

List of Appeal Decisions from 12/12/2014 to 20/01/2015

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
10/00010/NUCU	Unauthorised material change of use from agriculture to a mixed use of agriculture and use for human habitation - Appeal dismissed and Enforcement Notice upheld 16th December 2014.	Southcombe Hill Farm Southcombe Hill Cheriton Bishop Exeter Devon EX6 6JX		Delegated		Public Inquiry	Appeal Dismissed

Summary of Inspector's Comments

Appeal decision issued 16th December 2014. The Inspector looked at the main issue in this Ground (d) appeal (that at thye time the Notice was issued, it was too late to take action) and decided that the structure enforced against was not substantially complete at the time of her appeal site visit, so could not have been considered to be substantially complete for more than four years at the time the notice was issued. The planning history was largely diregarded as having no bearing on the matter at hand.

14/01285/FULL	Erection of extensions to rear (APPEAL ALLOWED 17.12.14)	Little Orchard Lower Town Sampford Peverell Tiverton Devon EX16 7EG	Refuse permission	Delegated	Refuse permission	Householder Appeal	Allow with Conditions
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Summary of Inspector's Comments

The main issue was the effect of the proposed extension on the character and appearance of the area. The inspector considered that although the ridge height of the larger of the two extensions would be above the ridge to the main part of the dwelling, the dwelling already displays some variation in ridge height, and that the new extension would merely add a further step change to the buildings height that would not be excessive and would be in scale and proportion to the building overall. The inspector considered any impact on the street scene was mitigated by the properties recessed and elevated position on its plot, due to the extension being situated well beyond the properties existing main ridge and because the roof would be pitched and tiled to match the existing. Concluding the extension adequately respects the character scale setting and design of the existing dwelling without any harm to the character and appearance of the area in accordance with policy.

13/01135/CLP	Certificate of Lawfulness for the proposed erection of a dwelling following outline planning permission reference 86/00183/OUT (APPEAL ALLOWED 2.1.15)	Land Adjacent to Woodbank Tiverton Road Cullompton Devon EX15 1HT	Refusal CLP for Proposed Use	Delegated	Refuse permission	Written Representations	Appeal Allowed
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Summary of Inspector's Comments

The appeal sought to determine whether or not a 1986 planning permission for the erection of two dwellings had been implemented with the erection of one of the dwellings and therefore whether or not the second dwelling could now be built. The appeal revolved around the wording of a condition requiring the provision of access to the site. The Inspector found that as the reserved matters approval included a separate access to each dwelling the permission was implemented with the construction of one of the houses and the second house can still be built.

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/01569/FULL	Erection of a live/work unit and installation of an air source heat pump (APPEAL DISMISSED 6.1.15)	Crosslands House Ash Thomas Tiverton Devon EX16 4NU	Refuse permission	Varied	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The main issue was whether the proposal would be consistent with the principles of sustainable development. The Inspector found that the site is in a countryside location where there would be very limited access to services to meet daily living needs and there would be increased need to travel by private car, which is the least sustainable means of transport. The lack of an alternative location or premises for the applicant to live and work did not demonstrate an essential need for a rural worker to live at or near their place of work. Taking into account the sustainable technologies proposed to be used there would be nothing truly ground breaking in the new dwelling to justify its presence in the countryside. The design would be unusual and contemporary but would not be of an exceptional quality that alone could justify its provision. Releasing the host property for occupation by other persons and adding to the local housing stock were a potential benefit but this was outweighed by the harm associated with building in the countryside. The Inspector concluded that the proposal would not be consistent with the principles of sustainable development and conflicts with policies COR9 and COR18 of the Core Strategy and paragraph 55 of the NPPF.