

Reference No: 20/00656/FULL
Parish: Holcombe Rogus 29



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Mr Michael Gallagher
Whipcott Heights
Holcombe Rogus
Devon
TA21 0NA

Name and Address of Agent:

Mr Peter Moat
Conifers
Ilminster Road
Henlade
Taunton
TA3 5LS

Date Registered : 26th June 2020

Date of Permission : 24th September 2020

Proposal: Erection of a site managers dwelling and change of use of existing site managers dwelling to holiday accomodation

Location: Land at NGR 307199 118722 (Whipcott Water) Holcombe Rogus Devon

Site Vicinity Grid Ref: 307194/118548

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 Stone, Mortar, windows and external doors paintwork and timber boarding) 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/samples and be so retained.
4.
 - (i) The cabins/chalets shall be occupied for holiday purposes only.
 - (ii) The cabins/chalets shall not be occupied as a person's sole or main place of residence
 - (iii) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual cabins/chalets on the site, 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
5. The occupation of the managers/owners dwelling shall be limited to a person solely or mainly working, or last working, in association with the holiday units business operated from the site outlined in the approved plans dated 16.08.2020 as 2 REV B, or a widow or widower of such a person, or to any resident dependants.

6. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2016 (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, F, G of Part 1, or Classes A, B, of Part 2 of Schedule 2, relating to dormers, extensions, fences, outbuildings, shall be undertaken within the dwelling curtilage without the Local Planning Authority first granting planning permission.
7. The existing manager's accommodation shall revert to holiday use in accordance with condition 4 above on the first occupation of the new managers/occupiers dwelling the subject of this application and shall be retained as such.

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 the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with policy DM27 of Mid Devon Local Plan Review (2013-2033).
4. The site is located outside defined settlement limits in the open countryside, where national and local planning policy resists the erection of new dwellings without special occupational justification in accordance with policy DM22 of Mid Devon Local Plan Review (2013-2033).
5. The site is located outside defined settlement limits in the open countryside, where national and local planning policy requires that there is an 'essential need' for workers to live at or near their place of work in accordance with Policy DM8 of the Mid Devon Local Plan Review (2013-2033) and National Policy in the National Planning Policy Framework.
6. To safeguard the visual amenities of the area and character and appearance of the building in accordance with Policy DM1 of Mid Devon Local Plan Review (2013-2033).
7. To ensure there is only one owner/managers accommodation on site, in light of the policy which restricts the erection of new dwellings in open countryside.

INFORMATIVE NOTE:

1. The use of the Managers/occupiers accommodation the subject of this application is to remain with the site and not be sold off separately, if any subsequent planning application is received to provide a further managers/owners accommodation it will be a material consideration in determining such a planning application.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Based on the information provided, the proposed managers/owners dwelling is considered to be justified in this case and is acceptable in principle. No unacceptable harm has been identified in terms of the proposal's effects on the character of the area, local or neighbouring amenity, highway safety, nature conservation, or drainage arrangements. The proposal is therefore in accordance with Policies DM1, DM5, DM8, DM12, and DM14 of the Mid Devon Local Plan Review (2013-2033).

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 determining the application in a timely manner.

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 Local Plan Review 2013 – 2033

S9 - Environment
S14 - Countryside
DM1 - High quality design
DM5 - Parking
DM8 - Rural workers' dwellings
DM12 - Housing Standards
DM22 - Tourism and leisure development

Relevant Plans

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

Plan Type	Reference	Title/Version	Date Received
Proposed	1	Plans & Elevations	28/04/2020
Site Location Plan	2 Rev B		16/08/2020

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: 24th September 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.