

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended)**

PLANNING PERMISSION

TO	Mr M Elliott c/o Trewin Design Architects 1 Stanhope Square Holsworthy EX22 6DR United Kingdom	APP NO PARISH REGISTERED ON DECISION ON	1/1095/2020/FUL Sutcombe (54) 27th November 2020 12th February 2021
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The Torrige District Council pursuant to the provisions of the above-mentioned Act hereby grant planning permission for the

Proposal: Proposed conversion of redundant barns to 3no. dwellings

Location: Barns At Matcott Farm Sutcombe Devon

In accordance with the above numbered application and plans submitted therewith SUBJECT TO the following conditions and reasons:

- 1 The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

- 3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no development of the types described in Part 1, Classes A-E and Part 2, Class A of Schedule 2, other than that hereby permitted shall be carried out without the further grant of planning permission.

Reason: In the interest of preserving the character of the converted building

- 4 Construction works shall not take place other than between 0730hrs and 1800hrs on Mondays to Fridays, Saturdays between 0900hrs and 1700hrs and at no time on Sundays and Bank Holidays.

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Reason: To protect the amenities of neighbouring properties.

- 5) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions a) to d) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Approval by the Local Planning Authority of the report submitted at this stage will confirm whether there is a need to undertake remediation measures under conditions b), (c) and (e) below.

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b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c).

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e) Long Term Monitoring and Maintenance

Where an approved remediation scheme includes a requirement for a monitoring and maintenance scheme to ensure the long-term effectiveness of the proposed remediation over time, a report setting out monitoring and maintenance requirements must be submitted in writing for the prior approval of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 6 From the date of commencement of the residential use hereby approved (Barns A & B), the agricultural buildings known labelled as Barns C, D, E, F and G, on the approved Site Plan, drawing numbered 07851-TDA-DR-PL-0014 Revision P02, shall not be used for housing livestock and the storage of slurry and/or silage.

Reason: In the interests of residential amenity.

- 7 All new windows and doors hereby permitted shall be recessed into the existing openings to provide a good shadow line unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the building

- 8 The rooflights hereby permitted shall be flush fitting with the outside face of the roof.

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Reason: In the interests of the character and appearance of the building.

- 9 The development shall be carried out in accordance with the recommendations set out within the submitted Ecological Impact Assessment prepared by J.L.Ecology Ltd and dated October 2020. For the avoidance of doubt, mitigation includes the timing of works outside bird nesting season (March - August) and a dedicated barn owl box or suitable roof space shall be incorporated within Barn A.

Reason:

To ensure the ecological impact of the scheme is acceptable in accordance with DM08 and ST14 of the NDTLP.

PLANS SCHEDULE:

Plan Type	Reference	Received
Site Plan	07851-TDA-DR-PL-0024 P01	27.01.2021
Site and Location Plans	07851-TDA-DR-PL-0013 P05	08.02.2021
Proposed Elevations & Floor Plans	07851-TDA-DR-PL-0009 P03	27.01.2021
Boundary Treatment	07851-TDA-DR-PL-0016	27.11.2020
Sections	07851-TDA-DR-PL-0027 P01	10.02.2021

INFORMATIVE:

01. The applicant is informed that they must ensure that the Public Right of Way remains open and available to the public at all times, including during the period of any construction activity such as with building materials and contractors' vehicles and plant. Should it be necessary to temporarily divert or close the path during construction works the applicant may apply to DCC for a temporary traffic order.

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STATEMENT OF ENGAGEMENT:

The National Planning Policy Framework (paragraphs 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

The scheme is therefore considered appropriate and in accordance with Policies:

North Devon and Torrige Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

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NOTE TO APPLICANT

Your attention is drawn to Condition(s) that may appear on this consent that may require certain details to be agreed prior to either the development being commenced, or certain works being carried out. It is important to recognise that failure to comply with such a condition or conditions may render any development carried out unauthorised, and open to the possibility of enforcement action.



Shaun Harrington
Planning Manager

NOTES

1. This permission does not grant consent for works involving the demolition of a non-listed building in a Conservation Area or a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, for which, by virtue of Sections 8,60,74 and 75 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a separate Listed Building Consent or Conservation Area Consent may be required.
2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Within 8 weeks (display of advertisement), 12 weeks (householder and minor commercial applications) or 6 months (all other applications) of the date of this notice. Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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The Secretary of State can allow a longer period for the giving of a notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it appears to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

3. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority, or by the Secretary for the Environment, and the owner of the land claims the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council of the district in which the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part V1 of the Town and Country Planning Act 1990.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
5. Please now apply to Torrige District Council for an official postal address for your new property asap. Please go to our website (www.torrige.gov.uk/SNN) which contains more information about the process.
6. **THIS IS NOT A BUILDING REGULATION APPROVAL**
Please contact Building Control on 01237 428724 for further advice