

# **PLANNING PERMISSION**

**Applicant:**

Mr & Mrs Fennessy  
The Rock  
Lugwardine  
Hereford  
HR1 4AW

**Agent:**

Mr Daniel Forrest  
D A Forrest  
Court Cottage  
Bartestree  
Hereford  
HR1 4DA

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Date of Application: 11 September 2018

Application No:  
183040

Grid Ref:355133:240913

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**Proposed development:**

**SITE:** The Rock, Lugwardine, Hereford, HR1 4AW  
**DESCRIPTION:** Proposed garage block.

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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:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (JLF3 (Site location Plan thereon only), JLF1.B & JLF2.B) received by the local planning authority.

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 With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies SD1 and LD4 of the Herefordshire Local Plan – Core Strategy, policies BL2 and BL7 of the Bartestree with Lugwardine Neighbourhood Development Plan and the National Planning Policy Framework.

- 4 Before work commences in relation to their installation details, including trade details, of the rooflights to be used and the way they are to be fitted into the roof shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with the details to be agreed beforehand in writing by the local planning authority of the size, design, appearance and method of insertion of the rooflights.

Reason: To ensure that the rooflights are of an appropriate form and minimise the potential disruption to the appearance and continuity of the roof in the interests of the safeguarding the character and appearance of the Conservation Area and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy, policy BL7 of the Bartestree with Lugwardine Neighbourhood Development Plan and the National Planning Policy Framework.

- 5 The garage and store hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwellinghouse (known as The Rock) as such and not for the carrying out of any trade or business.

Reason: To ensure that the garage and store is used only for the purposes ancillary to the dwelling in the interests of safeguarding the amenities of local residents and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 6 Prior to any work, including groundworks, temporary protective fencing must be erected around the tree marked on the approved site plan (JLF2.B) and must be at least 1.25 metres high and erected to encompass the whole of its Root Protection Area. The fencing shall be retained in situ until the completion of external construction of the approved garage. No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Area of the tree without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The commencement of development in advance of these measures may cause irreparable damage to features of acknowledged amenity value.

- 7 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00am - 6.00pm, Saturday 8.00am -1.00pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Informative:

- 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.

Planning Services  
PO Box 4,  
Hereford,  
HR4 0XH



**KEVIN BISHOP**  
**LEAD DEVELOPMENT MANAGER**

Date: 18 March 2019

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

### **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.