

**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**

**REFUSAL OF PLANNING PERMISSION**

To: **Mr Jon Pettitt, Aardvark EM Limited, Higher Ford, Wiveliscombe, Taunton, Somerset, TA4 2RL**

Agent for: **Mr Ray Stanley, Dryhill Barton, Stoodleigh, Tiverton, Devon, EX16 9PT**

The Devon County Council hereby refuses planning permission to carry out the development described in the application received on **8 December 2015**, and the plans and drawings attached thereto numbered:

**1538/D001 revision V2, 1538/D002 revision V2, 1538/D003 revision V1, 1538/D004 revision V1, BS2207/12.15/02/DW revision A**

brief particulars of which are as follows:

**Importation of gravels and topsoil to reinstate woodland area previously removed following statutory plant health notice issued by the Forestry Commission (ref. 14/00949/01, Site ref. 332, dated 28 October 2014) at Former Quarry Site, Newclose Copse, Stoodleigh, Tiverton, EX16 9PT**

due to the reasons set out in the attached sheets.



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on behalf of the Head of Planning, Transportation and Environment

**Date: 24 February 2016**

## **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.
- If you want to appeal against your 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 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.

**Reasons for Refusal - Mid Devon District Council Application No. 15/01950/DCC  
Devon County Council Ref. DCC/3817/2015**

1. The proposal would result in the loss of a distinctive quarry wall with associated vegetation and the proposed restoration levels would result in a landform that would result in an artificial topography uncharacteristic of the natural hillside and is therefore contrary to Policy W11 and W12 of the Devon Waste Plan.
2. The proposal does not demonstrate that the materials being disposed are limited to residual non-recyclable waste which is contrary to Policy W7 of the adopted Devon Waste Plan.
3. There is no overriding need to infill and restore the former quarry which would overcome the reasons for refusal set out in reasons 1 and 2 above.

**INFORMATIVE NOTE**

**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.