

Reference No: 17/01598/FULL
Parish: Burlescombe 06



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Mr D Reed
The Barton
Burlescombe
EX16 7JW

Name and Address of Agent:

Mr A Wotton
No 2 Thatchers Cottages
Westleigh
Tiverton
EX16 7HY

Date Registered : 25th September 2017

Date of Permission : 15th November 2017

Proposal: Erection of an agricultural building for new milking parlour, collecting yard and handling system (558sqm)

Location: Land and Buildings at NGR 307430 116536 The Barton Burlescombe Devon

Site Vicinity Grid Ref: 307414/116568

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. As specified in correspondence sent to the Environmental Health Department from the Applicant's agent Alex Wotton, dated the 13th October 2017, the vacuum pumps and milking apparatus to be installed as part of the approved development shall be the DeLaval DVP2000F vacuum pump system (or any system with similar specifications) designed for reduced operational noise levels of between 64 and 71 Decibels with the silencer. The apparatus shall be installed within the proposed building on the side adjacent to the existing agricultural buildings.

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 the amenities of the area and adjacent occupiers in accordance with policies DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application for the erection of an agricultural building for new milking parlour, collecting yard and handling system is considered to be supportable in policy terms. The new building is required to house a modern 16/32 rapid exit milking parlour as part of the existing dairy enterprise, ensuring the long term viability of the business and on this basis it is considered that the development is reasonably necessary to support the farming activity on the holding. Whilst the building will be relatively large, the design is typical of an agricultural building and it is not considered that it would harm the character and appearance of this rural area. It is not considered that the proposal would result in any significant adverse impacts on the amenity of nearby occupiers subject to conditions. It is not considered that the proposal would result in any adverse environmental or highway impacts. Overall the proposal is considered to be compliant with policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan part 1), DM1, DM2 and DM22 of the Local Plan part 3 (Development Management Policies) and government advice in the National Planning Policy Framework.

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 determining the application in a timely fashion.

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)

COR2 - Local Distinctiveness
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM22 - Agricultural development

Relevant Plans

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

Plan Type	Reference	Title/Version	Date Received
Proposed Various	17-04-001 rev A	SLP/Plans	25/09/2017

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: 15th November 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.