

Reference No: 19/01482/FULL  
Parish: Holcombe Rogus 29



**TOWN AND COUNTRY PLANNING ACT 1990**

**APPROVAL OF FULL PLANNING APPLICATION**

**Name and Address of Applicant:**

Mr M Brooke-Webb  
Linfield House  
South Street  
Holcombe Rogus  
Devon  
TA21 0PD

**Name and Address of Agent:**

Charlie Arden  
Louise Crossman Architects  
The Potato Store  
Court Place  
Withycombe  
Minehead  
TA24 6QB

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Date Registered : 4th September 2019

Date of Permission : 6th January 2020

**Proposal:** Variation of condition 2 of planning permission 18/01327/FULL to allow substitute plans

**Location:** Linfield House South Street Holcombe Rogus Devon

**Site Vicinity Grid Ref:** 305708/118858

**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. The access alterations and parking area shown on the approved block plan drawing number 1956.0/401A shall be provided in full prior to the first occupation of the dwelling and shall be retained and maintained as such thereafter.
4. The ecological enhancements shown on the approved block plan drawing number 1956.0/401A shall be provided in full prior to the first occupation of the dwelling and shall be retained and maintained as such thereafter.
5. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping that were submitted to the Local Planning Authority on 12th June 2019 and approved by the Local Planning Authority on 3rd July 2019 under application reference 18/01327/Full shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

6. Notwithstanding the provisions of Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D, E of Part 1 and Class A of Part 2 relating to the enlargement of the dwellinghouses, provision of windows and other openings, roof alterations, outbuildings and means of enclosure shall be undertaken within the dwelling curtilage without the Local Planning Authority first granting planning permission.

#### **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. To ensure there is a safe access for vehicles to and from the site and sufficient parking to serve the dwelling created, in accordance with policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1) , DM2 and DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies),
4. To ensure the development does not detrimentally impact on the ecological interests of the site in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
5. To ensure the hard and soft landscaping is appropriate to the setting of the listed building and conservation area, and positively contributes to its surroundings, in accordance with policies DM2 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. To protect the setting of the listed building and conservation area from inappropriate development and to ensure the quality of the scheme approved remains intact, in accordance with policies DM2 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies).

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

The proposed new dwelling in Holcombe Rogus is considered to be acceptable in policy terms, when taking into account the tilted balance set out in paragraph 11 of the NPPF and the emerging Local Plan policy document, which attracts some, albeit limited weight at the current time. The dwelling is considered to be in a sustainable location, will be served by a suitable access, parking and amenity space. The design is acceptable and will have a neutral impact on the listed building, the setting of the nearby listed buildings and the conservation area within which the site is located. The proposal will not unacceptably impact on the privacy or amenity of the neighbouring properties, and has potential to positively impact on the ecological interests of the site. As such, the proposed development is considered to be in accordance with policies DM2, DM14, DM15 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.

#### **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)**

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

DM14 - Design of housing

DM15 - Dwelling sizes

DM27 - Development affecting heritage assets

### **Relevant Plans**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Title/Version</b>	<b>Date Received</b>
Proposed	1956.0/411	North & East Elevations	04/09/2019
Proposed	1956.0/302C	Ground Floor Plan	03/12/2018
Proposed	1956.0/320B	Sections AA BB	03/12/2018
Proposed	1956.0/321C	Sections CC DD	03/12/2018
Supporting Information	R2173-TCP	Tree Constraints Plan	07/08/2018
Site Location Plan	1956.0/100A		07/08/2018
Design and Access Statement	Rev A		04/09/2019
Block Plan	1956.0/401 A		27/08/2019
Proposed	1956.0/403A	Roof Plan	27/08/2019
Proposed	1956.0/410A	South & West Elevations	27/08/2019

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: 6th January 2020**

**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.