

LISTED BUILDING CONSENT

Applicant:

Mr Ralph Hussey
Tan House
Lyonshall
Herefordshire
HR5 3JP

Agent:

Mr David Walters
Building Surveyor
27 Elizabeth Road
Kington
Herefordshire
HR5 3DB

Date of Application: 16 April 2018

Application No: 181219

Grid Ref:333774:255381

Proposed development:**SITE:**

Tan House, Lyonshall, Kington, HR5 3JP

DESCRIPTION:

Proposed demolition of the existing kitchen, and erection of a larger kitchen extension.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Act that LISTED BUILDING CONSENT has been GRANTED for the execution of the works referred to above in accordance with the application and plans submitted to the authority subject to the following conditions:

- 1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plan 837-3 and amended Plans 837-2R received 24 May 2018.

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
- 3 The materials to be used in the construction of the roof of the extension hereby permitted shall match those used in the existing building.

Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
- 4 Before work commences in respect of any of the features identified in this condition, architectural details of windows and doors (and their openings) at a minimum scale of 1:5 for general arrangements and 1:1 for joinery sections such as glazing bars shall be submitted to the local planning authority for written approval. The work shall subsequently only be carried out in accordance with details which have been approved in writing by the local planning authority beforehand.

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 of the building and to comply with the requirements of Policy LD4 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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 The windows and single door in the north-west elevation should be durable timber, the French doors in the south-west elevation can be timber or aluminium. All the profiles of the new openings should be flush, not storm-proof. The openings can be fitted with slim double glazing units, but the glazing must meet the bars – stuck on bars would not be acceptable.

Planning Services
PO Box 4
Hereford
HR4 0XH



KEVIN BISHOP

LEAD DEVELOPMENT MANAGER

Date: 10 July 2018

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

Please note: This consent refers only to that required under the Planning (Listed Buildings and Conservation Areas) Act 1990 and does not include any consent or approval under any other enactment, byelaw, order or regulation.

NOTES

Appeals to the Secretary of State

- If you are aggrieved by the decision of the local planning authority to refuse Listed Building Consent or Conservation Area Consent for the proposed works, or to grant consent subject to conditions, you may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) 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.

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 Listed Building Consent or Conservation Area Consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.