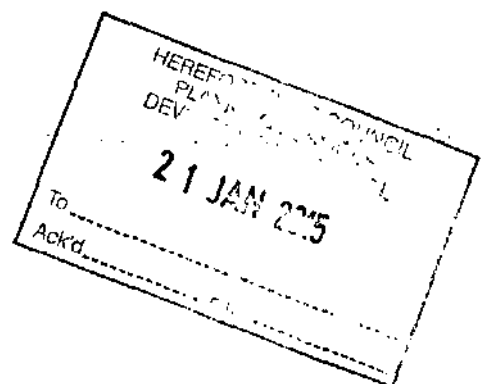
HR1 2ZXB

Dear Sirs

Re PLANNING APPLICATION s 120740F (Walwyn Court, new build)

I attach a copy of the letter which was sent to PLANNING SERVICES over a month ago and to which
REPLY IS REQUESTED URGENTLY.

J F AIREY



From J F St G Airey

Temple 2

The Manor

Herringswell

BURY St EDMUNDS

SUFFOLK

PLANNING SERVICES

IP28 6WJ

Hereford Council

PO BOX 230

HEREFORD

HR1 2ZB

18 December 2014

Dear Sirs

Re: PLANNING APPLICATION S 120740/F

I write concerning PLANNING APPLICATION S120740/F which was submitted on 14.03.2012 and approved on 09.05.2012. This is being done on behalf of the builder, BUILDING TRANSFORMATIONS Ltd, because he has been made aware that the completed building would not be zero rated by HMRC, despite Hereford Council Tax section imposing a separate council tax assessment .

A clause of the above quoted planning approval forbids the separate sale of the new building from the nearest house(Walwyn Court), but nevertheless, a member of the Planning Department independently declared on 27. 03.2014 that "I would like to confirm that the terms of the occupancy condition attached to the permission are designed to stop the sale and unrelated occupation of the barn from Walwyn Court. In my view this would not prevent the sale of the two buildings, being treated as separate entities/transactions, provided there was a single purchaser. "

The new building in question :

Was separately built

Is used as adwelling

Is not used for commercial purposes

Has no link with Walwyn Court

Has its own utilities and services connected

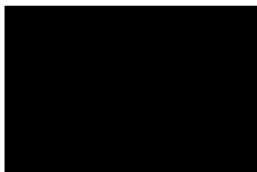
Is assessed separately for Hereford Council Tax

Nevertheless, the planning consents tie the new building to Walwyn Court, and as such give the impression that the building works should not be zero rated for VAT

However a "residence" needs to be free from certain planning restrictions. One of these is the separate sale of the building, but this usually refer to houses that are tied to businesses as part of the planning consents (eg a farm house cannot be sold separately from the farm). There has been no real case in law covering two residences on the same plot .

Furthermore ,within not much more than sixty metres from Walwyn Court, building permissions were given to a development of nine dwellings (WHICH ARE NOW BEING SOLD SEPARATELY) before the planning applications were submitted for the new building on the other side of Walwyn Court. This seems unusual to allow a separate sales policy (governed by presumably the same H7 policy of the Herefordshire Unitary Development Plan) on each side of the same centrally located building. Is it not? Why should some people benefit at the expense of others ?

What is now requested is quite simply a more equitable situation, by means of a retrospective approval for the possibility of a separate sale and usage of the new dwelling Planning Approval given on 09.03.2012 for Planning Application S120740F.



J F St G Airey