

PLANNING PERMISSION

Applicant:

Mr & Mrs Andrew & Annabelle Pearson
Priory Farm
Stoke Prior
Leominster
Herefordshire
HR6 0ND

Agent:

Mr Garry Thomas
Ring House Farm
Fownhope
Hereford
Herefordshire
HR1 4PJ

Date of Application: 20 October 2023

Application No: 233094

Grid Ref: 352293:256764

Proposed development:

SITE: Priory Farm, Stoke Prior, Leominster, HR6 0ND

DESCRIPTION: The construction and retention of a rural worker's dwelling, seminar room and a range of eight stables with ancillary tack and hay store.

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:

STANDARD CONDITIONS

- 1 The development hereby approved shall be carried out in strict accordance with the approved plans listed in the below schedule, except where otherwise stipulated by conditions attached to this permission.
 - Location Plan 256(0)001
 - Block / Floor Plan 256(0)002
 - Proposed Plan 256(0)103
 - Proposed Ground Floor – Timber Stables 256(0)1000000005 • Elevations Proposed – Stables 256(0)106
 - Elevations Proposed – Groom's Studio / Seminar Room 256(0)107

Reason: To define the terms of the permission and to ensure a satisfactory form of development in accordance with Policies SD1, RA3, RA4, LD1 and LD2 of the Herefordshire Local Plan – Core Strategy, the Humber, Ford and Stoke Prior Neighbourhood Development Plan and the National Planning Policy Framework.

CONDITIONS THAT REQUIRE DISCHARGE DURING THE CONSTRUCTION / PRIOR TO THE OCCUPATION / FIRST USE OF THE DEVELOPMENT

- 2 Prior to the first use of the stables hereby approved, a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but may not be limited to the following:

- A plan identifying all existing trees and hedgerows on site, specifying those to be retained and measures for their protection during construction;
- Details of all proposed soft landscaping, including species,
- stock size, planting numbers, spacing and planting densities;
- Details of proposed hard landscaping, including all surface treatments for yards (materials, colours, finishes);
- Full details of all boundary treatments, including type, height, materials and finishes (fences, walls, gates, hedging).
- The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: To safeguard and enhance the character and appearance of the area, to ensure appropriate site treatment and to ensure compliance with Policies LD1 and LD2 of the Herefordshire Local Plan – Core Strategy, the Humber, Ford and Stoke Prior Neighbourhood Development Plan and the National Planning Policy Framework.

- 3 Prior to the first occupation of the dwelling hereby approved, written confirmation shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwelling has been constructed to achieve a water consumption rate of no more than 110 litres per person per day.

The measures to achieve this standard shall thereafter be retained for the lifetime of the development.

Reason: To ensure the dwelling achieves water efficiency standards in the interests of sustainable development, in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4 Within three months of the date of this permission, evidence shall be submitted to the Local Planning Authority of the installation of permanent bat roosting, bird nesting, hedgehog homes, and pollinating insect breeding enhancements, either within the site boundary or on other land under the control of the applicant. The approved enhancements shall be maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority. All tree and shrub planting shall consist solely of locally characteristic, native species that are resilient to climate change and pest/pathogen threats.

Reason: To enhance biodiversity in accordance with Policy LD2 of the Herefordshire Local Plan – Core Strategy, the Humber, Ford and Stoke Prior Neighbourhood Development Plan and the National Planning Policy Framework.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

- 5 All hard and soft landscape works shall be carried out in accordance with the approved details in the first available planting season following first use of the stables. Any trees, hedgerows or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

All boundary treatments and hard surfacing shall be completed prior to first use of the stables and thereafter retained and maintained in perpetuity.

Reason: To ensure the implementation and long-term maintenance of the approved landscape scheme, in accordance with Policies LD1 and LD2 of the Herefordshire Local Plan – Core Strategy, the Humber, Ford and Stoke Prior Neighbourhood

- 6 Surface water from the development shall be managed through a Sustainable Drainage System (SuDS) relying on infiltration techniques, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure proper drainage of the site in accordance with Policies SD3 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 7 The foul water from the development shall discharge to the existing private drainage system (septic tank and drainage field) as detailed within the Foul Drainage Strategy for the single dwelling and equine centre at Priory Farm, prepared by Townsend Water Engineer Ltd.

Reason: To ensure a satisfactory means of foul drainage and to protect the water environment, in accordance with Policies SD3 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 8 The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed, in the equine business at Priory Farm, Stoke Prior, Leominster, Herefordshire, or a widow or widower of such a person, or to any resident dependants.

Reason: To ensure the dwelling remains available to meet the essential needs of the rural enterprise, in accordance with Core Strategy Policy RA4 and Paragraph 84 of the National Planning Policy Framework.

Additional Information:

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Herefordshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

Informatives:

- 1 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), with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Badgers and other wildlife 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 is advised that further advice from a local professional ecology consultant is obtained.
- 2 The applicant is reminded that the foul water drainage system for the dwelling is to be managed via the existing septic tank and drainage field, as detailed in the Foul Drainage Strategy submitted with the application. It is the applicant’s responsibility to ensure that the system is maintained in accordance with the relevant regulations, including those set out in the Building Regulations.
- 3 The applicant is reminded that they must comply with all relevant animal welfare legislation regarding the care, accommodation, and management of horses and other animals kept on-site. The planning permission does not override any animal welfare requirements under separate regulations.

Planning Services
PO Box 4
Hereford
HR4 0XH



ANDREW BANKS
DEVELOPMENT MANAGER

Date: 29 April 2025

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.