

Reference No: 18/01684/FULL

Parish: Holcombe Rogus 29

MID DEVON DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL FULL PLANNING APPLICATION

Name and Address of Applicant:

Mr & Mrs Dorpman
Steels
Ashbrittle
TA21 0HQ

Name and Address of Agent:

Greenslade Taylor Hunt
Winchester House
Deane Gate Avenue
Taunton
TA1 2UH

Date Registered : 18th October 2018

Proposal: Demolition of agricultural buildings, widening of access, conversion and extension of rural building to dwelling

Location: Four Elms Holcombe Rogus Devon

Site Vicinity Grid Ref: 306164/119057

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

Reasons for Refusal:

1. The conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character will be permitted provided it meets with 4 main criteria; that there is an appropriate access, the building can be converted without significant alterations, extension or rebuilding, the design will retain the original character and will provide a net gain in biodiversity where possible. It is considered that the proposed addition of approximately 50sqm of extension to the main substantial structure, itself having a footprint of 50sqm is a significant alteration to provide necessary living accommodation which is contrary to Policy DM11 of the Local Plan Part 3 (Development Management Policies).
2. The application proposal does not include a contribution towards the provision of public open space. In this instance there is a requirement for the provision of one dwelling to provide for contributions to the refurbishment of Holcombe Rogus Play area. The development is therefore contrary to Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Supplementary Planning Document: the provision and funding of open space through development.
3. The introduction of a residential use sensitive to the adverse effects of mineral extraction would directly sterilise the underlying mineral resource and constrain development of the wider mineral resource that is of current or potential economic value, contrary to Policy M2 of the Devon Minerals Plan and paragraph 206 of the National Planning Policy Framework.
4. The ecological survey has not taken into account the properties location being within the Greater Crested Newt Consultation Zone, and no reference or assessment has been undertaken to establish if there is likely to be any impacts on the habitat of this species, or to provide any possible mitigation. The Authority is therefore unable to fully consider the impacts of the proposed

application and the proposed is considered to be contrary to Policy DM30 of the Local Plan Part 3 (Development Management Policies).

5. The application site is within the Holcombe Rogus Conservation Area and the building is considered to be a heritage asset, the proposed alterations will negatively impact on the significance of the building and have an adverse impact on the building within the conservation area, contrary to Policy DM27 of the Local Plan Part 3 (Development Management Policies).

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.

In accordance with 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

COR18 - Countryside

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

AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM8 - Parking

DM11 - Conversion of rural buildings

DM14 - Design of housing

DM27 - Development affecting heritage assets

DM30 - Other protected sites

Relevant Plans

The plans listed below are those which were considered in determining the application:

Plan Type	Reference	Title/Version	Date Received
Site Location Plan	2521-PL-11		18/09/2018
Proposed	2521-PL-12	Site Plan	18/09/2018
Block Plan	2521-PL-13		18/09/2018
Proposed	2521-PL-17	Elevations	18/09/2018
Proposed	2521-PL-06	Bat Mitigation	18/09/2018

Signed:

Mrs Jenny Clifford
Head of Planning and Regeneration

Date: 30th January 2019

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 <https://acp.planninginspectorate.gov.uk>
- 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.