

Reference No: 20/02137/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 Peter Heywood
Lea Barton
Hockworthy
Devon
TA21 0NQ

Name and Address of Agent:

Date Registered : 6th January 2021

Proposal: Erection of an agricultural storage building

Location: Land at NGR 306760 119356 (East of Battens Cottage) Holcombe Rogus Devon

Site Vicinity Grid Ref: 306838/119308

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

Reasons for Refusal:

1. The proposed new agricultural building will be seen as an isolated development located within the countryside away from any functioning farm business. No specific substantive justification has been provided to determine that the development is reasonably necessary to support farming activity on this proposed farm. Limited information has been supplied to justify the location or that there are no alternative sites or other available agricultural buildings within the business. The proposal will harm the appearance of the immediate area within the countryside. Great weight is given to conserving landscape and scenic beauty. For these reasons, the proposal is considered to be contrary to the Mid Devon Local Plan 2013-2033 policies S9, S14, DM20 and the National Planning Policy Framework.
2. The proposal is located near to three listed buildings at Burrows Farm. Although potentially relatively well screened from them the application has not provided sufficient information in order to be able to consider the potential impacts the proposed may have on the setting of the listed buildings. In the absence of such information, the proposal is considered to be contrary to the Mid Devon Local Plan 2013-2033 policy DM25 and the National Planning Policy Framework.
3. The barn conversion located at Battens Cross is within 30m of the proposed unit with no suitable screening to it. As no specific details have been provided with regard to what is to be stored within the proposed building concerns are raised with regard to potential noise, traffic generation and odour issues which may arise from the use of a building in such close proximity to the dwelling. In the absence of such information, the proposal is considered to be contrary to the Mid Devon Local Plan 2013-2033 policy S9 and the National Planning Policy Framework.

Statement of Positive Working

In accordance with paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has worked proactively and positively with the applicant.

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 2013 – 2033

S9 - Environment

S14 - Countryside

DM1 - High quality design

DM20 - Agricultural development

DM25 - Development affecting heritage assets

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			06/01/2021
Block Plan			18/12/2020
Proposed		West & East Elevations	18/12/2020
Proposed		North & South Elevations	18/12/2020

Signed:

Mrs Jenny Clifford
Head of Planning and Regeneration

Date: 3rd March 2021

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://www.gov.uk/planning-inspectorate>
- 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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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.