

Reference No: 17/02032/FULL  
Parish: Holcombe Rogus 29



**TOWN AND COUNTRY PLANNING ACT 1990**

**APPROVAL OF FULL PLANNING APPLICATION**

**Name and Address of Applicant:**

Ms M Ridings  
C/o Dr Simon Ruston  
Ruston Planning Limited  
The Picton Street Centre  
10-12 Picton Street  
Montpelier  
Bristol  
BS6 5QA

**Name and Address of Agent:**

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Date Registered : 12th January 2018

Date of Permission : 13th April 2018

**Proposal:** Removal of Condition (2) and Variation of Condition (1) of planning permission 14/01284/FULL to allow permanent planning permission and to amend those persons permitted to occupy the site

**Location:** Oak Meadow Holcombe Rogus Devon TA21 0NE

**Site Vicinity Grid Ref:** 306754/119902

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

**Subject to the following conditions:**

1. The pitch shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers (August 2015) or any subsequent national policy superseding that document.
2. The development hereby permitted shall be carried out in accordance with the following approved plans except where varied by other conditions of this permission: Drawing No MR001; Site Plan Drawing No MR002/1 revised 24 July 2010; Site Layout Plan and Elevations Drawing No MR003/1 revised 24 July 2010; Proposed Site Sections Drawing No MR04/1 revised 24 July 2010; Proposed Workshop Sections and Elevations Drawing No MR05; Proposed Twin Unit Sections and Elevations Drawing No MR06; Floor Plans Drawing No MR07; and Cross Section of Residential Unit.
3. The development hereby permitted shall be carried out and retained in accordance with the materials, heating, energy, drainage and water source specification set out in Appendix G to the appellant's appeal statement submitted pursuant to the appeal for planning application reference 10/00732/FULL.
4. The residential use hereby permitted shall be restricted to the stationing of no more than 3 caravans at any time (of which no more than 1 shall be a static caravan or mobile home). Any caravan on the site must meet the definition in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

5. Notwithstanding the notation on Site Layout Plan Drawing No MR003/1 revised 24 July 2010, the caravan site hereby permitted shall not be used as a transit site.
6. The workshop hereby permitted shall be used for purposes ancillary to the residential use of the site and not for separate business purposes.
7. No commercial activities shall take place on the land, including the storage of materials.
8. No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.
9. All existing trees and hedgerows shall be retained in accordance with Site Layout Plan Drawing No MR003/1 revised 24 July 2010.
10. No boundary treatments shall be erected on the site other than those indicated on Site Layout Plan Drawing No MR003/1 revised 24 July 2010.
11. No external lighting shall be installed on the site other than the solar security lighting indicated on Floor Plans Drawing No MR07.
12. The grassland areas and hedgerows shall be managed in accordance with the recommendations of the Phase One Habitat Survey dated 12 August 2010.
13. No obstruction exceeding 600mm in height shall take place within a visibility splay of 2m (x distance) by 50m (y distance) to the north of the proposed access, measured from the nearside carriageway edge.
14. The site access shall be hard surfaced for a distance of not less than 6m back from its junction with the highway prior to the commencement of the use hereby permitted and shall be retained as such thereafter.
15. Any site access gates shall be installed a minimum of 6m from the edge of the carriageway and shall be hung to open inwards and retained as such thereafter.

#### **REASONS FOR CONDITIONS:**

1. The site is located in the countryside where new residential accommodation is restricted but special consideration is given to sites for gypsy and travellers in accordance with Policy AL/DE/7 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the development assimilates with the character and appearance of the area, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
4. For the avoidance of doubt and to concur with the nature of the proposal having regard to the submitted details in accordance with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy AL/DE/7 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
5. To concur with the nature of the application, which does not propose a transit site for a gypsy and traveller.

6. To limit the commercial use of the application site which is not in a location suitable for general commercial activities, in the interests of highway safety, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
7. In the interests of highway safety as the site is not in a location suitable for a general commercial use, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
8. In the interests of highway safety as the site is not in a location suitable for high levels of commercial use, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
9. In the interests of the visual amenity of the area, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
10. In the interests of the visual amenity of the area, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
11. In the interests of the visual amenity of the area, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
12. To ensure the protection of habitats suitable for use by protected species.
13. In the interests of highway safety, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
14. In the interests of highway safety, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
15. In the interests of highway safety, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

It has been concluded that the applicant meets with the definition of a Gypsy and Traveller and that the applicant and family have a need for appropriate accommodation. The application site is considered to be in a reasonably sustainable location less than a mile from a proposed village settlement and in a location that complies with Policy AL/DE/7 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2). The applicant and family have resided on the site for over 7 years and have integrated with the local community. The Council has not sufficiently progressed with the provision of a public gypsy and traveller site nor with the provision of gypsy and traveller sites through the delivery of development of allocated sites and does not currently have a five year supply of pitches. As a result the Council has no alternative site upon which the applicant and their family could be accommodated now or within a reasonable timescale. Taking into account all material considerations, the applications meets with the requirements of Policies COR1, COR9 and COR18 of Mid Devon Core Strategy (Local Plan Part 1), Policy DM2 of Local Plan Part 3 (Development Management Policies) and Policy AL/DE/7 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).

## 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

COR9 - Access

COR18 - Countryside

### Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2)

AL/DE/7 - Gypsy and Traveller Pitches

### Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

## Relevant Plans

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

Plan Type	Reference	Title/Version	Date Received
Site Location Plan			29/07/2014
Block Plan	MR002/1		30/07/2010
Proposed	MR003/1		30/07/2010
Proposed	MR04/1		30/07/2010
Proposed	MR07	Floor Plans	

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: 13th April 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](http://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.