

Reference No: 21/00838/FULL
Parish: Holcombe Rogus 29



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Mr & Mrs Hull
Ford Barn Farm
Holcombe Rogus
Wellington
Devon
TA21 0QB

Name and Address of Agent:

Mr Robert Taylor
R Taylor Design Associates
8 Greenwood
Willand
Cullompton
Devon
EX15 2SY

Date Registered : 16th June 2021

Date of Permission : 24th September 2021

Proposal: Conversion of former agricultural building, kennel runs and garage to dwelling to include first floor extension above garage

Location: Land and Buildings at NGR 305035 118141 (Ford Barn Farm) Holcombe Rogus Devon

Site Vicinity Grid Ref: 305037/118140

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. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and mitigation requirements of the ecological survey report carried out by Western Ecology and dated September 2020.
4. 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 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 within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil of 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.

5. Prior to the use of any above ground materials first being used on site details of the materials (including, roof covering, Stone, Mortar, cladding, windows and external doors paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and or samples and be so retained.
6. Construction works shall not take place outside 07.30 hours to 19.00 hours Mondays to Fridays and 07.30 to 13.00 hours on Saturdays and at no time on Sundays, Bank Holidays and Christmas Day.
7. Prior to the first occupation of the dwelling hereby approved, details of any external lighting within the application site shall be submitted to and agreed in writing by the Local Planning Authority. Any external lighting installed shall be in accordance with the agreed details.
8. That the proposed planting measures set out in the approved plans shall be implemented by the first growing season after the substantial completion of works and shall be retained thereafter. Should any tree, shrub, plant or other item of natural vegetation die in the following five years, it shall be removed and a like-for-like replacement shall be planted in its stead.

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 safeguard statutorily protected species in accordance with the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010).
4. To safeguard the visual amenities of the area in accordance with Policy DM1 of the Mid Devon Local Plan (2013-2033).
5. To safeguard the visual amenities of the area in accordance with Policy DM1 of the Mid Devon Local Plan (2013-2033).
6. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with Policy DM1 of the Mid Devon Local Plan (2013-2033).
7. In the interests of preserving the character and visual amenity of the rural area in accordance with Policy DM1 of Mid Devon Local Plan 2013 - 2033.
8. In the interests of preserving the character, visual amenity and biodiversity of the rural area in accordance with Policy DM1 of Mid Devon Local Plan 2013 - 2033.

INFORMATIVE NOTES:

1. Barn conversions can harm or destroy any legally protected bats, bat roosts and nesting birds which may be present. Please note it is illegal to disturb or cause injury to nesting birds and roosting bats, or to damage or destroy a bat roost, or to block bats' access to a roost, whether or not bats are present at the time. Any works affecting bats, bat roosts and barn owls are subject to special provisions and Natural England licensing: please see further information at <https://www.gov.uk/bats-protection-surveys-and-licences> and/or obtain specialist advice from a suitably qualified and experienced ecological surveyor. Bat

surveyors will generally be in possession of a Natural England Class 1 or Class 2 bat survey licence.

For the proposed works, a bat/bird survey is strongly recommended, in order to avoid risk of committing an offence under the Wildlife & Countryside Act 1981 (as amended). Please ensure that suitable safeguards, including an appropriate survey, are in place before works commence, to prevent harm or disturbance to legally protected species.

Different parts of a building can be used by bats, including above wall tops, lofts, under barge and soffit boards, in the eaves, between roof tiles and felt, in the roof apex, under roof sheeting, and within cavity walls. Bats tend to tuck themselves into small crevices and therefore cannot always be seen. Small gaps as little as 1-2 cm may be sufficient to allow bats to access a roof or wall space. A thorough inspection should be carried out of all areas with potential to be used by bats, before commencement.

Notwithstanding special protection for Barn owls, please note all nesting birds are legally protected. Works involving modifications to buildings which may form nesting sites for birds 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). If works must take place within the bird breeding season, appropriate measures must be taken, such as a suitable survey, to ensure that there is no threat of disturbance or harm to nesting birds. If any nesting birds are discovered, immediately prior to or during the course of the development, works should cease until breeding has finished and fledglings have departed nests.

2. This permission does not carry any approval or consent which may be required under any enactment, byelaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act 1990.
3. 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.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

On balance, it is considered that the barn and boundary wall, making up the other 2 buildings, does positively contribute to the rural character of the area. In their revised form, the works to the building are considered to respect the character of the building and the surrounding rural environment, and will not adversely affect the amenities and living conditions of any neighbouring properties. The proposed access arrangements are considered acceptable. The proposal is not considered to cause harm to nature conservation interests in the local area subject to adopting the mitigation measures as recommended in accordance with Policies S1, S9, DM1 and DM9 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 and has imposed planning conditions to enable the grant of planning permission.

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

S1 - Sustainable development priorities

S9 - Environment

S14 - Countryside

DM1 - High quality design

DM5 - Parking

DM9 - Conversion of rural buildings

Relevant Plans

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

| Plan Type | Reference | Title/Version | Date Received |
|-------------------|-----------|--------------------------|---------------|
| Proposed | P648/07 | Site Plan | 31/03/2021 |
| Proposed | P648/08 | Ground Floor Plan | 31/03/2021 |
| Proposed | P648/09 | First Floor & Roof Plans | 31/03/2021 |
| Proposed | P648/10 | Elevations | 31/03/2021 |
| Schedule of Works | | | 30/04/2021 |

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://www.middevon.gov.uk/planning>

Signed:

Angharad Williams
Interim Development Management Manager

Date: 24th September 2021

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.