

Herefordshire Council

STATEMENT OF CASE

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78

By

Mr R W Page of PageSwinford Partnership on behalf of Mr & Mrs B Wynne against the decision of the County of Herefordshire District Council - Refusal of Prior Approval for Prior notification for a proposed change of use of part of an agricultural building to a registered children's day nursery. (Class S)at Former poultry unit on land at Upper Buskwood Farm, Hope-under-Dinmore, Herefordshire, .

Grid Reference:	349872, 251486
Planning Inspectorate Reference:	APP/W1850/A/W/17/3181231
Local Planning Authority Reference:	163901
Date of Statement of Case:	12 January 2018

1. Grounds of Appeal

This appeal is as stated by the appellants' agents is a conjoined one with application for flexible uses (use classes A1, A2 and B1) (LPA reference 163900 – APP/W1850/W/17/3181217) This is given that the two uses will share the same building and therefore given that the ground of refusal relates to the access to this relatively remote site in open countryside

The crux of this appeal relates to the suitability or otherwise of the road network to safely absorb the additional traffic generated, which will it is considered not be local to the parish, utilising the unclassified roads that links the A49(T) and this hill top location. Traffic generated by both proposed uses of this former poultry unit will need to negotiate narrow roads with parked vehicles at the northern end of the route i.e closer to the trunk road and to the main population centre of the parish around Cherrybrook and after passing under the railway bridge a highway with limited opportunities for passing in two directions on a road with a steep gradient before turning right and westwards to Upper Buskwood Farm..

The former uses of the building as stated and other operations are not considered to have sufficient relevance to the terms of this particular application Notwithstanding, the fact that there is a shop nearby in the same ownership. The new use will generate more lighter vehicles than would be associated with earlier uses and generating traffic movements over narrower time frames which would result in vehicles passing at a number of points along the route of vehicles heading from and to the A49(T) that are not conducive to highway safety.

The issue relating to the timing of the Traffic Manager's response is noted, however the planning department were well aware of the stance of the Traffic Manager

The Inspector is therefore respectfully requested to support the Council's decision to refuse consent and, for the above reasons to **DISMISS** this appeal.