

## LIST OF APPEAL DECISIONS FROM 19<sup>th</sup> June 2015 to 17<sup>th</sup> July 2015

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01551/PNCOU	Prior notification for the change of use of agricultural building to dwelling under class MB(a) and (b) (APPEAL ALLOWED 24.06.15)	Land at NGR 305811 116156 (Track Opp. Ebear Farm) Westleigh Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Allowed

### Summary of Inspectors Comments

The appeal related to the sole issue of compliance with paragraph Q.1(a) of the Class Q, Part 3 of the GPDO (2015), and whether the site was solely used for the purposes of agriculture on 20th March 2013. This was the sole reason for the refusal of the notification by the LPA. The Inspector considered that at the time of his site visit there was no clear evidence of anything else present on the site that would suggest any keeping of horses other than for grazing which would constitute an equestrian use. The Inspector went on to state that the photographs taken by the Planning Officer on 10th March 2014 showing horse related paraphernalia did not amount to sufficient evidence to indicate that on 20 March 2013 the mixed use had been abandoned, and such that the equestrian use was considered to no longer exist and the site was being, and has continued to be used since, solely for agricultural purposes as part of an established agricultural unit. Therefore, the proposed development was found to comply with the permitted development criteria set out in Class Q.1 of the GPDO 2015 and would not require prior approval under Class Q.2. The Inspector concluded that the proposal would be permitted development under Class Q of the GPDO 2015.

14/00518/FULL	Erection of a single storey dwelling and workshop following demolition of existing nissen hut and barn (Revised scheme) (APPEAL ALLOWED 1.7.15)	Sunshine Corner Oakford Tiverton Devon EX16 9HD	Refuse permission	Delegated Decision	Refuse permission	Public Inquiry	Allow with Conditions
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### Summary of Inspectors Comments

The application was for the erection of a dwelling and workshop in an isolated countryside location. The main issue was whether there are special circumstances to justify making an exception to the national and local policies. The Inspector considered that although the dwelling is not innovative or truly outstanding some weight could be given to its eco-credentials. The Inspector also gave weight to the likelihood that the applicant's client base would be local and the intention to car share with neighbours and restrict car journeys. He also considered the benefits of removing the existing buildings and remediating potentially contaminated land. The Inspector gave considerable weight to the personal circumstances of the applicant and in particular his disability and the advantages that a quiet stable location where he could live and work in the same place would provide. The Inspector considered the Public Sector Equality Duty and The Human Rights Act and decided that the circumstances of the case added up to special circumstances to allow a dwelling in the countryside, despite each of the factors not being sufficient in themselves to justify this. He imposed conditions, including a personal consent for the applicant and his dependents only.

14/01452/MFUL	Installation of solar energy farm on 13.34 ha of land to generate 5.5 megawatts of energy (Revised scheme) (APPEAL ALLOWED WITH CONDITIONS 24.06.15)	Land at NGR 299298 125070 (East of Bowdens Lane) Shillingford Devon	Grant permission subject to conditions.	Committee Decision	Allowed on appeal	Written Representations	Allow with Conditions
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### Summary of Inspectors Comments

The appeal was on non-determination of the application. Should they have been the determining authority, the Council would have refused the application on (1) visual impact and (2) inappropriate use of Grade 3 agricultural land. The Inspector found that the development would harm the landscape character of the area and the visual amenities of the site, however, when balancing this harm against the benefits of providing renewable energy as required by the NPPF and policy DM5 of the LP3 DMP, he considered that the benefits outweighed the harm. The Inspector did not consider that use of Grade 3b and 4 agricultural land for a solar development was contrary to national policy and policy DM5, as it did not constitute best and most versatile land (Grades 1, 2 and 3a). He concluded that although there were concerns with regard to highways impact, these would be temporary and could be controlled by a management plan. He concluded that surface water run-off could be dealt with adequately by the provision of swales. The Inspector imposed a number of conditions to make the development acceptable and noted that the development was for a 25 year period with the land being reinstated at the end of the 25 years.