

Reference No: 09/01587/FULL
Parish: Cadeleigh 09

TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Mr D Aggett
Copenhagen Farmhouse Cottage
Silverton
Exeter
EX5 4BS

Name and Address of Agent:

Date Registered : 2nd November 2009

Proposal: Retention of change of use from agricultural to blacksmith's forge
Location: Meadow Forge Hillside Barn Cadeleigh Tiverton

Grid Ref: 292759/107734

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

Subject to the following conditions:

1. The date of commencement of this proposal is to be taken as 2 November 2009.
2. The blacksmith's forge hereby permitted shall be used only as a blacksmith's forge, and for no other purpose (including any purpose in Classes B1 or B8 of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
3. No machinery shall be operated, no activity shall be carried out and no deliveries taken or dispatched from the site, except between the hours of 07.30 and 19.00 Monday to Saturday, and not at all on a Sunday, Bank or Public Holiday.
4. No metal working, manufacturing, fabrication or other industrial process shall take place outside the building the subject of this application, and as shown on the plans hereby approved.
5. No materials, goods, products, chattels, scrap or waste materials shall be stored outside of any building, at any time.
6. No retail sales shall be carried out on any part of the application site.

REASONS FOR CONDITIONS:

1. For the avoidance of doubt and to set a legal commencement date for a development which has already been commenced.
2. In the interests of the amenity of the area and to restrict the traffic generation from the approved use to that which is acceptable on the local highway network.
3. To safeguard the amenity of nearby residential properties.
4. In the interests of the amenities of the area and those currently enjoyed by neighbouring premises.
5. To safeguard the character and amenities of the area.
6. To prevent unnecessary traffic from being attracted to the site, as a result of direct sales to retail customers, which may adversely affect safety on the local road network and due to the rural location of the site.

INFORMATIVE NOTES:

1. You are reminded that this is an Area of Special Control for Advertisements and you may require the benefit of Advertisement Consent for any signs on the building and premises.
2. You are advised of the following standard informative E8 'General Surface Water Drainage' information/advice note prepared by the Environment Agency and requirement.
 - (i) Separation of clean surface/roof water from foul drainage.
 - (ii) Clean surface and roof water to soakaways/Sustainable Urban Drainage System.

Further information on Sustainable Urban Drainage System/septic tanks can be found in Planning Policy Guidance 25 Appendix E and in the CIRIA C522 document 'Sustainable Urban Drainage Systems - design manual for England and Wales. See <http://www.environment-agency.gov.uk> and <http://www.ciria.org.uk>.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal relates to the change of use (retrospective) of an agricultural building to a Blacksmith's forge, within an area of open countryside. The scheme represents an acceptable form of farm/rural diversification and is consistent with national and local policies relating to the conversion of redundant rural buildings for employment generating purposes. In the light of such Policies encouraging economic growth and prosperity within the District, this proposed development is considered acceptable within the imposition of appropriate conditions to protect the amenities of nearby residents. The proposals are considered to be sufficiently in accord with Policies ST1, ST5, ST16 and TR10 of the Devon Structure Plan 2001-2016, Policies S5, S6, S7, E11, E12 and E13 of the Adopted Mid Devon Local Plan (Local Development Framework), Policies COR1, COR4, COR9 and COR18 of the Mid Devon Core Strategy 2007 and Government guidance as set out in Planning Policy Statement 7 ('Sustainable Development in Rural Areas') to enable it to be recommended a grant of conditional consent.

DEVELOPMENT PLAN POLICIES:

Devon Structure Plan 2001 – 2016

ST1 - Sustainable Development
ST5 - Development Priority 2001 to 2016
ST16 - Local Centres and Rural Areas
TR10 - Strategic Road Network

Adopted Mid Devon Local Plan (LDF)

S5 - General Development Requirements
S6 - Design of New Development
S7 - Vehicle Parking
E11 - Rural Employment Development
E12 - Rural Employment Conversions
E13 - Farm Diversification

Mid Devon Core Strategy 2007

COR1 - Sustainable Communities
COR4 - Meeting Employment Needs
COR9 - Access
COR18 - Countryside

Relevant Plans

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

Site Location Plan

GROUND FLOOR - Proposed

FIRST FLOOR - Proposed

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://planning.middevon.gov.uk/publicaccess>

Signed:

**Head of Planning and Regeneration
Mid Devon District Council**

Date: 14th December 2009

**THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE
CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL
DEPARTMENT FOR MORE INFORMATION.**

Please refer to notes attached

NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

**GENERAL DEVELOPMENT PROCEDURE ORDER 1995
PART 2
TOWN AND COUNTRY PLANNING ACT 1990**

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pes.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.