

REFUSAL OF PLANNING PERMISSION

Applicant:

Mr Nigel Wilkes
Kentrev Nursery
Llangrove
Herefordshire
HR9 6EZ

Agent:

Mr Stuart Leaver
Powells Chartered Surveyors
Singleton Court Business Park
Wonastow Road
Monmouth
NP25 5JA

Date of Application: 4 May 2020

Application No: 201219

Grid Ref:352631:219430

Proposed development:

SITE: Land at Kentrev Nursery, Llangrove, Herefordshire, HR9 6EZ
DESCRIPTION: Demolition of commercial greenhouses and construction of two residential dwellings along with associated infrastructure.

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 application site is accessed from the Public Right of Way known as Church Lane. The width of the lane and lack of passing places is such that two way vehicle movements are not possible, this is compounded by the length of lane which increases the likelihood that vehicles will need to reverse onto the U71224, passing an entrance to the school, to accommodate traffic travelling south on Church Lane. The junction with the U71224 has restricted visibility as a result of the historic Church wall and school fencing. As such the addition of a further two dwellings on the site and the associated vehicle movements poses an unacceptable impact upon highway safety contrary to Policy MT1 of the Herefordshire Local Plan Core Strategy and Paragraphs 108 and 109 of the National Planning Policy Framework.
- 2 The application is lacking sufficient details for the proposed surface water drainage strategy for the dwelling and as the Local Planning Authority is unable to conclude that the development would not have an adverse effect on the integrity of the River Wye Special Area of Conservation and is therefore unacceptable, having regard to the Conservation of Species and Habitats Regulations 2017 and Policies LD2, SD3 and SD4 of the Herefordshire Local Plan Core Strategy, the Natural Environment and Rural Communities (NERC) Act 2006 and the guidance set out at Paragraphs 174-177 of 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 and identifying matters of concern with the proposal and discussing those with the applicant where expedient. However, the principal issue is so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reasons for the refusal, approval has not been possible.

Planning Services
PO Box 4,
Hereford,
HR4 0XH



SIMON WITHERS
DEVELOPMENT MANAGER

Date: 8 July 2020

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.