

Reference No: 16/01504/FULL
Parish: Burlescombe 06



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Mr G Craven
Antioch
Westleigh
Tiverton
Devon
EX16 7HY

Name and Address of Agent:

Mr Matt Robinson
Robinson Jary Architecture
14 Castle Street
Exeter
EX4 3PT

Date Registered : 5th June 2017

Date of Permission : 11th August 2017

Proposal: Conversion of storage barn to dwelling

Location: Land and Building at NGR 305991 117141 (Antioch) Westleigh Devon

Site Vicinity Grid Ref: 305992/117141

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

NOTE: THIS DECISION NOTICE IS SUBJECT TO A UNILATERAL UNDERTAKING/SECTION 106 AGREEMENT, A COPY OF WHICH IS AVAILABLE TO VIEW ON PUBLIC ACCESS.

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. No development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
4. No other part of the development shall be commenced until the alterations to the junction with Post Office Lane and the parking and turning areas have been provided in accordance with details shown on the submitted plans. Following their provision these facilities shall be so retained.

5. 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, D and E of Part 1 relating to windows, retaining structures and means of enclosure, shall be undertaken within the application site/dwelling curtilage without the Local Planning Authority first granting planning permission.
6. The surface water drainage of the site shall be designed as to prevent the discharge of surface water onto any highway.
7. No boundary treatment shall be installed until there has been submitted to, and been approved in writing by, the Local Planning Authority a plan indicating the height, positions, design, materials and type of boundary treatment to be erected on the site and a timescale for its implementation. The new roadside boundary shall be a stone to match that element of the roadside elevation of the proposed building. The boundary treatment so approved shall be completed in accordance with the approved details and shall be so retained.
8. Before its use on site, a sample panel between 1 and 2 square metres in size of the proposed stone, (indicating colour, texture, pointing, mortar and coursing), to be used for the roadside boundary wall hereby permitted has been provided on site for inspection and agreed in writing by the Local Planning Authority. Stonework shall be laid on its natural bed and constructed in accordance with the approved sample panel.
9. The proposed dwelling shall not be occupied until the refuse store and facilities allocated for storing of recyclable materials and cycle storage have been provided in accordance with the details to be submitted to and approved in writing by the Local Planning Authority. All refuse, recyclable materials and cycles associated with the development shall either be stored within the dedicated facilities or internally within the building on the application site.
10. The mitigation, compensation and enhancement measures proposed in the Seasons Ecology Bat Surveys report (May 2017) shall be implemented, completed and retained in accordance with the requirements of that report.
11. Prior to their use/installation details of the hard and soft landscaping and external lighting shall be submitted to the Local Planning Authority and approved in writing, such approved details shall be retained thereafter, unless otherwise agreed in writing.

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, in accordance with Paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in Paragraph 5.3 of the Mid Devon Local Plan Part 3 (Development Management Policies) Policy DM27, that an appropriate record is made of the heritage asset that is affected by the development.
4. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance DM2 (criterion d) Local Plan Part 3 (Development Management Policies) and/or in accordance with guidance in the National Planning Policy Framework (NPPF).
5. To protect the privacy and amenities of future and neighbouring occupiers and to ensure adequate parking and turning areas and amenity space are maintained for the proposed

dwelling in accordance with Policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

6. To prevent damage and to restrict the surface water running onto the highway in the interests of highway safety.
7. To safeguard the character and amenities of the area in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
8. To ensure the use of stone, mortar, coursing and pointing appropriate to the development in order to safeguard the character and appearance of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3: (Development Management Policies) Policy DM2.
9. To safeguard the amenity of the occupiers of adjoining premises, protect the general environment and to ensure that there are adequate facilities for storage and recycling.
10. To ensure the proposed development retains the known biodiversity assets in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
11. To enable the Local Planning Authority to consider the impact of the development particularly on the occupiers of the neighbouring properties and the bat population in accordance with Policies DM2 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTES:

1. The developer must ensure compliance with the requirements relating to protected species by virtue of the Wildlife and Countryside Act 1981 and the Habitats Regulations. Any operations that would disturb bird nesting habitat should be undertaken outside the breeding season (March to August inclusive).
2. Foul drainage should be kept separate from clean surface and roof water and connected to the public sewerage system.
3. If you alter your proposals in any way, including in order to comply with the requirements of the Building Regulations, planning permission may be required.
4. In regard to condition 3, a suitable programme of work as taking the form of an appropriate record of the historic building as well as any architectural features, fixtures and fittings affected by the development. This work would be undertaken in advance of any construction/conversion works and supplemented, if required, by observations made during the development. The results of the historic building recording work and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.
5. You are advised that a European Protected Species licence will be required from Natural England.
6. No record is held for the proposal address. However, if a private supply is to be used by more than one property it would be classed as a Regulation 10 small supply, unless a commercial element is involved when it would be classed as a Regulation 9 supply under The Private Water Supply (England) Regulations 2016. In either circumstance a risk assessment and sampling regime will be necessary. Please contact Public Health at Mid Devon District Council on completion of proposal. If single domestic use of a private supply is proposed or if mains water is to be used you do not need to contact the Council in that regard.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is acceptable in principle as the site is within the defined settlement limit of Westleigh. The proposed development will be at a density compatible with its surroundings and this proposal will reasonably complement the appearance of the streetscene and the setting and historic fabric of the host building and its surroundings. There is adequate on-site parking and vehicle manoeuvring facilities with access thereto can be provided to serve this proposal. There is sufficient distance and intervening topography and landscaping between the proposed dwelling and the neighbouring properties not to adversely affect the living conditions of the occupiers of those dwellings. There is no detrimental impact on the living conditions of the proposed residents. The proposal is therefore in accordance with Policies COR9, COR2, and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), together with Policies DM1, DM2, DM3, DM8, and DM14 of the Local Plan Part 3 (Development Management Policies).

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.

In accordance with paragraph 69 of 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 Core Strategy (Local Plan Part 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR17 - Villages

Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2)

AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes

Relevant Plans

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

| Plan Type | Reference | Title/Version | Date Received |
|--------------------|-------------|-------------------------|---------------|
| Site Location Plan | 033 PL 001- | Inc. Block Plan | 28/09/2016 |
| Proposed | 033 PL 101- | Ground Floor in Context | 28/09/2016 |
| Proposed | 033 PL 201- | Elevations | 28/09/2016 |
| Proposed | 033 PL 110- | Ground Floor Plan | 28/09/2016 |

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: 11th August 2017

**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.