

Reference No: 18/00964/MOUT  
Parish: Burlescombe 06

**TOWN AND COUNTRY PLANNING ACT 1990**

**REFUSAL OUTLINE PLANNING APPLICATION**

**Name and Address of Applicant:**

Mr & Mrs Fry  
Greenacres Caravan Site  
Westbuckland Road  
West Buckland  
Wellington  
Somerset  
TA21 9PH

**Name and Address of Agent:**

Mr M Roberts, Preliminary Planning  
Professionals  
30 Nelson Place  
Newton Abbot  
TQ12 2JH

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Date Registered : 13th July 2018

**Proposal:** Outline for the erection of 15 dwellings, access, and associated works  
**Location:** Land at NGR 306177 116745 (Moor Lane) Westleigh Devon

**Site Vicinity Grid Ref:** 306178/116746

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

**Reasons for Refusal:**

1. The Local Planning Authority does not consider Westleigh to be a sustainable settlement in that it lacks the day to day facilities that make it suitable for housing growth. Westleigh has only one of the three essential services that the Local Planning Authority considers necessary for even a limited level of new housing development. Whilst Westleigh does have an education facility ( a primary school in nearby Burlescombe), it does not have a shop or and the public transport service amounts to only one bus a week. Accessibility to a wide range of services is therefore poor and there would be a high dependency on the usage of the private car. In the opinion of the Local Planning Authority, the proposal would not amount to sustainable development and therefore conflicts with the sustainability objectives of the National Planning Policy Framework. The harm caused by this conflict is considered to significantly and demonstrably outweigh the benefits of the development in providing new housing in the District.  
The proposal is considered to be contrary to Policies: COR1, COR9, COR12 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and the sustainability objectives of the National Planning Policy Framework.

2. Policy AL/IN/3 makes clear that new housing developments will need to provide at least 60sqm of equipped and landscaped public open space per market dwelling, or a contribution per dwelling in accordance with the public open space SPD. Devon County Council has sought a contribution towards additional education infrastructure at the local secondary school and towards secondary school transport due to the proposed development site being further than the statutory walking distance of 2.25 miles from Uffculme Secondary School. Policy AL/DE/3 requires the provision of 35% affordable dwellings on site. During the determination period of this application, no s106 obligation has been entered into by the applicant to secure this necessary mitigation to off-set the impacts of the proposed development and so is considered to be contrary to Policies AL/IN/3, AL/IN/5 and AL/DE/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).

### **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  
 COR3 - Meeting Housing Needs  
 COR9 - Access  
 COR11 - Flooding  
 COR12 - Development Focus  
 COR18 - Countryside

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

AL/DE/3 - Affordable Housing Site Target  
 AL/DE/4 - Occupation of Affordable Housing  
 AL/DE/5 - Inclusive Design and Layout  
 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

### **Relevant Plans**

The plans listed below are those which were considered in determining the application:

<b>Plan Type</b>	<b>Reference</b>	<b>Title/Version</b>	<b>Date Received</b>
Site Location Plan	MGR/18/063A/01		15/06/2018
Block Plan	MGR/18/063A/02	Site Layout	15/06/2018

Proposed

04888 TCP

Tree Constraints Plan

15/06/2018

**Signed:**

**Mrs Jenny Clifford  
Head of Planning and Regeneration**

**Date: 15th November 2018**

**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://acp.planninginspectorate.gov.uk>
- 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.