

OUTLINE PLANNING PERMISSION

Applicant:

Mr & Mrs M J, S R & P A Snell
C/o Agent

Agent:

Mr Simon Snell
Eglosderry
Merrymeeting
Gwennap
Redruth Cornwall
TR16 6BL

Date of Application: 23 January 2013

Application No:130191/O

Grid Ref:360215:226823.

Proposed development:

SITE: Land adjacent Harwell, Brampton Abbots, Ross on Wye, HR9 7JD
DESCRIPTION: Outline for the erection of one single storey dwelling and double garage with all matters reserved.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that OUTLINE 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 Details of the access, appearance, landscaping, layout and scale of the development hereby permitted (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.;

Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4th March 2009 to suspend (effective from 1st April 2009) the requirements of the Local Planning Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2, and B8 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less;

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than six months from the date of this permission;

Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4th March 2009 to suspend (effective from 1st April 2009) the requirements of the Local Planning Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2, and B8 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less;

- 3 The development hereby permitted shall begin not later than one year from the date of this outline planning permission or, if later, the expiration of three months from the final approval of the reserved matters;

Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4th March 2009 to suspend (effective from 1st April 2009) the requirements of the Local Planning Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2, and B8 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less;

- 4 4) The details of layout required to be submitted pursuant to condition 1) above shall show the retention of the ash tree and apple tree shown upon Annex 1 to the 'Reptile Survey' (July 2012) to be retained;

Reason: - The apple tree has potential as a bat roost whilst both the apple tree and ash tree are of amenity value, in accordance with policies NC6 and LA5 of the Herefordshire Unitary Plan 2007;

- 5 Prior to commencement of the development hereby permitted the ash tree and apple tree shown upon Annex 1 to the 'Reptile Survey' (July 2012) to be retained shall be protected by fencing of in accordance with the advice contained within BS5837:2012. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree protection measures must remain in-situ until completion of the development;

Reason: - The apple tree has potential as a bat roost whilst both the apple tree and ash tree are of amenity value, in accordance with policies NC6 and LA5 of the Herefordshire Unitary Plan 2007;

Reason for Approval:

- 1 The Local Planning Authority assessed the proposal against the policies of Herefordshire Unitary Development Plan 2007 and the NPPF. In this regard it was noted that the Council currently does not have a five year supply of housing land. Having considered this issue and the particular location of the site and the form of existing development in the locality it was concluded that the development was acceptable as a departure from Policy H7 of the Unitary Development Plan. In addition it was concluded that the location was not unsustainable and that a dwelling would not harm the Area of Outstanding Natural Beauty.

Statement of Positive and Pro-active Working

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 that have been 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.

Informatives:

- 1 The Local Planning Authority wish the detail of design required to be submitted pursuant to condition 1 be of a high quality.

Planning Services
PO Box 230,
Hereford,
HR1 2ZB



Date: 15 May 2013

DEVELOPMENT MANAGER

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

Please note: 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.

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, 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.