

REFUSAL OF PLANNING PERMISSION

Applicant:

Mrs S Godsall
The Mill
Bromyard
Herefordshire
HR7 4RG

Agent:

Mr Thomas William Bayliss
Brightwells Limited
The Mews
19-21 King Street
Hereford
HR4 9BX

Date of Application: 1 March 2019

Application No:
184176

Grid Ref:361504:250844

Proposed development:

SITE: The Mill Farm, Little Cowarne, Herefordshire,
DESCRIPTION: Change of use - Proposed change of use agricultural land to house two temporary mobile homes for holiday let accommodation

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been REFUSED for the carrying out of the development described above for the following reasons:

- 1 The proposed change of use of the land, by virtue of its layout and siting, would not create a strong sense of quality place making, associated with the Timbered Plateau Farmlands Landscape Character type identified in the Herefordshire Landscape Character Assessment which would result in formalising the landscape character and become incongruous with its setting, resulting to significant landscape harm which would not be outweighed by the minor benefits of the proposal, particularly when experienced from prominent public vantage points, including public right of way footpaths SL5 and LC6. The proposal is hence in conflict with Policies SS1, SS6 and LD1 of the Herefordshire Local Plan Core Strategy and Chapter 15 of the National Planning Policy Framework.
- 2 The proposal has failed to adequately demonstrate that the local highway network can absorb the impacts of the development without adversely affecting the safe and efficient flow of traffic, particularly in terms of ensuring that safe entrance and exit can be achieved onto Woodend Lane and ensuring the proposal can safely accommodate additional traffic movements that would be generated. The internal layout of the site is also such that insufficient parking and manoeuvring space would be able to support the proposed development. The proposal is hence in conflict with Policies MT1 and RA6 of the Herefordshire Local Plan Core Strategy, and Chapter 9 of the National Planning Policy Framework.
- 3 In the absence of a heritage statement which describes the significance of heritage assets affected, the proposal would result in less than substantial harm to the setting of The Folly, a Grade II Listed Building, which is not outweighed by the public benefits of the development proposal. The proposal does not conserve or enhance the setting of

the designated heritage asset and impacts on the public's ability to experience the heritage from surrounding vantage points. The proposal fails to accord with paragraph 189 and 196 of the National Planning Policy Framework and Policy LD4 of the Herefordshire Local Plan Core Strategy.

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 by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

Planning Services
PO Box 4,
Hereford,
HR4 0XH



ANDREW BANKS
DEVELOPMENT MANAGER

Date: 20 May 2019

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

NOTES

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.