

PLANNING PERMISSION

Applicant:

Mr Robert Richards
Wye Stud Farm
Dinedor
Hereford
HR2 6PE

Agent:

Mr Stephen Vaughan
Leada Architectural Ltd
The Heathers
74 Ross Road
Hereford
Herefordshire
HR2 7RL

Date of Application: 12 December 2023

Application No: 233655

Grid Ref:352673:235897

Proposed development:

SITE: Land at Wye Stud Farm, Hollow Farm Road, Dinedor, HR2 6PE
DESCRIPTION: Proposed Stud Manager's dwelling.

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 (drawing nos. 461 09 2 C; 462 09 2 b; 461 02 b; 461 01 B) 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 SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3 Prior to the first use of the dwelling hereby approved, the existing mobile home (marked “temporary chalet dwelling” on the approved site plan) at Wye Stud Farm shall be permanently removed from the site and any other land under the applicant’s control.

Reason: For the avoidance of doubt and to ensure compliance with the exception for new rural worker dwellings in the open countryside pursuant to Policies RA3 and RA4 of the Herefordshire Local Plan – Core Strategy.

- 4 Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 3 cars, which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority. That area shall not thereafter be used for any other purpose than the parking/turning of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5 Prior to the occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the dwelling shall be submitted to the local planning authority for its written approval. The cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of the dwelling. Thereafter, these facilities shall be maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6 All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 7 Prior to the first occupation of the development hereby permitted, written evidence/certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water Efficiency Standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed shall be submitted to and approved in writing by the local planning authority. Thereafter, those water conservation and efficiency measures shall be retained for the lifetime of the development.

Reason: In order to ensure that water conservation and efficiency measures are secured, in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy.

- 8 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, AA, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality and to maintain control over uncontrolled extensions to the property in light of the essential need which has justified the dwelling having regard to Policies RA4, LD1 and SD1 of the

- 9 The occupation of the stud manager's dwelling hereby permitted shall be limited to a person(s) solely working on the land edged in red and blue on the approved plans, in connection with the equine business known as Wye Stud Farm (or any successor enterprise thereto), and to any dependants occupying it with them.

Reason: It would be contrary to Policies RA3 and RA4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework to grant planning permission for a dwelling in this location, except to meet the expressed functional needs of this rural enterprise

- 10 The stud manager's dwelling hereby permitted shall not be sold, leased or let separately from the land edged in red and blue (or the buildings on the land) as detailed on the approved plans listed under condition 2 of this planning permission.

Reason: The dwelling subject to this planning permission has been granted solely on the basis of the functional need and requirements associated with the land and buildings referenced within the condition, having regard to Policies SS1, RA3, RA4 and RA6 of Herefordshire Local Plan - Core Strategy and the requirements of the National Planning Policy Framework.

- 11 Unless otherwise approved in writing by the local planning authority, all foul water created by the development approved by this permission shall discharge through connection to the existing package treatment plant, as outlined in the foul drainage strategy document by H+H Drainage dated 4th June 2023.

Reason: In order to comply with the Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006, and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

- 12 Unless otherwise approved in writing by the local planning authority, all surface water shall discharge to the watercourse after passing through an attenuation basin, as outlined in the surface water drainage strategy document by H+H Drainage dated 6th July 2023.

Reason: In order to comply with the Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3

- 13 The ecological protection, mitigation, compensation and working methods scheme including Biodiversity Enhancement measures as recommended in the Preliminary Ecological Appraisal Report by Cotswold Wildlife Surveys dated March 2023 and detailed in drawing no. 461-02 Rev. B by Leada Architectural Ltd shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority (and Natural England, as relevant to the protected species licence).

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017, National Planning Policy Framework, NERC Act 2006, and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

- 14 At no time shall any external lighting, except low power (under 5 Watt), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwelling be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of the local planning authority.

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), Wildlife & Countryside Act 1981; National Planning Policy Framework, NERC Act 2006, and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

- 15 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00am - 6.00pm, Saturday 8.00am -1.00pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "Higher Status Protected Species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

Planning Services
PO Box 4
Hereford
HR4 0XH



**SIMON WITHERS
DEVELOPMENT MANAGER**

Date: 19 March 2024

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.