

REFUSAL OF PLANNING PERMISSION

Applicant:

Mr Mark Green
Ditton Farm
St Owens Cross
Ross on Wye
Herefordshire
HR2 8LL

Agent:

Mr Antony Aspbury
Unit 20
Park Lane Business Centre
Park Lane, Basford
Nottingham
NG6 0DW

Date of Application: 23 November 2017

Application No: 173774

Grid Ref:353986:223221

Proposed development:

SITE: Biddlestone Farm, Llangarron, Ross-On-Wye, HR9 6NT

DESCRIPTION: To erect up to 28 hectares of fixed (i.e. non-rotating) 'Spanish' polytunnels over arable (soft fruit) crops.

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 Based on the information submitted to date and the uncertainty surroundings the other required associated development the impacts of the polytunnels on the landscape character cannot be fully considered. This submission has not demonstrated that the development as a whole will not harm the visual amenity and landscape character, not just from the proposed polytunnels but the associated necessary developments, or that this harm can be successfully mitigated through managed landscape works, whilst also protecting and enhancing the existing green infrastructure. The proposal has not provided or incorporated a landscaping scheme which ensures that the development integrates appropriately into its surroundings. The application is therefore contrary to section 15 of the National Planning Policy Framework and policies SS6 and LD1 of the Herefordshire Local Plan – Core Strategy 2015.
- 2 The application has failed to demonstrate that the proposed development complies with the environmental quality objectives of policies LD1, LD2 and LD3 of the Herefordshire Local Plan Core Strategy 2015 by demonstrating that the polytunnels can be incorporated in the landscape without undue harm to the existing green infrastructure corridors. The application has not provided evidence that the proposal will conserve, restore and enhance existing biodiversity features on the site, as well the connectivity with the wider ecological network. Therefore the application is considered contrary to section 15 of the National Planning Policy Framework 2019, Policy SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan Core Strategy 2015
- 3 The application has not provided sufficient information and/ or certainty to demonstrate that the development proposed will not have any adverse impact or harm the integrity of the River Wye Special Area of Conservation (SAC) and Sites of Special Scientific Interests (SSSI).

The application has not sufficiently demonstrated with any degree of certainty that significant harm to biodiversity resulting from the development will not occur through the proposed water management and drainage system and that any harm can be adequately mitigated against or compensated for. Therefore, the proposal has failed to demonstrate that there will not be any material harm to the biodiversity interests in the surrounding area as a result of the development and is therefore contrary to policy SS1, SS6, LD2 and SD4 of the Herefordshire Local Plan Core Strategy, paragraphs 174- 177 of the National Planning Policy Framework 2019 and provisions of the Conservation of Species and Habitats Regulations 2017 (amended).

- 4 The application has failed to provided sufficient information and as a consequence, certainty to demonstrate that the development will include measures for sustainable water management, in connection with both surface and foul water which will reduce flood risk; avoid any adverse impact on water quality; protect and enhance groundwater resources and provide opportunities to enhance biodiversity. The application has not provided any information which demonstrate that risks identified to the wider environment through the proposed development, can be appropriately controlled and mitigated. Therefore the application is considered contrary to section 14 of the National Planning Policy Framework 2019, Policy SS6, SS7 SD3 and SD4 of the Herefordshire Local Plan Core Strategy 2015.
- 5 In sufficient information has been submitted with the application which demonstrates that the proposed development can be served by a safe and suitable access from the adjoining highway which is designed and laid out to achieve safe entrance and exit into the application site and which does not have an adverse impact on highway safety and the efficient flow of traffic on the network. The proposal therefore fails to comply with the requirements of policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2015 and the requirements of the National Planning Policy Framework.

Planning Services
PO Box 4,
Hereford,
HR4 0XH



KELLY GIBBONS
DEVELOPMENT MANAGER

Date: 18 June 2021

YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

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.