

Town and Country Planning Act 1990
Planning and Compensation Act 1991

PLANNING PERMISSION

Applicant:

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Date of Application: 27 June 2011

Application No: DMN/111697/F

Grid Ref: 336082:251821

Proposed development:

SITE: Glynfield Barn, Woonton, Hereford, Herefordshire, HR3 6QR

DESCRIPTION: To convert existing outbuilding/garage to office space. Create carport to provide parking for two vehicles.

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 shall be carried out strictly in accordance with the approved plans (drawing number 04, elevation plan - drawing number 05, elevations plan - drawing number 06 (all date stamped Herefordshire Council 27 June 2011)), 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 DR1 of the Herefordshire Unitary Development Plan.

- 3 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

- 4 The office use hereby approved shall be for domestic use only in relationship to occupants of the adjacent dwelling known as Glynfield Barn.

Reason: In consideration of the rural location of the site and to comply with Policies S1 and DR2 of the Herefordshire Unitary Development Plan.

- 5 The car port hereby approved shall be retained in its open form and not enclosed with doors in perpetuity.

Reason: In consideration of the rural character of the site and its previous agricultural use and character and to comply with Policies DR1 and HBA12 of the Herefordshire Unitary Development Plan.

- 6 No development shall take place until a scheme of hedge planting alongside the roadside frontage of the application site has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall prescribe that at least 5 species of native woody shrubs shall be planted within each hedge and it shall include details of the species, sizes and density of planting. All hedge planting shall be carried out in accordance with those details.

The hedges shall be maintained for a period of 5 years. During this time, any shrubs that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

- 7 The recommendations set out in the ecologist's report (survey date 16/08/2011) must be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority. The mitigation and enhancement measures shall be implemented prior to first use of the building.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work if works to the garage take place between May and September inclusive.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan and to comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 8 Unless otherwise agreed in writing with the local planning authority the 'hayrack' located inside the building will be retained in situation in perpetuity.

Reason: In the consideration of the historic interest and to comply with criteria of Policy HBA8 of the Herefordshire Unitary Development Plan.

- 9 Before work commences, details of the finishes to be used for all external joinery, timber, plaster and masonry surfaces shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority beforehand and shall not thereafter be changed without further written approval.

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

Informatives:

- 1 All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

intentionally kill, injure or take any wild bird

intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being

intentionally take or destroy the egg of any wild bird

intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural England and the Council's Ecologist.

- 2 It is an offence for any person to:

intentionally kill, injure or take any bats

intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation (Natural Habitats &c) Regulations 1994 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural England.

If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural England (01905 763355) and the Council's Ecologist. You can also call the Herefordshire Bat helpline on 0870 833 9210

- 3 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:

S1 - Sustainable Development

DR1 - Design

DR2 - Land Use and Activity
H7 - Housing in the Countryside Outside Settlements
HBA12 - Re-use of Rural Buildings
HBA13 - Re-use of Rural Buildings for Residential Purposes
LA2 - Landscape Character and Areas Least Resilient to Change
NC1 - Biodiversity and Development

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 historic importance, 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 Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford. HR1 2BB (tel: 01432 261563).

Planning Services
PO Box 230
Hereford
HR1 2ZB

KORNO

Date: 22 August 2011

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.