

DECISION NOTICE

The attached document relates to
00368/2015

Wreys Barton

Lewdown
EX20 4BZ



In Correspondence Please Quote: **APPLICATION NO: 00368/2015 - FULL**

WEST DEVON BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ENGLAND (ORDER) 2015 REFUSAL

Applicant:

Murex Energy Ltd
Mells Park
Mells
Frome
Somerset
BA11 3QB

Agent:

Rodds Bridge Farm
Bude
Cornwall
EX23 0LS

The WEST DEVON BOROUGH COUNCIL hereby **REFUSE** permission to carry out the development described in the application received as valid on 25/03/2015.

Brief particulars of which are as follows:-

Erection of a single wind turbine with maximum blade tip height of 77m, together with associated works and formation of an access track to serve the development.
at Wreys Barton, Stowford, Lewdown, Okehampton, Devon, EX20 4BZ
in the parish of **Stowford**

For the following reason(s):-

- 1 The proposed wind turbine by reason of its location, scale and movement will be readily visible in views from the lane connecting Hayne Manor to the village of Stowford towards the Grade I listed Church (Church of St John the Baptist), and the Grade II Listed Buildings of Shepherds and Hayne Barton. The impact upon these components within the Stowford Conservation Area arising from this visual impact is such that it is considered to have a detrimental impact upon the setting of these heritage assets and upon the Conservation Area. As such the proposal is contrary to policies SP1, SP3, SP17, SP18, SP20 and BE3 of the West Devon Borough Council Core Strategy 2011 and West Devon Local Plan Review 2005 and guidance set out within the NPPF.
- 2 The proposed wind turbine by reason of its location, scale and movement will be readily visible in views from within the Hayne Manor complex that consists of a Grade II* Listed Building and the Grade II Registered Historic Park and Gardens. The turbine will have a detrimental impact upon the sequential views of the Manor, thus harming the designed relationship of the house and its parkland setting. As such the proposal is contrary to policies SP1, SP3, SP17, SP18, SP20 and BE3 of the West Devon Borough Council Core Strategy 2011 and West Devon Local Plan Review 2005 and guidance set out within the NPPF.
- 3 The proposed wind turbine by reason of its siting, scale and movement, in association with existing/approved turbines throughout the Launceston and Devon/Cornwall border hinterland, would cause a detrimental cumulative impact upon the visual amenity of the surrounding landscape contrary to policies SP1,

Dated this 22 July 2015

Anna Henderson-Smith

**Development Management Lead
for and on behalf of the Council**

WEST DEVON BOROUGH COUNCIL

Notes to accompany Decision Notices

Building Regulations - This decision is not a decision under the Building Regulations and the applicant should ensure that all necessary approvals for the same proposal and same plans are obtained before commencing any work on the site. See www.devonbuildingcontrol.gov.uk for further information.

Discharge of Conditions – If your application has been approved with conditions then any pre-commencement conditions must be discharged before work starts. The fee to discharge conditions is per request, not per condition, and it is therefore more cost effective to discharge all conditions at once. Listed Building Consents and Conservation Area Consents are exempt from fees.

Amending your permission (only applies to planning permissions) – If you want to change some details of your planning permission and it is a very small change you can apply for a Non Material Amendment. Larger changes may need a Variation of Condition application to amend the plans condition or a new Planning Application.

Adherence to approved plans/conditions - Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.

Right of Appeal - further *information about appealing can be found at*
http://www.planningportal.gov.uk/uploads/pins/procedural_guide_planning_appeals.pdf

If you are aggrieved by a decision to refuse permission or to grant it subject to conditions you can appeal to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/planning/appeals/ Appeals must be made on the correct form relating to the type of application you submitted. Information provided as part of the appeal process will be published online. In some circumstances the Planning Inspectorate may refuse to consider an appeal.

Planning Appeals (Section 78 of the Town and Country Planning Act 1990).

- Householder appeals must be made within **12 weeks** of the date of this notice
- Minor Commercial Appeals must be made **within 12 weeks** of the date of this notice
- Other planning appeals must be made within **6 months** of the date of this notice.
- **Certificate of Lawfulness Appeals** (Section 195 of the Town and Country Planning Act 1990) - There is no time limit for submission of an appeal.
- **Listed Building Consent or Conservation Area Consent Appeals** (Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990). Appeals must be made within **six months** of the date of this notice.
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Advertisement Consent Appeals (Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007).

- Appeals must be made within **8 weeks** of the date of this notice.

High Court Challenge/Judicial Review

As there is no third party right of appeal the only route available for an objector to challenge a decision is through the courts. Legal advice should be sought before considering this option.

Purchase Notices

If the Local Planning Authority or the Planning Inspectorate 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 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 requiring them to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Disabled Persons

Where any planning permission granted relates to buildings or premises to which the public are to be admitted (whether on payment or otherwise) or to premises in which persons are employed to work, your attention is drawn to Sections 4, 7 and 8a of the Chronically Sick and Disabled Persons Act, 1970 and to the British Standards Institutions Code of Practice for Access for the Disabled to Buildings.

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Development Management Lead

for and on behalf of the Council

(Application Ref: 00368/2015)

SP3, SP17, SP20 & NE10 of the West Devon Borough Council Core Strategy 2011 and West Devon Local Plan Review 2005 and guidance set out within the NPPF.

- 4 The proposed wind turbine, by reason of its siting and scale would introduce a discordant feature into this tranquil and otherwise unspoilt rural landscape leading to an adverse impact upon the landscape character of Stowford and Thrushelton. The proposal is therefore considered to be contrary to policies SP1, SP3, SP17, SP20 & NE10 of the West Devon Borough Council Core Strategy 2011 and West Devon Local Plan Review 2005 and guidance set out within the NPPF.
- 5 It has not been adequately demonstrated that the planning impacts identified by the affected local communities have been fully addressed and therefore a planning judgment has been made by the Local Planning Authority that the proposed wind turbine does not have community backing which is contrary to the written Ministerial Statement released on the 18th June 2015 from the Secretary of State for Communities and Local Government and paragraph 14 of the Planning Practice Guidance.

INFORMATIVE(S):

This authority has a pro-active approach to the delivery of development and early pre-application engagement is always encouraged. As the Local Planning Authority we have endeavoured to work proactively and positively with the applicant to ensure that all relevant planning considerations have been appropriately addressed. This approach accords with the National Planning Policy Framework and with Article 31 of the Town and Country Planning, Development Management Procedure (England) Order 2010, as amended.

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