

PLANNING PERMISSION

Applicant:

Mr D Blackler
Old Rectory
Acton Beauchamp
Worcester
WR6 5AG

Agent:

Mr Leonard Vidler
Linton Design
5a Old Road
Bromyard
Herefordshire
HR7 4BQ

Date of Application: 12 August 2013

Application No:132215/FH

Grid Ref: 367249:249179

Proposed development:

SITE: Orchard End, Bishops Frome, Worcester, WR6 5AU

DESCRIPTION: Demolition of garage and carport and erection of a new detached garage with utility room and workshop.

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 and the National Planning Policy Framework.

- 2 The development shall be carried out strictly in accordance with the approved plans (drawing nos. 1705-1, 03 and 04), 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 and the National Planning Policy Framework.

- 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 and setting of the main dwellinghouse so as to ensure that the development complies with the requirements of Policies DR1 and HBA4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 4 All rainwater goods shall be cast metal.

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest and setting of the main dwellinghouse and to comply with the requirements of Policies DR1 and HBA4 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 5 All windows and doors shall be timber.

Reason: To ensure that the work is carried out in accordance with details that are appropriate for safeguarding the architectural or historic interest and setting of the main dwellinghouse and to comply with the requirements of Policies DR1 and HBA4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 6 Notwithstanding the approved details included in the application, additional drawings and specifications in respect of the following matters shall be submitted to the local planning authority before the commencement of any works hereby approved. The works to which they relate shall subsequently only be carried out in accordance with the approved details and completed prior to the first use of the development hereby permitted:

- (a) Joinery details and finish for all windows and doors including frames.
- (b) Details of the new paving.
- (c) Height and materials of new fencing/walling and stairs/steps.

Reason : To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest and setting of the main dwellinghouse and to comply with the requirements of Policies DR1 and HBA4 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 7 The garage building hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of the Herefordshire Unitary Development Plan 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. Pre-planning application advice was given to the applicant. The Local Planning Authority has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development a set out in the National Planning Policy Framework.

- 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 the Conservation of Habitats and Species Regulations 2010 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 (0300 060 6000) and the Council's Ecologist. Advice is also available from the Bat Conservation Trust Helpline on 0845 1300 228.

Planning Services
PO Box 230
Hereford
HR1 2ZB



Date: 11 October 2013

DEVELOPMENT MANAGER

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.

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.