

PLANNING PERMISSION

Applicant:

Mrs Hannah Day
Once Upon a Time
Dragon Orchard
Putley
Ledbury
Herefordshire
HR8 2RG

Agent:

Date of Application: 29 April 2010

Application No: DMNE/100629/F

Grid Ref: 365210:238057

Proposed development:

| | |
|---------------------|---|
| SITE: | The Dragon Orchard, Putley, Herefordshire, HR8 2RG |
| DESCRIPTION: | Proposed erection of temporary building for class A1 usage |

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 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 hereby approved shall be carried out strictly in accordance with the approved plans 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 DR1 of the Herefordshire Unitary Development Plan.

- 3 The use hereby permitted shall not be open to customers outside the hours of Wednesday to Friday 10.00 - 15.00, and Saturday 10.00 to 16.00, and Sunday and Bank Holidays 10.00 - 15.00.

Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

- 4 The approved temporary building and the holding known as Dragon Orchard, Putley, HR8 2RG shall not be sold separately from each other.

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy (specify) of the Herefordshire Unitary Development Plan.

- 5 The premises shall be used for Class A1 retail, limited to food products grown and processed at Once Upon a Tree, Dragon Orchard, Putley, Ledbury, HR8-2RG and food products grown, or grown and processed within Herefordshire limited to not more than 20% of the total of on site sales and for no other purpose (including any other purpose in Class A1 of the Schedule to 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.

Reason: To limit and control the A1 retail sales of the site so to protect established retail areas and prevent uncontrolled A1 retail use in an unsustainable open countryside location, in accordance with PPS4: Planning for Sustainable Growth, and Herefordshire Unitary Development Plan Policies S1, DR2, TCR1, TCR2, E12 and TCR17.

The distance is set at 4 miles to protect the retail function of Ledbury, and further afield, the retail provision available at Bishops Cleeve.

- 6 This permission shall expire on three years from the date of this decision notice, after which the use hereby approved shall permanently cease.

Reason: To enable the local planning authority to give further consideration to the acceptability of the proposed use after the temporary period has expired and to comply with Policies S1, DR2, E12, TCR17, TCR1 of the Herefordshire Unitary Development Plan.

Informatives:

- 1 The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

DR1 - Design
DR2 - Land Use and Activity
DR3 - Movement
E12 - Farm Diversification
TCR17 - Farm Shops

In reaching this decision the local planning authority was mindful of the particular circumstances of the case, namely the extent to which the development complied with policy and the way in which local issues of character and appearance of the open countryside, impact on established retail facilities, amenity and highway safety were addressed.

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (tel: 01432 261563).

- 2 For the avoidance of any doubt the plans for the development hereby approved are as follows:-

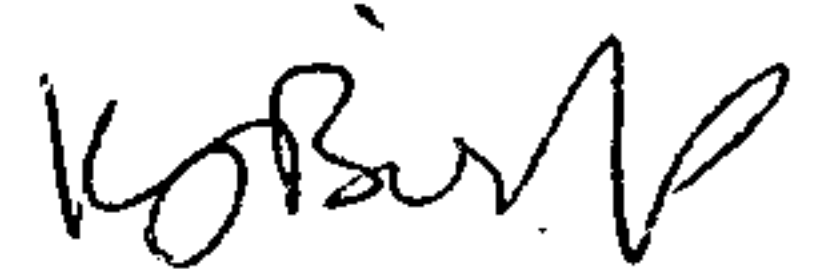
Dragon Orchard, PS Mastermap scale 1:1250 received 22 April 2010
Dragon Orchard, OS Mastermap scale 1:500 received 22 April 2010

Proposed shop building scale 1:100 received 22 April 2020 stamped 'Application Valid' 29 April 2010

Proposed shop building - east/west elevation scale 1:100 received 22 April 2010, stamped 'Application Valid' 29 April 2010

Proposed shop building - north/south elevation scale 1:100 received 22 April 2010, stamped 'Application Valid' 29 April 2010

Planning Services
PO Box 230,
Hereford,
HR1 2ZB



Date: 15 June 2010

TEAM LEADER

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

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.

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, 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.

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.