

PLANNING PERMISSION

Applicant:

Mr & Mrs J Rennick
c/o Agent

Agent:

Mr Christopher F Knock
Tinkers Grove Cottage
Eastnor
Ledbury
HR8 1RQ

Date of Application: 15 October 2018

Application No: 183834

Grid Ref:366869:232421

Proposed development:

SITE: Playford, Much Marcle, Ledbury, HR8 2NN

DESCRIPTION: Variation of condition 2 Ref 180256/F (Proposed camp site and temporary dwelling. This is an amended application that is a resubmission of application no 172848) - changes to approved drawing no. 1317:1827:03D

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 shall be carried out strictly in accordance with the approved plans (drawing nos. 1317:1827:03 E and otherwise in accordance with the drawings 1317:1827:04A, 05, 06A, 07 and 08A and the BCL Hydro Flood Risk Assessment and Surface Water and Foul Drainage Survey dated July 2017; the Shropshire Wildlife Surveys Protected Species Report 21 May 2017; the Tree Survey and Arboricultural Constraints Report dated 12 April 2017) and the details approved pursuant to the discharge of condition submission P183883/XA2 on 21 December 2018, 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 SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A and D of Part 1 and of Schedule 2, shall be carried out in respect of the temporary dwelling, shepherds huts and cabins.

Reason: In order to protect the character and amenity of the locality and to ensure that the structures maintain their temporary status and to comply with Policy LD1 of the Herefordshire Local Plan – Core Strategy, Policy NE1 of the Much Marcle Neighbourhood Development Plan and the National Planning Policy Framework.

- 4 The temporary dwelling, cabins, shepherds huts, garage/workshop, communal hub building, amenity building, toilets, showers, wash room and camp kitchen and all other associated hardstanding areas hereby permitted shall be removed permanently from the site within 3 years of the first date of occupation of the temporary dwelling or the first date of occupation of the site by tourists, whichever is the sooner and the land reinstated in accordance with details (including timescale) which shall be submitted to and approved in writing by the local planning authority. The first date of the occupation of the temporary dwelling and/or the site by tourists shall be notified in writing to the local planning authority.

Reason: The local planning authority is not prepared to permit the approved structures on a permanent basis having regard to the special circumstances of the case, the need to assess the longer term need for the accommodation and the viability of the enterprise and Policies SS1, RA3, RA4, RA6, LD1, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, Policies SD1, HO4 and NE1 of the Much Marcle Neighbourhood Development Plan and the National Planning Policy Framework.

- 5 The soft landscaping scheme approved pursuant to P183883/XA2 on 21 December 2018 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained in accordance with the management plan required by Condition 8 of this permission. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the agreed maintenance period. The hard landscaping shall be completed prior to the first use of the development hereby permitted.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy, Policy NE1 of the Much Marcle Neighbourhood Development Plan and the National Planning Policy Framework.

- 6 The translocation of the hedgerow shall be carried out in accordance with the details submitted and approved pursuant to P183883/XA2 and retained thereafter in accordance with the management plan required by Condition 8 of this permission.

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, Policies NE1 and NE2 of the Much Marcle Neighbourhood Development Plan 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 Prior to the commencement of development, the tree protection measures proposed within the Tree Survey and Arboricultural Constraints Report 12 April 2017 shall be implemented and shall be retained in situ for the duration of the construction phase unless otherwise agreed in writing by 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 Policies NE1 and NE2 of the Much Marcle Neighbourhood Development Plan and the National Planning Policy Framework.

- 8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy, Policy NE1 of the Much Marcle Neighbourhood Development Plan and the National Planning Policy Framework.

- 9 Prior to the first use of the temporary dwelling and/or tourist accommodation, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and in accordance with the 1317:1827:03 E. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10 Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 11 Prior to the first use of the camp site hereby approved the existing vehicular access onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of the area shall be submitted to and approved in writing by the local planning authority prior to the commencement of work on the development hereby approved.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 12 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 13 Prior to the first use of the development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policy SD1 of the Much Marcle Neighbourhood Plan and the National Planning Policy Framework.

- 14 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 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm 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.

- 15 Prior to the first use of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of any of the temporary structures hereby permitted. The scheme shall include the following details:

- A detailed surface water drainage strategy (including a demonstrative drawing) with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;
- Details of any proposed outfall structures.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policy SD1 of the Much Marcle Neighbourhood Plan and the National Planning Policy Framework.

- 16 Prior to the first use of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the building) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.

Reason: To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policy LD1 of the Much Marcle Neighbourhood Plan and the National Planning Policy Framework.

- 17 The recommendations set out in Section 7 of the Shropshire Wildlife Surveys dated 21 March 2017 should be followed in relation to the identified protected species, unless otherwise agreed in writing by the local planning authority and the development shall be carried out in accordance with the working method statement approved pursuant to P18383/XA2 on 21 December 2018.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policy NE2 of the Much Marcle Neighbourhood Plan and 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. 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.
- 2 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.

Planning Services
PO Box 4,
Hereford,
HR4 0XH



KEVIN BISHOP

LEAD DEVELOPMENT MANAGER

Date: 2 January 2019

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

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, 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.