

Reference No: 21/01268/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 and Mrs A Biles
C/O Agent

Name and Address of Agent:

Mrs K Tregay
Symonds and Sampson
Agriculture House
Market Place
Sturminster Newton
DT10 1DU

Date Registered : 22nd June 2021

Proposal: Removal of condition (e) agricultural occupancy condition of planning permission
89/02665/ARM

Location: Besley Lake View Holcombe Rogus Devon TA21 0QA

Site Vicinity Grid Ref: 304590/117950

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

Reasons for Refusal:

1. In the opinion of the Local Planning Authority, the granting of a Certificate alone is insufficient in providing clear evidence that there is no need for the condition to remain in place. The Applicant has not undertaken any marketing or an assessment for the demand for rural dwellings in the area, contrary to the guidance in Policy DM8. Removing this condition would be contrary to Policy DM8 of the Mid Devon Local Plan 2013-2033 as clear evidence has not been provided to demonstrate there is no need for the condition to remain, and would result in an open market dwelling in the countryside contrary to Policy S14 of the Mid Devon Local Plan 2013-2033

Statement of Positive Working

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1 - Sustainable development priorities
S9 - Environment
S14 - Countryside
DM8 - Rural workers' dwellings

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			22/06/2021

Signed:

A handwritten signature in black ink, appearing to read 'Angharad Williams', with the name 'williams.' written in a smaller font below the signature.

Angharad Williams
Interim Development Management Manager

Date: 4th October 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.