

## COUNTY OF DEVON

**TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015  
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988  
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992**

### GRANT OF CONDITIONAL PLANNING PERMISSION

To: **Mr Richard Agnew, RJA Planning Services, 17 Tarbet Avenue, Exeter, EX1 2UE**

Agent for: **Mr Chris Cox, Higher Oxencombe Farm, Road to Higher Oxencombe Farm, Old Exeter Road, CHUDLEIGH, TQ13 0DY**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **31 October 2016**, and the plans and drawings attached thereto numbered: **Application Form**; and the documents and plans attached to planning permission reference 14/02794/DCC (DCC/3691/2014) thereto numbered/titled: **Planning Statement, Landscape and Visual Impact Assessment, Roadside Barrier Assessment - Acoustics, GCE00137-Fig2 Section A-1, GCE00137-Fig Section B-1, GCE00137-Fig Section C-1, amended site Plan.**

brief particulars of which are as follows:

**Variation of condition 1 of planning permission ref. 14/02794/DCC (DCC/3691/2014) to extend the temporary permission until the 30th October 2018 at Higher Oxencombe Farm, Road to Higher Oxencombe Farm, Chudleigh, TQ13 0DY**

subject to the conditions set out in the attached sheets



on behalf of the Head of Planning, Transportation and Environment

**Date: 24 January 2017**

### NOTE

This is not a decision under the Building Regulations

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.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

#### **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.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

#### **PURCHASE NOTICES**

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a 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 District Council 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.

**Schedule of Conditions - Teignbridge District Council Application No. 16/02995/DCC  
Devon County Council Ref. DCC/3911/2016**

1. The development permitted shall cease by 30 October 2018 and the site restored in accordance with Condition 4 below.

REASON: The development is only required for a temporary period

2. Unless otherwise varied by the conditions below the development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled: Application Form (dated 14/10/2016); and the documents and plans attached to planning permission reference 14/02794/DCC (DCC/3691/2014) thereto numbered/titled: Planning Statement, Landscape and Visual Impact Assessment, Roadside Barrier Assessment - Acoustics, GCE00137-Fig2 Section A-1, GCE00137-Fig Section B-1, GCE00137-Fig Section C-1, amended site Plan.

REASON: To ensure that the development is carried out in accordance with the approved details.

3. Written notification of the date of recommencement of importation of waste on to the site shall be sent to the Waste Planning Authority no later than 21 days prior to works re-commencing.

REASON: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended)

4. No further importation of waste shall take place until a revised Landscaping and Planting Scheme has been submitted to and approved in writing by the Waste Planning Authority.

This scheme shall identify which existing trees are to be removed/retained as well as any proposed planting.

The approved scheme shall be carried out in the first planting and seeding seasons following completion of the bund.

The landscaping shall be maintained for a period of five years. Any trees, plants or grassed areas, or replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

REASON: To protect the character and appearance of the local landscape in accordance with policy W12 (Landscape and Visual Impact) of the Devon Waste Plan 2011-2031.

5. No vehicle shall use the noise bund access track during the hours of darkness.

REASON: In the interest of the safety of users of the A38 Trunk Road

6. No waste materials other than subsoil and topsoil shall be deposited on any part of the permission area.

REASON: To ensure the development is carried out in accordance with the submitted application and approved details.

7. The limits of the area to be landfilled shall be clearly defined on the ground by use of posts.
- (a) no waste shall be deposited outside of the defined area.
  - (b) a survey of levels shall be carried out and submitted to the Waste Planning Authority at intervals of not less than every six months starting from the date of this permission.
  - (c) As the operation approaches final fill levels and in any case before the final grading of cover and before the spreading of topsoil, the levels shall be checked and markers erected to indicate the approved final fill levels and approved restored surface levels.

REASON: To ensure the proper restoration of the site.

### **INFORMATIVE NOTE**

#### **Advice – Environmental Permitting**

It should be noted that it will be necessary to obtain the relevant Environmental Permit from the Environment Agency prior to any further importation of waste.

#### **Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.