

REFUSAL OF PLANNING PERMISSION

Applicant:

Mr P Turberville
Chapel House Farm
Clee Stanton
Ludlow
Shropshire
SY8 3EL

Agent:

Mr C Skelton
McCartneys
The Ox Pasture
Overton Road
Ludlow
Shropshire
SY8 4AA

Date of Application: 12 July 2012

Application No:N112290/F

Grid Ref:349221:258969

Proposed development:

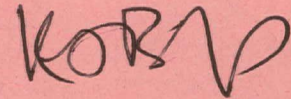
SITE: Land at Radnor Barn, The Bargates, Leominster, Herefordshire, HR6 8HB
DESCRIPTION: Proposed 2 bedroom bungalow.

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 close proximity of the proposed bungalow to neighbouring properties would have an overbearing effect and significantly detract from the amenities currently enjoyed by their occupiers. Furthermore, the windows in the eastern elevation will directly overlook gardens and would result in overlooking of habitable rooms. This unacceptable relationship is detrimental to residential amenity, contrary to Policy H13 of the Herefordshire Unitary Development Plan.
- 2 By virtue of its double roof pitch, the proposal is of a contrived design that does not reflect the character or appearance of the locality, contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan.
- 3 Due to the lack of any evidence to the contrary, it is considered that the intensified use of the land and need to accommodate the surface water from two dwellings is likely to increase the possibility of surface water flooding for adjacent properties, contrary to Policies DR4 and H13 of the Herefordshire Unitary Development Plan.
- 4 The proposal does not make adequate car parking provision. The access and turning area is not of sufficient dimensions to allow vehicles to safely manoeuvre within the site. Consequently vehicles will be required to manoeuvre within the public highway to the detriment of highway safety and contrary to Policy DR3 of the Herefordshire Unitary Development Plan.
- 5 Due to the limited depth of the site and the proximity of the properties to the rear, the inability to mitigate for surface water within the site, the lack of sufficient parking provision and the contrived design of the dwelling, it is considered that the site is

incapable of accommodating a dwelling without causing significant detriment to the occupiers of the adjoining dwellings. The proposal is considered to represent overdevelopment and is thus contrary to Policy DR1 of the Herefordshire Unitary Development Plan.

Planning Services
PO Box 230,
Hereford,
HR1 2ZB



DEVELOPMENT MANAGER

Date: 18 September 2012

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

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.