

**Reference No: 19/00460/PNCOU**  
**Parish: Holcombe Rogus 29**

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND)**  
**ORDER 2015 Schedule 2 Part 3**

**Name and Address of Applicant:**

Mr & Mrs M Gallagher  
Whipcott Heights  
Holcombe Rogus  
Devon  
TA21 0NA

**Name and Address of Agent:**

Mr Peter Moat  
Conifers  
Henlade  
Taunton  
TA3 5LS

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Dear Sir/Madam,

**Proposal:** Prior notification for the change of use of an agricultural building to 1 dwelling under Class Q  
**Location:** Land at NGR 307368 118580 (Whipcott Heights) Holcombe Rogus Devon  
**Site Vicinity Grid Ref:** 307354/118666

I refer to the above proposal/notification received by the Local Planning Authority on 19th March 2019.

The Authority has considered the details of your proposal/notification and considers that the proposed change of use is not permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and cannot benefit from this procedure for the following reason:

The proposed change of use is not considered to be permitted development and the notification will be refused on that basis. As the proposal is not permitted development it has not been assessed against the conditions set out in Schedule 2, Part 3, Class Q.

Planning permission will therefore be required should you wish to pursue the change of use.

This letter constitutes the Authority's formal decision on the notification.

Yours faithfully,

**Signed:**

**Date: 14th May 2019**

**Head of Planning and Regeneration**  
**Mid Devon District Council**

**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.**

### **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 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.
- Appeals must be made using a form which you can get from the Planning Inspectorate, Customer Support Team, Room 306, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN alternatively, request for an appeal to be made by telephone: 0303 444 5000. Appeal forms can also be submitted electronically via the planning portal at <http://www.planningportal.gov.uk/planning/appeals/online/makinganappeal>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **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.