

Reference No: 17/00628/FULL
Parish: Holcombe Rogus 29



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Miss Zoe Wangler
Ecological Land Cooperative
Unit B04
The Brighton Eco-Centre
Brighton
BN1 3PB

Name and Address of Agent:

Mr Simon Ruston
Ruston Planning Limited
The Picton Street Centre
10-12 Picton Street
Montpelier
Bristol
BS6 5QA

Date Registered : 15th May 2017

Date of Permission : 29th January 2018

Proposal: Erection of a 1kW wind turbine with a maximum blade tip height of 9.8m

Location: Elder Farm Greenham Reach Holcombe Rogus Wellington

Site Vicinity Grid Ref: 307166/120066

MID DEVON DISTRICT COUNCIL HEREBY GRANTS FULL PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

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.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. On becoming redundant for the purposes of generating electricity, the turbine, mast, and base hereby approved shall be removed from the site within 1 year of redundancy and the site returned to its previous agricultural state.
4. All electricity cabling to be installed to serve the wind turbine hereby approved shall be laid underground.
5. The wind turbine shall operate at all times (day and night) so as to ensure that the level of noise generated by the turbine does not exceed an absolute level of 35dB (A) (LA90 (10min)) with no distinguishable tonal character, when measured at a distance of 3.5 metres from the façade of any dwelling. Where the occupiers of the affected dwelling(s) have a financial interest in the operation of the turbine, an absolute level of 45dB (A) (LA90 (10min)) shall apply when measured at a distance of 3.5 metres from the façade of any dwelling.

REASONS FOR CONDITIONS:

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. The site is in the open countryside where policies permit the provision of renewable energy developments. However, should such a need cease, its removal would protect the visual amenity and appearance of the locality against unnecessary development in the open countryside.
4. In the interest of the visual amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
5. To safeguard the amenities of the area and adjacent occupiers of nearby buildings in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Although the proposed development, comprising a wind turbine standing approximately 9.8m above ground level, will be identifiable within this part of the open countryside in Mid Devon, it is not considered that the visual and landscape impact that will arise will be so harmful to justify refusing planning permission. Furthermore, the harm has to be balanced against the community benefits that will be achieved in terms of clean and renewable energy generation. The development is not considered to cause demonstrable harm to residential amenity in the area, through visual impact or noise/vibration disturbance. The Written Ministerial Statement dated 18th June 2015 has been considered but having weighed this in the balance with the limited harm and public benefits the proposed development is considered to comply with Policies COR2, COR5 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2, DM3, DM5, DM7 and DM27 of the Local Plan Part 3 (Development Management Policies) and government guidance and advice contained in the National Planning Policy Framework and a grant of planning permission is justified.

Statement of Positive Working

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included discussions.

In accordance with paragraph 69 of the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

DEVELOPMENT PLAN POLICIES:

Mid Devon Core Strategy (Local Plan Part 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR5 - Climate Change
COR8 - Infrastructure Provision
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM5 - Renewable and low carbon energy
DM27 - Development affecting heritage assets

Relevant Plans

The plans listed below are those approved. No substitution shall be made.

Plan Type	Reference	Title/Version	Date Received
Site Location Plan	SP-01		04/05/2017
Proposed	L-01 (A)	Block & Site Plan	27/04/2017
Supporting Information	Wind Turbine	Showing Dimensions	18/04/2017

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://www.middevon.gov.uk/planning>

Signed:

Mrs Jenny Clifford
Head of Planning and Regeneration

Date: 29th January 2018

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL DEPARTMENT FOR MORE INFORMATION.

Please refer to notes attached

NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

TOWN AND COUNTRY PLANNING ACT 1990

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 this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State 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.

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 (District Council, London Borough Council or Common Council of the City of London) 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.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.