

Public Document Pack

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PLEASE NOTE: Members of the public wishing to speak to a planning application are requested to contact the Committee Administrator before the meeting starts.

MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the PLANNING COMMITTEE will be held in the Council Chamber, Town Hall, Tiverton on Wednesday, 2 December 2015 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 16 December 2015 at 2.15 pm in the Phoenix Chamber, Phoenix House Tiverton

KEVIN FINAN
Chief Executive
24 November 2015

Councillors: Mrs H Bainbridge, K Busch, Mrs C Collis, Mrs F J Colthorpe, R J Dolley, J M Downes, S G Flaws, P J Heal, D J Knowles, F W Letch, R F Radford, J L Smith, J D Squire and R L Stanley

A G E N D A

MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute.
- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 3 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 18*)
To receive the minutes of the previous meeting.
- 4 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 5 **DEFERRALS FROM THE PLANS LIST**
To report any items appearing in the Plans List which have been deferred.

- 6 **THE PLANS LIST** (*Pages 19 - 38*)
To consider the planning applications contained in the list.
- 7 **THE DELEGATED LIST** (*Pages 39 - 60*)
To be noted.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 61 - 64*)
List attached for consideration of major applications and potential site visits.
- 9 **APPEAL DECISIONS** (*Pages 65 - 68*)
To receive for information a list of recent appeal decisions.
- 10 **INSTALLATION OF A GROUND MOUNTED PHOTOVOLTAIC SOLAR FARM TO GENERATE UP TO 6MW OF POWER (SITE AREA 11 HA) WITH ASSOCIATED INFRASTRUCTURE INCLUDING INVERTER CABINS, SUB-STATION BUILDINGS, ACCESS TRACKS, FENCING AND CCTV (REVISED SCHEME) AT LAND AT NGR 307922 118303 (WISEBURROWN FARM), BURLESCOMBE, DEVON** (*Pages 69 - 94*)
To receive an implications report from the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to refuse the application.
- 11 **PRE- APPLICATION FEES** (*Pages 95 - 108*)
To receive a report of the Head of Planning and Regeneration requesting the Committee to consider revised arrangements for our customers to gain pre-application advice from the Planning Service in terms of fees for heritage advice.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. The reports within this agenda have been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available.

There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 21 October 2015
at 2.15 pm

Present Councillors

K Busch, Mrs C Collis, R J Dolley,
J M Downes, S G Flaws, P J Heal,
D J Knowles, F W Letch, R F Radford,
J L Smith, J D Squire and R L Stanley

Apologies Councillor(s)

Mrs H Bainbridge and Mrs F J Colthorpe

Also Present Councillor(s)

Mrs A R Berry and Mrs G Doe

Present Officers:

Jenny Clifford (Head of Planning and
Regeneration), Tina Maryan (Area Planning
Officer), Luke Smith (Principal Planning
Officer) and Sally Gabriel (Member Services
Manager)

61 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs Mrs H Bainbridge and Mrs F J Colthorpe.

In the absence of the Chairman, Cllr D J Knowles (Vice Chairman) took the Chair and invited a Member of the Committee to be his Vice Chairman for the meeting.

RESOLVED that Cllr J M Downes take the place of the Vice Chairman for the meeting.

(Proposed by Cllr P J Heal and seconded by Cllr F W Letch)

62 **PUBLIC QUESTION TIME**

Mrs Rice referring to Item 3 on the Plans List (Coach Road, Silverton) stated that when the original consent was given for the doctors surgery the following condition was applied limiting the use of the site as a doctors surgery, I assume this condition still applies?

The site drawings do not show the extension is this an oversight?

Regarding parking, there will be a reduction in parking, this will mean more cars in Coach Road where there are already parking issues.

Mr Holmes referring to item 2 on the Plans List (Willand Service Station)

In their reply of 28 July 2015, the Highway Authority requested that the site should demonstrate the swept path of an articulated vehicle on entry and exit from both directions.

It has not been demonstrated that the swept path analysis of an articulated vehicle leaving the site to travel towards Cullompton would achieve this manoeuvre without mounting the grass verge opposite or blocking the carriageway.

What proposals are there if this manoeuvre does not prove possible as it would seem a fundamental question that has not been addressed in the Road Safety Audit, revised plans or officers report?

Mr Grantham referring to item 1 on the plans list (Portway Gardens) asked if the committee members knew exactly what they are being asked to approve?

This is asked as the officers report does not include any drawing numbers which will appear as part of the decision notice.

It is considered extremely relevant when in particular one is referring to the current hardstanding parking area at the front of the property. Hardstanding along the front of the house was included in the last committee approval but all of the current hardstanding in front of the proposed extension has been laid in contravention of the approval as has part of the protective rail fence. In spite of representation from the Parish Council this unapproved area has not been noticeably addressed by planning officers.

The officer in his report to Committee states on the bottom of page 13 and I quote "although there are a couple of outstanding issues on the wider site being currently investigated by your Enforcement Officers these issues do not have any impact on the proposed scheme presented to you for consideration although it is noted that one of the outstanding issues relates to an additional area of vehicle hardstanding within the curtilage of 4 Portway Gardens. This hardstanding is not shown on the submitted drawings and its retention is not sought through this application". Is this not a contradiction of fact and may we show that the last statement is incorrect?

On Page 15 of the report the officer states "The majority of issues raised by Willand Parish Council relate to the siting, building and inclusion of additional hardstanding. This had been removed from the application and is not to be considered as part of this application". This is not correct as reading of the Parish Council submission will show a number of other areas of concern.

The following plans have been submitted and are part of your consideration:
Plan PA101 REV A - the site location and block plan. Notes on the plan say that "detached garage and additional driveway removed" The additional unapproved hardstanding is shown as part of the plan to be approved.

Plan PA102 REV A - site plan as proposed. Notes on the plan say "detached garage and additional driveway removed." There are two lines which appear to show the current and wider hardstanding areas and it is not clear.

Plan PA202 REV A - Floor plans as proposed. Notes on the plan say that "detached garage removed from title block" in front of the extension on the ground floor plan is the word courtyard which is where the current unapproved hardstanding/parking area is laid.

If one looks at the design and access statement (3.3) the agent refers to this area being suitable for barbecues etc and so appears of the view that this is or will be approved and is part of the application.

Will Members be clear on these points please before making a decision.

Mr Mander referring to Item 1 on the Plans List (Portway Gardens) stated that the Ward Councillors, the Parish Council and residents are concerned that this extension will further compromise the street scene on this development by creating further hard building line. The width of the property is to be increased by 50% which will in effect make a solid building across the whole plot.

This question is asked because the planning officer states that the Parish Council has commented that the extension will disrupt the view of the protected walnut tree within the rear garden of the applicant's property. This is not correct and the Parish Council's position is set out in paragraph 4.2 of their letter of 15 September where they refer to the loss of view of trees in the plural - there are three trees which will be hidden or partly hidden.

It should be noted that in the planning history you are advised of the current appeal which is taking place whereby at the rear of most of these trees a cypress tree was recently refused removal. The reasons for refusal are given as "the tree is serving to soften a new development and is an important feature of the street scene. It has good landscape value. The loss of the tree is considered to harm the visual amenity of the area to an unacceptable degree". The building of the extension will close off the majority of the view of the depth of the street scene of which the three trees to the rear are part.

Is it not inconsistent to at one point to argue for the retention of a tree as to its amenity value to the street scene and then negate that by increasing the width of a house to the front of it by 50% and thereby hide the potential of this and other trees to break up the hardness of the existing permitted properties.

Mr Gallagher referring to Item 11 on the agenda (Wiseburrow Farm) referred to the previous application refused on the grounds of screening and the lack of screening. The current application does not appear to show any significant difference to the previous one as the proposed screening will have no effect. From where you stand you have got a site line only 5 metres high, whereas they will need to be 25 metres to cover the same screening, if you are mindful to approve, the planting scheme should be in place before you start. Holcombe Court will also have a problem with screening, this is all to do with the line of sight, we will need proper screening for this project please.

The Chairman indicated that answers to the questions would be provided when the items were discussed.

63 **MINUTES OF THE PREVIOUS MEETING (00-17-58)**

Subject to an amendment to Minute 55 (Enforcement List) to include in the notes that Cllrs R J Dolley and J L Smith requested that their vote against the decision be recorded, the minutes of the meeting held on 23 September were approved as a correct record and signed by the Chairman.

64 **CHAIRMAN'S ANNOUNCEMENTS (00-19-29)**

The Chairman had no announcements to make.

65 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

66 **THE PLANS LIST (00-23-20)**

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 4 on the Plans List (***15/01438/FULL – installation of 150KW ground mounted solar panels – land at NGR 280054 113389 (Woodford Farm, Witheridge)***) be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Notes:

- (i) Cllr P J Heal declared a Disclosable Pecuniary Interest as he had had business dealings with the applicant and therefore left the meeting whilst the decision was taken;
- (ii) Cllr J M Downes requested that his vote against the decision be recorded;
- (iii) Cllr R J Dolley requested that his abstention from voting be recorded;
- (iv) The following late information was available on the update sheet: Two further representations have been received:

19th October 2015

Morched Bishop Parish Council: no comments.

Cruwys Morched Parish Council: no objections.

The additional representations do not raise any further issues to be considered in determining the application.

(b) No 1 on the Plans List ((15/00968/FULL, erection of a single storey extension, 4 Portway Gardens, Willand Old Village, Willand)

The Head of Planning and Regeneration outlined the contents of the report by way of presentation highlighting the block plan, which identified the walnut tree with a tree preservation order in addition to the large oak tree, she outlined the single storey extension, the proposed elevations and materials to be used to match the existing property, the spread of the root protection areas of the walnut tree and photographs from various aspects of the site which considered the location of the proposed extension with regard to the streetscene.

In answer to the questions posed in public question time, the Head of Planning and Regeneration stated that the foundation design had been controlled; the only issue before committee today was the application for a side extension, this did not include the driveway, the hardstanding or the fencing.

Consideration was given to the history of the various applications on the site, the impact of the proposed extension on the trees, the live enforcement issues, the possibility of the Tree Officer being present whilst any excavations took place to try to protect the root protection area of the walnut tree, possible overdevelopment of the site, the position of the walnut tree and its proximity to the fence and street scene issues.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 3 to state:

- i) No development shall begin until specific details of the method of constructing the foundations for the extension and proposing a suspended floor so as to provide protection for the root protection area of the walnut tree within the rear garden of the property have been submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be undertaken in accordance with the approved details.
- ii) Prior notice of not less than 3 working days shall be given in writing to the Local Planning Authority of the date and time of any excavation works to construct the extension so that the Tree Officer may be present during those works. No such excavation works shall take place without prior notice in accordance with the requirements of this condition.

(Proposed by Cllr P J Heal and seconded by Cllr J M Downes)

Notes:

- (i) Mr Fanning (Agent) spoke;
- (ii) Mr Dennis spoke on behalf of the objectors;
- (iii) Cllr Warren spoke on behalf of Willand Parish Council;

- (iv) Cllr Mrs G Doe spoke as Ward Member;
- (v) Statements by Cllrs R J Chesterton and R Evans (Ward Members) were considered;
- (vi) A proposal to refuse the application was not supported.

(c) No 2 on the Plans List ***(15/01086/FULL – erection of petrol filling station including sales (200sqm shop), dispensing forecourt and canopy, underground tanks and associated pipework, air/water machine, parking, floodlights, service yard area and new surface finished, removal of existing pumps and relocation of car sales - Willand Service Centre, Willand).***

The Area Planning Officer outlined the contents of the report by way of presentation identifying the location plan, the existing site layout and the proposed expansion of the petrol station, the existing and proposed accesses and photographs from various aspects of the site. She addressed the issues that had arisen in public question time stating that the movement of heavy good vehicles had been discussed with the applicant and the Highway Authority (consultation response 30 September 2015) and were addressed through conditions. With regard to issues of noise and opening hours, the Environmental Health Service had not considered that the relocation of the filling station would have any additional impact on local residents. She also addressed issues of building outside the settlement limit explaining the change in Government policy following the introduction of the National Planning Policy Framework which was in favour of sustainable development and encouraged the expansion of existing businesses in rural areas.

Discussion took place with regard to:

- The fact that there had not been opening restrictions on the previous site
- The possible impact on the neighbouring properties
- The National Planning Policy Framework and building in the open countryside

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with the removal of Condition 3 (as this duplicated another condition) and the deletion of reference to Policy COR 17 in the reasons for approval.

(Proposed by Cllr P J Heal and seconded by Cllr F W Letch)

Notes:

- (i) Cllr R J Dolley declared a personal interest as he had worked with other businesses on the site;
- (ii) Mr Sheppard spoke on behalf on the applicant;
- (iii) Mr Hoare spoke as an objector;
- (iv) Cllr Warren spoke on behalf of Willand Parish Council;
- (v) Cllr Mrs G Doe spoke as Ward Member;

- (vi) A proposal to defer the application to consider highway issues was not supported;
- (vii) Cllr R J Dolley requested that his abstention from voting be recorded.

(d) No 3 on the Plans List ***(15/01234/FULL – erection of a dwelling, Exe Valley Practice, 3 Coach Road, Silverton)***

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the neighbouring properties, the proposed floor plan, elevational drawings, proposed materials, 3 D visualisations of the front and rear view of the development and photographs from various aspects of the site. He stated that concerns regarding parking issues had been addressed and the Highway Authority had been consulted.

In answer to the questions posed in public question time, the Head of Planning and Regeneration stated that the original condition would be overridden by the granting of the consent; the parking issues had been explained and that whilst the surgery was proposed for closure the application for the dwelling had been considered in co-existence with it.

The Chairman indicated that he had received a message from the Ward Member (who had an interest in the application) stating that the adjacent Ward Member who had called in the application was unable to attend and therefore requested that the item be deferred or that a site visit take place. He stated that this was a decision for the committee.

Consideration was given to the objector's concern regarding the impact of the development on neighbouring properties.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr R J Dolley)

Notes:

- (i) Mrs Rice spoke in objection to the application;
- (ii) The following late information was reported: 16th October 2015 - The Parish Council recommends refusal of the above application as it feels the proposed works are an overdevelopment of the site.

The Committee **NOTED** the decisions contained in the Delegated List *.

Note: *List previously circulated; copy attached to signed Minutes.

68 MAJOR APPLICATIONS WITH NO DECISION (2-12-00)

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

It was **AGREED** that:

Application:15/01571/MFUL – Menchine Farm be brought before the Committee and that a site visit take place prior to determination.

Application 15/01511/MFUL – Broadpath, Burlescombe, be brought before the Committee and that a site visit take place prior to determination if recommended for approval.

Note: * List previously circulated; copy attached to the Minutes.

69 APPEAL DECISIONS (2-13-42)

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: * List previously circulated; copy attached to signed Minutes.

70 APPLICATION 15/00650/MARM - RESERVED MATTERS FOR THE ERECTION OF 285 DWELLINGS INCLUDING COMMUNITY CENTRE, GREEN INFRASTRUCTURE, PUBLIC OPEN SPACE, VEHICLE ACCESS POINTS, INTERNAL ROADS, PEDESTRIAN/CYCLE LINKS AND ASSOCIATED WORKS AT LAND AT NGR 2301001 107388 (NORTH OF KNOWLE LANE, KNOWLE) (2-14-15)

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application.

She outlined the contents of the report by way of presentation highlighting the original Kingfisher Reach development and the proposed access points to the development before Members. She identified the proposed layout, the footpath links and vehicular access, the attenuation ponds, the network of paths and bridges, the community building, the areas for children's play, the affordable housing plots throughout the site, the proposed street scene, proposed elevations of the apartment block, the range of material and photographs from various aspects of the site. She explained the control of surface water and the maintenance of the open spaces and the change in Government policy with regard to affordable housing and the impact of this on the viability of affordable housing on the site.

Consideration was given to:

- The concerns of the Town Council with regard to parking issues, traffic generation, play areas and adequacy of access.
- Following a previous presentation to Members, the applicant had responded to the Committee's concerns regarding the apartment blocks, bin storage and bus stops.
- Access points to the proposed development.
- Drainage concerns and the maintenance of the attenuation ponds.
- Traffic issues in the town and the increase of vehicular movement.
- A possible roundabout at the Kingfisher Reach/Tiverton Road junction.
- The reduction of affordable housing on the site.
- Visual impact of the 3 storey buildings.

RESOLVED that planning permission be granted subject to conditions and an informative note as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr R L Stanley and seconded by Cllr P J Heal)

Notes:

- (i) Cllrs P J Heal and R L Stanley declared personal interest as Chairman of the Decent and Affordable Homes Policy Development and Cabinet Member for Housing respectively;
- (ii) Cllr R J Dolley declared a personal interest as a member of the Decent and Affordable Homes Policy Development;
- (iii) Cllr D J Knowles made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as he had received correspondence regarding the application;
- (iv) Mr Mantell (Agent) spoke;
- (v) Mrs Morris (Cullompton Town Clerk) spoke;
- (vi) Cllr Mrs A R Berry spoke as Ward Member;
- (vii) Cllrs K I Busch, R J Dolley and J L Smith requested that their votes against the decision be recorded;
- (viii) The following late information was reported:

16th October 2015

Revised tracking plans have been provided following the comments of the Highway Authority. The Highway Authority has confirmed that it is content that the issues raised in their earlier comments have now been addressed.

Revised landscaping plans have been received which address the issues raised by the Police Architectural Liaison Officer.

Cullompton Town Council comments received 14th October repeating objections of their response 26th June 2015. Revised / new comments received 14th October are summarised as follows:

Submitted evidence of vehicle tracking shows sufficient space for emergency and refuse collection vehicles to transit the streets and turn. The diagrams do not make allowance for residential vehicles that will be parked on these streets which will make their access and egress from the development difficult if not impossible.

The development will bring in excess of 450 domestic cars. The majority will be exiting from a single point of the development and onto another inadequate street in Kingfisher Reach before proceeding to the inadequate Tiverton Road junction with High Street. At peak times this is unacceptable. Installation of a roundabout at the north of the development and onto Tiverton Road. At a bare minimum there must be a second access at the northern end of the development.

Space should be allocated for allotments and community composting area. There is currently a waiting list of allotments. The copse should be planted with fruit trees.

19th October Lead Local Flood Authority summarised as follows:

Maintenance of SUDS can be dealt with by appropriate conditions with details of the management company and maintenance regimes of appropriate features. Outline details appear appropriate but further detail will be required to secure the long term maintenance of the scheme.

Our landscape comments relate to the overall design of the attenuation areas and the health and safety issue around steep embankment slopes. It is unclear from the proposed drawing what sort of slopes the pond will have, it appears steep. The areas should be designed as per the Ciria SUDS manual and be sympathetic to the surrounding area and flood plain areas.

Flood mitigation measures will require flood defence consent due to the presence of a main river. Our comments were related to the overflow mechanisms of the attenuation as well, in which a sympathetic reinforced spillway being provided to safeguard the pond design as per the SUDS manual.

Overall we are happy with the performance of the surface water management strategy, but with lessons learnt from phase 1 of the development.

(ix) *Report previously circulated, copy attached to minutes.

71 APPLICATION 15/01108/MFUL - INSTALLATION OF A GROUND MOUNTED PHOTOVOLTAIC SOLAR FARM TO GENERATE UP TO 6MW OF POWER (SITE AREA 11 HA) WITH ASSOCIATED INFRASTRUCTURE INCLUDING INVERTER CABINS, SUB STATION BUILDINGS, ACCESS TRACKS, FENCING AND CCTV

**(REVISED SCHEME) LAND AT NGR 307922 118303 (WISEBURROW FARM)
BURLESCOMBE (3-06-43)**

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application.

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location, access to the site, an aerial photograph identifying the site, the proposed layout of the panels, the panel arrangement, the location and design of the substations and proposed landscaping. She also explained the amendments from the previous application.

Photographs from various locations were presented and she explained that she felt there was no cumulative impact with regard to other sites in the neighbourhood.

Addressing the issue raised at public question time with regard to visual impact, she stated that screening could be conditioned and that the landscape plan could be enhanced.

Consideration was given to:

- The need for renewable energy and effective solar energy
- The visible impact of the proposal in open countryside
- The cumulative impact of the proposal
- The number of solar PV farms in the area
- The quality of the agricultural land

RESOLVED that members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed reasons for refusal based on landscape and visual impact and cumulative impact.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs C A Collis)

Notes:

- (i) Cllrs K I Busch, Mrs C Collis, R J Dolley, J M Downes, S G Flaws, P J Heal, D J Knowles, R F Radford, J L Smith, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding the application;
- (ii) Mr Munday (Agent) spoke;
- (iii) Mrs Worner spoke on behalf of the objectors;
- (iv) A statement by Cllr Mrs Bainbridge (Ward Member) was considered;
- (v) Cllr Mrs C A Collis spoke as one of the Ward Members;
- (vi) The following late information was reported: 16th October 2015

Burlescombe Parish Council 13th October 2015 – No further comments to make beyond their original objections (contained within the Committee report under the consultations section).

Two additional letters of objection received:

- The application will have a negative effect on the local area due to the loss of agricultural land, cumulative impact and the impact on views from historic buildings;
- Feel the committee report undervalues the special landscape;
- The wrong scheme in the wrong place.

1 further objection summarised as follows:

- The applicant has shown scant regard for screening the site – the planting already carried out is unsuitable due to species and size: trees would need to be 20m+ to screen
- Screening on the boundary of Wiseburrow Farm and Whipcott would alleviate screening issues for residents of the Whipcott area: trees would need to be 4-5m to screen
- The previous application was partly refused on landscaping grounds – the current proposal is no better and should be addressed using the whole of Wiseburrow Farm, not just the site.

Holcombe Rogus Parish Council had the following comments:-

1. It does not seem to us that the additional information provided by the applicants makes the proposed development acceptable. In particular, it is apparent from the additional photomontages that the application site will be visible from more parts of the Holcombe Court than originally envisaged.
2. In our view, the impact on Holcombe Court and the parish generally is under-estimated by the applicants and the officer report. Moreover, the impact on Holcombe Court will become even greater because of the precariousness of major trees at the front of the Court that are dying and that will need to be cut back in the near future.
3. The officer report (paragraph 5) refers to the issue of the photographs submitted with the LVIA and also photographs submitted by our Council. The photographs submitted by our Council are dismissed on the basis that their accuracy is not proven. Your Council does not appear to have taken steps to verify what we asserted namely that the photographs taken on behalf of the applicants are not a faithful and accurate representation of the landscape. If the applicant's photographs are viewed at the points at which the photographs were taken, it should be clear that the application site appears at a greater distance than when seen with the naked eye. This does not appear to have been done.
4. The officer report summaries Planning Policy Guidance. In particular, it states 'Where a proposal involves greenfield land the proposed use of any agricultural land needs to be shown to be necessary...' It does not seem to us

that the use of this land is necessary. We cannot see that this issue has been addressed.

5. It is a pity that the officer report does not refer specifically to the CPRE response to the planning application – copy sent with this letter.

6. We note that MDDC's Corporate Plan set out the following long term vision – 'Caring for our environment to promote and protect our outstanding environment and beautiful countryside'. The proposed development of the application site is at variance with this.

In the circumstances, our Council still feels that planning permission should be refused.

(vii) *Report previously circulated, copy attached to minutes.

72 **CONSIDERATION OF PLANNING APPLICATIONS FOR GROUND MOUNTED SOLAR PHOTOVOLTAIC SCHEMES. (3-45-52)**

The Committee had before it a * report of the Head of Planning and Regeneration regarding consideration as to whether it wished to continue to determine all solar photovoltaic (PV) panel schemes that were ground mounted and recommended for approval, irrespective of the scale of the proposal

She outlined the contents of the report stating that at the meeting of Planning Committee on 20th February 2013 it was debated whether all future planning applications for photovoltaic (PV) panels that were ground mounted be determined by Planning Committee, rather than being considered by officers under delegated powers given to the Head of Planning and Regeneration. It was resolved that: only applications for ground mounted solar PV arrays that were recommended by Officers for approval be brought before the Committee for determination. If Officers were minded to refuse ground mounted solar PV array applications then the specific Ward Member be informed of the proposed reasons for refusal before the decision is issued.

Discussion took place as to whether domestic scale applications for photovoltaic (PV) panel schemes needed to be determined by the Committee and concerns about cumulative impact of photovoltaic panels in general.

RESOLVED that the present system be continued and that a map showing the cumulative impact of each application be supplied with each report when brought before Committee.

(Proposed by Cllr J L Smith and seconded by Cllr S G Flaws)

Note: *Report previously circulated, copy attached to minutes.

73 **PLANNING PERFORMANCE QUARTER 2 2015/16 (3-49-21)**

The Committee had before it and **NOTED** a * report of the Head of Planning and Regeneration providing it with information on the performance of Planning Services for quarter 2 within the 2015/16 financial year.

She outlined the contents of the report stating that all targets were being exceeded with the exception of majors and listed building consent. She stated that there continued to be staffing challenges which had had a knock on effect on some of the major applications and that Conservation officer time had been taken up with issues in Cullompton. She was however mindful of the need to continue to monitor performance closely especially as the Government had indicated its intention to tighten planning performance requirements.

Note: *Report previously circulated, copy attached to minutes.

Update Sheet

(The meeting ended at 6.20 pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 2nd December 2015

Applications of a non-delegated nature

<u>Item No.</u>	Description
1.	<p>15/01480/FULL - Installation of ground mounted solar PV Array at Land at NGR 308166 110777(Whitmoor House), Ashill, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
2.	<p>15/01622/FULL - Erection of an agricultural worker's dwelling and an agricultural livestock building at Land at NGR 316711 110152 (Ten Oaks Farm), Clayhidon, Devon.</p> <p>RECOMMENDATION Grant Consent subject to conditions and to the prior signing of a Section 106 agreement/unilateral undertaking to secure financial contribution of £1442 towards public open space.</p>

Application No. 15/01480/FULL

Plans List No. 1

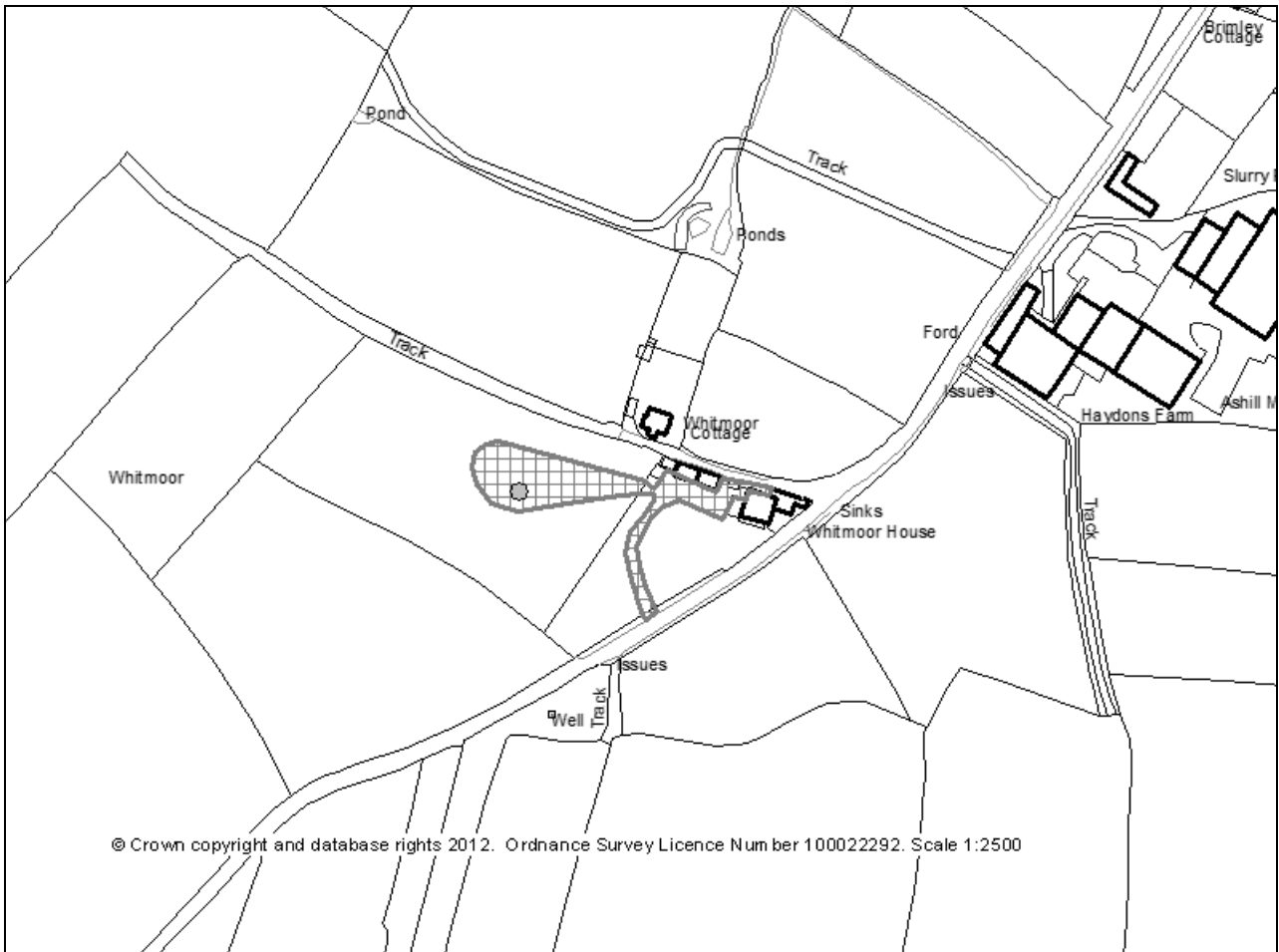
Grid Ref: 308167 : 110777

Applicant: Mr Mervyn Reed

Location: Land at NGR 308166
110777(Whitmoor House)
Ashill Devon

Proposal: Installation of ground
mounted solar PV Array

Date Valid: 2nd October 2015



Application No. 15/01480/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Installation of 2 x 24 panel photovoltaic arrays to generate 12kW of power.

It is proposed to install the panels in 2 rows in a field adjacent to the back garden of the property. The siting of the arrays is to the southern edge of the field/orchard, the agricultural field is small in size and used previously for vines and an orchard, and is approximately 30 metres from the boundary of the curtilage of Whitmoor House. The field is fully enclosed by mature hedging and trees to the north of the proposed siting. The panels are frame mounted and will stand up to 2.4m high with each array measuring 24m in length, and 3.36m in depth.

The power is sought to provide for Whitmoor House, a residential property and to contribute to the provision of electricity under the feed in tariff. The array will have a separation distance of approximately 75m.

The proposal is to connect underground to a meter within the house. There are no other structures to be provided within the field.

APPLICANT'S SUPPORTING INFORMATION

Application Form
Plans

PLANNING HISTORY

No relevant Planning History

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR5 - Climate Change
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM5 - Renewable and low carbon energy

CONSULTATIONS

HIGHWAY AUTHORITY - 20th October 2015
standing advice applies
<http://www.devon.gov.uk/highways-standingadvice.pdf>

UFFCULME PARISH COUNCIL - 16th November 2015 - No objections

KENTISBEARE PARISH COUNCIL - 9th November 2015 - No objection.

HALBERTON PARISH COUNCIL - 13th November 2015 - No comments as the site is too far away

BURLESCOMBE PARISH COUNCIL - 3rd November 2015 - No objections.

HEMYOCK PARISH COUNCIL - 6th November 2015

The Council has no objection in principle to the application but prefers solar panels to be on roofs rather than on good agricultural land. It is believed that there are a number of large agricultural buildings in the vicinity which could be used.

REPRESENTATIONS

None received at time of writing the report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application site lies beyond the rear curtilage of the dwellinghouse, which is of character but not a Listed Building it is located within the open countryside. The site area comprises part of an agricultural field, presently used for some sheep grazing and as an orchard. The previous owner grew vines on the site in the past. The main property is a detached dwelling located to the south east of the proposed site.

There are two accesses to the house one off the main highway to the side of the house, the other off a small lane/track which serves one other property and adjoining fields. There are no views of the proposed development from the track or road due to the topography of the land, and mature hedging. Access to the field is via a gate from the garden of the house.

The field is enclosed by mature hedging and trees, reducing the impact of the proposed in the wider environs. Views to the site are limited to the garden and adjacent field. There may be very occasional glimpses through gaps in the hedging.

The key policy test for the assessment is outlined in policy DM5 as follows:

Proposals for renewable or low carbon energy will be permitted where they do not have a significant adverse impact on the character, amenity, and visual quality of the area, including cumulative impacts of similar developments within the parish or additional parishes.

Where significant impacts are identified through environmental impact assessment, the council will balance the impact against the wider benefits of delivering renewable and low carbon energy, considering: a) Landscape character and heritage assets

- b) Environmental amenity of nearby properties in accordance with Policy DM/7
- c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a)
- d) Biodiversity (avoiding habitat fragmentation)

The property benefits from the ownership of the application field which is located to the rear of the house. The array is sited, approximately 30 metres from the North West boundary of the main house, and is considered to be respectful to the setting of the property and not considered to represent overdevelopment in relation to it. Furthermore given the proposed location it will not be visible from the wider public realm.

The site is bounded by hedging, which will assist in screening the array from the host dwelling and neighbouring dwelling some 50m to the north east. Therefore it is not considered that the proposal will adversely affect the living conditions of the occupiers of nearby dwellings and/or visual amenities of the area.

The installation will make use of a small area of the field. Although there will be a very small area of agricultural land no-longer in use for agriculture, the location of the proposed array is situated to minimise its impact on any possible farming activities, and so reduce the loss of grazing land. The proposed array is within landscape character 3B Lower rolling farmed and settled valley slopes and is agricultural land value grade 3.

Given the scale and nature of the proposal it is not considered that it will result in any adverse visual, landscape and/or environmental impacts, and therefore given the renewable energy benefits that will arise, it is recommended that planning permission is granted.

The proposal therefore complies with COR5 and COR18 of the Local Plan Part 1 (Mid Devon Core Strategy) and policies DM1 and DM5 of the Local Plan Part 3 (Development Management Policies) Proposed Submission, and the National Planning Policy Framework (NPPF).

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. The Photovoltaic Array hereby approved, shall be used only for the production of electricity. On it's becoming redundant for such purpose, it shall be demolished, and all materials resulting from the demolition shall be removed from the site within 6 months of the date this occurs.
4. Cables connecting the proposed solar array to Whitmoor House shall be placed underground.

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 rural character of the area in accordance with policies COR18 of Mid Devon Core Strategy 2007.
4. In order to safeguard the visual amenity of the area and the character and appearance of the residential building (heritage asset) in accordance with policy DM27 of the Local Plan Part 3.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application proposal is for the erection of a small scale photovoltaic array comprising 48 panels adjacent to the curtilage of a residential property in the open countryside and is considered an acceptable addition to the site without

- (i) Having an adverse impact on the landscape and character of the area or any nearby heritage assets,
- (ii) Adversely affecting the environmental and visual amenities of any nearby residential property
- (iii) Adversely affecting the availability of productive agricultural land
- (iv) Adversely affecting local habitats within the site and surrounding area

As such the proposed development complies with policies COR5 and COR18 of the Mid Devon Core Strategy, policies DM1, DM5 and DM27 of the Local Plan Part 3 (Development Management Policies), and government advice in the National Planning Policy Framework (NPPF).

Application No. 15/01622/FULL

Plans List No. 2

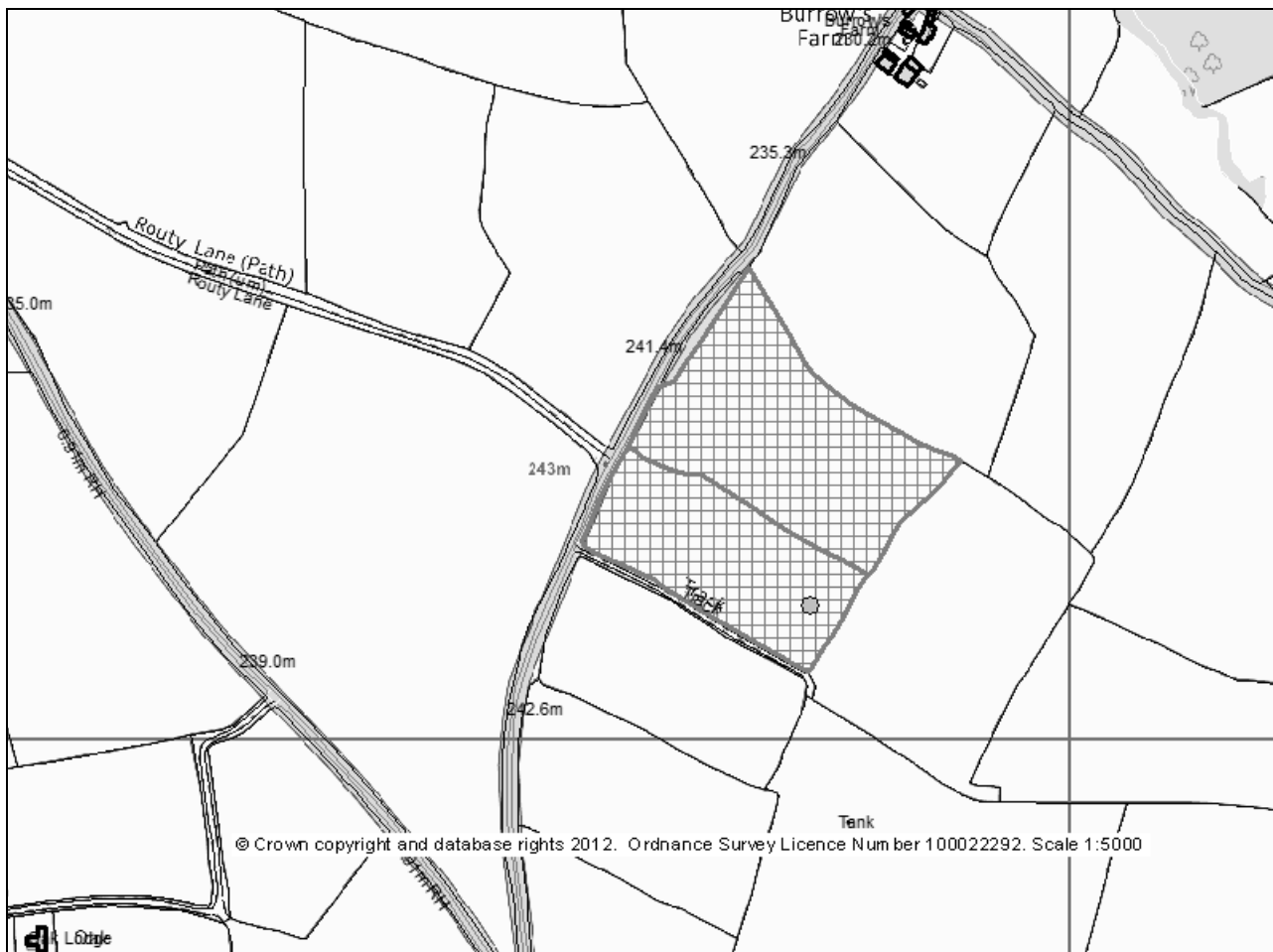
Grid Ref: 316711 : 110152

Applicant: Mr R Greenhill

Location: Land at NGR 316711 110152
(Ten Oaks Farm) Clayhidon
Devon

Proposal: Erection of an agricultural
worker's dwelling and an
agricultural livestock building

Date Valid: 20th October 2015



Application No. 15/01622/FULL

RECOMMENDATION

Grant Consent subject to conditions and to the prior signing of a Section 106 agreement/unilateral undertaking to secure financial contribution of £1442 towards public open space.

COUNCILLOR FRANK ROSAMOND HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider the absence of an effective business plan sufficient to justify the application, allied to concerns in respect of the water supply.

PROPOSED DEVELOPMENT

The Application seeks the erection of a permanent agricultural worker's dwelling and an agricultural livestock building. This application follows the approval of a temporary mobile agricultural worker's dwelling under appeal Ref: APP/ Y1138/A/12/2172238 on 7th September 2012.

The previous application and approval established on similar numbers of stock that there was an essential need for a dwelling to support the developing livestock enterprise was sufficiently demonstrated and thus that the proposal does not conflict with Core Strategy Policy COR18 or with the National Planning Policy Framework. (The Framework).

Where essential need is established standard national policy is to provide in the first instance a temporary unit of accommodation over a 3 year time period to establish the viability of the unit.

In this case a temporary consent was granted through a planning appeal some questions arose in relation to the size to which the enterprise might ultimately grow, given the current absence of any mains services and the likely costs of providing these in due course. Nonetheless, given the clear support in the Framework for the development (and not just the diversification) of agricultural businesses, allowing the dwelling on a temporary basis is justified to facilitate the further establishment and development of the livestock enterprise.

Therefore the main issues with regard to this proposal are:

1. Is the existing enterprise based on sound financial basis
2. Are there sufficient services for the enterprise

APPLICANT'S SUPPORTING INFORMATION

Agricultural Appraisal
Foul drainage Assessment Form
Design and Access Statement
Breakdown of income and expenditure (Confidential)

PLANNING HISTORY

10/01749/FULL Erection of an agricultural livestock/storage building - PERMIT
11/01618/FULL Retention of caravan for occupation by agricultural worker for temporary period of 3 years; and retention of agricultural track and formation of new track and hardstanding- REFUSED (APPEAL ALLOWED 07.09.12)
15/01206/FULL Erection of dwelling and garage to replace existing caravan - Withdrawn

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM10 - Rural workers dwellings
DM14 - Design of housing
DM22 - Agricultural development
DM29 - Protected landscapes
DM15 - Dwelling sizes Technical housing standards – nationally described space standard

CONSULTATIONS

HIGHWAY AUTHORITY - 30th October 2015

Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

For domestic vehicular accesses from adopted highway into privately owned property (serving up to 3 dwellings) the arrangement must comply with Part One, Sections 3.10, 3.11 and 7.4 of Devon County Council's Highways in Residential and Commercial Estates Design Guide. For driveway gradients a maximum of 10% is preferred although each site must be considered on its merits.

ENVIRONMENT AGENCY - 19th November 2015 - Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

CLAYHIDON PARISH COUNCIL - 13th November 2015

The council does not support the application and makes the following observations.

The parish council has considered the re-submission and remains of the view that there is no viable and sustainable agricultural evidence presented to support the expired temporary permission, let alone the permanent dwelling application.

This would set an unwelcome precedent reference achieving a new dwelling. At just 12 acres, any agricultural tie would be meaningless. The location in open countryside remains a key consideration. Potentially a series of applications would destroy the essential character of this area of the Blackdown Hills.

The information contained in the Agricultural Appraisal shows a standard man day calculation of 1.67 based on 200 calves per annum. This is incorrect. The total number of calves at any one time is currently 50. If the new agricultural building is approved the numbers are proposed to double. This does not equate to 1 full time worker needed to be present at all times of the day and night for the proper functioning of the enterprise.

It has been reported that the Planning Notice was erected for four hours on one day and then removed.

The council has concerns over the water supply on site. The water is being harvested from the roof. Is this sustainable?

ENVIRONMENTAL HEALTH - 3rd November 2015

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Environmental Permitting N/A

Drainage - no objections to these proposals

Noise & other nuisances - no objections to these proposals

Housing Standards - no objections to these proposals

Licensing - No comment

Food Hygiene - N/A

Private Water Supplies - INFORMATIVE NOTE:

No record is held as being a private supply. However, if a private water supply is to be used together with any other associated property, the supply would become a small private supply, unless a commercial element is involved when it would become a commercial supply. In either circumstance would be subject to the Private Water Supply Regulations 2009. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any residential or commercial use. Please contact Public Health at Mid Devon District Council to discuss on completion of the proposal.

Health and Safety - no objections to this proposal

REPRESENTATIONS

There have been two representations

- 1) This is inappropriate development within the Area of Outstanding Natural Beauty.
- 2) There are inaccuracies in the application
- 3) Not proved its viability

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in assessing this application are:-

1) Previous appeal decision for siting of temporary mobile unit

2) Agricultural Workers Dwelling

3) Agricultural Building

1. Previous appeal decision for siting of temporary mobile unit

See attached appeal decision **Appendix 1**

2. Agricultural Workers Dwelling

The site is within the Blackdown Hills AONB. The holding extends to approximately 5.1 hectares of relatively level pasture land in two fields. The north western boundaries of the two fields front onto an unclassified public highway off which the site is accessed. The caravan which the applicant is residing in (granted temporary consent in 2012 under appeal Ref: APP/ Y1138/A/12/2172238) is located in the northern corner of the southernmost field, close to the south eastern boundary. The existing agricultural building is located further to the south of the caravan with a stone track from the access to the highway and running along the southern boundary of the field. Timber post and rail fencing has been installed around the field in order to separate the pasture land from the recent developments (track, caravan, building).

The proposal is to provide a modest permanent chalet style bungalow, located on the footprint of the existing mobile unit and its veranda. In addition the proposal is to provide a further agricultural building located to the south of the existing building, along with an intervening concrete yard.

The site is in an isolated rural location where prevailing national and local planning policies restrict the provision of new residential dwellings and the residential use of land unless there is a proven need for an agricultural (or other rural) worker to reside on a holding. Policy COR18 of Mid Devon Core Strategy is a relevant policy as is DM10 (rural workers dwellings) of the Local Plan Part 3. In addition the National Planning Policy Framework (NPPF) sets out the criteria or other means of establishing whether or not there is an 'essential' need for such a dwelling. In addition Planning Policy Statement 7 Annex A although superseded is still considered to be a suitable guide/tool to help assess such applications.

Policy DM10 has 4 elements

- a) It can be demonstrated that the nature and demands of an existing rural business are such that a full time worker has an essential need to be permanently resident at or near their place of work so they are available most times.

An assessment of the labour requirement for the holding has been provided in support of the application. This states that based on the rearing of 200 calves annually and including some time for maintenance and cutting hay, the annual labour requirement is 501.80 standard man days, with 426 of these days being attributed to the management of the calves. This assessment has been made using The Agriculture Budgeting and Costing Book for derivation of labour requirements. These figures are the same as those provided for the 2011 application and the subsequent appeal. At the time of the appeal the applicant had just reached the 50 calves per quarter. The appeal established "the key element of the functional test is not the amount of labour required but whether it is essential for a worker to be readily available at most times, including at night. Very young calves are susceptible to infection, such that regular monitoring and prompt intervention are required for the success of the enterprise, and I heard that other emergencies can also arise during the night-time period. Given the nature and scale of the enterprise, I accept it is necessary for a worker to be on hand at night. The security benefits of an on-site presence also weigh in favour of the proposal. I conclude therefore that the functional test is met". Therefore the functional/essential need has been established through the previous appeal. That there is a requirement for at least one worker to be present at most times and therefore there is an essential need. This has not changed from this appeal date, with regard to the essential need.

In the appeal decision, the Inspector noted that given the clear support in the Framework for the development of agricultural businesses, allowing the dwelling on a temporary basis was justified to facilitate the further establishment and development of the livestock enterprise. He stated that in due course, the Council is likely to expect comprehensive and detailed information to demonstrate the sustained continuation and/or development of the enterprise throughout the period of the temporary permission. The applicant has sustained the enterprise at the level on which the appeal Inspector established there was an essential need to live on site, and intends to develop the business further by an increase in the numbers of calves on site. In this respect, the applicant is also applying for a further livestock building as part of this application.

Officers requested further information on the water supply as the cost of mains water installation would negatively affect the finances of the farm holding.

The present water supply by way of rain water harvesting has operated sufficiently for the last 4 years, the additional agricultural building will provide further water supply for the needs of the expanding unit. The agent has therefore commented that the sufficiency of this approach has been proven and with the roof area of the new historic building, rainwater harvesting will continue to be sufficient to secure the needs of the expanded holding in the future. No details of water use or storage in terms of volume have been provided. Sufficiency of water for stock is covered by other welfare standards. Given the arrangement has been demonstrated over the last 4 years, on balance it is considered acceptable.

- b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site.

It was agreed between the Local Authority and the applicant at the time of the appeal that there is no other suitable and available dwelling in the immediate locality. Having undertaken a search on the Internet there are still no available properties within very close proximity to the site either to rent or buy. Therefore the need established within the appeal approval is unable to be satisfied by external means. Therefore the application meets this test of the Local Plan DM10.

- c) The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site.

The inspector stated in paragraph 13 of the appeal that - *With regard to the proposal's visual impact on the character and natural beauty of the AONB surroundings, the caravan, tract are well screened by existing hedging. Moreover the surrounding countryside is relatively flat, such that the development has little long range views. Thus no harm is caused to the character of the AONB landscape.*

The application proposes a modest 2/3bedroomed chalet bungalow with a main foot print of 9.35m x 8.5m with an attached single storey section measuring 5.6m x 3.3m, the overall floor area being 130sqm measured externally. It is considered that this size of dwelling is appropriate for the size of unit and will have no major impact on the AONB or neighbouring properties. The change from a mobile unit to this modest dwelling will provide a more appropriate scheme for the AONB. The design is simple and will sit in the landscape appropriately and is close to the calf sheds to provide security and observation. In addition the size of the dwelling complies with space requirements set out at DM15 and the recent technical housing standards - nationally described space standard. There are no details as to the proposed materials therefore these will be conditioned. It is considered the proposed modest dwelling meets with Local Plan Part 3 policy DM10 and policy DM14 which relates to the design of new housing.

- d) The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so.

The business has been running for a period of 4 years and details have been provided of accounts over this time period which detail income and outgoings. These are commercially sensitive and are not within the public domain. Net and gross Income is shown to be stable over the period, and providing a small but acceptable income for the size of the unit. The intention is to double the number of calves following the installation of the new agricultural building. Financial projections of the business following the erection and stocking of the sound agricultural building have been provided. They show an increasing business profit. On balance it is considered that this element has been met and is compliant with DM10.

The appeal Ref: APP/ Y1138/A/12/2172238 on 7th September 2012 raised some questions with regard to the lack of main services and in particular if the proposed enterprise could grow without it. The applicant has now provided a septic tank for the use of the caravan and continues to use water collected from rain sources, in addition electricity is now by mains supply with a backup generator. Although there is no specific mains water it is concluded that the increase in the number of buildings will provide additional water for the use of the site through rainwater harvesting. Potable water will need to be monitored and checked by the Environmental Health section of this Authority. The intention is to double the output of the unit hence the inclusion within the application for a new barn to cater for this. The essential benefit of this additional building is that of efficiency of the calf rearing enterprise, to allow rotation of stock from one building to another at 6-8 weeks. This will save time of dismantling, storing and re-erecting the pens. It will also allow more flexibility in the time periods for keeping stock.

It has been confirmed by the applicant that the cost of providing the agricultural workers dwelling and livestock building are not dependent upon the income from the agricultural enterprise itself. Therefore there are no perceived issues with regard to the sustainability and financial operation of the unit.

Policy AL/IN/3 makes clear that new housing developments will provide at least 60sqm of equipped and landscaped public open space per market dwelling, or a contribution per dwelling in accordance with the SPD. The SPD makes clear in paragraph 14 that the scheme for collecting contributions for off-site provision applies to all new housing, including single dwellings, whether built as tied accommodation, conversions of existing buildings, flats, maisonettes or permanent mobile homes. There is therefore a clear policy justification for this contribution.

A financial contribution of £1442 towards public open space provision is still to be made in respect of Policy AL/IN/3 and a unilateral undertaking has been sent for signature. Any Positive decision will need to be withheld until payment has been received or alternatively a legal basis established to secure it via S106.

New Homes Bonus

Consideration should be given to the New Homes Bonus that would be generated by this application. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from the proposal over a period of 6 years is therefore estimated to be £6,168

For the reasons given above, the proposed development is considered to comply with the policies of the adopted Development Plan, and therefore approval is recommended.

3. Agricultural Building

This application also seeks planning permission for the erection of an agricultural livestock building measuring 12 metres x 30.5 metres x 4.2 metres to eaves and 5.5 metres to ridge. The southeast elevation is proposed to be entirely open to the three bays with the provision of galvanized steel feed barriers on the remaining two bays; the remaining three elevations are proposed to have 1.5 metre high horizontal tongue and groove dung boarding with Yorkshire boarding above and with the additional provision of a galvanized sheeted gate on the south west elevation. The building is proposed to be roofed in steel metal sheeting. The overall design of the building adequately reflects the intended agricultural nature of its use.

The agricultural barn is to be provided immediately to the west of the existing barn and to be constructed in similar materials and of a size similar to that of the existing barn. Between the two barns a concrete hard standing is to be provided. The primary purpose is to support farming activities related to the land holding and the building is needed for that purpose. The new barn will also allow the enterprise to develop further.

The site lies within the Blackdown Hills AONB where new development should not harm the special beauty of the area. The building is proposed to be located at the furthest point from the public highway, which is approximately 170 metres. Although the building will be visible from the public highway, it is not felt that the proposal will harm the overall beauty of the locality and will largely preserve the unspoilt and rural character of the area, as the building will be seen in context with the existing agricultural building. It will provide needed additional cover for the expanding business. In appropriate cases the Council will consider the need to require that the building be removed when it is no longer required for agricultural purposes and the site reinstated to its former use. Given the location of the site within the sensitive Blackdown Hills AONB and the relatively large size of the building (in conjunction with the previous approval) in relation to the overall size of the current land holding, a condition to this effect is considered to be reasonable and necessary and is therefore recommended for imposition.

The proposal is for a building which will be seen in context of the existing agricultural building and as such will meet with the requirements of DM29 in particular the character and setting within the special qualities of the landscape. The building will only be seen from the immediate highway. The biodiversity will not be impacted and linking habitats will be retained.

It is considered that the proposal meets and complies with the appropriate policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan 1) and DM2, DM22, and DM29 of the Local Plan 3 of the (Development Management Policies).

CONDITIONS

1. The Agricultural Workers dwelling and agricultural livestock building hereby permitted shall be begun before the expiration of 1 year 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 shall begin until details or samples of the colour and finish of the materials to be used for the external surfaces of the dwelling and agricultural livestock building have been submitted to and approved in writing by the Local Planning Authority, such approved details or samples shall be so retained.
4. The agricultural livestock building hereby approved will be brought into its intended use prior to the occupation of the agricultural workers dwelling.
5. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined by Section 336(i) of The Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person, or to any dependants.
6. 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 relating to the enlargement of a dwellinghouse or addition or alteration to the roof of a dwellinghouse or the provision of any building or enclosure, swimming or other pool within the dwelling curtilage.
7. On the agricultural livestock building becoming redundant for the use applied for or any agricultural use, it shall be demolished and all resultant materials removed from site within 3 years of redundancy.

REASONS FOR CONDITIONS

1. To ensure that the accommodation continues to meet with the needs of an essential rural worker in connection with the existing agricultural enterprise where it has been established that there will be a functional need for permanent accommodation on the site and for the business to develop in the way envisaged.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect the visual amenities of the area in accordance with polices COR2 of the MDCS 2007 and DM2 and DM29 of the Local Plan Part 3 of the (Development Management Policies).
4. To ensure the farm holding is able to continue to expand, to be financially sound meeting projections and to ensure the barn is built in accordance with the scheme proposed.
5. The site is located outside defined settlement limits in the open countryside, where national and local planning policy resists the erection of new dwellings without special agricultural/occupational justification in accordance with Policy COR18 of Mid Devon Core Strategy (Local Plan 1) and guidance in National Planning Policy Framework (NPPF).
6. To safeguard the visual amenities of the area and to ensure that the dwelling remains of a size commensurate with the needs of the agricultural holding to which it relates, in accordance with policy DM10 of the Local Plan Part 3 of the (Development Management Policies).
7. To safeguard the rural character of the area & special qualities of the Area of Outstanding Natural Beauty in accordance with Policy COR18 of Mid Devon Core Strategy (Local Plan 1) and Policy DM22 of Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTE

1. The applicant is advised that the Local Planning Authority is unlikely to view favourably any future applications to enlarge the size of this agricultural worker's dwelling.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The current proposal is acceptable in that the applicant has demonstrated an essential need for a rural worker to live at or near their place of work in the countryside and that there are no existing dwellings available to fulfil that need. The siting, layout, scale and massing of the dwelling is considered to be acceptable and there will not be any unreasonable impacts on the visual or other environmental amenities of the area, highways safety or any neighbouring occupiers.

The proposed agricultural building is considered to be reasonably necessary for the purposes of agriculture on the holding and is sited in an appropriate location on the land. Its design adequately reflects the agricultural nature of the development. The site is located within the Area of Outstanding Natural Beauty and the proposal is acceptable in the respect of the impact on its character, appearance or other aspects of its natural beauty. Accordingly the application complies with policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM22, and DM29 of the Local Plan Part 3 of the Development Management Policies).

Mrs Jenny Clifford
Head of Planning and Regeneration



Appeal Decision

Hearing held and site visit made on 10 July 2012

by Jane Miles BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 September 2012

Appeal Ref: APP/Y1138/A/12/2172238

Ten Oaks, Whitedown Cross, Smeatharpe, Devon EX15 3QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rodney Greenhill against the decision of Mid-Devon District Council.
 - The application ref: 11/01618/FULL, dated 19 September 2011, was refused by notice dated 23 January 2012.
 - The development proposed is: caravan for occupation by agricultural worker for temporary period of 3 years and agricultural track (retrospective) and formation of new track and hardstanding.
-

Decision

1. The appeal is allowed and planning permission is granted for a caravan for occupation by agricultural worker for temporary period of 3 years and agricultural track (retrospective) and formation of new track and hardstanding at Ten Oaks, Whitedown Cross, Smeatharpe, Devon EX15 3QA, in accordance with the terms of the application, ref: 11/01618/FULL, dated 19 September 2011, subject to the following conditions:
 - 1) The occupation of the caravan shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependents.
 - 2) The caravan shall be removed from the site on or before the expiration of 3 years from the date of this permission and the land shall be restored to its former condition in accordance with a timescale and scheme of work that has first been submitted to and approved in writing by the local planning authority.

Preliminary Matters

2. I have deleted 'retention' from the development description and, in relation to the track, I have substituted 'retrospective' to distinguish between the existing and proposed development. An application for costs, made at the hearing by the appellant against the Council is the subject of a separate decision.

Reasons

Background & Main Issue

3. The appeal proposal relates to a new agricultural enterprise on the appellant's land holding, totalling just over 5 hectares, in a relatively isolated rural setting in the Blackdown Hills Area of Outstanding Natural Beauty (AONB).
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4. The Council's refusal reasons include reference to *Planning Policy Statement 7: Sustainable Development in Rural Areas* (PPS7) but this has since been replaced by the *National Planning Policy Framework* (the *Framework*). Policy COR 18 of the Council's Core Strategy 2026 (CS) seeks to limit development outside identified settlements but amongst other things allows for housing essential to accommodate an agricultural worker, subject to appropriate criteria. In this respect Policy COR 18 is consistent with the *Framework* (most notably paragraph 55) and I therefore give it full weight in this instance. Thus the **main issue** in this appeal is whether or not there is an essential need for a rural worker to live at this countryside location.
5. At the application stage the Council based its assessment on the criteria for agricultural workers' dwellings in Annex A to PPS7, which is no longer in force. Neither the CS nor the *Framework* sets out any criteria or other means of establishing whether or not there is an 'essential' need for such a dwelling. Moreover, neither mentions the option of a temporary permission, which is long-established practice for this type of dwelling. Although the application as submitted seeks consent for a temporary period, it was suggested at the appeal stage that a permanent permission might reasonably be considered.
6. Both main parties agree that the Annex A criteria remain an objective means of assessing the need for a dwelling. I shall therefore have regard to them, whilst bearing in mind there is now no explicit requirement that they be used. With regard to a temporary or permanent permission, the guidance in *Circular 11/95 (The Use of Conditions in Planning Permissions)* remains extant and paragraph 111 (relating to 'trial runs') includes provisions for a temporary permission for a caravan for an agricultural worker. In this case the enterprise has been operating for barely 12 months which, irrespective of the matter of essential need, is not sufficient time to demonstrate the likelihood of long-term success. Therefore, should I conclude there is an essential need to live on site, then a temporary permission would still be the appropriate approach.

Essential Need

7. The appellant and his partner have begun a livestock enterprise buying very young calves and hand rearing them, mainly for onward sale. The caravan is already on the site, close to the substantial barn building (erected by the appellant and for which planning permission has been granted) in which the calves are housed. The Council does not take issue with the appellant's intention or ability to develop the enterprise. Given the information provided, the investment in the building, equipment and other associated items, and achievements to date, including the addition of some lambs to the livestock kept, I find no reason to take a different view in this respect.
8. However the Council and appellant disagree on whether there is a functional need for someone to live on the site and especially on the likely labour requirements. For the latter the appellant relies on the *Agricultural Budgeting and Costing Book (ABC)* and the Council relies on the *John Nix Farm Management Pocketbook (Nix)*. Both are widely used and accepted, but both come with the caveat that their figures are best estimates and/or averages, and so actual figures will vary depending on a whole range of circumstances.
9. In this case, simply for rearing a yearly throughput of 200 calves aged 0-3 months (without allowing for any other necessary tasks) the Council's figure is 172.5 standard man days (SMD) and the appellant's figure is 426 SMD. Given

the appellant's method of hand rearing, I agree it is difficult to understand how feeding and other essential care could be achieved on the basis of the Nix figure of just 2.3 hours per calf per month. On the other hand, there would appear to be some scope to improve the efficiency of the current routine (given the options for heating water even without mains electricity).

10. However I also agree it is reasonable to include other necessary tasks such as general maintenance and grassland management in the overall labour requirement. Therefore, even though the first batch of calves was kept to 6 months of age, and bearing in mind that the barn has been reorganised so that it currently houses 68 calves rather than the 50 originally planned for, I accept that the labour requirement amounts to at least one full-time worker.
11. More significantly, in the case of a temporary dwelling, the key element of the functional test is not the amount of labour required but whether it is essential for a worker to be readily available at most times, including at night. Very young calves are susceptible to infection, such that regular monitoring and prompt intervention are required for the success of the enterprise, and I heard that other emergencies can also arise during the night-time period. Given the nature and scale of the enterprise, I accept it is necessary for a worker to be on hand at night. The security benefits of an on-site presence also weigh in favour of the proposal. I conclude therefore that the functional test is met.
12. Turning to whether the enterprise has been planned on a sound financial basis, initial projections submitted with the application have now been supplemented with sales figures for the initial batch of 26 calves. The values achieved tend to substantiate the appellant's case rather than the Council's views on this matter and the future income projections for years 2 and 3 indicate a reasonable level of net profit. On balance therefore I find sufficient grounds to conclude that this test is met.
13. It is common ground that there is no other suitable and available dwelling in the immediate locality. With regard to the proposal's visual impact on the character and natural beauty of the AONB surroundings, the caravan, existing track and fencing are well screened by existing hedging. Moreover the surrounding countryside is relatively flat, such that the development has little impact on any long range views. Thus I find that no harm is caused to the character of the AONB landscape, nor would the proposed additional track and hardstanding cause any such harm. The Parish Council is concerned about precedent, but it is unlikely that exactly the same combination of circumstances would arise elsewhere and the Council would be able to assess proposals for any other enterprises on the basis of planning policy and other material considerations applicable to each individual proposal.

Conclusions and Conditions

14. In the light of the above and all other matters raised, I conclude overall that an essential need for a dwelling to support the developing livestock enterprise has been sufficiently demonstrated and thus that the proposal does not conflict with CS Policy COR 18 or with the *Framework*. It should be noted that these conclusions do not automatically mean that permission for a permanent dwelling would follow. Some questions do arise in relation to the size to which the enterprise might ultimately grow, given the current absence of any mains services and the likely costs of providing these in due course.

15. Nonetheless, given the clear support in the *Framework* for the development (and not just the diversification) of agricultural businesses, allowing the dwelling on a temporary basis is justified to facilitate the further establishment and development of the livestock enterprise. The appellant should however bear in mind that, in due course, the Council is likely to expect comprehensive and detailed information to demonstrate the sustained continuation and/or development of the enterprise throughout the period of the temporary permission.
16. Conditions restricting occupancy of the caravan and the time period of the permission are needed because the dwelling is only justified in this countryside location on the basis that it is essential to the agricultural enterprise, and that justification will need to be re-assessed in due course, when the enterprise is more established. However, given that this is a retrospective application for the caravan already on the site, I see no need for the suggested condition requiring it to accord with the definition of a caravan in other legislation.
17. Whilst I understand the general aims of the appellant's suggested conditions relating to a future application for a permanent dwelling, a clause suggesting that permission for such a dwelling should not be unreasonably withheld would not accord with the tests for conditions in *Circular 11/95*. A fresh application would be needed for a permanent dwelling, such that conditions relating to its size and to removal of the caravan could be imposed on that permission, if granted, and are not necessary at this stage.

Jane Miles

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Tony Overhill	Greenslade Taylor Hunt
John Watts	Olorun Planning Partnership Ltd
R Greenhill & R Noon	Appellant & partner

FOR THE LOCAL PLANNING AUTHORITY:

Thea Billeter BA MA (T & CP)	Planning Officer, Mid Devon District Council
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INTERESTED PERSONS:

A Redwood	Representing Clayhidon Parish Council
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DOCUMENTS

- 1 Appellant's list of suggested conditions
- 2 Copy of Council letter dated 23 March 2012 relating to enforcement matters
- 3 Appellant's written costs application

PLANNING COMMITTEE – 2nd December 2015

REPORT OF HEAD OF PLANNING AND REGENERATION - APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.

RECOMMENDATION

That the report be noted.

DETAILS OF DECISIONS

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEVELOPMENT	PARISH/AREA
22.05.2015	13.10.2015 Permitted with Conditions to Discharge	15/00828/FULL	Mr Paul Clifford Aston Manor Brewery Co Ltd Howden Road Creation of 4 loading bays	Tiverton 52
08.06.2015	18.11.2015 Grant permission	15/00940/CLP	Mrs Donna Evans Land at NGR 313646 113800 (Longmead) Certificate of lawfulness for the proposed construction of a BMX track	Hemyock 26

10.06.2015	21.10.2015 Withdrawn	15/00946/FULL	Mr N Carpenter 12 Shambles Drive Coplestone Removal of condition 7 of planning permissions 04/01151/ARM and 07/01856/FULL relating to live/work unit to allow for full residential use	Coplestone 62
12.06.2015	12.11.2015 Grant permission	15/00975/CLU	Mr S Preece The Barn and Boggles Bit Marchweeke Farm Certificate of Lawfulness for the existing use of holiday lets known as The Barn and Boggles Bit as two separate dwellinghouses not implemented in accordance with conditions associated with planning permissions 00/00581/FULL and 03/02016/FULL for a period in excess of 4 years	Thelbridge 50
06.07.2015	28.10.2015 Permitted with Conditions to Discharge	15/01070/FULL	Harefold Ltd Land at NGR 293565 106918 (Bickleigh Castle) Bickleigh Retention of 2 multi-purpose storage buildings (Revised scheme)	Bickleigh 02
06.07.2015	12.10.2015 Grant permission	15/01076/FULL	Mr & Mrs Sharp Duxmoor Calverleigh Erection of double garage/carport/garden store with hobbies room over	Tiverton 52
06.07.2015	11.11.2015 Permitted with Conditions to Discharge	15/01078/FULL	Mr P Collier Pownes House 52 High Street Conversion of storage building to residential annexe	Crediton Town 18

06.07.2015	30.10.2015 Grant permission	15/01080/FULL	Mrs L Fisher Land at NGR 288377 119525 (Lower Ford Equestrian) Erection of 15 wooden stables and a tack room store, feed room and hay store	Stoodleigh 48
06.07.2015	11.11.2015 Grant permission	15/01084/LBC	Mr P Collier Pownes House 52 High Street Listed Building Consent for conversion of storage building to residential annexe	Crediton Town 18
17.07.2015	09.10.2015 Grant permission	15/01151/LBC	Mr Daniel Thompson Pynes House Cheriton Fitzpaine Listed Building Consent for the replacement of 7 windows and 2 doors	Cheriton Fitzpaine 12
18.07.2015	10.11.2015 Permitted with Conditions to Discharge	15/01165/LBC	Mr T Edwards Drews Farm Ashill Listed Building Consent for internal and external alterations, including conversion of attached barns to ancillary accommodation, erection of single storey extension to rear, replacement of existing thatch, replacement of chimney stacks, insertion of an additional window, and demolition of an outbuilding	Uffculme 53

21.07.2015	26.10.2015 Permitted with Conditions to Discharge	15/01179/FULL	Mr & Mrs M Thompson Land and Buildings at NGR 288551 118209 (West of Whitnole Beeches) Stoodleigh Conversion of barn to dwelling (Revised scheme)	Stoodleigh 48
30.07.2015	09.10.2015 Grant permission	15/01248/FULL	Mr S Hamlin Little Holmead Loxbeare Erection of an agricultural livestock building	Tiverton 52
30.07.2015	15.10.2015 Refuse permission	15/01254/FULL	Mr T Neusinger Thatch Cottage Silver Street Erection of conservatory following demolition of existing porch	Willand 59
30.07.2015	15.10.2015 Refuse permission	15/01255/LBC	Mr T Neusinger Thatch Cottage Silver Street Listed Building Consent for the erection of conservatory following demolition of existing porch	Willand 59
31.07.2015	09.10.2015 Permitted with Conditions to Discharge	15/01257/FULL	Mr R Maynard Building at Hele Payne Farm Hele Change of use of redundant building to dwelling	Bradninch 04
10.08.2015	23.10.2015 Grant permission	15/01272/FULL	Mrs E Curzon-Howe Hazel Cottage Thorverton Erection of stone cob/lime render garage/office following demolition of existing garage	Thorverton 51

10.08.2015	16.10.2015 Grant permission	15/01312/TPO	Mrs Margaret Shade Stockwell Cottage Silverton Application to crown lift by 5m 1 Lime tree protected by Tree Preservation Order 95/TP11	Bradninch 04
11.08.2015	18.11.2015 Permitted with Conditions to Discharge	15/01283/FULL	Mrs Jeannine Rundle Land at NGR 287826 106834 (Venn Croft) Cheriton Fitzpaine Erection of stables and hard standing	Cheriton Fitzpaine 12
14.08.2015	09.10.2015 Refusal of Prior Approval	15/01301/PNCOU	Mr & Mrs Gunn Ridgeway Farm Morchard Bishop Prior notification for the change of use of agricultural building to 2 dwellings under Class Q	Morchard Bishop 35
17.08.2015	12.10.2015 Grant permission	15/01308/FULL	Mr Carl Purbrick Lytchett Farm Clayhidon Retention of two storey extension, single storey extension and boiler room (Revised Scheme)	Clayhidon 15
17.08.2015	16.10.2015 Permitted with Conditions to Discharge	15/01310/FULL	Mr & Mrs Tony Hawkins Canonsleigh Barton Burlescombe Erection of an extension	Burlescombe 06
17.08.2015	21.10.2015 Grant permission	15/01330/FULL	Mrs P Saunders Land and Building at NGR 304365 119036 (Waterslade) Erection of an extension and alterations to workshop/studio	Hockworthy 28

17.08.2015	12.10.2015 Withdrawn	15/01333/FULL	Mr A Lawson Land and Buildings at NGR 269932 104441 (Lower Newton Farm) Zeal Monachorum Erection of a covered slurry store (760 sq m)	Zeal Monachorum 61
18.08.2015	12.10.2015 Grant permission	15/01342/FULL	Mr & Mrs James Bosley Greenend House Uplowman Erection of extension	Uplowman 54
19.08.2015	19.10.2015 Permitted with Conditions to Discharge	15/01345/FULL	Mr W Weston Land and Buildings at NGR 296137 123028 (Knowles) Bampton Conversion of redundant building to dwelling, formation of vehicular and pedestrian access and part re- alignment of existing track	Bampton 01
21.08.2015	13.10.2015 Permitted with Conditions to Discharge	15/01349/FULL	Mr R Grantham Penton Penton Lane Conversion of one dwelling into two dwellings and alterations to include erection of porch, scullery and staircases, replacement of single storey rear extension and alterations to access	Crediton Town 18

21.08.2015	13.10.2015 Grant permission	15/01351/LBC	Mr R Grantham Penton Penton Lane Listed Building Consent for conversion of one dwelling into two dwellings and alterations to include erection of porch, scullery and staircases, replacement of single storey rear extension and alterations to access	Crediton Town 18
21.08.2015	16.10.2015 Grant permission	15/01353/FULL	Mr Chris Farley 14 Arnold Crescent Tiverton Erection of an extension	Tiverton 52
24.08.2015	21.10.2015 Grant permission	15/01355/FULL	Mr & Mrs R Warham 13 Bouchier Close Bampton Erection of extension to front of dwelling	Bampton 01
24.08.2015	16.10.2015 Refuse permission	15/01358/TPO	Mr Simon Green The Gables Gables Road Application to carry out works to 1 Oak tree protected by Tree Preservation Order 08/00004/TPO	Willand 59
24.08.2015	16.10.2015 Grant permission	15/01359/TPO	Mrs C McMurtry Church House 2 Higher Town Application to fell 1 Ash tree and reduce the height of 4 Sycamore trees protected by Tree Preservation Order 89/00005/TPO	Sampford Peverell 42
25.08.2015	23.10.2015 Grant permission	15/01362/FULL	Mr Brian Johnson Land at NGR 295824 110308 (Rear of Little Holwell) Collipriest Change of use of agricultural land to domestic garden	Tiverton 52

25.08.2015	11.11.2015 Refuse permission	15/01363/LBC	Mrs A Church 2 Newcourt Cottages Langford Listed Building Consent for the erection of a conservatory	Cullompton 21
25.08.2015	26.10.2015 Approval of Prior Approval	15/01364/PNCOU	Mr & Mrs R Taylor Building at NGR 302883 124658 (Handley Copse) Clayhanger Prior Notification for the change of use of an agricultural building to a dwellinghouse under Class Q	Clayhanger 14
26.08.2015	13.10.2015 Grant permission	15/01365/FULL	Mrs J Bridgeman Old Mill Orchard 23A Higher Town Replacement of tiles with render finish to front and rear elevations	Sampford Peverell 42
27.08.2015	13.10.2015 Grant permission	15/01381/FULL	Mr P Clark East Barton Bow Change of use from existing annexe to a dwelling and erection of extensions	Bow 03
27.08.2015	16.10.2015 Grant permission	15/01382/CLP	Ms S Snow Wonham Walled Garden Bampton Certificate of Lawfulness for the proposed erection of porches over external doors	Bampton 01
27.08.2015	03.11.2015 Permitted with Conditions to Discharge	15/01383/FULL	Ms L McRae Land at NGR 302925 120050 (Oakbrook Farm) Hockworthy Erection of an agricultural livestock building	Hockworthy 28

27.08.2015	27.10.2015 Grant permission	15/01386/LBC	Mr & Mrs S Waddington Stear Farm House Stoodleigh Listed Building Consent for the extension of existing balcony, replacement of eight windows and one pair of french doors	Stoodleigh 48
27.08.2015	05.11.2015 Permitted with Conditions to Discharge	15/01387/FULL	Mr & Mrs R Ayre Land at NGR 289382 100104 (Shute Farm) Shute Erection of a function/conference building and pergola, and formation of new vehicular access	Shobrooke 44
28.08.2015	16.10.2015 No Objection	15/01389/CAT	Mr Peter Hardy 5 Cullompton Hill Bradninch Notification of intention to fell 1 Norwegian Spruce within a Conservation Area	Bradninch 04
28.08.2015	03.11.2015 Grant permission	15/01390/FULL	Mrs Gillian Bathe 9 Silver Street Thorverton Conversion of garage/workshop/store to ancillary accommodation, replace existing roof tiles with natural slate and install solar panels	Thorverton 51
28.08.2015	03.11.2015 Grant permission	15/01391/LBC	Mrs Gillian Bathe 9 Silver Street Thorverton Listed Building Consent for the conversion of garage/workshop/store to ancillary accommodation, replace existing roof tiles with natural slate and install solar panels	Thorverton 51

01.09.2015	16.11.2015 Permitted with Conditions to Discharge	15/01388/FULL	Mrs J Ward Land at NGR 313903 112240 (Adjacent to Woodleigh Lodge) Hemyock Formation of riding arena and erection of stable block with tack room and hay store	Hemyock 26
01.09.2015	27.10.2015 Grant permission	15/01392/FULL	Mr Matt Webb Finistere Stoodleigh Retention of replacement dwelling	Stoodleigh 48
02.09.2015	16.10.2015 Refuse permission	15/01397/FULL	Mr S Morris 15 Churchlands Bow Erection of 2 storey extension	Bow 03
02.09.2015	23.10.2015 Approval of Prior Approval	15/01399/PNCOU	Mr & Mrs D Green Land and Building at NGR 300703 110258 Brithem Bottom Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q	Halberton 25
02.09.2015	28.10.2015 Grant permission	15/01416/FULL	Mr J Northam Land at NGR 303178 119931 (South Staple Farm) Hockworthy Erection of an agricultural building	Hockworthy 28
03.09.2015	29.10.2015 Grant permission	15/01402/FULL	Mr G Mortimer Land and Buildings at NGR 279371 101700(Spence Combe) Crediton Retention of agricultural storage building	Crediton Hamlets 19

03.09.2015	29.10.2015 Grant permission	15/01403/LBC	Mr G Mortimer Land and Buildings at NGR 279371 101700(Spence Combe) Crediton Listed Building Consent for demolition of storm damaged building	Crediton Hamlets 19
03.09.2015	02.11.2015 Withdrawn	15/01408/PNCOU	Mr & Mrs Greene Land at NGR 305811 116156 (Track Opp. Ebear Farm) Prior notification for the change of use of an agricultural building to a dwelling under Class Q (Revised Scheme)	Burlescombe 06
03.09.2015	30.10.2015 Permitted with Conditions to Discharge	15/01421/FULL	Mr J Silverton Turley Down Farm Ash Thomas Erection of dwelling following demolition of bungalow (Revised Scheme)	Halberton 25
04.09.2015	13.11.2015 Permitted with Conditions to Discharge	15/01430/FULL	Mr Micheal Powell Lee Mount Copplestone Erection of garden shed	Copplestone 62
07.09.2015	28.10.2015 Grant permission	15/01431/LBC	Mr & Mrs B Glasper 2 Hillview Cottages Kentisbeare Listed Building Consent for 4 replacement windows on the East elevation and 1 replacement window on the South elevation	Kentisbeare 32
07.09.2015	28.10.2015 Refuse permission	15/01434/FULL	Mr A Walker Land at NGR 310743 113848 Blackwater Road Change of use of land from agriculture to outdoor riding arena for private use (Revised Scheme)	Culmstock 22

08.09.2015	30.10.2015 Permitted with Conditions to Discharge	15/01425/FULL	Mr Mark Witcombe Land at NGR 303843 111382 (Mid Devon Business Park) South View Road Erection of 2 industrial units	Willand 59
08.09.2015	02.11.2015 Grant permission	15/01441/FULL	Mr Andrew Quick Land at NGR 273028 107037 Polbury Erection of an extension to existing agricultural building	Lapford 33
08.09.2015	22.10.2015 Grant permission	15/01443/FULL	Mr George Thornhill The Threshing Barn Cheriton Bishop Erection of a building for the storage of a horse lorry	Cheriton Bishop 11
08.09.2015	13.11.2015 Permitted with Conditions to Discharge	15/01454/OUT	Mr Roland Ash Orchard Cottage St Lawrences Green Outline for the erection of 3 dwellings (Revised Scheme)	Crediton Town 18
09.09.2015	05.11.2015 Grant permission	15/01437/FULL	Mr A Szerard Brendon Cottage Coplestone Erection of wooden garage and store/workshop/shelter following demolition of existing garage and barn	Sandford 43
09.09.2015	09.11.2015 Permitted with Conditions to Discharge	15/01475/FULL	Mrs K Hawke Land at NGR 289599 119463 (Thorne Farm) Stoodleigh Erection of building to house six isolation stables and storage for solar equipment	Stoodleigh 48

10.09.2015	19.10.2015 No Objection	15/01451/CAT	Mr Flowers 17 Blundells Avenue Tiverton Notification of intention to fell 1 Horse Chestnut tree in a Conservation Area	Tiverton 52
10.09.2015	23.10.2015 Grant permission	15/01476/FULL	Mr W J F Graham Peartree House Lapford Replace window with bi-fold patio doors on front elevation	Lapford 33
10.09.2015	17.11.2015 Grant permission	15/01477/FULL	Mr & Mrs NJ Thomas Land and Buildings at NGR (308351 111747) Southwoods Farm Ashill Conversion of redundant milking parlour to ancillary accommodation (Revised Scheme)	Uffculme 53
11.09.2015	19.10.2015 Grant permission	15/01479/FULL	Miss P King Maycroft Lapford Installation of dormer window	Lapford 33
11.09.2015	05.11.2015 Permitted with Conditions to Discharge	15/01481/FULL	Mr H Charteris Great Heale Yeoford Variation of conditions 4, 5, 8, 9 and 11 to change wording from 'Within 3 months of the date of this permission' to 'Prior to the commencement of development' and removal of Condition 10 as it is included in conditions 8 and 11 of planning permission 15/00663/FULL	Colebrooke 17

11.09.2015	05.11.2015 Permitted with Conditions to Discharge	15/01482/LBC	Mr H Charteris Great Heale Yeoford Listed Building Consent for variation of conditions 5, 8, 9 and 10 of Listed Building Consent 15/00666/LBC to change wording from 'Within 3 months of the date of this permission' to 'Prior to the commencement of works'	Colebrooke 17
11.09.2015	13.11.2015 Permitted with Conditions to Discharge	15/01483/FULL	Mr James Persey Stables Newland Farm Conversion of stable building to a dwelling with associated works	Cullompton 21
14.09.2015	12.10.2015 Development Acceptance	15/01446/PNAG	Mr Mark Persey Land and Buildings at NGR 300335 105069 Bagmore Farm Prior notification for a proposed road	Bradninch 04
14.09.2015	17.11.2015 Permitted with Conditions to Discharge	15/01487/FULL	Dr H Coles Land and Building at NGR 314785 113530 (Fourways Barn) Hemyock Conversion of redundant agricultural barn to dwelling and erection of car port (Revised scheme)	Hemyock 26
14.09.2015	06.11.2015 Grant permission	15/01488/FULL	Mr & Mrs Graham Stoneman 13 Lower Town Halberton Erection of outbuilding	Halberton 25
14.09.2015	05.11.2015 Grant permission	15/01490/FULL	Mrs H Perry Universal Office Solutions Ltd Marsh Road Erection of a porch, installation of new windows and internal alterations	Crediton Town 18

14.09.2015	06.11.2015 Grant permission	15/01491/FULL	Mr & Mrs S Yeo 35 Tidcombe Lane Tiverton Erection of a detached garage	Tiverton 52
14.09.2015	02.11.2015 Grant permission	15/01493/FULL	Mr D Giddy Horizon Lapford Erection of two-storey extension following demolition of existing garage and erection of detached double garage	Lapford 33
14.09.2015	06.11.2015 Permitted with Conditions to Discharge	15/01508/FULL	Mr A Wishart Spillifords Lower Washfield Variation of Condition (2) of planning permission 14/01841/FULL to allow the substitution of previously approved plans	Washfield 56
15.09.2015	02.11.2015 Grant permission	15/01445/CLU	Mr John Whitehead The Barn Holebrook Farm Certificate of Lawfulness for continued residential use of dwelling in breach of condition 3 of planning permission 04/01485/FULL restricting use as holiday unit and associated use of agricultural land as residential garden for a period in excess of 10 years	Cheriton Bishop 11
15.09.2015	10.11.2015 Grant permission	15/01497/FULL	Loyton LLP Loyton Lodge Morebath Erection of single storey function room extension	Morebath 36
16.09.2015	02.11.2015 Grant permission	15/01455/FULL	Mr D Stidston Woodhay Cheriton Bishop Erection of single storey front extension	Cheriton Bishop 11

16.09.2015	13.11.2015 Refuse permission	15/01492/FULL	Mrs Kruge Higher Trickeys Cottage Morebath Installation of 11 replacement windows and 3 doors	Morebath 36
16.09.2015	13.11.2015 Refuse permission	15/01494/LBC	Mrs Kruge Higher Trickeys Cottage Morebath Listed Building Consent for installation of 11 replacement windows and 3 doors	Morebath 36
16.09.2015	28.10.2015 Grant permission	15/01506/FULL	Mr & Mrs Armstrong 52 Mackenzie Way Tiverton Installation of decking to rear	Tiverton 52
17.09.2015	23.10.2015 Grant permission	15/01447/FULL	Mrs C Carden Waters Edge Mutterton Erection of an extension	Cullompton 21
17.09.2015	04.11.2015 Grant permission	15/01461/FULL	Mr A Kendall Locksley Coldridge Conversion of existing garage to additional accommodation	Coldridge 16
17.09.2015	11.11.2015 Permitted with Conditions to Discharge	15/01507/FULL	Mr A Thorne Land and Buildings at NGR 287890 104887 (Hawthorn Gardens) Stockleigh Pomeroy Retention of 2 residential caravans for seasonal workers, and a storage shed	Stockleigh Pomeroy 47
17.09.2015	02.11.2015 Grant permission	15/01512/FULL	Mr & Mrs S Marshall Land at NGR 302515 124532 (Northmead) Clayhanger Erection of an agricultural livestock and storage building	Clayhanger 14

21.09.2015	16.11.2015 Grant permission	15/01473/FULL	Mr & Mrs P Malone Land at NGR 302253 109127(Herons Bank) Willand Road Erection of stable block and creation of manege	Halberton 25
21.09.2015	16.11.2015 Grant permission	15/01474/CLU	The General Trust Company Limited West Wing Court Morebath Certificate of Lawfulness for the existing use of annexe as a separate unit of accommodation in breach of conditions (3) and (4) of planning permission 00/01677/FULL for a period in excess of 4 years	Morebath 36
21.09.2015	02.11.2015 Permitted with Conditions to Discharge	15/01531/FULL	Mr & Mrs Bell 19 Tamarind Willand Erection of two-storey extension and installation of access ramp	Willand 59
21.09.2015	16.11.2015 Grant permission	15/01534/FULL	Mrs N Dash West Pitt Farm Tiverton Erection of a 2 storey extension	Halberton 25
21.09.2015	10.11.2015 Grant permission	15/01540/FULL	Mrs A Beckett 37 Station Road Cullompton Installation of replacement front door	Cullompton 21
21.09.2015	10.11.2015 Grant permission	15/01542/CLP	Mr Charles Gabbitass Lower Mead Deymans Hill Certificate of lawfulness for the proposed erection of an extension to the side following demolition of existing lean-to	Tiverton 52

22.09.2015	16.11.2015 Approval of Prior Approval	15/01484/PNCOU	Mr N Chanin Lee Cross Farm Thorverton Prior notification for the change of use of an agricultural building to 2 dwellings under Class Q	Thorverton 51
22.09.2015	16.11.2015 Permitted with Conditions to Discharge	15/01546/FULL	Mr & Mrs E Thurlow Meadow View Cottage Newton St Cyres Erection of an extension	Newton St Cyres 37
23.09.2015	04.11.2015 Approval of Prior Approval	15/01509/PNSOL	Heathcoat Fabrics Ltd Heathcoat Fabrics(Weaving Shed 1) West-Exe North Prior Notification for the installation of 961 Solar Photovoltaics (PV) panels with a capacity of 249.86 Kwp (solar)	Tiverton 52
23.09.2015	10.11.2015 Approval of Prior Approval	15/01517/PNSOL	Heathcoat Fabrics Ltd Heathcoat Fabrics(Texturising) West- Exe North Prior Notification for the installation of 1127 Solar Photovoltaics (PV) panels with a capacity of 293.02 Kwp (solar)	Tiverton 52
23.09.2015	23.10.2015 Withdrawn	15/01518/PNSOL	Heathcoat Fabrics Ltd Heathcoat Fabrics West-Exe North Prior Notification for the installation of 931 Solar Photovoltaics (PV) panels with a capacity of 161.2 Kwp (solar)	Tiverton 52
23.09.2015	04.11.2015 Approval of Prior Approval	15/01519/PNSOL	Heathcoat Fabrics Ltd Heathcoat Fabrics(Warp Knit Ind/Synch/Warp) West-Exe North Prior Notification for the installation of 374 Solar Photovoltaics (PV) panels with a capacity of 97.24 Kwp (solar)	Tiverton 52

23.09.2015	04.11.2015 Approval of Prior Approval	15/01520/PNSOL	Heathcoat Fabrics Ltd Heathcoat Fabrics(Central Finishing) West-Exe North Prior Notification for the installation of 253 Solar Photovoltaics (PV) panels with a capacity of 65.78 kwp (solar)	Tiverton 52
23.09.2015	12.11.2015 Grant permission	15/01559/FULL	Mr & Mrs G C Dwenger Romandy Lapford Erection of extension to front	Lapford 33
23.09.2015	19.11.2015 Permitted with Conditions to Discharge	15/01560/LBC	Mrs J Watson Truants Cottage Zeal Monachorum Listed Building Consent for the replacement of an existing window with a door	Zeal Monachorum 61
25.09.2015	19.11.2015 Grant permission	15/01515/ADVERT	Mr R Chapple Land at NGR 293486 101616 (Opposite The Entrance to Thorverton Mill) Advertisement consent to display 1 non-illuminated sign	Thorverton 51
25.09.2015	06.11.2015 No Objection	15/01521/CAT	Mr M Perkins The Wyndham Arms Priest Hill Notification of intention to fell 7 Conifer trees within the Conservation Area	Kentisbeare 32
25.09.2015	16.11.2015 Refuse permission	15/01522/TPO	Mr C Bridgeman 23A Higher Town Sampford Peverell Application to dismantle 2 mature Silver Birch trees to ground level protected by Tree Preservation Order 02/00009/TPO	Sampford Peverell 42

25.09.2015	11.11.2015 Grant permission	15/01566/FULL	Mr & Mrs S Penny 31 Sunnymead Copplestone Erection of side extension and provision of parking space	Copplestone 62
25.09.2015	10.11.2015 Grant permission	15/01578/FULL	Miss Amy Middleton Knightshayes Park Bolham Creation of play area using fallen trees	Tiverton 52
25.09.2015	10.11.2015 Grant permission	15/01580/LBC	Miss Amy Middleton Knightshayes Park Bolham Listed Building Consent for the creation of play area using fallen trees	Tiverton 52
28.09.2015	06.11.2015 Grant permission	15/01535/FULL	Mrs W Westlake Age UK Mid Devon Haven Centre Erection of conservatory (Revised scheme)	Tiverton 52
28.09.2015	30.10.2015 Development Acceptance	15/01536/PNAG	Mr G Jones Dunns Farm Stoodleigh Prior notification for the erection of an extension to an existing agricultural livestock building	Stoodleigh 48
29.09.2015	17.11.2015 Grant permission	15/01590/FULL	Mr & Mrs R Waterhouse Broomclose Sandford Erection of an extension following demolition of conservatory	Sandford 43
30.09.2015	18.11.2015 Grant permission	15/01592/FULL	Mr R Moore Land at NGR 278789 109033 (East Of Orchard End) Erection of a barn and a polytunnel	Morchard Bishop 35

05.10.2015	19.11.2015 Grant permission	15/01629/FULL	Mr & Mrs R Fyfe Barton Barn Leigh Barton Erection of single storey extension and porch(Revised Scheme)	Silverton 45
06.10.2015	02.11.2015 No Objection	15/01587/CAT	Mr Wai Kin Ho China Orchids 20 High Street Notification of intention to carry out works to 1 no Magnolia tree and 1 no Cyprus tree within a Conservation Area	Cullompton 21
06.10.2015	02.11.2015 No Objection	15/01610/CAT	Mr S Burrett 12 Gravel Walk Cullompton Notification of intention to reduce height of 1 Holly by 2m; reduce height of 1 Copper Beech by 2.5m, reduce lateral spread by 2.5m and reshape; and fell 1 Ash tree within the Conservation Area	Cullompton 21
09.10.2015	18.11.2015 Grant permission	15/01644/FULL	Mr & Mrs R Urwin Youngs Farm Colebrooke Erection of single storey extension and lean-to car port	Colebrooke 17
12.10.2015	16.11.2015 No Objection	15/01628/CAT	Mr Peter Hodson Beech Cottage Commercial Road Notification of intention to carry of works to 1 no Common Laburnum tree within a Conservation Area	Uffculme 53
14.10.2015	17.11.2015 Grant permission	15/01645/FULL	Mr R Ewins Chapner Farm Witheridge Conversion of garage to an annex	Thelbridge 50

18.10.2015	16.11.2015 No Objection	15/01678/CAT	Mrs B Sheppard Brackenwood Church Lane `Notification of intention to remove 2 Italian Cypress trees within the Conservation Area	Cheriton Bishop 11
21.10.2015	04.11.2015 Withdrawn	15/01685/PNAG	Mr Hugo Breitmeyer Rhode Farm Exeter Hill Prior notification for the erection of an agricultural stock shed	Halberton 25
21.10.2015	06.11.2015 Grant permission	15/01693/CLP	Mr R Perry 20 Marguerite Road Tiverton Certificate of Lawfulness for the proposed conversion of attached garage into additional accommodation	Tiverton 52

Background Papers: Contained in application files referred to.

Major Applications with no Decision

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 20th February 2013 that any ground mounted solar PV schemes recommended for approval will be brought to Planning Committee for determination.

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	0	02/03/2016	15/01808/MFUL	Erection of 3 replacement poultry buildings (7071 sq m) following demolition of existing, and provision of associated infrastructure including feed bins and hardstanding	Land and Buildings at NGR 285916 112901 Tollgate Farm Nomansland Devon	Miss Lucy Hodgson	COMM	COMM
2	1	25/02/2016	15/01604/MFUL	Erection of 5 poultry units (5040 sq. m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure	Land at NGR 288027 116786 (Gibbett Moor Farm) Templeton Devon	Mr Kristian Evely	COMM	COMM
3	3	12/02/2016	15/01611/MFUL	Erection of 5 poultry units (5040 sq. m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure	Land at NGR 285047 114124 (Edgeworthy Farm) Nomansland Devon	Mr Luke Smith	COMM	COMM
4	4	15/01/2016	15/01548/MFUL	Erection of industrial units (Use Classes B1& B2) and formation of access and parking	Land at NGR 283829 99476 (Former Railway Land) Crediton Devon	Mr Simon Trafford	DEL	
5	6	25/01/2016	15/01571/MFUL	Erection of 5 additional poultry units (5040 sq.m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure	Land at NGR 283175 113696 (Menchine Farm) Nomansland Devon	Mr Simon Trafford	COMM	COMM
6	6	29/12/2015	15/01511/MFUL	Installation of a ground mounted photovoltaic solar farm to generate up to 5MW of power (site area 8.15 hectares), and associated infrastructure	Viridor Waste Management Ltd Broad Path Landfill Site Burlescombe Cullompton Devon EX15 3EP	Miss Hannah Cameron	COMM	COMM
7	9	11/12/2015	15/01332/MOUT	Outline application with access for an employment development of up to 5,256m2 of B1, 2,651m2 of B2 and 4,919m2 of B8 units together with internal access roads, parking and associated infrastructure	Land at NGR 303681 111677 (North Of Mid Devon Business Park) Muxbeare Lane Willand Devon	Ms Tina Maryan	DEL	DEL
8	14	06/11/2015	15/01194/MFUL	Erection of a solar farm 4.9MW, landscaping and associated infrastructure, access and underground cables	Land at NGR 285528 98874 (Dunscombe) Newton St Cyres Devon	Mr Simon Trafford	COMM	COMM

<i>Item</i>							<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>
9	17	15/10/2015	15/01108/MFUL	Installation of a ground-mounted photovoltaic solar farm to generate up to 6MW of power (site area 11ha) with associated infrastructure including inverter cabins, sub station buildings, access tracks, fencing and CCTV (Revised scheme)	Land at NGR 307922 118303 (Wiseburrow Farm) Burlescombe Devon	Miss Thea Billeter	COMM	COMM
10	17	16/10/2015	15/01034/MFUL	Erection of a 500kW anaerobic digester and associated works with 4 silage clamps. Revised Scheme to include the change of orientation of the layout and installation of 2 driers	Land at NGR 299621 112764 (Red Linhay) Crown Hill Halberton Devon	Mr Daniel Rance	COMM	COMM
11	22	14/09/2015	15/00934/MARM	Reserved Matters for the erection of 100 dwellings, including garages, domestic outbuildings and structures, associated infrastructure, estate roads, footways, car parking courts, drainage, pumping station and landscaping, together with all other associated development, following Outline approval 13/00859/MOUT (Revised scheme)	Land and Buildings at NGR 302994 107178 (Former Cummings Nursery) Culm Lea Cullompton Devon	Mr Simon Trafford	COMM	COMM
12	66	04/11/2014	14/01332/MOUT	Outline for a mixed use development comprising of a primary school and pre-school with ancillary facilities including sports pitch and parking and turning area; erection of up to 25 dwellings with parking and open space	Land at NGR 288080 098230 East of Station Road Newton St Cyres Devon	Mr Simon Trafford	COMM	COMM
13	75	24/09/2014	14/00881/MOUT	Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road	Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton Devon	Mr Simon Trafford	COMM	COMM
14	76	27/08/2014	14/00830/MOUT	Outline for the erection of up to 185 dwellings and 1935m2 of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space	Land at NGR 284242 99827 (Wellparks) Exeter Road Crediton Devon	Mr Simon Trafford	COMM	COMM
15	81	28/07/2014	14/00604/MFUL	Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)	Post Hill Nursing Home 36 Post Hill Tiverton Devon EX16 4ND	Miss Lucy Hodgson	COMM	COMM

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
16	134	16/07/2013	13/00525/MFUL	Application to replace extant planning permission 09/01870/MFUL (to extend time limit). A mixed development of 13 open market eco-houses and 6 affordable eco-houses; new access and estate road; additional car parking facilities for the Village Hall; closure of the existing Parish Hall Car Park entrance; provision of a children's play area for the Parish Hall; highway improvements to Fanny's Lane; footpath link to Snows and Meadowside Road (Revised Scheme)	Land at NGR 282973 102485 (East of Oxford Terrace) Fanny's Lane Sandford Devon	Mr Simon Trafford	COMM	COMM

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LIST OF APPEAL DECISIONS FROM 10 October to 13 November 2015

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00031/FULL	Conversion of barn to dwelling	Land and Buildings at NGR 273746 95383 (East Church Farm Cottage) Hittisleigh Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The appeals concerns a proposal to convert a redundant agricultural barn to dwelling both planning permission and listed building consent. The barn falls within the setting of listed building, and therefore both planning permission and listed building consent was required. The main issue in the determination of the appeals was the effect of the proposals on the setting of East Church Farmhouse and adjoining Cottage, a Grade II* listed building, and on the special architectural and historic interest of the barn, a curtilage listed building.

Given the scope of works (extensive and overly domestic in appearance) and the inclusion of a large domestic curtilage the Inspector agreed with your officers that the scheme would detract from its original agricultural character and from its historic character and appearance and the contribution it makes to the significance of the historic farmstead.

On this basis the Inspector concluded that the proposals would harm the setting of the listed building and the substantial alterations and extension would harm the architectural and historical interest of the building and the group of buildings that form the farmstead. The scale of the extensions would conflict with policies COR 2 and COR 18 in the CS and DM 2 and DM11 in the DMP.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00032/LBC	Listed Building Consent for the conversion of barn to dwelling	Land and Buildings at NGR 273746 95383(East Church Farm Cottage) Hittisleigh Devon	Refuse Listed Building Consent	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The appeals concerns a proposal to convert a redundant agricultural barn to dwelling both planning permission and listed building consent. The barn falls within the setting of listed building, and therefore both planning permission and listed building consent was required . The main issue in the determination of the appeals was the effect of the proposals on the setting of East Church Farmhouse and adjoining Cottage, a Grade II* listed building, and on the special architectural and historic interest of the barn, a curtilage listed building.

Given the scope of works (extensive and overly domestic in appearance) and the inclusion of a large domestic curtilage the Inspector agreed with your officers that the scheme would detract from its original agricultural character and from its historic character and appearance and the contribution it makes to the significance of the historic farmstead.

On this basis the Inspector concluded that the proposals would harm the setting of the listed building and the substantial alterations and extension would harm the architectural and historical interest of the building and the group of buildings that form the farmstead. The scale of the extensions would conflict with policies COR 2 and COR 18 in the CS and DM2 and DM11 in the SMP.

14/01611/PNCOU	Prior notification for the change of use of agricultural building to dwelling under Class MB (a)	Land at NGR 290419 107840 (The Barn) Cadeleigh Devon	Not Permitted Development	Delegated Decision	Not Permitted Development	Written Representations	Appeal Dismissed
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Summary of Inspectors Comments

The Planning Inspector noted procedurally it is not possible to apply separately for class Q(a) and Q(b). The Inspector was unable to conclude the development would be permitted development due to insufficient information regarding the use of the building. The council had claimed the building was used for the stabling of horses and produced photographic evidence of this, however the applicant had argued this was not on the 20th March 2013.

The inspector made no other comments on the councils reasons for refusal, as he could not tell if it would be permitted development (and therefore wasn't). Appeal dismissed.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00354/FULL	Erection of dormer window to rear	Orchard Lea Hemyock Cullompton Devon EX15 3RN	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Appeal Dismissed

Summary of Inspectors Comments

When approaching the site from the west on the B3391, compared to the fairly modest size of the dormer that it would replace, the proposed dormer would be seen from the road as a significantly larger and more bulky addition that would dominate, and jar with, the more characteristic hipped roof of the existing dwelling, appearing as an incongruous addition which in turn would have a jarring effect in the context of the appearance of the group of three dwellings. The proposed development would cause unacceptable harm to the character and appearance of the existing dwelling and surrounding area, including the AONB. As such, it would be contrary to Policies DM2, DM13 and DM29 of the Mid Devon District Council Local Plan Part 3 Development management policies and Policies COR2 and COR18 of the Mid Devon Local Development Framework Core Strategy 2026. The benefits in extending the loft to meet regulations and be more energy efficient are insufficient to outweigh the unacceptable harm that would be caused to the character and appearance of the existing dwelling and surrounding area, including the AONB.

15/00756/TPO	Application to fell 1 Cedar tree protected by Tree Preservation Order 08/00003/TPO	Land at Portway Willand Old Village Willand Cullompton Devon EX15 2SE	Refuse consent	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspectors Comments

The inspector concluded that the tree contributes to the setting of Willand and is visible from Willand Old Village and from Harpits Close. The tree is located to the side garden close but separate from the flank wall, which only contains one secondary window. The tree will cause some shading to the garden but no significant shading to the dwelling. There is scope to improve the relationship of the tree, but there is no compelling, support to fell the tree.

Concludes there is insufficient reasons presented in support of the proposal to outweigh the impact of the proposal and therefore the appeal is dismissed

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00610/FULL	Construction of vehicle access and hardstanding and part removal of garden wall	14 Peter Street Bradninch Exeter Devon EX5 4NX	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Allow with Conditions

Summary of Inspectors Comments

The inspector considered the main issue to be whether the proposed development would preserve or enhance the character or appearance of the Bradninch Conservation Area (the CA). The Inspector noted that the CA comprises a variety of designs of buildings and of varying density and age. The nearby former market place on Fore Street is a key focal point and Peter Street is a fairly narrow road leading onto to that space. Within Peter Street and the adjacent eastern end of Beacon Road the development pattern generally consists of terraced properties positioned very close to the road providing an intimate character with a strong sense of enclosure. 14 Peter Street was deemed to be an exception in the sense that it is a detached dwelling at the junction between those two roads, and between it and No 1 on the eastern side of Peter Street are garden walls associated with those two properties. It was considered that although those walls maintain the sense of enclosure to the street to some degree, it is not to the same extent as is the case at the southern end of the street with its two storey buildings on both sides. Furthermore the gates would be vertically boarded timber and so would maintain solidity to that frontage when closed and the vehicular access was not deemed to be an alien feature in the street scene as there are already two others nearby. For the above reasons, the proposed development would preserve the character and appearance of the CA. As such, it would accord with Policies DM2 and DM27 of the Mid Devon District Council Local Plan Part 3 Development Management Policies. The Inspector had regard to the loss of parking on the road as a result of the new access although there was no substantive evidence that the proposal would exacerbate any existing parking or traffic flow problems or that there would be difficulty accessing and exiting the site due to the narrowness of the street. The appeal was allowed on this basis.

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PLANNING COMMITTEE
2nd December 2015

REPORT OF THE HEAD OF PLANNING AND REGENERATION

15/01108/MFUL - INSTALLATION OF A GROUND-MOUNTED PHOTOVOLTAIC SOLAR FARM TO GENERATE UP TO 6MW OF POWER (SITE AREA 11HA) WITH ASSOCIATED INFRASTRUCTURE INCLUDING INVERTER CABINS, SUB STATION BUILDINGS, ACCESS TRACKS, FENCING AND CCTV (REVISED SCHEME) - LAND AT NGR 307922 118303 (WISEBURROW FARM) BURLESCOMBE DEVON

Description of Development:

This application seeks planning permission for the installation of a 6MW solar array on approximately 11 hectares (27 acres) of land forming part of Wiseburrow Farm, Burlescombe (although the site is in the Parish of Holcombe Rogus) for a period of 25 years.

The application is a revised scheme following the refusal of planning permission for a similar scheme in February 2015. The earlier application was refused by the Planning Committee on the recommendation of Officers due to a lack of sufficient information to determine if the scheme would have an acceptable landscape and visual impact and impact upon nearby heritage assets. This application seeks to overcome the earlier reasons for refusal primarily through the revision of the supporting information but the proposal also removes some panels from the eastern edge of the site and makes other minor internal layout changes.

The site comprises a single irregular shape field lying approximately 700m to the south of the County Highway which takes traffic from the A38 to the Westleigh Quarry and approximately 120m to the north of Longdown Lane, a class 3 road which runs from the A38 to the village of Westleigh. The land is gently sloping broadly sloping down from east to west. The field is enclosed by hedgerows with sporadic trees. The closest residential property to the site is 'Broadways' which is 115m away to the south east but which due to the removal of the panels from the eastern extremities is now approximately 170m from the edge of the proposed built site.

The land is currently in agricultural use and will continue to be grazed by sheep.

The panels are proposed to be laid out in rows across the site in a west-east direction. The distance between the rows of panels will be approximately 8.4m from the fronts of each row and they will be angled at 20 degrees. The panels are to be mounted on metal frames which have been pile driven or screwed into the ground with a maximum height above ground level of 2.4m.

Three inverter cabins are proposed across the site. Each structure measures 2.99m long , 2.4m wide and is 2m high. The inverters are proposed to be finished in a Green colour.

Two substations are proposed in the north western corner of the site, near the entrance. One is to serve the applicants and the other will be provided by Western Power Distribution as the network operator. The applicant's substation is 3.6m long, 2.75m wide and 3.5m high

with the second substation measuring 6.25m long, 3.65m wide and 4m high. Both are proposed to be finished in a Green colour.

A 1.8m high stock-proof deer fence is proposed to surround the site with a total of 26 CCTV cameras mounted on 2.4m high poles (max height) at 50m intervals points along the fence. Welded mesh steel gates 4m wide and 2m high are proposed at the site entrance. There will be no external lighting.

A new 3.5m wide access track across the site is proposed from an existing access onto the Westleigh Quarry Road.

Save for a 5m stretch of hedgerow proposed for removal to allow access into the site, existing boundary hedgerows and trees are proposed for retention with new native trees proposed to be planted at 10m centres along part of the western boundary and a new native hedgerow planted for a length of 177m along the eastern boundary.

The area of ground proposed to be covered by the rows of solar panels and associated infrastructure totals approximately 30% of the fenced site area with the remainder of the site being grassed land constituting the gaps between the rows of panels and the land between the fence and the installation.

Reason for Report:

At the meeting on 21 October 2015, Members resolved that they were minded to refuse the application contrary to officer recommendation and the application was deferred for a further report setting out the implications for proposed reasons for refusal on landscape and visual impact and cumulative impact.

RECOMMENDATION(S)

If Members are still minded to refuse the application contrary to officer recommendation, it is recommended that Members refuse the application for the suggested reason for refusal 1 set out in this report, and carefully consider whether they also wish to refuse the application for reason for refusal 2. Both reasons for refusal need to be capable of being robustly defended on their own merits.

Relationship to Corporate Plan:

None

Financial Implications:

The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. The Council must be in a position to defend and substantiate each of its reason for refusal.

Legal Implications:

None

Risk Assessment:

If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

1.0 REASONS FOR REFUSAL AND IMPLICATIONS:

1.1 During the meeting, consideration was given to:

- The need for renewable energy and effective solar energy
- The visible impact of the proposal in open countryside
- The cumulative impact of the proposal
- The number of solar PV farms in the area
- The quality of the agricultural land

It was resolved that members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed reasons for refusal based on landscape and visual impact and cumulative impact.

Suggested wording for reasons for refusal

Your officers suggest the following wording for the reasons for refusal:

1. In the opinion of the Local Planning Authority, due to the scale and siting of the proposed solar photovoltaic installation, the development is considered to have a harmful effect on the rural landscape character and visual amenities of the area when viewed from public vantage points on local roads to the south-east, west and north, public footpaths to the north and west and from nearby dwellings (in particular at Broadways to the east and Whipcott to the west) and it has not been demonstrated that this harm could be satisfactorily addressed by mitigation planting. The application is considered to be contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), DM2 and DM5 of the Local Plan 3 Development Management Policies, the National Planning Policy Framework and Planning Practice Guidance.
2. The proposed scheme by reason of its scale, siting and location, in combination with three other solar schemes viewed in sequence from public roads when travelling in the area, in particular a 9.3 hectare (4.8 megawatt) solar development 350 metres to the east of the site fronting the main A38, a 4.3 hectare (1 megawatt) solar development 1 km to the south of the site, and a 15.8 hectare (5 megawatt) solar development, 3.5 km to the south west of the site, is considered to have an unacceptable cumulative impact on the rural character of the area, contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), policies DM2 and DM5 of the Local Plan Part 3 Development Management Policies, the National Planning Policy Framework and Planning Practice Guidance.

Implications: reason for refusal 1

Your officers identified in their report to Planning Committee on 21 October 2015 that the proposed development would cause some harm to the rural landscape character of the area when viewed from public vantage points such as local roads and public footpaths, but that this harm would be limited due to the nature of the topography which provides a degree of containment in short distance views and “loses” views of the development in panoramic longer distance views.

Your officers identified a greater degree of harm to the visual amenities of private residential properties, stated in the submitted Landscape and Visual Impact Assessment to have

between minor and moderate adverse effects on residents, reducing over time as views of the development become filtered by mitigation planting.

Your officers weighed this harm to the rural landscape character and visual amenities of the area against the benefits of the scheme and concluded that the balance weighed in favour of the development. Members are advised to consider the effects on landscape character and visual amenities for themselves and carry out the same balancing exercise. Members could conclude that the harm to the landscape character and visual amenities is such that it outweighs the benefits of the scheme.

Implications: reason for refusal 2

There are three operational/under construction solar developments within 5 km of the site: Redhill, approximately 350 metres to the east, Barton Farm, approximately 1 km to the south and Ayshford, approximately 3.5 km to the south west. A plan showing the application site in relation to three other sites is attached at **appendix 1**.

For a potential cumulative effect to be identified, site must either be visible from the same vantage points or visible sequentially along a particular route.

Your officers identified in their report to Planning Committee on 21 October 2015 that there would be no cumulative impact between the proposed site and the Redhill site (under construction) as there is no intervisibility between the two.

Similarly, there is no intervisibility between the site and the Barton Farm development near Burlescombe, although both sites could be seen in long distance views from the tower at Holcombe Court (Grade 1 listed).

Your officers identified that although the development at Ayshford could be seen easily from the M5 motorway, its distance from the site meant that there would be no significant cumulative impact.

When considering intervisibility, your officers concluded in their report that there would be no harmful cumulative impact between the application site and the other sites in the locality.

Members were also concerned about cumulative impact arising from experiencing views of the site together with other solar developments in the areas sequentially whilst travelling through the area. Whilst it may be possible to see all four solar developments individually whilst travelling through the area, all four would not be visible one after the other in sequence whilst travelling along a main route or in and out of a particular village.

Your officers conclude that whilst the site is located within 5km of others and therefore may have some broader cumulative effect with they do not consider this effect to be harmful. Members are advised to consider the degree of cumulative impact likely to be experienced, and weigh this against the benefits of the scheme as for reason for refusal 1.

Contact for any more information

Tina Maryan Tel: 01884 234336

Background Papers

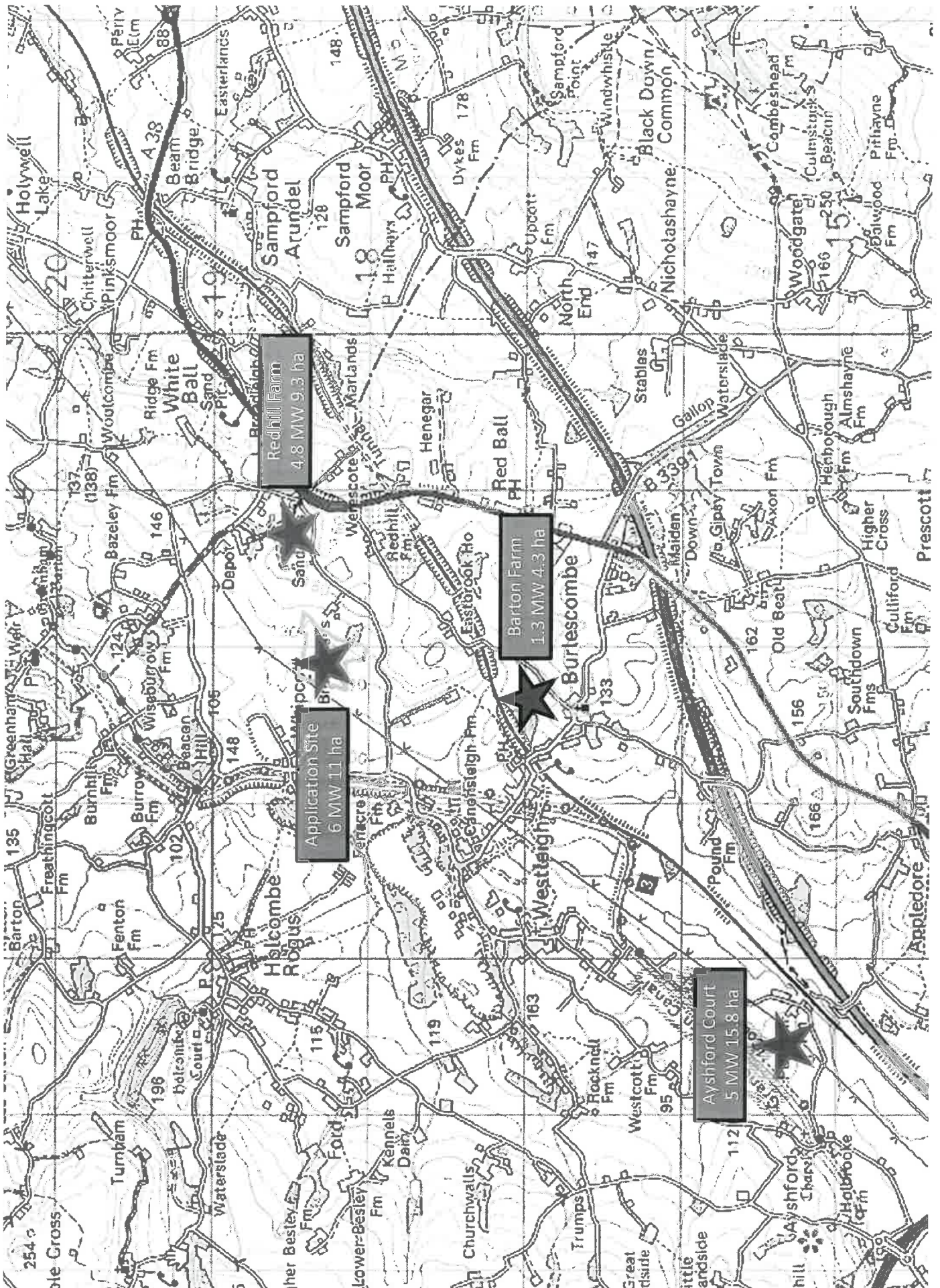
Macro [Papers]

File Reference

15/01108/MFUL

Circulation of the Report

**Cllrs Richard Chesterton
Members of the Planning Committee**



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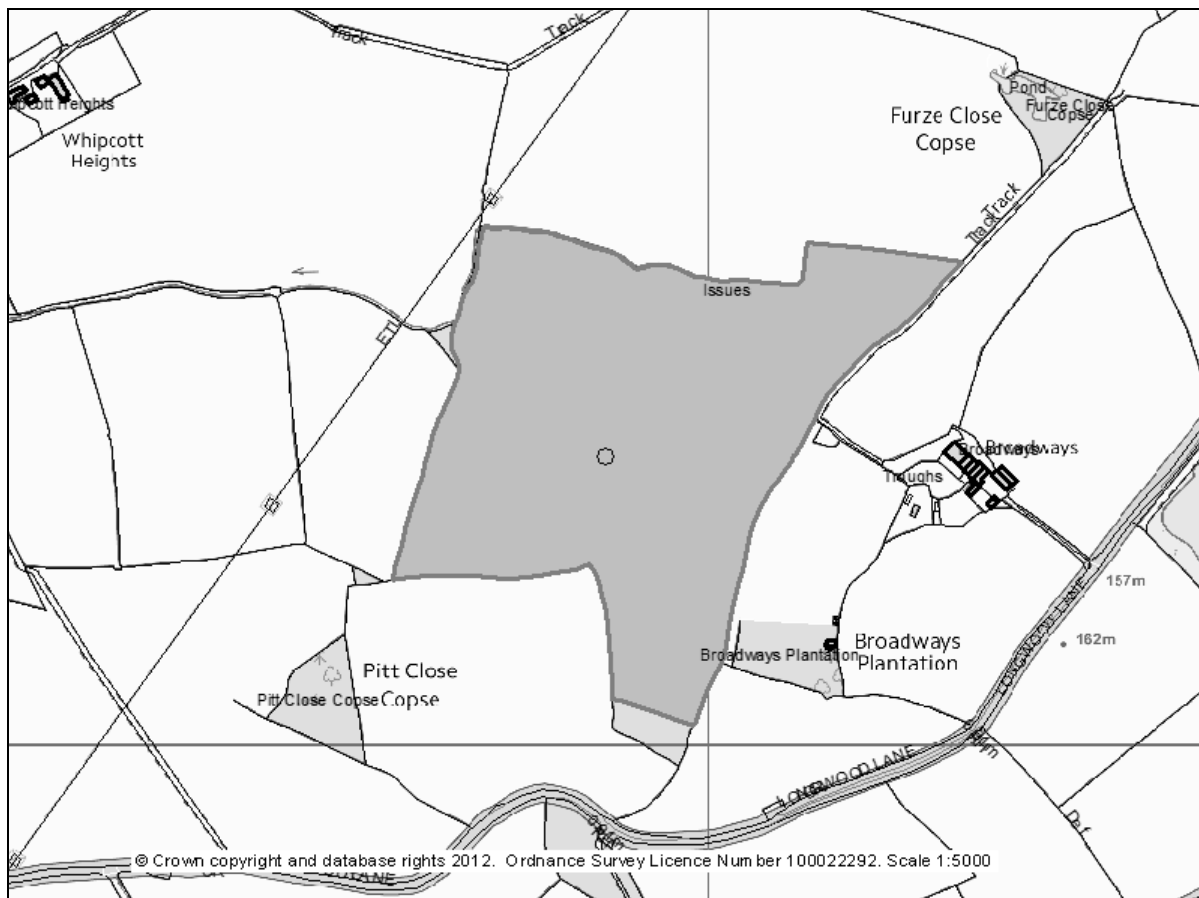
Grid Ref: 118303 : 307922

Applicant: Mr & Mrs J H Diment

Location: Land at NGR 307922 118303
(Wiseburrow Farm) Burlescombe
Devon

Proposal: Installation of a ground-mounted photovoltaic solar farm to generate up to 6MW of power (site area 11ha) with associated infrastructure including inverter cabins, sub station buildings, access tracks, fencing and CCTV (Revised scheme)

Date Valid: 16th July 2015



REPORT OF THE HEAD OF PLANNING AND REGENERATION

15/01108/MFUL - INSTALLATION OF A GROUND-MOUNTED PHOTOVOLTAIC SOLAR FARM TO GENERATE UP TO 6MW OF POWER (SITE AREA 11HA) WITH ASSOCIATED INFRASTRUCTURE INCLUDING INVERTER CABINS, SUB STATION BUILDINGS, ACCESS TRACKS, FENCING AND CCTV (REVISED SCHEME) - LAND AT NGR 307922 118303 (WISEBURROW FARM) BURLESCOMBE DEVON

Reason for Report:

To consider the above planning application

RECOMMENDATION(S)

Grant planning permission subject to conditions

Relationship to Corporate Plan:

The Corporate Plan sets out the following long term vision:

- i) Caring for our environment to promote and protect our outstanding environment and beautiful countryside.

Financial Implications:

Should the application be refused and an appeal lodged with the Planning Inspectorate there is a risk of an award of costs against the Local Planning Authority if it were found to have acted unreasonably.

Legal Implications:

None

Risk Assessment:

None

Consultation carried out with:

See relevant section of the report

1. Holcombe Rogus Parish Council
2. Burlescombe Parish Council
3. Culmstock Parish Council

4. Highway Authority
5. Environment Agency
6. Devon County Council Lead Local Flood Authority
7. Historic England
8. Devon County Council Historic Environment Service
9. Natural England
10. Environmental Health
11. Exeter Airport
12. National Grid

1.0 PROPOSED DEVELOPMENT

This application seeks planning permission for the installation of a 6MW solar array on approximately 11 hectares (27 acres) of land forming part of Wiseburrow Farm, Burescombe (although the site is in the Parish of Holcombe Rogus) for a period of 25 years.

The application is a revised scheme following the refusal of planning permission for a similar scheme in February 2015. The earlier application was refused by the Planning Committee on the recommendation of Officers due to a lack of sufficient information to determine if the scheme would have an acceptable landscape and visual impact and impact upon nearby heritage assets. This application seeks to overcome the earlier reasons for refusal primarily through the revision of the supporting information but the proposal also removes some panels from the eastern edge of the site and makes other minor internal layout changes.

The site comprises a single irregular shape field lying approximately 700m to the south of the County Highway which takes traffic from the A38 to the Westleigh Quarry and approximately 120m to the north of Longdown Lane, a class 3 road which runs from the A38 to the village of Westleigh. The land is gently sloping broadly sloping down from east to west. The field is enclosed by hedgerows with sporadic trees. The closest residential property to the site is 'Broadways' which is 115m away to the south east but which due to the removal of the panels from the eastern extremities is now approximately 170m from the edge of the proposed built site.

The land is currently in agricultural use and will continue to be grazed by sheep.

The panels are proposed to be laid out in rows across the site in a west-east direction. The distance between the rows of panels will be approximately 8.4m from the fronts of each row and they will be angled at 20 degrees. The panels are to be mounted on metal frames which have been pile driven or screwed into the ground with a maximum height above ground level of 2.4m.

Three inverter cabins are proposed across the site. Each structure measures 2.99m long , 2.4m wide and is 2m high. The inverters are proposed to be finished in a Green colour.

Two substations are proposed in the north western corner of the site, near the entrance. One is to serve the applicants and the other will be provided by Western Power Distribution as the network operator. The applicant's substation is 3.6m long, 2.75m wide and 3.5m high with the second substation measuring 6.25m long, 3.65m wide and 4m high. Both are proposed to be finished in a Green colour.

A 1.8m high stock-proof deer fence is proposed to surround the site with a total of 26 CCTV cameras mounted on 2.4m high poles (max height) at 50m intervals points along the fence. Welded mesh steel gates 4m wide and 2m high are proposed at the site entrance. There will be no external lighting.

A new 3.5m wide access track across the site is proposed from an existing access onto the Westleigh Quarry Road.

Save for a 5m stretch of hedgerow proposed for removal to allow access into the site, existing boundary hedgerows and trees are proposed for retention with new native trees proposed to be planted at 10m centres along part of the western boundary and a new native hedgerow planted for a length of 177m along the eastern boundary.

The area of ground proposed to be covered by the rows of solar panels and associated infrastructure totals approximately 30% of the fenced site area with the remainder of the site being grassed land constituting the gaps between the rows of panels and the land between the fence and the installation.

2.0 APPLICANTS SUPPORTING INFORMATION

Archaeological Assessment
Flood Risk Assessment
Wildlife Survey
Agricultural Land Classification Report
Waste Audit Statement
Transport Statement
Supporting Statement (including Design & Access Statement)
Arboricultural Impact Assessment
Landscape and Visual Impact Assessment
Residential Assessment
Heritage Settings Assessment

3.0 PLANNING HISTORY

14/01932/MFUL Installation of a ground-mounted photovoltaic solar farm to generate up to 6MW of power (site area 11ha) with associated infrastructure including inverter cabins, sub station buildings, access tracks, fencing and CCTV – REFUSED FEBRUARY 2015

4.0 DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR5 - Climate Change
COR9 - Access
COR11 - Flooding
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM5 - Renewable and low carbon energy
DM7 - Pollution
DM27 - Development affecting heritage assets
DM29 - Protected landscapes

5.0 CONSULTATIONS

HOLCOMBE ROGUS PARISH COUNCIL - 20th August 2015

Our Council considered the above application at its meeting on 18th August which was attended by the applicants and advisers and members of the public. Members of the Council considered the representations made at the meeting and letters of objection filed on MDDC's web-site.

I am instructed by the Council to convey our objections to the proposed development for much the same reasons as it objected to the previous application 1410193/MFUL.

Our Council consider that the proposed development is unacceptable because of the adverse impacts of a solar farm located on the application site. In particular, the proposed development is located on a stretch of undulating pasture land that starts at the boundary of the existing business and commercial centres at Greenham and Lobsgrove Business Estates. The development will have an adverse impact on the character of the landscape. It is not considered appropriate to introduce a commercial use into the open countryside. The application site is an attractive piece of open and unspoilt country as can be seen from the photographs referred to below.

There will be a significant adverse impact on the setting of the Grade 1 listed Holcombe Court and All Saints Church. The Council noted that Historic England say in their letter of 6th August to your Council that the application site will be readily visible from Holcombe Court and the Church and they disagree with the applicants that there will be a low impact on their setting and indicate that there will be a risk that the solar arrays will form a discordant feature in the landscape. Our Council felt that the visual impact generally was unacceptable. The applicants have undertaken some additional tree planting and omitted some solar panels but this was not considered sufficient. Whilst the visual impact of the development is to some extent ameliorated by the topography, there will still be an unacceptable adverse visual impact from many view points. Our Council does not consider that the site can be adequately screened.

Our Council considers that the photographs and photo montages provided by the applicants do not offer a faithful and accurate representation of the existing landscape. Whilst our Council was told that the photographs and photo montages had been produced in accordance with recommended guidance, the panoramic shots appear to show the landscape at a greater distance than when seen with the naked eye. In reality, when one looks at a scene, the field of vision tends to be more restricted, as one concentrates on the elements within the scene at the centre of one's visual field.

As a result photographs taken at a greater focal length (say approx. 100 mm on a full frame camera) do in the Council's view come closer to representing how the development site will be seen. I am sending with a hard copy of this letter a CD of some photographs with a plan indicating the respective view points. This CD was sent to your Council when we were consulted on the previous application. I also enclose prints of some of photographs (numbered on the reverse -see viewpoint plan on the CD). Some of these show the application site when viewed from public footpaths and bridleways and it should be noted also that the country roads are also part of a network of walks frequented by members of the community and visitors.

There are a number of solar farms or permitted solar farms in the area including those at Ayshford (Junction 27 M5) and Redhill Farm and a further solar farm in the immediate locality will represent an unacceptable cumulative impact.

The Council does not consider that, given the above matters, the loss of agricultural land (class 3b according to the applicant's consultants) should be sanctioned. Given the above issues, our Council does not consider that the Wiseburrow Farm development would be in accordance with planning policy including in particular the NPPF and subsequent guidance and Mid Devon Local Plan.

We should also mention that the applicant's consultants indicated that some form of community benefit would be available for the benefit of the parish but we do not have any detailed proposals.

BURLESCOMBE PARISH COUNCIL - 3rd August 2016

I am writing to respond to your letter of 17th July 2015 inviting comments on the above application. The application was considered at a planning committee meeting on 27th July.

The Council felt the revised scheme did not alter their original objections to the application and in addition object to this revised scheme on the following points.

1. There are already two solar farms in the vicinity and a third farm has received planning permission. The latter being in nearby fields so although the land is undulating the visual impact will be enormous.
2. Loss of good agricultural land
3. The solar farm would be very visible from various points around the Holcombe Rogus Parish and the recent planting by the applicants will not adequately screen it.

CULMSTOCK PARISH COUNCIL - 22nd July 2015

No comment.

HISTORIC ENGLAND - 7th August 2015

We have previously commented on a similar application for this site (your ref. 14/01932/MFUL) and do not intend to repeat the more general points made in our letter (ref. P44472) in relation to renewable energy proposals and the historic environment. In that letter we identified a number of heritage assets we considered might be intervisible with the development and advised that a more detailed assessment was required of its potential impact on their setting. This exercise has now been completed by the applicant in considerable detail and we are largely content with its assessment and conclusions in respect of intervisibility and impact.

However, there is one exception which relates to the grade I listed Holcombe Court and All Saints Church, Holcombe. The consultants preparing the impact assessment noted a degree of intervisibility between the application site and the churchyard but assessed the potential for harm to its setting as low due to the distance and fact that the site does not occupy a large part of the extensive view. They did not gain access to Holcombe Court but acknowledged that there was some intervisibility with the site but came to a similar conclusion that they reached regarding the impact on the church. We have visited Holcombe Court and viewed the application site both from its grounds and from within the building, where it is also readily visible from certain rooms. In particular, the Court is unusual in having a substantial tower porch on its front elevation, from which a generous staircase leads to upper rooms and eventually a parapeted terrace on its roof, evidently intended to take advantage of the panoramic views to the south, east and west of the property. From here, as from some of the upper rooms, the site is more clearly visible than it is from the churchyard, due to its greater elevation, and there is a risk that the solar arrays will form an discordant feature in the landscape.

Whilst the intervening distance means it is not as serious a concern as if the solar arrays intruded on important views towards the Court or church, we still consider it may constitute a degree of harm to its setting which needs to be taken into account under paragraph 134 of the NPPF when your Authority undertakes its assessment of the planning balance between different material considerations, particularly given the specially high significance of the Court as a grade I listed building.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

HISTORIC ENVIRONMENT SERVICE – 8th October 2015

The Historic Environment Team has now received confirmation that the archive of information created through the pre-application archaeological work undertaken at the above site has now been deposited at a suitable repository.

As such, I would like to withdraw the Historic Environment Team's previous advice, made on the 24/7/15, and would regard there to be no requirement for any archaeological condition on any consent that your Authority may grant for this development.

HIGHWAY AUTHORITY - 28th July 2015

Observations:

The Local Planning Authority will be aware of our previous correspondence on this site with regard to the previous application. The applicant has resubmitted and indicated in the Transport statement that the access is regularly used by large agricultural vehicles, this is accepted albeit the proposed construction will increase the daily volumes of traffic beyond that of agriculture and while the HGV movement to the site will result in 10 per week for the construction phase individual staff movement have not been considered and will increase the traffic from the substandard access.

The applicant has indicated that the largest vehicles may overrun the verge, the Highway Authority would therefore require the area under the swept path of these vehicles to be hard surfaced in a bound material to protect the edge of carriageway and prevent mud and debris entering the public highway.

The Applicant has indicated a banksman will be used for all vehicles at the access to manage both incoming and exiting vehicles. In the absence of improved visibility to the west, which one can only assume the applicant has been unable to secure since the previous application, the Highway Authority will accept the use of a banksman for all vehicles and combined with appropriate signage and route management which should be agreed with the Highway Authority through their neighbourhood Officers.

The Applicant has indicated that they would ensure that vehicles are kept clean before existing the site. The applicant should amend the construction management plan to include the use of wheel washing facilities and a road sweeper to maintain a clean public highway free from mud an debris.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF
OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,

1. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway.

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) hours during which delivery and construction traffic will travel to and from the site;
- (d) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (e) hours during which no construction traffic will be present at the site;
- (f) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (g) details of wheel washing facilities and road sweeping obligations
- (h) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (i) Details of the amount and location of construction worker parking.
- (k) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

3. The site access road shall be have hardened surface in a bound material to cater for all vehicles entering the site, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public.

ENVIRONMENT AGENCY - 23rd July 2015

Thank for the above consultation, however we are no longer a statutory consultee for surface water management issues. I do note, we agreed an FRA for an earlier application on this site. You should consult the Local Lead Flood Authority (DCC) on this proposal.

LEAD LOCAL FLOOD AUTHORITY - 10th August 2015

Devon County Council Flood Risk Management Position.

We have no objection to the proposed surface water strategy. Appropriate management techniques should also be undertaken to maintain a natural vegetated area surrounding the panels. Care will be needed during the construction phase of the solar panels where the site is likely to be cultivated and left with exposed soil. This has potential for erosion and water quality issues for the downstream receiving water bodies. Appropriate mitigation methods should be implemented in the construction stage with the implementation of the wide vegetated swales to control site runoff aiding with water quality aspects from initial construction.

There is an ordinary watercourse running along the North West edge of the site boundary. If any temporary or permanent works take place within the watercourse (such as an access culvert or bridge) Land Drainage Consent will need to be obtained from Devon County Council's Flood Risk Management team prior to works commencing.

The FRA hasn't mentioned the risk of flooding to the site from surface water. According to the surface water maps there is a low/medium risk surrounding the ordinary watercourse.

NATURAL ENGLAND - 23rd July 2015

Standing advice applies.

EXETER INTERNATIONAL AIRPORT - 24th July 2015

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter International Airport has no safeguarding objections to this development provided there are no changes made to the current application.

NATIONAL GRID - 21st September 2015

No objections.

6.0 REPRESENTATIONS

19 letters of objection received, summarised as follows:

- The local countryside already hosts a solar farm on the way out of Westleigh (at Ayshford);
- There is no need for another solar farm;
- The screening as shown and that already planted does not mitigate the scheme;
- This revised scheme does nothing to address water run-off or the positioning of the building;
- Will be visible from vantage points for miles around;
- The site is visible from the first floor of Holcombe Court and from the top of the tower of the house. The views from this Grade I listed building should be protected for all of the community;
- Preserving the setting of Holcombe Court and the Parish Church outweighs the benefits of the proposal;
- Will lead to industrialisation of the rural landscape;
- Should be refused on the grounds of cumulative impact with the Ayshford, Ridgeway Farm and Red Ball solar sites;
- The panoramic photos are misleading;
- Will be visible from private houses;
- Will be visible from the road running to and from the Grand Western Canal

7.0 MATERIAL CONSIDERATIONS

The main considerations in the determination of this application are:

- 1. The benefits of renewable energy and planning policy**
- 2. Land use**
- 3. Highways**
- 4. Flooding**
- 5. Landscape and visual impact, including cumulative impact**
- 6. Impact upon heritage assets**
- 7. Ecology and other matters**
- 8. The planning balance/summary**

1. The benefits of renewable energy and planning policy

The scheme would be capable of generating up to 6 megawatts of electricity annually, which the applicant states is the equivalent of the average annual electricity needs of approximately 1,800 homes. The Government's target for the amount of electricity to come

from renewable sources by 2020 is currently 15%. According to RegenSW's Renewable Energy Progress Report 2015, to date, the amount of electricity generated from renewable sources in the South West stands at 14% of demand. Solar PVs in Devon contribute 368 megawatts. The level of energy generation provided by the proposed development would make a considerable contribution towards renewable energy targets in the UK.

Policy COR5 of the Mid Devon Core Strategy (Local Plan Part 1) states that measures will be sought to contribute towards national (and regional) targets for the reduction of greenhouse gas emissions, including the development of renewable energy in locations with an acceptable local impact, including visual, on nearby residents and wildlife. Policy DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework (NPPF) require the benefits of renewable energy to be weighed against its impact. DM5 states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. Where significant impacts are identified through Environmental Impact Assessment, the Council will balance the impact against the wider benefits of delivering low carbon energy. Development must consider landscape character and heritage assets, environmental amenity of nearby properties in accordance with Policy DM7 (Pollution), quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a) and biodiversity (avoiding habitat fragmentation).

The NPPF states that Local Planning Authorities should design their policies to maximise renewable energy development while ensuring that adverse impacts are addressed satisfactorily. The NPPF also states that when determining planning applications, Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Local Planning Authorities should approve applications for renewable energy if its impacts are (or can be made) acceptable.

The overarching national policy statement for energy (EN-1) is generally aimed at nationally significant infrastructure projects but also has relevance for more local renewable energy schemes. The statement promotes renewable energy but recognises that the development of new energy infrastructure is likely to have some negative effects on biodiversity, landscape/visual amenity.

Planning Policy Guidance states that Local Planning Authorities should focus large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, the proposed use of any agricultural land needs to be shown to be necessary and poorer quality land has been used in preference to higher quality land and the proposal allows for the continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The Guidance also requires that the proposal's visual impact, the effect of glint and glare and the effect on neighbouring uses, aircraft safety and the need for and impact of security measures are all considered. Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance.

2. Land Use

The application is supported by an assessment of the Agricultural Land Classification of the site carried out by a Chartered Surveyor with 20 years experience in Rural surveying. The application site is classified as grade 3 according to the Agricultural Land Classification maps and therefore the report seeks to ascertain whether the land is grade 3a or 3b. The conclusion of the report's author is that the whole site is situated on 3b due to the current and historical use of the land as pasture, the inability of the land to consistently produce moderate to high yield of arable crops (as required to meet criteria for 3a) and the inability of

modern agricultural machinery to navigate its way through large dips and steeper areas of land, limiting the use of the land to grazing.

The government have been clear (in recent ministerial statements, including Eric Pickle's written statement in March 2015, the National Planning Policy Framework and the Planning Practice Guidance) that they are concerned about the provision of commercial scale solar installations on good quality agricultural land and this has been reflected in a number of appeal decisions which have been dismissed whereby an installation would take up a significant proportion of Best and Most Versatile land. As this land is considered to be grade 3b it would comply with policy DM5 and Government policy insofar as not utilising Best Most Versatile agricultural land.

3. Highways

The submitted Transport statement indicates that the access is regularly used by large agricultural vehicles, this is accepted by the Highway Authority albeit the proposed construction will increase the daily volumes of traffic beyond that of agriculture and while the HGV movement to the site will result in 10 vehicles per week for the construction phase individual staff movement have not been considered and will increase the traffic from the substandard access.

The applicant has indicated that the largest vehicles may overrun the verge, the Highway Authority would therefore require the area under the swept path of these vehicles to be hard surfaced in a bound material to protect the edge of carriageway and prevent mud and debris entering the public highway.

The Applicant has indicated a banksman will be used for all vehicles at the access to manage both incoming and exiting vehicles. In the absence of improved visibility to the west, the Highway Authority has indicated that they will accept the use of a banksman for all vehicles and combined with appropriate signage and route management which should be agreed with the Highway Authority through their neighbourhood Officers.

The Applicant has indicated that they would ensure that vehicles are kept clean before exiting the site but the Highway Authority require this and details of the use of wheel washing facilities and a road sweeper to maintain a clean public highway free from mud and debris to be included in a Construction Management Plan. Subject to appropriate conditions relating to highway matters the development will not cause demonstrable harm to highway safety and would accord with policies COR9 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM5 of Local Plan Part 3 (DMP) in this respect.

4. Flooding

The site is not within an area liable to river or surface water flooding but is accompanied by a Flood Risk Assessment and Sustainable Drainage Strategy in order to ensure that the provision of the panels will not lead to a greater rate of surface water run-off from the site. The scheme includes the provision and maintenance of swales and scrapes (to limit the erosion risk posed by the intensification of rainwater as a result of the solar arrays) to which the both the Environment Agency and the Lead Local Flood Authority have raised no objection to the proposal and it therefore meets with policies COR11 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 of Local Plan Part 3 (DMP).

5. Landscape and visual impact, including cumulative impact

The site is within the 'Devon Redlands' National Character Area and the Devon Character Area 17 'Culm Valley Lowlands'. On a more local level the site is within the Mid Devon

Landscape Character Type 3B 'Lower rolling farmed and settled valley slopes'. This landscape type is gently rolling and strongly undulating with well managed hedgerows and high degrees of variation in the levels of visual containment. The roads in the landscape are mostly winding with bends that are frequently sunken and the landscape is well wooded. The Landscape Sensitivity Study on wind and PV development in Mid Devon identifies that this landscape type (outside of the Blackdown Hills Area of Outstanding Natural Beauty) has an overall medium sensitivity to solar development of the size proposed (>5 - 10ha). The study finds that the presence of some hidden areas and human activity could indicate a lower sensitivity to the principle of solar PV development but visible slopes, undeveloped hill-tops and well-wooded and pastoral character, landscape pattern and 'remote' qualities heighten levels of sensitivity. The submitted Landscape and Visual Impact Assessment (LVIA) describes the topography of the site:

- a) The immediate landscape surrounding the proposed development is an active, working landscape, scattered with numerous agricultural buildings;
- b) To the east of the site a transmission line runs broadly north to south, a distribution line is found passing through the south-eastern section of the proposed development and provides existing built and vertical elements within the landscape;
- c) Broadly to the north, the landform slopes down to the hedgerow field boundary where it gently rises within the adjacent field. Individual trees, a block of woodland, pylons and farm buildings limit distant views to some extent;
- d) Broadly to the east, the landform gently rises to a mature hedgerow with mature trees which form a linear belt restricting views out of the field;
- e) Broadly to the south, the landform gently rises to a mature hedgerow with mature trees which form a linear tree belt restricting views out of the field;
- f) Broadly to the west, the landform gently slopes away before the undulating wooded farmland landscape unfolds. The transmission line and associated pylons are present crossing the landscape along with glimpsed views of scattered residential properties and agricultural buildings. The church spire of Holcombe Rogus is visible, although the church and properties within this nucleated village are enclosed by mature vegetation.

The LVIA looks at a study area of a 7.5km radius from the site and finds that the main visibility of the site is in the immediately surrounding landscape with the extent of visibility substantially reduced toward the fringes of the area, particularly to the south, east and west. Officers agree with this assessment. The LVIA assesses the landscape as being of medium sensitivity which is commensurate with Mid Devon's assessment of this landscape type.

The topography is such that when your officers viewed the site from the public roads immediately surrounding the site, the site was visible from some viewpoints but not from others and the whole site was not visible at any one time. However, the site is more visible and the extent of the site is more discernible from distant views, including from a number of public footpaths. As part of their consultation response Holcombe Rogus Parish Council has provided photographs of the site as viewed from public vantage points/public footpaths in the area and they are critical of the photographs provided in the submitted LVIA. Officers are of the view that the submitted LVIA photographs are taken in accordance with the Landscape Institute's guidance on such imagery and there is no criticism of the submission from this perspective. Conversely, the photographs submitted by the Parish Council clearly identify that there are views of the site from various vantage points but their accuracy cannot be proven.

The submitted LVIA states that for the majority of views from public rights of way, bridleways and cycleways the significance of the effect of the development will be neutral mainly due to variations in landform and existing vegetation which restrict views. The exception to this is two footpaths which run to the west of the site and link the Grand Western Canal with

Holcombe Rogus. These footpaths provide some views of the site at points where there is a lack of vegetation and the paths cross fields and the LVIA assesses the significance of the effect as being minor. In addition to these two footpaths, the site can be seen from footpaths approximately 2km to the west and to the south of Holcombe Rogus. Views from these footpaths, which are more elevated than those between the Canal and the village are of the application site as part of a wider undulating largely rural landscape which is mixed with mature copses of trees and native hedgerows and has the presence of high voltage electricity pylons crossing in close proximity to the site. Officers consider that the significance of the effect upon users of these footpaths will also be minor.

The LVIA concludes that the undulating landscape with numerous mature trees, small copses and woodlands and dense hedgerows provide containment and enclosure and that this minimises the impact of development upon landscape character. In tandem with the expansive nature of the landscape the development would become 'lost' within the wider landscape. Mitigation planting is proposed along the eastern and western boundaries although it will take a number of years to become effective. Overall the LVIA concludes that the proposal will have limited impacts on landscape character and visual amenity receptors such as those using the local road and footpath networks. Officers have carefully considered the LVIA and have carried out their own site visits to assess the impact and overall are in agreement with these conclusions and in this respect the application would accord with policies DM2 and DM5 of Local Plan Part 3 (DMP).

The Blackdown Hills Area of Outstanding Natural Beauty lies approximately 2.6km to the south east of the site. Due to the topography of the intervening land it is accepted that views of the site from the AONB and vice versa will not be possible. On this basis, the development will preserve the special beauty of the area as required by policy DM29 of Local Plan Part 3 (Development Management Policies).

Consideration must be given to the perception of cumulative landscape and visual impacts which may be experienced either by viewing more than one array in the same vista or by the sequential effects experienced by travelling along a road or right of way and viewing multiple solar arrays. At its closest, the site is approximately 350m to the north west of the permitted solar installation at Redhill Farm (ref. 14/01984/MFUL) which is now under construction. The topography of the immediate landscape keeps on rising to the north of the Redhill site before falling away to the north on the opposite side of the Class C road Longwood Lane, toward the Wiseburrow Farm site. Combined with the presence of trees, hedges and other vegetation the two sites are not visible alongside one another in the same landscape. Similarly there is a single property 'Broadways Farm' located between the two proposed installations, however due to the sloping land it will not have any views of the proposed Red Hill installation.

The existing operational site closer to Burlescombe is approximately 1km away and the LVIA demonstrates that there is no intervisibility between the two although some distant views of this site are obtained from the tower at Holcombe Court.

In addition, consideration is given to cumulative impacts with the Ayshford Court Farm installation which is located close to J27 of the M5 and can easily be seen from the motorway, but given that the site is approximately 3.5km to the south-west of the site, any impact would be limited and there would not be significant cumulative visual impacts.

In summary, the LVIA concludes that there is no cumulative impact between the proposed site and any consented or operational solar sites. Your officers have concluded that due to the topography of the landscape, there will be no harmful cumulative impact between this application site and the proposed site at Redhill or any of the other sites in the locality such that in this respect the application is considered to meet with the requirements of Policies

DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Private views from residential properties have been considered in the submitted LVIA in a dedicated residential assessment which looks at properties with a 1km radius of the site. Not all of the properties within this distance would have views of the installation due to orientation, the topography, intervening vegetation or other buildings. Some properties would have views toward the site and the significance of this has been assessed as ranging from minor to moderate depending upon the level of visibility. In addition to an individual assessment per property, an assessment of the visual impact of the proposal in more detail upon three properties, Broadways Farm, Riley's House and Whipcott Heights has been undertaken and photomontages provided to show the views now, post-construction and 5 years post-construction. This identifies that a number of properties, including those specifically aforementioned, would have views toward the site but these range from glimpsed views to views of greater expanses of the site. However, the mitigation planting proposed will over time help to filter these views. The views currently afforded to the properties identified in the assessment are generally expansive across a wide vista within an undulating and well vegetated landscape with the application site making up only a proportion of the view. Section 8 of this committee report weighs this issue up alongside other material considerations.

6. Impact upon heritage assets

A heritage settings assessment has been undertaken in support of the application which appraises the scheme against a number of listed buildings and conservation areas within 3.5km of the application site. The assessment is supported by a number of photographs from various vantage points to demonstrate the impact upon these heritage assets.

Both Historic England and the Conservation Officer are content with the main findings of the assessment in respect of the impact upon Conservation Areas and the majority of listed buildings. However, Historic England felt that the originally submitted assessment did not make an adequate assessment of the impacts upon Holcombe Court, a grade I listed Tudor manor on the edge of Holcombe Rogus. A visit was subsequently undertaken to Holcombe Court by the authors of the report and those who produced the LVIA. This visit was also accompanied by a Conservation Officer from this Authority and has resulted in an updated heritage settings assessment being submitted.

In summary, aside from the impacts upon Holcombe Court and the adjacent Parish Church and Priests House the assessment makes the following findings:

- A number of the listed buildings within the study area do not have views toward the site (confirmed by site visits).
- The listed Fossend Railway bridge bears no relationship with the site as agricultural land and is therefore not sensitive to the changes proposed.
- The Grand Western Canal Conservation Area and associated grade II listed structures (lime kilns, bridges, a milestone and twin culverts) are c. 560m to the west of the site at their closest. Views of agricultural land surrounding the canal make a small contribution to significance, allowing the historical connection with lime which was transported along the canal and its use for agriculture to be understood. From the Canal itself and its towpath the site is not visible. The key setting of each of the listed structures is the canal itself with the quarry at Westleigh also providing the setting for the lime kilns. No harm would be caused to the Canal or its associated listed structures.
- Holcombe Rogus Conservation Area is 1.6km to the west. The settlement dates to the medieval period and the name 'Holcombe' may derive from the position of the

village in a hollow in a previously wooded combe or valley. This location and the vegetation within and around the Conservation Area thus contribute to the significance of the asset. The adjacent agricultural land is a key aspect of its setting but wider agricultural land, including the application site, are not key to the significance. There would be no harm to the significance of the Conservation Area.

- There is a grade I listed Church at Burlescombe and grade II listed headstones, chest tombs and boundary walls. The development would not harm the architectural or historic interest of the church or those aspects of setting which contribute to its significance.
- Hockworthy is 3.7km to the north-west and has a Conservation Area and three grade II* listed buildings. The Conservation Area is relatively heavily vegetated which gives a closed-in character. There is little visibility of the site from the high grade listed buildings and the site does not contribute to the significance of the Conservation Area or the listed buildings.
- There are some grade I, grade II* and grade II listed buildings at Ayshford, 4km to the south west of the site. The listed buildings are within the Canal Conservation Area. The site is not visible from these listed buildings therefore there is no harm to their significance.
- Listed buildings and a scheduled ancient monument at Canonsleigh were observed not to have views of the site and any glimpsed views at times of lesser foliage would not contribute to the significance of the assets and would be a small change to the wider setting, resulting in no harm.

The heritage assets that are of highest status and which will potentially experience a change to their setting and views, are the church at Holcombe Rogus and Holcombe Court. The Conservation Officer has visited these sites and it is clear that some views of the proposed site will be possible from various vantage points, however, these views are partial and at some distance. The field in which the solar panels are proposed is one of many in the views from these vantage points in a mixed and slightly eroded landscape which has various traditional and non-traditional farming features in it, for example, modern and traditional farm building, pylons, hedgerows, and further also quarrying etc.

Holcombe Court is impacted to a greater extent as there are higher parts of land behind and to the side of the Court from where the panels will be visible. The application field will also be very partially visible from the long gallery within the house. However, these views are partial, fragmentary and are not in the opinion of the Conservation Officer harmful to a degree where there is any ambiguity about the character, significance and setting of the house in its wider agricultural setting. Views will change slightly and it is worth noting that tree works proposed to take place to four trees in Holcombe Court grounds will make the visibility of the panels greater – the owner states that these tree works are required for the health of the trees and due to proximity with a neighbouring property. Nonetheless, in Officers opinion the relatively minor change in the views from the Court is not sufficient to create harm to the significance or setting of the Court despite its very high status and the need for us to particularly have regard to its preservation. There will be change, but that minor change does not cause harm.

Historically, the top of the tower at Holcombe Court was accessed in order to undertake maintenance of the leadwork and to raise or lower the flag. The Conservation Officer does not feel that it is likely that it was used to enjoy the view by members of the household on more than very occasional days – the access is through a very low door and whilst the door is at the top of an access staircase, it is suspected that this was for functionality as opposed to formality of approach. Today, tours of the house are made and do visit the top of the tower but whilst the proposal may be visible from this point, it is not felt that the change will be major nor that the significance or understanding of the importance of the Court will be lessened by the presence of the panels.

Consideration must be given to a recent appeal decision at Silverton (Dunsmore Farm, Silverton APP/Y1138/W/15/3004976) in which the inspector gave great weight to the potential harm to the setting of heritage assets in the wider setting of a similarly sized solar array. The inspector found there to be less than substantial harm in that instance and that the landscape would be eroded by the presence of the utilitarian development. However, in that situation the landscape was more intact and less eroded by other developments and the shape of the landscape in relation to the heritage assets was more significant. It is not considered that this appeal decision should have a material bearing upon the determination of this application.

Some additional landscaping is proposed however your Conservation Officer feels that some further supplemental planting along the western boundary which would be faster growing than that proposed would be beneficial.

Overall it is felt that a good assessment of the impact of development upon heritage assets and their settings has been made, including Holcombe Court and the Parish Church and that the impact of development will be of less than substantial harm. No objection to the scheme arises because of this and the application is considered to accord with policies COR2 of Mid Devon Core Strategy (Local Plan Part 1) and DM27 of Local Plan Part 3 (DMP) and the National Planning Policy Framework.

7. Ecology and other matters

The submitted Ecological Appraisal identifies the main impact of the work being on breeding birds in the hedgerows but advises that this can be mitigated against through suitable timing of works and/or carrying out a nesting bird survey prior to carrying out works. There was found to be no need for any other mitigation in terms of other protected species but there is an opportunity for biodiversity enhancement which is to be welcomed.

The site is within relatively close proximity of the Lower Whipcott (c. 0.7km to the west) Site of Special Scientific Interest (SSSI). The application site is not within the Natural England identified impact zones for those areas or any further afield SSSI's. Natural England has raised no issues regarding impacts upon the Lower Whipcott SSSI.

The application is supported by an arboricultural assessment which shows that all fencing will be set at least 4m clear of the hedgerow boundaries and the solar panels themselves will be a further 4m away from the fence. With additional mitigation measures as set out in the report, it is not considered there will be any adverse impact on either wildlife or trees in relation to this development.

8. The planning balance/summary

The benefits of the scheme in terms of producing renewable energy is clearly set out above, as is the benefit that this site offers in terms of not utilising BMV agricultural land, not resulting in any additional flood risk and ecology. There are no residual objections from statutory consultees and adequate access to the site can be achieved, subject to conditions.

Although the installation would be visible from a number of private residential properties and from surrounding roads and footpaths the overall impact upon landscape character and residential amenity is not significant and the benefits of the scheme in providing renewable energy, in combination with the site being on low grade agricultural land, weigh in its favour.

The proposal is not considered to impact upon the character or setting of the Grand Western

Canal Conservation Area by virtue of being largely not visible from it and impacts upon other designated heritage assets, including listed buildings and Conservation Areas is concluded to be of no greater than low significance. However, the site is visible from vantage points in and around the grade I listed Holcombe Court and the neighbouring Parish Church. Officers have considered these assets carefully and the impact of development upon them and agree with the conclusions of the submitted historic settings assessment, namely that views toward the site do not contribute to the significance of the setting of the buildings and that views of both the site and the buildings in the same vista will not be achievable. On this basis there will be less than substantial harm caused to the character, appearance or setting of any designated heritage asset. Furthermore, the development will not impact upon the Blackdown Hills Area of Outstanding Natural Beauty.

Given that there are no residual objections from statutory consultees and that less than substantial harm will result for heritage assets it is concluded that the benefits of the scheme outweigh any harm arising and the application meets with the requirements of Mid Devon Core Strategy (Local Plan 1) COR2, COR5, COR9, COR11 and COR18, Mid Devon Local Plan Part 3 (Development Management Policies) DM2, DM5, DM7, DM27 and DM29 and the National Planning Policy Framework.

8.0 RECOMMENDED CONDITIONS AND REASONS

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 shall begin until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following details:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) hours during which delivery and construction traffic will travel to and from the site;
 - (d) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (e) hours during which no construction traffic will be present at the site;
 - (f) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (g) details of wheel washing facilities and road sweeping obligations
 - (h) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (i) Details of the amount and location of construction worker parking.

The development shall be carried out in accordance with the approved CMP at all times.

4. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment, dated 07/07/2015 and received by the Local Planning Authority on 9th July 2015. Before the development is substantially completed swales and scrapes shall be provided in accordance with drawing number

3001 revision D dated 07/07/15 and contained at Appendix B of the submitted Flood Risk Assessment. The swales and scrapes shall be permanently retained and maintained for that purpose while the development hereby permitted is sited on the land.

5. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within the lifetime of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
6. No external lighting shall be installed on the site.
7. All cables shall be placed underground.
8. Notwithstanding the provisions 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), other than those expressly granted by this planning permission, no fences, gates walls or other means of enclosure shall be erected within the application site.
9. The planning permission hereby permitted is for a period of 25 years from the date of first export of electricity from the development to the grid (the 'first export date') after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 28 days after its occurrence.
10. The developer shall notify the local planning authority of the permanent cessation of electricity generation in writing no later than five working days following this event. Prior to the permanent cessation of electricity generation, a scheme for the decommissioning and restoration of the site shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include the following:
 - i) Details of the removal of the Solar PV panels, frames, inverter modules, substation, fencing, cabling, foundations and access track and restoration of the land;
 - ii) Parking of vehicles for site personnel and operatives;
 - iii) Loading and unloading of plant and materials;
 - iv) Storage of plant and materials;
 - v) Programme of works including measures for traffic management;
 - vi) Provision of boundary hoarding behind any visibility zones;
 - vii) Vehicle wheel wash facilities;
 - viii) Highway condition surveys;
 - ix) Extended Phase 1 habitat survey, which covers the whole of the site and predates the date of cessation of electricity generation by no more than 12 months; and
 - x) A soil management strategy to bring the site back into agricultural use.

The approved decommissioning and restoration scheme shall be fully implemented within 12 months of the cessation of electricity generation.

Reasons

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. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
4. To prevent an increase in flooding and to provide adequate means of surface water disposal, in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11, DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
5. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
6. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
7. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
8. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
9. To reflect the temporary nature of the proposal and to achieve restoration of the site in the interests of visual amenity, highway safety and protected species in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
10. To reflect the temporary nature of the proposal and to achieve restoration of the site in the interests of visual amenity, highway safety and protected species in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Contact for any more information

Ms Tina Maryan (01884 234336)

Background Papers

14/01932/MFUL

File Reference

15/01108/MFUL

Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee

PLANNING COMMITTEE

DATE: 2ND DECEMBER 2015

REPORT OF THE HEAD OF PLANNING AND REGENERATION

PRE-APPLICATION PLANNING ADVICE SERVICE

Cabinet Holder Cllr Richard Chesterton
Responsible Officer Professional Services Manager

Reason for Report: To consider revised arrangements for our customers to gain pre-application advice from the Planning Service in terms of fees for heritage advice.

RECOMMENDATION:

That the revisions to the pre-application advice service as set out in this report be agreed and come into force from 1st January 2016 and that the guidance document be updated accordingly.

Relationship to Corporate Plan: Planning decision making is relevant to key objectives within the Corporate Plan of thriving economy, better homes, empowering our communities and caring for our environment.

Financial Implications: The provision of pre application advice is a discretionary customer service that also acts as an income stream for the Planning Service. The cost of providing the service in terms of staff time and resources must be balanced against value of providing a service to customers and the income received.

Legal Implications: As with existing pre-application advice, the scheme will need to continue to make it clear that the advice given is made in good faith, is not a guarantee that a particular decision will be made and is not binding on the Local Planning Authority in the event of an application being made.

Risk Assessment: The scheme sets out clear timescales for the receipt of a reply and what form that reply will take. It also clarifies the extent of advice and number of meetings offered. The Planning Service needs to be able to resource this level of service in order to ensure the success of the scheme. If service levels are not met, applicant expectations will not be met and it will have a detrimental effect on the working relationship with agents and applicants.

1.0 INTRODUCTION

1.1 A system for prospective developers to gain pre-application planning advice incorporating a charge was introduced in May 2010, together with the detail of standards of service. It was reviewed in March 2014, at which time changes were made to categories of development and associated charging. This report seeks to update the approach to charges for heritage advice based on the experience of operating a chargeable service for some of this area of work since June 2014.

1.2 Some other agencies that feed into the consideration of planning related applications also now charge for pre-application advice. The costs referred to in this document relate only to advice provided by Mid Devon District Council Planning and Conservation officers. Statutory consultees may wish to make a separate and additional charge for pre-application advice.

2.0 BACKGROUND: ADVANTAGES OF THE SERVICE.

2.1 The Planning Service provides advice to our customers at an early stage in the development process and before a planning application is submitted. Such advice is considered vital and is encouraged wherever possible. The advantages of providing this service are as follows:

- i) Our customers have the ability to discuss their proposals early on and before the details have been established. The input of planning guidance at this stage gives

customers more certainty about how their proposal is likely to be received and allows for schemes to be amended in accordance with advice in order to overcome difficulties and ensure the application deals with important planning issues. A proportion of proposals do not progress beyond this stage as a result of advice gained.

- ii) Pre-application advice also provides guidance on what information is required to be submitted with the application in order for it to be valid and for the proposal to be fully justified. Applicants also are advised on the likely policy implications, the level of any S106 requirements / financial contributions. Where relevant, the Local Planning Authority can also coordinate pre-application advice with the main consultees (both internal and external) using a development team approach.
- iii) It improves the quality of applications so that the Council's environmental and other planning objectives can be met. Early knowledge of proposals allows future workloads to be understood in order to ensure that there is sufficient capacity to deal with it.
- iv) High quality, comprehensive applications assist the Council to deal with proposals within statutory timescales. It also allows Parish and Town Councils and the public to understand what is being proposed and its implications for the locality.
- v) Comprehensive pre-application guidance improves customer care and satisfaction with the service.

2.2 Where no charge is made, the cost of resourcing pre application advice has been borne by the service.

3.0 BACKGROUND: THE FRAMEWORK OF THE SERVICE.

3.1 Important considerations in the operation of a successful scheme are as follows:

- i) A clear structure to this service ensuring the delivery of high quality, timely and comprehensive advice.
- ii) Clear guidance on what information the customer is required to submit by way of drawings and background information when requesting advice.
- iii) What the customer can expect to receive from the Planning Department in relation to number of meetings (if requested), format and timescale of response.
- iv) Justification for making a charge for the service and the level of charge. An easy to understand payment scale together with information on how and when payment is to be made. The proposed fee has been based upon an estimate of the time to deal with the query. Benchmarking has also taken place against the fees charged by other authorities in the area.
- v) The types / scale of proposal for which a charge for advice will be made and identification of instances where advice will continue to be offered free.
- vi) The need to balance the resources needed to offer the service with the income received and with other work areas within Development Management.
- vii) That opportunity is given for elected members to be involved at this stage in the planning process.

Detailed guidance on the operation of the pre-application advice service is available and is attached at **Appendix 1** to this report.

- 3.2 A risk of operating the pre-application advice service is that it can be very resource heavy in terms of staff time especially over a period of staff changes, challenging workloads and competing work priorities. A time recording exercise in 2012 has given useful data on the amount of staff time taken to resource the pre-application advice service, the associated cost and the income received. These results indicate that the income received through the pre-application fee was a small percentage of the cost of resourcing the service. The Planning Service was therefore providing advice as a customer service, rather than on a cost recovery basis. The previous review of the service in early 2014 sought to more accurately reflect the cost of delivery of the pre-application service for different development types and scales in the proposed fees.

4.0 THE PROPOSAL: HERITAGE / LISTED BUILDING ADVICE.

- 4.1 The current scheme charges for heritage and listed building advice where the proposals seek an enhancement beyond repair or maintenance. This is in addition to any fee for planning advice. Areas where advice exempt from a fee is where heritage / listed building consent advice relates to repair or maintenance only. Charges are currently as follows:

EXISTING	Cost	Cost of each additional meeting
a. Repair / maintenance advice only	FREE	FREE
b. Enhancement / added value:		
In principle, no visit	£50	£50
In principle with visit	£75	£50
Detailed with visit	£120	£50

- 4.2 Feedback from the Conservation Officers is that the paid for elements of the service (where scheme involve enhancement or added value) do not cover the cost of providing the service. In many instances whilst in principle advice is sought and paid for, they are being expected to provide detailed guidance, invariably incorporating at least one site visit. The amount of officer time to resource this is out of scale with the fee received and is currently being subsidised by the Council. This is not sustainable. It is therefore proposed to remove the 'in principle with visit' fee category as this simple level of advice is not being sought by customers, who are requesting more detailed guidance when a site visit takes place. Fees for other aspects of heritage advice have also been reviewed in order to reflect the cost of providing the service. The proposed fees are as follows:

PROPOSED	Cost	Cost of each additional meeting
c. Repair / maintenance advice only	FREE	FREE
d. Enhancement / added value:		
In principle, no visit	£75	£50
Detailed with visit	£150	£50

- 4.3 Since June 2014 version of the pre-application advice guidance document (**Appendix 1**) was produced, the cost of the Design Review by the Devon and Somerset Panel has changed. From the 1st October 2015, the cost per 90 minute design review panel session is now £950 excluding VAT. This is payable by the developer. It is also proposed to update the guidance document to reflect this.

5.0 CONTINUED SOURCES OF FREE OR SUBSIDISED PLANNING ADVICE.

- 5.1 The scheme still allows for free planning advice to be issued in many instances. This will be via the Duty Planning Officer who is available in the Tiverton office or by phone between 9am – 12 noon Monday to Friday. In addition, Planning Officers will also still offer general advice by phone. Where written advice is requested or considered appropriate, the fees will apply in accordance with the proposal type, floorspace or site area.

- 5.2 Areas where advice is still proposed to be exempt from a fee, or where a lower rate will be charged are as follows:

- i) Heritage / Listed Building Consent advice relating to repair or maintenance only.

- ii) Planning matters in relation to an enforcement issue (with the exception of a request for confirmation of compliance with an enforcement notice for which there will be a charge).
- iii) Proposals by charities and by Parish or Town Councils on land that they control or will seek to acquire.
- iv) 100% affordable housing schemes will be charged at 50% of the normal pre-application fee.
- v) The first meeting following the refusal of a planning application is also to be offered free and will apply to all application type and scales.
- vi) The Local Planning Authority will not charge for issuing planning advice or discussions /meetings with local residents who may potentially be affected by a development proposal.
- vii) Facilities for the disabled.

6.0 IMPACT ON EQUALITIES AND DIVERSITY.

6.1 As part of the Council's commitment to equalities and diversity, service changes such as this need to have regard to their potential impact upon the strands of age, gender, transgender, disability, religion / belief, sexual orientation, race / ethnicity, marital status and socio-economic status. These strands have been taken into account in the development of the changes to the pre-application advice service. It is not considered that the changes will have a negative impact upon them with the exception of socio-economic status. The introduction of a fee or increase in an existing fee could disadvantage those with lower income. However general advice will still be available via the Duty Planning Officer, can also be gained from other sources such as the Planning Portal and in some instances from Planning Aid. This will mitigate this potentially negative impact. Advice in relation to facilities for the disabled will also still be free.

7.0 CONCLUSIONS.

- 7.1 Pre-application advice is a vital service offered by the Planning Service. Historically it has been provided on a basis where it's cost in terms of staff resource has been heavily subsidised. Previous reviews of the scheme have sought to address this by balancing the cost of delivering this service with the income it generates. Opportunity has also been taken previously to review service standards and what information is required from the applicant. The fee schedule and charging categories have also been reviewed together with guidance to accompany the scheme.
- 7.2 This report identifies that in area of heritage advice, the cost of the advice service is not reflected in the time taken to respond to such requires, particularly as a result of the detailed nature of the advice. Customers are requesting detailed advice when a site visit takes place rather than an 'in principle' type response. It is proposed to amend the scale of fees as set out above.
- 7.3 It is recommended that the scheme is reviewed after 6 months. This will allow an opportunity for customer feedback, consideration of the results of monitoring of requests for advice and reporting of the impact of resourcing the scheme, in particular whether its service standards have been met.

Contact for any more information	Head of Planning and Regeneration (Mrs Jenny Clifford) 01884 234346
Background Papers	Planning Committee 6th January and 31st March 2010, 6th November 2013, 5 th March 2014
File Reference	None.
Circulation of the Report	Members of Planning Committee, Cllr Richard Chesterton.



Pre-application advice from the Planning Service at Mid Devon District Council.

Updated June 2014

Why seek pre-application advice?

Open and constructive discussions are an opportunity for the Local Planning Authority and developers to work together to achieve developments that deliver benefits to the community and the economy. Therefore, we welcome and encourage discussions at an early stage and in advance of the application being received.

Spending time and effort in preparing your scheme is more likely to result in a good quality and acceptable development and also help us process your application quickly. High quality, comprehensive applications also allow the Parish or Town Council and the public to understand what is being proposed and its implications on the locality.

Experience has shown that pre-application advice can save time, costs and frustration and optimise the potential of a site.

How the scheme works and what we need from you.

How the scheme works

The scheme seeks to give you a better understanding of the way a planning application will be considered against the national, regional and local policies and other relevant issues (known as 'material considerations'). Hence, pre-application advice will give you more certainty as to how your proposal is likely to be received.

Through this understanding, we aim to help you to overcome potential difficulties through suggested amendments and ensure that the information submitted by you in support of your application addresses the relevant planning issues.

You might ask us to comment in writing or require a meeting with one of the Council's professional planning officers and consultees such as the Highway Authority or the Environment Agency, where relevant. However it must be recognised that their attendance will in most cases be outside of our control.

Meetings will be held in the Council offices or, if considered more appropriate, on site.

Requests for pre-application advice, including a request for a meeting, need to be made in writing and sent to:

Development Management,
Mid Devon District Council,
Phoenix House,
Phoenix Lane,
Tiverton,
Devon EX16 6PP

They must also be accompanied by the appropriate fee. The fees are based on the size, type and likely complexity of the proposal. It includes a site visit by the planning officer if necessary, administration costs and any research work undertaken prior to meetings. The fee schedule is found later in this document and sets out the maximum number of meetings that can be provided for that fee and the cost of any additional meetings. For some proposal types it also establishes a lower fee for written advice if a meeting is not sought.

On receipt of a properly made pre-application request, we will implement a timetable for responding to you. You will find these timescales later in this document in the section entitled "What you can expect from us".

Aside from consultation with main consultees, a pre-application submission will not be subject to any publicity with the general public until the planning application is received. If you provide any commercially sensitive or confidential information this should be clearly stated.

There is an expectation that you will respond positively to the advice given when the application is formally submitted.

If you have any queries on how this system works, please contact us on 01884 234260/234262 or email us at devcon@middevon.gov.uk

What we need from you

You may find it helpful to obtain advice from an independent planning specialist who has the experience and expertise that can help make sure your application has the best chance of being given permission.

In order to provide comprehensive pre-application advice we will normally need:

1. A plan showing the site and identifying other land within the ownership or control of the applicant.
2. Any relevant planning history that you are aware of such as the existing use, a schedule of any existing floorspace and any known planning restrictions, for example whether the site lies within a Conservation Area or affects a Listed Building. This information is available on the Council's website or in the Council's offices, or elsewhere.
3. A topographical site survey or other information sufficient to understand existing and proposed site levels in relation to the surrounding area. This may include photos.
4. A description of the proposal, including a calculation of any additional floorspace if appropriate.

5. Any necessary scaled plans, elevations, sections, photographs or sketches. (Photos are often very useful to understand the proposal and its context).
6. Your contact details and whether you are requesting a meeting.
7. The pre-application advice fee.
8. We also request the submission of a draft Design and Access Statement where it will be useful to guide the discussions. However this is not a requirement at the pre-application stage.

When we receive a written request for pre-application advice we will check whether sufficient information has been submitted in order for us to understand the site, its surroundings and the proposed scheme. We may need further information before offering pre-application advice in writing. Timescale standards for the issuing of written advice will only begin once sufficient information has been received and will only apply to proposals where a fee is charged.

Our charges.

Payment can be made by the following methods:

1. Cheque payable to Mid Devon District Council.
2. Bankers Draft payable to Mid Devon District Council.
3. Telegraphic Transfer – (account details can be provided).
4. Cash payable at the Council Offices, Phoenix House, Phoenix Lane, Tiverton.
5. Credit card by phone or at the Council Offices.

Type of development.	Fee (incl VAT)	Additional fee (incl VAT)
1. LARGE SCALE MAJOR Residential >150 houses or site area >4ha; Non residential 10,000 sq m floorspace or site area >4 ha; All Environmental Impact Assessment development	£1000 (up to 3 meetings)	£400 (each additional meeting)
2. MEDIUM SCALE MAJOR Residential 31-149 houses or site area 2 – 4ha; Non residential 5,000 – 9,999 sq m floorspace or site area between 2-4ha	£650 (up to 2 meetings)	£300 (each additional meeting)
3. SMALL SCALE MAJOR Residential 10-30 houses or site area	£400 (up to 1 meeting)	£200 (each additional

up to 2ha; Non residential 1,000 – 4,999 sq m floorspace or site area between 1-2 ha		meeting)
4. MINOR Residential proposals (including holiday lets) involving the erection of or change of use to between 3 – 9 residential units; Non residential 500 – 1,000 sq m floorspace;	£300 (up to 1 meeting)	£150 (each additional meeting)
5. SMALL MINOR All residential schemes for the replacement, change of use or erection of 1 or 2 dwellings (or holiday lets) or conversion of building(s) to 1 or 2 residential units (or holiday lets); All minor non residential schemes for new buildings; Non residential 200 – 499 sq m floorspace	£150 (up to 1 meeting)	£50 (each additional meeting)
6. OTHER Advertisements; Telecommunications; Changes of use (except residential / holiday let)	£100 (up to 1 meeting)	£50 (each additional meeting)
7. WIND TURBINES Height to tip: 25m or less 26-75m More than 75m (Where Environmental Impact Assessment is needed, the charge will be at the large scale major rate)	Up to 3 meetings £550 £800 £1000	Each additional meeting £200 £300 £400
8. GROUND MOUNTED SOLAR PV AND THERMAL Domestic (if planning permission required) Less than 1 ha (2.5 acres) 1 to 10 ha (2.5– 25 acres) Over 10 ha (25 acres) (Where Environmental Impact Assessment is needed, the charge will be at the large scale major rate)	Up to 3 meetings £80 £550 £800 £1000	Each additional meeting £40 £200 £300 £400

9. ANAEROBIC DIGESTERS	Up to 3 meetings	Each additional meeting £150
On farm (single farm feedstock source)	£300	
On farm (multiple farm or mixed agricultural & non-agricultural feedstock source)	£550	£200
Off farm / non-agricultural commercial (Where Environmental Impact Assessment is needed, the charge will be at the large scale major rate)	£1000	£400
10. Written confirmation that an enforcement notice has been complied with.	£100	£50
9. Householder applications	£80	£40
10. Listed Building / heritage (in addition to any fee for planning advice).		
a. Repair /maintenance only	FREE	FREE
b. Enhancement / added value:		
In principle, no visit	£50	£50
In principle with visit	£75	£50
Detailed with visit	£120	£50
11. Lawful Development Certificate advice	£50	£50
12. Planning matters relating to an enforcement issue (other than written confirmation that an enforcement notice has been complied with – see 9 above).	FREE	FREE
13. Registered charities and Town and Parish Council proposals (on their own land or land they plan to acquire).	FREE	FREE
14. 100% Affordable housing schemes	50% normal pre-app fee	50% normal pre-app fee
15. Non residential additional floorspace (extensions) < 200 square metres	£100	£50
16. Discussions with local residents potentially affected by applications for development.	FREE	FREE
17. One meeting following a refusal of planning permission.	FREE	As fee category
18. Facilities for the disabled.	FREE	FREE

Devon and Somerset Design Review Panel fee (In addition to the above pre-application fee) £625 – £2,500 +VAT (Depending on scale of project and number of 1.5 hour sessions taken up)

1 session £625 +VAT

2 sessions £1,250 +VAT

3 sessions £1,875 +VAT

4 sessions £2,500 +VAT

Notes –

1. Floorspace refers to gross external floorspace.
2. The larger element of a mixed use scheme will primarily be used to determine which category of fee applies to the proposal.
3. For the purposes of charging, flats and holiday accommodation are considered as houses.
4. This is a flat rate fee based on a planning officer attending a meeting, not the length of the time the meeting takes.
5. Fees will be subject to periodic review, normally annually with changes taking effect on 1st April.
6. The charge applies to advice received from Mid Devon District Council officers only.

What you can expect from us.

Enquiries where a fee is charged.

These service standards apply to requests for pre-application advice where a fee is charged.

Once a request for pre-application advice is received we will dispatch an acknowledgement (either by email or post) within **5 working days** stating the name of the planning officer who will handle your enquiry. All communication from you to the Council should be via this officer.

Following consideration of the information, received the case officer will decide whether to bring together a team of Council officers from different disciplines, avoiding the need for you to contact different parts of the Council separately, thus saving you time and giving consistency.

Following the assessment, the case officer may advise you that further information is required, such as financial appraisals, travel plans, transport assessments, and possibly environmental assessments. Should further information be required, the case officer will endeavour to let you know within **7 working days** of the enquiry being received. At this stage you will be advised which Council officers it is considered appropriate to bring into the development team.

We will normally set up a meeting within **10 working days** of receiving a request for a meeting or submission of pre-application proposals when accompanied by the required supporting information.

Following the meeting, the case officer you met will provide a written summary of the issues discussed, and his or her written advice on those issues within **20 working days** of the date of the meeting.

Where no meeting is sought, we will issue planning advice in writing within **20 working days** of the receipt of the request for advice when accompanied by the required supporting information.

In the case of **Environmental Impact Assessment development**, we will aim to agree a timescale in advance with you for the issuing of written planning advice. This is in recognition of the complexity of environmental issues and number of consultees that may need to be involved at the pre-application stage. Where a scheme is likely to be subject to environmental assessment then early discussions should focus on issues relating to the screening and scoping of the proposal.

These timescales can be extended by your written agreement.

Enquiries where no fee is charged.

Requests for advice relating to proposals with no fee will not be subject to the same timescales. However we will still acknowledge receipt of your enquiry, let you know which officer is dealing with it and endeavour to provide you with a response in a timely manner. We will aim to do this within **15 working days**.

Our advice.

Our advice will clearly lay out the issues which would be raised by the development (in so far as they can be identified at the pre-application stage). Unless a specific request is made, the advice will relate to key planning issues only and not cover every possible planning issue.

Where relevant, our advice will specify what improvements can be made to the scheme to make it acceptable or if the principle of the development is unacceptable, what the grounds for refusal would be likely to be.

We will clearly identify what level of community consultation will be expected in order to meet the requirements of the Council's Statement of Community Involvement.

Advice will be given on the nature and quality of information required with your planning application including supporting documents. We will list the documents that will be needed.

We will apply the main Development Plan policies that the application will be assessed against together with Supplementary Planning Documents (if relevant to the proposal). Where policies require the proposal to make a

financial contribution such as towards public open space or air quality, we will seek to identify this in the advice together with the likely level of that contribution (if known at this stage).

Where the application is in the 'major' category we will seek to agree a timescale with you to project manage the application to decision. This may be through a Planning Performance Agreement. Advice will be given on the relevant heads of terms that would be included in any Section 106 Agreement as necessary and the Community Infrastructure Levy (if relevant). Please note that legal fees for drawing up a Section 106 Agreement or to check a submitted Section 106 Agreement / Unilateral Undertaking will be charged separately at the application stage.

Please note that a written response may be by way of email reply which will aim to provide comprehensive, but focussed advice in a bullet point form.

Although pre-application advice is offered on a without prejudice basis, we will as always endeavour to ensure that it is as reliable as possible. It will be based on the available information and policies at that time, but will not be any guarantee that any subsequent application will result in a particular decision and will not be binding on the Council in any way. Our opinion may change during the formal application process as a result of views of consultees and other interested parties such as neighbouring residents. The final decision may also be made by Planning Committee, rather than by officers and it is possible that they may reach a different view.

Advice given in relation to planning history of the site, planning constraints or statutory designations does not constitute a formal response under the provisions of the Local Land Charges Act 1975.

Pre-application advice given will be recorded on our database system and linked geographically to sites. It will be used as a guide to considering subsequent applications in the interests of consistency of advice given.

Whether or not you decide to seek pre-application advice does not affect your right to submit a planning application or to make an appeal to the Planning Inspectorate in the event that your application is refused. However, where an applicant fails to incorporate advice given at the pre-application stage into a formal planning proposal it is likely the application will be refused without any further negotiation.

What if I disagree with the advice received?

We cannot guarantee that you will like the advice you receive. In most cases, it is differences of opinion rather than factual errors that give rise to disagreement and these can only be resolved through the formal planning process. However, if you feel that something has gone wrong, please explain to the officer involved, as he or she may be able to clarify the situation further.

If you are still dissatisfied with the service provided, it is open to you to make a formal complaint. For further information on the complaints procedure, go to our [Comments, Compliments and Complaints](#) page or contact Customer Services on 01884 255255.

Design review.

Design Review is an independent and impartial evaluation process in which a panel of experts on the built environment assess the design of a proposal. The process is designed to improve the quality of buildings and places for the benefit of the public. The review is conducted by expert practitioners with current experience in design and development, a record of good design in their own projects and the skills to appraise schemes objectively. It offers feedback and observations that will lead to the improvement of schemes, but does not redesign them. The process of design review gives decision makers the confidence and information to support innovative, high quality designs that meet the needs of their communities and customers, and to resist poorly designed schemes.

Design review offers the greatest benefits for scheme promoters when undertaken at a pre-application stage before proposals are finalised and can provide valuable feedback at this stage. We will work with scheme promoters to identify and agree schemes suitable to be referred for design review, normally by the Devon and Somerset Panel. The cost of taking schemes through design review will normally be met by the promoter and is in addition to the Planning Service's own pre-application advice charge. The cost will be according to the scale of project and number of 1.5 hour panel sessions taken up.

Other sources of planning advice.

We will still provide some free planning advice via the Duty Planning Officer who is available in the Tiverton office or by phone between 9am – 12 noon Monday to Friday. The Duty Officer is able to offer general advice, but not detailed site specific advice. In addition, Planning Officers also offer general advice by phone. Where written advice is requested or considered appropriate for the type of query, the pre-application fees will apply in accordance with the proposal type, floorspace or site area.

Planning advice can also be found on the Council's website at www.middevon.gov.uk Guidance notes and other information is located on the Planning pages. The Planning Portal is a further source of planning guidance and information <http://www.planningportal.gov.uk>