

Reference No: 19/01995/FULL
Parish: Holcombe Rogus 29



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Mr McCabe
Ford Farm
Holcombe Rogus
Devon
TA21 0QB

Name and Address of Agent:

Miss Naomi Jackson
XL Planning Ltd
1A Fore Street
Cullompton
EX15 1JW

Date Registered : 3rd December 2019

Date of Permission : 27th January 2020

Proposal: Erection of holiday let following demolition of outbuilding

Location: Land and Buildings at NGR 305001 118126 Ford Farm Holcombe Rogus Devon

Site Vicinity Grid Ref: 305003/118127

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.
 - a) The accommodation hereby approved shall be occupied for holiday purposes only.
 - b) The accommodation shall not be occupied as a person's sole or main place of residence.
 - c) The owners/operators shall maintain an up-to-date register of the names of all occupiers of the accommodation, their arrival and departure dates, and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
4. No demolition works shall take place until a European Protected Species licence has first been obtained from Natural England to support the works hereby approved.
5. Prior to the first use of the accommodation hereby approved, bat and bird boxes shall be installed in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once installed, the approved measures shall be retained indefinitely.
6. Prior to the first occupation of the accommodation hereby approved, a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants

which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species.

7. Prior to the first occupation of the accommodation hereby approved, a scheme of lighting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a lighting assessment with measures to prevent light-spill into the surrounding area and harm to protected species, from both internal and external light sources. External lighting at the site shall only be installed in accordance with the approved details, and the approved scheme shall be provided in full prior to the first occupation of the dwelling hereby approved, and shall thereafter be retained indefinitely.
8. No development above damp proof course shall take place until details of the proposed materials (including the provision of samples where appropriate) to be used in relation to the walls and roofs have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such thereafter.
9. Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection, and bicycles, according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.
10. The accommodation hereby approved shall not be occupied or brought into use until a dedicated off-street parking space has been provided to serve the approved accommodation, and this shall thereafter be retained for the use of the associated accommodation for the life of the development.

REASONS FOR CONDITIONS:

1. For the avoidance of doubt and in the interests of proper planning.
2. For the avoidance of doubt and in the interests of proper planning.
3. The site is outside defined settlement limits in the open countryside, where permanent dwellings with unrestricted occupation would be contrary to adopted planning policy, however the application is considered to be in accordance with Policy DM24 of the Mid Devon Local Plan Part 3 (Development Management Policies) relating to tourism proposals in the open countryside.
4. The site supports bats, which are a protected species, and in accordance with Policy DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies).
5. In the interests of nature conservation and in accordance with Policy DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. In the interests of visual amenity and to contribute towards net gains in biodiversity, in accordance with Policies DM2 and DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. In the interests of nature conservation and to prevent unacceptable levels of light pollution, in accordance with Policies DM7 and DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies).

8. In the interests of local character and in accordance with Policies DM2 and DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. In the interests of local character and in accordance with Policies DM2 and DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies).
10. In the interests of highway safety and amenity, and in accordance with Policies DM2 and DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTES:

1. All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.
2. Private Water Supplies: If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. Please contact Public Health at Mid Devon District Council on completion of proposal. If mains water is to be used, would have no comment.
3. There is a foreseeable risk of asbestos being present in the structure. Please review the information in this link, so you are aware of the hazards, risks and your legal obligations with asbestos <http://www.hse.gov.uk/asbestos/> . If asbestos may be present a Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development is considered to be acceptable in principle given that it would contribute high quality tourism accommodation in the countryside to cater for those seeking a rural holiday experience, including options that are not necessarily catered for by existing stock of accommodation. The proposal would not result in any harm in relation to heritage assets, nor any unacceptable harm in terms of the character of the area, local and residential amenity, or highway safety. As such, the proposal is in accordance with Policies DM1, DM2, DM8, DM24, and DM27 of the Mid Devon 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. This has included determining the application in a timely fashion.

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 Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM7 - Pollution

DM8 - Parking

DM24 - Tourism and leisure development

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	0001 Rev A		25/11/2019
Proposed	0003 Rev B	Block Plan	03/12/2019
Proposed	2000	Floor & Roof Plan	25/11/2019
Proposed	2100	Elevations	25/11/2019

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: 27th 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.
- 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.