

PLANNING PERMISSION

Applicant:

Mr P Selby
Yew Tree Cottage
Michaelchurch Escley
Hereford
Herefordshire
HR2 0JW

Agent:

Date of application: 24th February 2009

Application code: **DCSW2009/0259/F**

Grid ref: 31940,33594

Proposed development:

SITE: Yew Tree Cottage, Michaelchurch Escley, Herefordshire, HR2 0JW

DESCRIPTION: Change of use from agricultural to domestic use of a field to a garden to include the barn - retrospective

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 windows on the south elevation of the barn shall be finished with a dark matt finish which shall first be approved in writing by the local planning authority. The windows shall be finished in accordance with the approved details within two months of the date of this permission.

Reason: In the interests of visual amenity so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

2. The barn and the dwelling known as Yew Tree Cottage shall not be sold separately from each other.

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy H7 of Herefordshire Unitary Development Plan.

3. Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E, F, G and H of Part 1 and of Schedule 2, shall be carried out.

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.

Informatives:

1. For the avoidance of any doubt the plans for the development hereby approved are as follows:-

Plans date stamped 12th and 24th February 2009.

2. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

S1 - Sustainable Development

DR2 - Land Use and Activity

H7 - Housing in the Countryside Outside Settlements

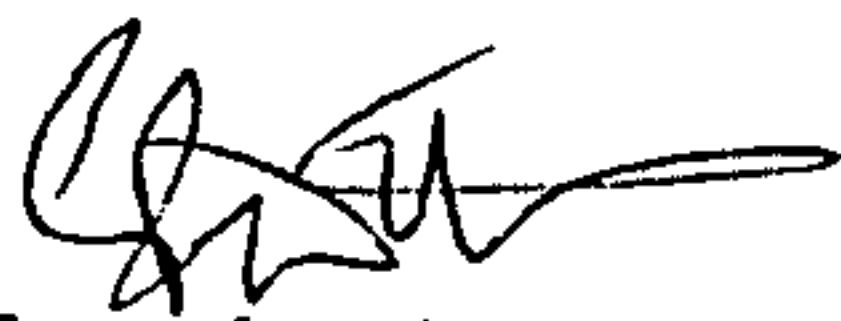
E15 - Protection of Greenfield Land

In reaching this decision the local planning authority was mindful of the particular circumstances of the case, namely the extent to which the development complied with policy and the way in which local issues of amenity and highway safety were addressed.

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (tel: 01432 261563).

Southern Planning Services
PO Box 230
Hereford
HR1 2ZB

Decision Date: 16th April 2009



Team Leader – South

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 the Council's decision. Both the date of the decision and the date of the application are clearly shown on the front of this notice. Forms are available from the Planning Inspectorate at Room 3/08B Kite Wing, 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.

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.