

List of Appeal Decisions from 01/07/2014 to 31/07/2014

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/00872/FULL	Conversion of redundant building to 2 dwellings (APPEAL DISMISSED 4.7.14)	Building at NGR 299128 113030 Hartnoll Business Centre Tiverton Devon	Refuse permission	Delegated	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The main issue was the effect of the conversion on the character and appearance of the building and its surrounding area. The Inspector found that the conversion would detract from the partly open character of the building and the new openings in the currently blank east elevation would significantly affect the original character of the building and its surroundings. The business park has a range of uses but still has the character of a large rural farmyard and the introduction of a residential use in a largely rural setting would adversely affect the building's character and that of its surroundings. In addition, the proposal would necessitate significant alterations and rebuilding. It was concluded that the proposal would adversely affect the character and appearance of the existing rural building and its surrounding area.

12/01522/MFUL	Change of use of land from agriculture to the installation and operation of a solar PV farm to generate up to 5.7 MW of energy (site area 18.14 hectares) to include mounted solar panels, underground cables, 6 inverters, substation, fencing and security system with a temporary track and construction compound (APPEAL DISMISSED 08.07.14)	Land at NGR 295936 124571 (Keens Farm) Morebath Devon	Refuse permission	Accepted	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspector's Comments

Appeal against refusal for a 16.03 hectare/5.15 MW solar panel installation on land at Keens Farm, Morebath. Inspector stated that national and local planning policies require a balance to be struck between the effects on, for example, sensitive landscape and visual receptors and the benefits of the proposed development. The balanced approach is further confirmed by the Minister in the statements supporting the NPPG. Main issue is landscape and visual effect and while field size and pattern would remain the same and hedgerow pattern would be unaltered, the landscape appearance and character would be fundamentally changed from fields under crop to a hard surface that would be unchanging over 25 year period. Mitigation proposed would introduce uncharacteristic features. Views from local footpaths, public points in Morebath, from local roads and from some private receptors would be affected. Development would have a significant adverse impact upon way the local community appreciate the character and visual quality of the landscape. Would conflict with local planning policy. Planning balance concluded: the harm to the local community's appreciation of the landscape in which they live and work and the enjoyment of it by visitors when passing through to the national Park, outweighs, in this case, the renewable energy benefit of the proposal. Appeal dismissed. Costs appeal was upheld and a partial award of costs to the Appellant as the Landscape Sensitivity Statement information was not available until late in the appeal process and due to the cumulative impact reason for refusal not being withdrawn by the LPA sooner.

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/00185/MFUL	Installation of ground mounted photovoltaic solar array to generate up to 6MW of power (site area of 15.16Ha), power inverter system, transformer station, sub-station, internal access track, security fencing, landscaping and associated access gate (APPEAL DISMISSED 14/07/14)	Land at NGR 297705 120536 (Buckhayes Farm) Cove Devon	Refuse permission	Delegated	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The main issue considered at the appeal was whether any harmful impacts, having particular regard to the effect on the proposal of the area, outweigh the benefits of the scheme. The Inspector considered that as a result of the planting strategy it is likely that most close views of the development would be largely screened. However, the solid structures of the arrays would form a strong physical presence of industrial appearance which would change the character of the rural fields in which they are located. In particular, the arrays on the upper west facing slope would be prominent and the screening would have little impact on long distance views of these. The scheme would result in substantial harm to the rural character of the area. Whilst the mitigation planting would do much to provide screening of the eastern and part of the southern side of the site, development on the upper west facing slope would be visible from publicly accessible areas nearby and in wider views. The scheme would form an incongruous expanse of metal structures out of keeping with the open and rural character of the area. The proposal would provide a valuable contribution to cutting greenhouse gas emissions but this is outweighed by the harm identified.

13/00304/MOUT	Outline for the erection of 36 dwellings following demolition of existing buildings, site clearance and remediation (APPEAL DISMISSED 15.07.14)	Durban Works & Former West Country Private Ambulance Services South View Road Willand Devon	Refuse permission	Overtaken	Refuse permission	Informal Hearing	Appeal Dismissed
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Summary of Inspector's Comments

The main issues were (1). The viability of the scheme and its impact upon affordable housing provision, 2. the proposed density of the scheme and 3. the adequacy of living conditions of future occupiers of the development in respect of the provision of outdoor space. On point 1 the Inspector found that the level of information provided regarding the costs of decontamination of the site was inadequate in that further site investigations were required in order to refine the estimate of the costs. The provision of affordable housing is a high priority in Mid Devon's development plan and any deviation from the 35% site target needs to be justified. It was found that the evidence regarding decontamination costs was not clear properly evidenced and therefore the proposal made inadequate provision for affordable housing having regard to the viability of the scheme. (2). The Inspector considered that the existing mix of architectural styles in the locality and the nature of the surrounding area meant that the development of the site would not necessarily undermine the street scene or character of the surrounding area. Density is only one variable affecting character and appearance and it was found that there was little which would conclusively indicate that a good quality development could not be achieved at the proposed density. (3). The Inspector found that the nearest park was within adequate walking distance to provide open space provision and on-site provision would not be necessary. There was inadequate evidence to conclude that it would be impossible to provide adequate levels of private amenity space within the site and the Council would have grounds to refuse detailed proposals if they would not have adequate private outdoor space. The Inspector concluded that the concerns regarding affordable housing provision outweigh the finding that the proposal would be acceptable in terms of its effect on character and appearance and living conditions.

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/01017/MFUL	Erection of an anaerobic digestion facility - APPEAL WITHDRAWN 16/07/2014	Land at NGR 286602 114760 (Crossparks Farm) Nomansland Devon	Refuse permission	Varied	Refuse permission	Written Representations	Application Withdrawn

Summary of Inspector's Comments

13/01205/CAC	Conservation Area Consent for the demolition of double garage (APPEAL DISMISSED 22.7.14)	Land and Buildings at NGR 273129 108148 Opposite The Old School House Lapford Devon	Refuse permission	Delegated	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspector's Comments

The scale, elevational composition & architectural detailing of the proposed dwelling is not sensitive to the defining characteristics of the area and its long, narrow footprint, steeply pitched roof with numerous velux windows would be at odds with the character of this part of the village, particularly is this prominent position. It would fall short of the high standard of design required of new development and fail to preserve or, with the removal of the garage, take advantage of the opportunity to enhance the character and appearance of the Conservation Area (CA). The harm to the CA would be less than substantial but the proposal would provide little economic benefit. The demolition of the garage forming part of the CA would be regrettable and inappropriate in the absence of an acceptable redevelopment scheme. The proposal would fail to preserve or enhance the character of appearance of the CA contrary to policy and the NPPF. Overshadowing of Kimberly Cottage would be limited, but the proposed dwelling would be clearly visible from it, appear overbearing and cause a loss of outlook. The proposal would reduce the garden area for The Old School House and Flat resulting in limited external space. Personal preference over acceptable outdoor space varies widely and no locally adopted outdoor space standards have been provided. As the applicant is willing to amend the garden layout, suitable garden space could be conditioned. The proposed dwelling would also introduce more direct and closer views of the neighbouring property (Kimberly Cottage) resulting in significant harm to privacy contrary to the living conditions of the occupiers.

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/01203/FULL	Erection of a dwelling after demolition of garage (APPEAL DISMISSED 22.07.14)	Land and Buildings at NGR 273129 108148 Opposite The Old School House Lapford Devon	Refuse permission	Delegated	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The scale, elevational composition and architectural detailing of the proposed dwelling is not sensitive to the defining characteristics of the area and its long, narrow footprint, steeply pitched roof with numerous velux windows would be at odds with the character of this part of the village, particularly in this prominent position. It would fall short of the high standard of design required of new development and fail to preserve or, with the removal of the garage, take advantage of the opportunity to enhance the character and appearance of the Conservation Area (CA). The harm to the CA would be less than substantial but the proposal would provide little economic benefit. The demolition of the garage forming part of the CA would be regrettable and inappropriate in the absence of an acceptable redevelopment scheme. The proposal would fail to preserve or enhance the character or appearance of the CA contrary to policy and the NPPF. Overshadowing of Kimberly Cottage would be limited, but the proposed dwelling would be clearly visible from it, appear overbearing and cause a loss of outlook. The proposal would reduce the garden area for The Old School House and Flat resulting in limited external space. Personal preference over acceptable outdoor space varies widely and no locally adopted outdoor space standards have been provided. As the applicant is willing to amend the garden layout, suitable garden space could be conditioned. The proposed dwelling would also introduce more direct and closer views of the neighbouring property resulting in significant harm to privacy contrary to the living conditions of the occupiers. It is likely that future occupiers of the proposed development would have more than 1 vehicle, leading to on street parking. To encourage more on street parking in this location could potentially be dangerous and reduce visibility for road users and pedestrians. The removal of the garage would slightly improve visibility but would not overcome the harm.