

PLANNING PERMISSION

Applicant:

The Governors of Whitchurch VA School
Whitchurch
Ross-on-Wye
HR9 6DA

Agent:

YMD Boon Ltd
York House
Ferne Road
Market Harborough
Leicestershire
LE16 7PH

Date of Application: 14 November 2012

Application No: S123152/F

Grid Ref: 355223:217578

Proposed development:

SITE: Whitchurch VA School, Whitchurch, Ross-on-Wye, HR9 6DA
DESCRIPTION: Proposed mobile classroom with canopy

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 This permission shall expire on 31 January 2018, after which the use hereby approved shall permanently cease.

Reason: To enable the local planning authority to give further consideration to the acceptability of the proposed use after the temporary period has expired and to comply with Policy CF1 of the Herefordshire Unitary Development Plan.

- 2 The development shall be carried out strictly in accordance with the approved plans (drawing nos. J1935-30F and J1935-51A), except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

Reason for Approval:

- 1 It was considered that the mobile classroom is sensitively sited in close proximity to the existing school complex. The siting for this structure would also not result in the loss of playing field or of car-parking area. The structure will only be visible from the north west across the flood plain, the view of which will be ameliorated by existing trees and the backdrop of the larger school buildings. The raised floor level of the mobile classroom will assist in reducing flood risk, as confirmed by the Environment Agency. Therefore, the proposal accords with Policies DR1, DR7, CF5 and LA1 of Herefordshire Unitary Development plan together with Chapters 10 and 11 of the National Planning Policy Framework.

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, including any representations received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 The Environment Agency recommends that the school signs onto the Floodline Warnings Direct Service to ensure that children, employees and visitors can be evacuated in the event of a severe flood event on the River Wye.

Planning Services
PO Box 230
Hereford
HR1 2ZB


DEVELOPMENT MANAGER

Date: 7 January 2013

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.

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, 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>

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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.