

## List of Appeal Decisions from 06/06/2014 to 30/06/20

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/00003/NUCU	Change of use of agricultural building to function hall	Duvale Priory Bampton Tiverton Devon EX16 9EG		Delegated		Written Representations	Appeal Allowed

### Summary of Inspector's Comments

Appeal Allowed - Planning Permission Granted 9th June 2014. Please see summary of comments below.

13/00701/FULL	Retention of change of use from agricultural building to function hall for sole use by occupiers of the existing holiday accommodation at Duvale Priory - APPEAL ALLOWED 09/06/2014 - PLANNING PERMISSION GRANTED	Land and Buildings at NGR 294462 120501 (Duvale Barton) Bampton Devon	Grant permission subject to conditions.	Overturned	Refuse permission	Written Representations	Appeal Allowed
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### Summary of Inspector's Comments

The main issues were the effect of the development on the living conditions of local residents in respect of noise and disturbance, whether the development presents an unacceptable flood risk and highway safety concerns arising from the use of the proposed emergency exit route. The Inspector considered that subject to appropriate conditions, there was no reason to conclude that the proposed use would give rise to unacceptable noise exposure to local residents, although the area was noted for its tranquility. He noted that Environmental Health had no objections. The Inspector noted the Environment Agency's comments that in the event of flooding, the depth of water in the building would be a very low hazard, but the depth and velocities around the building were potentially hazardous. However, there would only be a small proportion of the proposed egress route that would be at risk from flooding to the same depth. Users of the function hall would in any event be staying at the holiday accommodation which is at greater risk of flooding than the hall. The Inspector considered that safe means of escape could be provided using either of the proposed alternative emergency routes. In respect of a potential dam break, there would be sufficient warning to evacuate. The Inspector considered that despite the more vulnerable classification, the use would be intermittent and there were adequate escape routes, including a wheelchair route. Although the emergency route would lead directly onto the A396 with no pavements and restricted visibility, a section of the highway not in the immediate vicinity would also be flooded with significant traffic likely to use the road at that time and not travelling at speed. The Environment Agency and Highway Authority had not objected. Costs were awarded against the Council for acting unreasonably in refusing the application with no evidence to support the refusal, and contrary to the recommendation of its officers.

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/00022/NUDU	Timber door replaced with UPVC door - Cullompton Article 4 Direction - APPEAL ALLOWED	15 New Street Cullompton Devon EX15 1HA		Delegated		Written Representations	Appeal Allowed

**Summary of Inspector's Comments**

APP/Y1138/C/14/2215268 15 New Street, Cullompton, Devon, EX15 decision dated 24/6/14.; Appeal ALLOWED - planning permission granted. The street facing elevations of nearly every house along New Street have had their doors and windows replaced. The vast majority of those are in uPVC. The retention of the appeal front door now would not have any noticeable cumulative impact on the street scene or the character and appearance of the conservation area as a whole.

13/00670/FULL	Erection of 2 dwellings - APPEAL DISMISSED	1 Claypitt Cottages Tiverton Devon EX16 5NY	Refuse permission	Accepted	Refuse permission	Written Representations	Appeal Dismissed
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**Summary of Inspector's Comments**

The main issues were the effects on the living conditions of future occupiers of the houses with regard to outlook and noise, whether the appeal site is at risk of flooding and the potential effects of land contamination. The Inspector considered that internal noise could be attenuated to provide a reasonable internal noise level during the day and a good standard at night, however, factory noise could unduly compromise the enjoyment of the gardens. The Inspector considered there was insufficient information with regard to flood risk or drainage to ensure the development would be free of flood risk. In addition, the Inspector considered that the pollution potential of the site could not be understood due to the fact that a land contamination site investigation had not been carried out. The economic benefits of building more homes and the site's accessible location did not outweigh poor living conditions that would be provided for future occupiers of the dwellings.