

List of Appeal Decisions from 03/05/2014 to 06/06/2014

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/01170/FULL	Erection of an anaerobic digester, associated equipment and infrastructure (APPEAL ALLOWED WITH CONDITIONS 23.5.14)	Land at NGR 284927 114041 (Edgeworthy Farm) Nomansland Devon	Grant permission subject to conditions.	Overtuned	Refuse permission	Written Representations	Allow with Conditions

Summary of Inspector's Comments

The main issues related to the effect of the proposal on nearby residential properties, loss of productive agricultural land and whether the scheme would result in a loss of biodiversity. The Inspector considered that the controls required under the Environmental Permit would address any potential odour concerns and that these controls should negate the risk of unacceptable odours arising. Having considered the objections, the Inspector found nothing to outweigh the advice of the Local Highway Authority that the proposal would be acceptable and there was no evidence to substantiate concerns with regard to pedestrian, cyclist or horse rider safety. The Inspector considered that changes to crops grown would not need planning permission and growing crops for the digester would not amount to a significant change to overall crop levels grown. The Inspector also considered that as there are no controls over the types of crops grown on farms, it is very difficult to substantiate how the scheme could adversely affect biodiversity. Natural England did not object and DCC's Biosphere Officer had visited the site and did not object. The Inspector also concluded that if each of the Menchine Farm, Edgeworthy and Crossparks AD plants were considered to be acceptable in their own right, there is little basis for harm arising from cumulative effects. The development would not detract from the rural character of the area. Costs were awarded against the Council for acting unreasonably in refusing the application on reasons for refusal which did not stand up to scrutiny.

13/00730/FULL	Erection of 2 dwellings (APPEAL DISMISSED 27.5.14)	Land at NGR 300056 104060 Hornbeam Gardens Bradninch Devon	Refuse permission	Overtuned	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspector's Comments

The main issues are the effect of the proposal on the character and appearance of the area and on the living conditions of neighbouring residents in terms of overshadowing and outlook. The Inspector considered that although the proposal would be an improvement on the visual quality of the site at present, the design of the houses was bland and would fall short of the high standard of design required of new development in general and would not enhance the character and appearance of the conservation area. In addition, the Inspector considered that the bulk and height of the dwellings would result in overshadowing of the neighbouring property to the extent that there would be an unacceptable reduction in the amount of sunlight and daylight within the bungalow. The Inspector also considered that the dwellings would have an overbearing impact on the outlook to the south from the kitchen window of the bungalow, despite the main outlook from the building being to the north.

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/01618/FULL	Conversion of barn to dwelling (APPEAL DISMISSED 2.6.14)	Land and Buildings at NGR 278148 96863 (Rock Park Farm) Woodland Head Yeoford Devon	Refuse permission	Delegated	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The development proposed related to the conversion of a barn to dwelling: the Inspector noted that the main issue was whether the building was appropriate for conversion having regard to local and national policies relating to re-use of redundant or disused buildings in rural areas. It was noted that there was no dispute between the parties that the building was redundant for agricultural purposes, nor that it was of substantial and permanent construction. In this case, the building's suitability for conversion, the Inspector opined, turned on its contribution to the area's character and due regard was given to the LPA policy DM11 which requires that any such building positively contribute to the rural character of the area, not merely reflect that character: this policy, in the Inspector's opinion, "significantly raises the bar" in terms of such requirements. The Inspector found that, in this instance, the structure was of a fairly typical, timber-framed, agricultural building equivalent to 2-storeys in height. The Inspector found that, despite being well constructed and finished externally with timber cladding, it had no particular architectural merit; little weight too was attached to arguments by the appellant that the proposal would lead to an enhancement of the area by removing a single-storey extension to the rear of the building and other works. Little attention, too, was given to an earlier separate decision by the LPA in relation to another scheme referred to by the appellant: the Inspector had no further details of this scheme and in determined that it would not affect his findings, given that each case must be determined on its own merits and in light of up to date development plan and national planning policy guidance. It was therefore concluded that this agricultural building was one that merely reflected the rural character of the local area rather than being one that would make a positive contribution to it.

13/00446/FULL	Conversion of barn to dwelling (APPEAL DISMISSED 5.6.14)	Land and Buildings at NGR 303182 109827 (Tanyard Farm) Willand Devon	Refuse permission	Delegated	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspector's Comments

The Inspector considered the proposed conversion with regard to the local development plan and national planning policies. The Inspector first considered, the building, a typical modern style agricultural shed, to be an inappropriate building for conversion to a dwelling, contrary to the first test of policy DM11 of the development plan. Where the proposal was considered to fail under the primary test of DM11, the Inspector secondly considered if there were other material considerations which would allow the application to succeed. He concluded there was insufficient evidence provided, with regard to the appellant's argument of an essential need, to demonstrate that the application would meet paragraph 55 of the National Planning Policy Framework. Thirdly, the Inspector considered if there was a fall back position for the change of use of the building through Class MB of the General Permitted Development Order 2014. The Inspector stated from the available evidence that the site was not used solely for an agricultural use, as part of an established agricultural unit, on 20 March 2013 and the proposed change of use would not therefore appear to be permitted development under Class MB. It was also stated that a developer is required to apply to the local planning authority for a determination as to whether prior approval will be required in respect of certain specified matters. The Inspector concluded there are not material considerations that would outweigh the conflict of the development with Policy DM11 of the Council's DMP and national planning policies. The appeal building was therefore considered to be inappropriate for conversion to a residential dwelling and the appeal dismissed.