

List of Appeal Decisions from 01/04/2015 to 21/5/2015

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/00766/FULL	Erection of a dwelling (APPEAL DISMISSED 14.04.15)	9 Longmeadows Crediton Devon EX17 1DU	Refuse permission	Delegated	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The Inspector considered that the main issues to be considered related to the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbours and future residents. It was noted that the proposed house would be set into a slope such that the ridge would be lower than properties on the opposite corner. Nevertheless it would present the elevation of a building that would be taller than usual in the area. This, together with its elevation above road level and prominent location would result, the Inspector opined, in an incongruous development, despite its limited footprint. It would detract from the openness of the junction and result in a sense of enclosure in the vicinity. Whilst it was recognised that it is not uncommon to have a building of different design on a corner plot, or at a focal point, in this case the proposal would disrupt the immediate surroundings without having a compensating beneficial effect. In terms of living conditions, it was concluded that whilst the proposal would have little effect on the living conditions of neighbours in terms of an overbearing relationship, there would nonetheless be a detrimental effect on the living conditions of such neighbours and unsatisfactory provision of living conditions for future residents in terms of privacy. As such the proposals would be contrary to the provisions of the Mid Devon Core Strategy Policy COR2 and policies DM2, DM14 of the Local Plan Part 3, Development Management Policies. These policies promote high quality design which reinforces the character of the built environment, protect privacy and set standards for the design of new houses. For these reasons, the Appeal was dismissed.

14/00733/FULL	Erection of a dwelling (85.72 m2) with employment space (85.72 m2) and erection of a forge (APPEAL ALLOWED WITH CONDITIONS 22.4.15)	Sycamore Farm Hemyock Cullompton Devon EX15 3RR	Refuse permission	Delegated	Refuse permission	Informal Hearing	Allow with Conditions
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Summary of Inspector's Comments

The Inspector noted the main issue related to whether or not there would be any circumstances justifying the proposed live-work unit and forge as an exception to local and national planning policies, that generally seek to restrict development in the countryside. This assessment was based upon the evidence of need (including supporting statement from the applicant and agent), whether this need could be sustained (financial figures submitted by an external consultant), whether there would be other available accommodation as well as a review of the size and scale of the proposed development. Having considered the supporting information, the Inspector concluded that the nature and scale of the rural business is tantamount to requiring a full time worker and that there are clear and genuine rural workers reasons to justify a new dwelling in this countryside location for the worker to live at the farm on a permanent basis. This rural business need would also be likely to be sustained in the long term and the need for housing cannot be met within a nearby settlement, by existing housing on or near the site, or by converting existing buildings. The Inspector concluded that proposal would accord with the requirements of the development plan, in terms of DMP Policy DM10 outlined above. The proposal was also found to accord with the policy set out in the Framework regarding new homes in the countryside and would also contribute to new economic growth in a rural area which is also supported by the Framework. An appeal for costs was made against the appellant by MDDC. This was dismissed by the Inspector who found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, had not been demonstrated.

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/00387/FULL	Retention of a multi-purpose timber frame agricultural building (Revised scheme) (APPEAL DISMISSED 29.04.15)	Land and Buildings at NGR 301416 115145 (The Beeches, Crosses Farm) Uplowman Devon	Refuse permission	Delegated	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The land holding amounts to 1ha but 17% of this is domestic garden. The remainder includes a stable, access track and three paddocks. At the time of the appeal site visit there were hay bales and agricultural implements in the building but the Planning Officer's delegated report stat that during their site visit there was 'No evidence of any active agricultural activity on the land' and the Parish Council consider the land is used solely for horses. The Inspector found there to be an absence of a clear and cogent explanation of the existing and/or intended agricultural activities which meant there was no necessity for a building of this size and the development conflicts with policy DM22. Additionally, the Inspector found the justification for the thermal insulation of the building to be unconvincing, adding to the concerns regarding the necessity of the building. The Inspector found that the design and appearance of the building erodes the pleasing open qualities of this part of the countryside, also conflicting with policy DM22.