

# REFUSAL OF PLANNING PERMISSION

**Applicant:**

Mr L Hancock  
1 Old Dry Arch Cottage  
Marstow  
Ross-On-Wye  
HR9 6EQ

**Agent:**

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Date of Application: 13 August 2019

Application No: 182995

Grid Ref:355345:218862

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**Proposed development:**

**SITE:** 1 Old Dry Arch Cottage, Marstow, Ross-On-Wye, HR9 6EQ  
**DESCRIPTION:** Proposed single storey building for dog breeding.

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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 REFUSED for the carrying out of the development described above for the following reasons:

- 1 The proposal is supported by inadequate and insufficient information to enable adequate assessment. The area is a designated landscape and has a high level of protection regarding its character and appearance and further to this, the site adjoins residential properties. With no details or relevant supporting assessments or evidence of appropriate mitigation it is considered that the proposal would be likely to have a potentially unacceptable and significant harmful impact on –

- the character and amenity of the Wye Valley Area of Outstanding Natural Beauty
- highway safety
- the residential amenity of surrounding properties
- the River Wye Site of Special Scientific Interest and Special
- Area of Conservation and wider environment in terms of the lack of details regarding waste and effluent discharges

As such the proposal is contrary to Herefordshire Core Strategy policies SS1 – Presumption in favour of sustainable development, SS4 – Movement and transportation, SS5 – Employment provision, SS6 – Environmental quality and local distinctiveness, OS1 – Requirement for open space, sport and recreation facilities OS2 – Meeting open space, sport and recreation needs, RA6 – Rural economy, MT1 – Traffic management, highway safety and promoting active travel, LD1 – Landscape and townscape, LD2 – Biodiversity and geodiversity, LD3 – Green infrastructure, LD4 – Historic environment and heritage assets, SD1 – Sustainable design and energy efficiency SD3 – Sustainable water management and water resources and SD4 – Wastewater treatment and river water quality, the Wye Valley AONB Management Plan and the relevant aims and objectives of the current National Planning Policy Framework.

**Informative**

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, including any representations that have been received. It has subsequently determined to refuse planning permission in accordance with the policies of the adopted local plan and National Planning Policy Framework. On the basis of the issues identified and requirements to overcome these, it would not be possible to resolve these easily and determination has been made.

Planning Services  
PO Box 4  
Hereford  
HR4 0XH

Date: 16 October 2018



**ANDREW BANKS**  
**DEVELOPMENT MANAGER**

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

## NOTES

### 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.

### 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.