

REFUSAL OF PLANNING PERMISSION

Applicant:

Miss Karen Harris
Losito Stud
Whitchurch
Ross-on-Wye
HR9 6EG

Agent:

Date of Application: 16 June 2014

Application No: P141669/O

Grid Ref: 355609:218651

Proposed development:

SITE: Losito Stud, Whitchurch, Ross-on-Wye, HR9 6EG

DESCRIPTION: Outline planning all matters reserved for a main residential house at Losito stud

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:

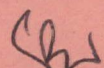
- 1 The proposal, in the opinion of the Local Planning Authority, represents unjustified isolated and sporadic new residential development in the open countryside that would be harmful to the character and appearance of the landscape that hereabouts is designated as an Area of Outstanding Natural Beauty contrary to Policies H7, S7, and LA1 of the Herefordshire Unitary Development Plan 2007 together with the Central Government advice contained within the National Planning Policy Framework (NPPF).
- 2 The introduction of a further dwellinghouse in this location would harm the character and appearance of the landscape which hereabouts is designated as an Area of Outstanding Natural Beauty contrary to Policies S7 and LA1 of the Herefordshire Unitary Development Plan 2007 together with the Central Government advice contained within the National Planning Policy Framework (NPPF).
- 3 The location of the proposed development in excess of 1200 metres from the centre of Whitchurch village together the lack of a continuous, surface and lit footpath is such that the propensity to walk would be very low. As such, it is considered that the proposed development would be contrary to Policies S1, S2, S6, DR2 and T6 of the Herefordshire Unitary Development Plan 2007 and the Central Government advice contained within the National Planning Policy Framework (NPPF).
- 4 The submitted application fails to appropriately address the issues of land contamination and stability (i.e. construction on landfill / made ground). As such, the proposal is considered to be contrary to Policies S2 and DR10 of the Herefordshire Unitary Development Plan 2007.

- 5 The future occupiers of the proposed dwellinghouse would not enjoy a satisfactory level of amenity by virtue of the absence or lack of a sufficient private garden space, a lack of privacy and general noise and disturbance arising from the neighbouring equestrian relates use, contrary to Policies S2, DR2 and H13 of the Herefordshire Unitary Development Plan 2007.

Informative:

- 1 The application was submitted without the applicant seeking the pre- application advice of the Local Planning Authority via the service provided. 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 by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal.

Planning Services
PO Box 230
Hereford
HR1 2ZB


DEVELOPMENT MANAGER

Date: 12 August 2014

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

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>

PQE



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.