

Reference No: 19/02013/FULL
Parish: Holcombe Rogus 29



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

F Gibbins
The Linhay
Ramsey Farm
Holcombe Rogus
TA21 0NG

Name and Address of Agent:

Miss Hannah Cameron
XL Planning Ltd
1A Fore Street
Cullompton
EX15 1JW

Date Registered : 29th November 2019

Date of Permission : 16th July 2020

Proposal: Erection of dwelling and demolition of agricultural building
Location: Land at NGR 306728 119836 (Wardmoor) Holcombe Rogus Devon

Site Vicinity Grid Ref: 306760/119767

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. Prior to the use of any above ground materials first being used on site details or samples of the materials (including but not limited to colour and type of render, cladding, Slate, Brick, Stone, Mortar, windows and external doors paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details or samples and be so retained.
4. Prior to the first occupation of the property details/plans shall be submitted to, and approved in writing by, the Local Planning Authority indicating the height, positions, design, materials and type of boundary treatment to be erected on the site and a timescale for its implementation. The boundary treatment so approved shall be completed in accordance with the approved details and shall be so retained.
5. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (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 and E of Part 1, or Class A of Part 2 of Schedule 2 relating to the enlargement, improvement or other alteration of a dwellinghouse, addition or alteration to the roof, provision of a porch, provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool,

container for domestic heating purposes for storage of oil or liquid petroleum gas or the erection of a gate, fence wall or other means of enclosure, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS:

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies), Policy DM1 of the Mid Devon Local Plan Review 2013-2033: Pre Adoption Draft and the aims and objectives of the National Planning Policy Framework.
4. To safeguard the visual amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies), Policy DM1 of the Mid Devon Local Plan Review 2013-2033: Pre Adoption Draft and the aims and objectives of the National Planning Policy Framework.
5. To safeguard the visual amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies), Policy DM1 of the Mid Devon Local Plan Review 2013-2033: Pre Adoption Draft and the aims and objectives of the National Planning Policy Framework.

INFORMATIVE NOTES:

1. 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. You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence. Please contact Public Health at Mid Devon District Council on completion of proposal.
2. Health and Safety: No objection to this proposal enforced by HSE. Informative: 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 erection of a new dwelling as an alternative to converting the existing building that benefits from Class Q permitted development rights, is considered to be acceptable in this instance. The fall-back position is considered to be realistic and is a material consideration in the planning balance. The proposed development results in a higher quality layout and design that would be

achieved through conversion of the existing modern agricultural building. The additional development that includes the enlarged garden area for the dwelling, is considered to be acceptable and to improve the overall quality of the development. It is not considered that the proposed development would result in significant harm to the character and appearance of the rural area or result in any adverse highway impacts. On this basis it is considered that in this instance the proposed development results in a betterment to the Class Q development that would be achieved, and the fall-back position can be given significant weight. The proposal conflicts with national and local planning policy relating to the principle of new dwellings in the countryside, however, the proposal is considered to be in accordance with Policies COR2 and COR9 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies) and Policies S8, S9, DM1, DM4 and DM5 of the Mid Devon Local Plan Review 2013-33: Pre Adoption Draft.

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 and negotiations.

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
COR8 - Infrastructure Provision
COR9 - Access
COR11 - Flooding
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
DM14 - Design of housing
DM15 - Dwelling sizes

Mid Devon Local Plan Review 2013 – 2033: Pre Adoption Draft

S1 - Sustainable development priorities
S9 - Environment
S8 - Infrastructure
S14 - Countryside
DM1 - High quality design
DM4 - Pollution
DM5 - Parking

Relevant Plans

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

Plan Type	Reference	Title/Version	Date Received
Block Plan	LSP/FFGHR/2018		27/04/2020
Proposed	PEL2/FFGHR/2018	Elevations	27/04/2020
Proposed	PGF/FFGHR/2018	Floor plans	27/04/2020
Site Location Plan	SLP/FFGHR/2018	Inc Block Plan	27/04/2020

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: 16th July 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.