

# PLANNING PERMISSION

**Applicant:**

Mr John Nicholls  
Pegs Farm  
Staplow  
Ledbury  
HR8 1NQ

**Agent:**

Mr Phil Plant  
Mid West Planning Ltd  
Offley House  
18 Church Street  
Shifnal  
Shropshire  
TF11 9AA

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Date of Application: 24 June 2022

Application No: 222075

Grid Ref:370264:241164

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**Proposed development:**

**SITE:** Pegs Farm, Hollow Lane, Staplow, Ledbury, HR8 1NQ

**DESCRIPTION:** Proposed change of use of rural buildings to form three separate residential dwellings to be used as holiday accommodation, the erection of an oak framed garage and store and the change of use of a steel portal framed agricultural building to be used for the storage of grounds maintenance equipment and holiday equipment (part retrospective)

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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:

**Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out strictly in accordance with the approved plans, namely:

147.205 Rev S – Proposed Site Plan  
147.270.6 Rev D – Proposed Landscaping Plan  
142.210.7 Rev F – Garages Wing Proposed Plans  
147.220.7 Rev F – Garage Plans  
147.210.8 Rev B – Barn Floor Plan  
147.211.8 Rev A – Barn Existing and Proposed Plans  
147.220.8 Rev B – Barn Elevations and Cross Section  
147.220.6 Rev L – Cotton Barn Elevations  
147.210.6 Rev L – Cotton Barn Floor Plan  
147.210.3 Rev R – Fuggles & Cider Mill Ground Floor Plan  
147.211.3 Rev R – Fuggles & Cider Mill First Floor Plan

147.212.3 Rev P – Fuggles & Cider Mill Roof Plan  
147.220.3 Rev R – Fuggles & Cider Mill South and West Elevations  
147.221.3 Rev P – Fuggles & Cider Mill North and East Elevations  
147.400 Rev A – Fuggles Proposed Roof Details  
147.401 Rev A – Fuggles First Floor Screen Details  
147.402 Rev A – Fuggles Screen Elevations and Sections  
147.403 Rev A – Fuggles Ground Floor Screen Details

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.

- 3 The ecological protection and working methods scheme, including requirement for any relevant protected species license (Bats) from Natural England to be obtained prior to any works commencing on site, as detailed in the bat survey reports by Star Ecology (April 2023, October 2022) and supporting plans and designs for the development submitted by the applicant and approved as part of this planning permission shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Within three months of receiving the protected species license from Natural England, a copy of the issued license and results of any additional supporting survey works completed shall be submitted to, and acknowledged in writing by the planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency

- 4 Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum total of SIX bird nesting boxes (or similar features); TWO insect bricks and ONE Hedgehog Home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

- 5 No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency

- 6 Within three months of the date of this permission all of the external joinery of Fuggles Barn shall be stained black to match its original joinery. The applicant shall provide photographic evidence to the local planning authority upon completion of the works.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

- 7 The Visitor Management Plan for Pegs Farm, Hollow Lane, Wellington Heath, dated June 2022 by Mid-West Planning Ltd shall be strictly adhered to and be reviewed annually and provided to the Local Planning Authority for inspection, upon reasonable request.

Reason: In order to continue to protect and assess the amenity of occupiers of nearby properties so as to comply with Policy SD1 of the Herefordshire Local Plan Core Strategy, Policy WH6 of the Wellington Heath Neighbourhood Development Plan and the National Planning Policy Framework.

- 8 In relation to the holiday accommodation use hereby approved, no person or group of persons shall occupy the accommodation for more than 28 days consecutive days at a time and no same person or group of persons shall occupy the accommodation for more than 156 days in any one calendar year. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation and of their main home address (i.e. place of residence) and shall make this information available at all reasonable times to the Local Planning Authority, upon request.

Reason: In order to continue to protect and assess the amenity of occupiers of nearby properties so as to comply with Policy SD1 of the Herefordshire Local Plan Core Strategy, Policy WH6 of the Wellington Heath Neighbourhood Development Plan and the National Planning Policy Framework.

- 9 The buildings that are the subject of this application shall be used for residential, short term guest and holiday accommodation only and for no other purpose including any other purpose within use Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, unless otherwise agreed in writing with the local planning authority.

Reason: Having regard to Policy SD1 of the Herefordshire Local Plan – Core Strategy; Policy WH6 of the Wellington Heath Neighbourhood Development Plan and the National Planning Policy Framework, the local planning authority feel this condition is necessary due to the relationship and close proximity of the building to the property known as Goldings Barn, Hollow Lane, Staplow and Bark Holme, Hollow Lane, Staplow, in order to safeguard residential amenity and to avoid introducing competing

adjoining land uses.

### **Additional Information:**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Herefordshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

**Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.**

#### *Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.*

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:

#### **4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:**

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

#### **4.2 Development below the de minimis threshold, meaning development which:**

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

## **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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 3 This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team

are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

- 4 It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.

Planning Services  
PO Box 4  
Hereford  
HR4 0XH



Date: 24<sup>th</sup> October 2024

**KELLY GIBBONS**  
**SERVICE MANAGER DEVELOPMENT MANAGEMENT**

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.