

List of Appeal Decisions from 01/08/2014 to 27/08/2014

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/01442/LBC	Listed Building Consent for the conversion of redundant building to dwelling (APPEAL DISMISSED 4.8.14)	Dairy Cottage Crazelowman Tiverton Devon EX16 7DG	Refuse Listed Building Consent	Delegated	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The main issue is whether the proposed development and works would preserve the Grade II listed building or any features of special architectural or historic interest. The Inspector stated that Dairy Cottage harbours many internal structural architectural attributes that define it as a former farmhouse or considerable architectural and historic interest and the incidence of a farmhouse without functionally differentiated farm buildings is exceptional in Devon. The application building is a linear adjunct to the former farmhouse and expresses the key attributes of an historic farm building, characterised as a late variant of the linhay. The Inspector concluded that although some of the works sought to retain the agrarian character of the building, these limited references are overpowered by a range of other details and interventions that give the proposals an overwhelming sense of domestication, some almost suburban in character. The works and development would fail to preserve the listed building and would be contrary to policy, although the harm would be less than substantial. Although the Inspector agreed that there would be public benefit in the proposal, this benefit did not outweigh the harm.

13/01440/FULL	Conversion of redundant building to dwelling (APPEAL DISMISSED 4.8.14)	Dairy Cottage Crazelowman Tiverton Devon EX16 7DG	Refuse permission	Delegated	Refuse permission	Written Representations	Appeal Dismissed
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Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/00253/FULL	Erection of a 500 kW wind turbine with maximum blade tip height of 77m, hub height of 50m, and formation of new vehicular access track and associated infrastructure (APPEAL DISMISSED 4.8.14)	Land at NGR 289399 117950 (Rifton Barton) Stoodleigh Devon	Grant permission subject to conditions.	Overtured	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The Inspector found the main issues are; a)The impact of the proposal on the character and appearance of the surrounding rural area; b)The impact of the proposal on the living conditions of nearby residents; c)Whether any negative impacts identified are outweighed by benefits of the proposed development. With regard to a) the Inspector found that the area exhibits a deeply rural character with rounded rolling hills deeply incised by valleys which often contain semi hidden farmsteads, the character is unspoilt in every direction. The turbine would be a strident vertical element in an otherwise rolling landscape which (apart from Stoodleigh Beacon) has nothing of similar character within it. The Inspector regarded the landscape as having a high value landscape character and sensitive to change. The impact of the turbine would be mainly within 1.5km of the site. The Inspector concluded that there would be significant and adverse impacts on both the character and appearance of the surrounding rural area. With regard to b), the Inspector noted that the turbine would be visible from a number of local dwellings however he concluded that the effect of the turbine would not be dominant, overbearing or create oppressive living conditions. The Inspector noted that whilst there may be some perception of noise, the level would be reasonable and therefore the Inspector concluded that there would be no unacceptable harm to living conditions of nearby residents. In reaching a planning balance the Inspector concluded that the harm caused would clearly outweigh the benefits in terms of renewable energy and carbon emissions savings, the appeal was therefore dismissed. The application for award of costs was refused as the Inspector found that no unnecessary expense had been incurred by the applicant despite the Council acting unreasonably in not substantiating the reason for refusal.

13/00865/FULL	Erection of a 225kW wind turbine with maximum blade tip height of 45.5 m, hub height of 32.0 m, and associated infrastructure (APPEAL ALLOWED 4.8.14 - PLANNING PERMISSION GRANTED)	Land at NGR 282310 110937 (North of Littleborough Cross) Black Dog Devon	Grant permission subject to conditions.	Overtured	Refuse permission	Written Representations	Allow with Conditions
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Summary of Inspector's Comments

The application sought permission for a 45.5m high wind turbine recommended for approval at committee and overturned. The inspector has considered the issues being a) the impact of the proposal on the character and visual amenities of the surrounding rural area and b) whether any impact is outweighed by the benefits of the proposal. The Inspector considers the landscape characteristic of the area character is not homogenous and although there are common characteristics, some areas have a less than medium to high sensitivity. In particular the application site. A simplistic landscape which is not always apparent in this character type. thus the sensitivity of this area is medium. within 1km the turbine is considered to diminish with distance quite quickly and so the impact would be limited. the magnitude of effect therefore would be of slight to moderate moderate, adverse. Visual impact if passing close by it will be of high sensitivity, however views will be interrupted by vegetation.as such the magnitude of the impact would therefore be moderate. The relation to residential properties views will be possible but limited and have no greater than moderate impact. the views will not make the property unsuitable or unattractive place to live. There is only minor significance with regard to cumulative impact. There is national support for renewable energy and the benefits of the proposal are greater than the moderate harm. Other matters no substantive harm to ecology, tourism, tv reception, living conditions relating to noise and flicker or heritage assets. Conclusion is for approval subject to conditions

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/01672/FULL	Conversion of domestic garage to dwelling (APPEAL DISMISSED 5.8.14)	9 Mercers Close Tiverton Devon EX16 6AE	Refuse permission	Delegated	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The main issues in this appeal are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of the occupiers of neighbouring properties. The Inspector considered that as the cul-de-sac comprises of properties of a variety of designs and forms and that the density of the development is fairly high, vertical development of the garage was considered of a sufficiently high quality design and would not be detrimental to the areas character and appearance. However, all the dwellings in the Close have gardens of a shape, size and position that are practical for use and contribute to the area's character and appearance; the proposed dwelling would be served by a small area of garden part of which will steeply sloping and thus of more limited use, resulting in the detached dwelling appearing cramped within its small curtilage, failing to accord with the characteristics of the site's surroundings therefore not well integrated into the existing development. The development was also considered to adversely affect the living conditions of the neighbours due to the vertical increase causing and unacceptable loss of sunlight and daylight, and severely restricting the properties outlook to the detriment of the living conditions of the occupants of No 74, and the proximity to No 9 would result in a significant reduction in privacy of the dwellinghouse and garden.

13/00777/FULL	Change of use of agricultural land to gypsy and traveller site to provide 1 pitch (APPEAL ALLOWED 14.8.14)	Land at NGR 304301 110193 (The Paddocks) Willand Devon	Refuse permission	Delegated	Refuse permission	Informal Hearing	Allow with Conditions
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Summary of Inspector's Comments

The Inspector found that the Council no longer has an up to date Gypsy and Traveller Accommodation Assessment and therefore the current and future need is not known. There are no other Council or privately owned sites available to the applicant and the Inspector questioned whether or not the Council has a five year supply of sites. The appeal site lies within flood zone 3 and is therefore at a high risk of flood. There was evidence that the whole site flooded in 1968 and there has also been flooding in the locality and of part of the site in more recent years. A previous appeal on the site for two pitches by the same applicant was dismissed with the Inspector finding that the site would not be safe in a flood event, particularly for the current applicant's parents. Whilst national planning guidance states that caravans should not be permitted in areas at risk of flood, the Inspector found that the need for the applicant to have a pitch on which to reside, outweighed the potential harm and a personal 5 year temporary planning permission was granted, subject to a number of conditions so as to minimise the potential risk during a flood event.

14/00258/FULL	Erection of front porch (APPEAL DISMISSED 19.08.14)	26 Iter Park Bow Crediton Devon EX17 6BY	Refuse permission	Delegated	Refuse permission	Householder Appeal	Appeal Dismissed
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Summary of Inspector's Comments

This appeal related to the erection of a porch, the main issue is the effect of the proposal on the character and appearance of the area. The inspector considered that the proposed porch would disrupt the balance of these dwellings by altering the ground floor fenestration and appearance on one side of the pair. The inspector concluded that the proposal would have a harmful effect on the character and appearance of the area and the appeal was dismissed on this basis.