

LIST OF APPEAL DECISIONS FROM 10 October to 13 November 2015

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00031/FULL	Conversion of barn to dwelling	Land and Buildings at NGR 273746 95383 (East Church Farm Cottage) Hittisleigh Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The appeals concerns a proposal to convert a redundant agricultural barn to dwelling both planning permission and listed building consent. The barn falls within the setting of listed building, and therefore both planning permission and listed building consent was required . The main issue in the determination of the appeals was the effect of the proposals on the setting of East Church Farmhouse and adjoining Cottage, a Grade II* listed building, and on the special architectural and historic interest of the barn, a curtilage listed building.

Given the scope of works (extensive and overly domestic in appearance) and the inclusion of a large domestic curtilage the Inspector agreed with your officers that the scheme would detract from its original agricultural character and from its historic character and appearance and the contribution it makes to the significance of the historic farmstead.

On this basis the Inspector concluded that the proposals would harm the setting of the listed building and the substantial alterations and extension would harm the architectural and historical interest of the building and the group of buildings that form the farmstead. The scale of the extensions would conflict with policies COR 2 and COR 18 in the CS and DM 2 and DM11 in the DMP.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00032/LBC	Listed Building Consent for the conversion of barn to dwelling	Land and Buildings at NGR 273746 95383(East Church Farm Cottage) Hittisleigh Devon	Refuse Listed Building Consent	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The appeals concerns a proposal to convert a redundant agricultural barn to dwelling both planning permission and listed building consent. The barn falls within the setting of listed building, and therefore both planning permission and listed building consent was required . The main issue in the determination of the appeals was the effect of the proposals on the setting of East Church Farmhouse and adjoining Cottage, a Grade II* listed building, and on the special architectural and historic interest of the barn, a curtilage listed building.

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14/01611/PNCOU	Prior notification for the change of use of agricultural building to dwelling under Class MB (a)	Land at NGR 290419 107840 (The Barn) Cadeleigh Devon	Not Permitted Development	Delegated Decision	Not Permitted Development	Written Representations	Appeal Dismissed
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Summary of Inspectors Comments

The Planning Inspector noted procedurally it is not possible to apply separately for class Q(a) and Q(b). The Inspector was unable to conclude the development would be permitted development due to insufficient information regarding the use of the building. The council had claimed the building was used for the stabling of horses and produced photographic evidence of this, however the applicant had argued this was not on the 20th March 2013.

The inspector made no other comments on the councils reasons for refusal, as he could not tell if it would be permitted development (and therefore wasn't). Appeal dismissed.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00354/FULL	Erection of dormer window to rear	Orchard Lea Hemyock Cullompton Devon EX15 3RN	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Appeal Dismissed

Summary of Inspectors Comments

When approaching the site from the west on the B3391, compared to the fairly modest size of the dormer that it would replace, the proposed dormer would be seen from the road as a significantly larger and more bulky addition that would dominate, and jar with, the more characteristic hipped roof of the existing dwelling, appearing as an incongruous addition which in turn would have a jarring effect in the context of the appearance of the group of three dwellings. The proposed development would cause unacceptable harm to the character and appearance of the existing dwelling and surrounding area, including the AONB. As such, it would be contrary to Policies DM2, DM13 and DM29 of the Mid Devon District Council Local Plan Part 3 Development management policies and Policies COR2 and COR18 of the Mid Devon Local Development Framework Core Strategy 2026. The benefits in extending the loft to meet regulations and be more energy efficient are insufficient to outweigh the unacceptable harm that would be caused to the character and appearance of the existing dwelling and surrounding area, including the AONB.

15/00756/TPO	Application to fell 1 Cedar tree protected by Tree Preservation Order 08/00003/TPO	Land at Portway Willand Old Village Willand Cullompton Devon EX15 2SE	Refuse consent	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspectors Comments

The inspector concluded that the tree contributes to the setting of Willand and is visible from Willand Old Village and from Harpits Close. The tree is located to the side garden close but separate from the flank wall, which only contains one secondary window. The tree will cause some shading to the garden but no significant shading to the dwelling. There is scope to improve the relationship of the tree, but there is no compelling, support to fell the tree.

Concludes there is insufficient reasons presented in support of the proposal to outweigh the impact of the proposal and therefore the appeal is dismissed

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00610/FULL	Construction of vehicle access and hardstanding and part removal of garden wall	14 Peter Street Bradninch Exeter Devon EX5 4NX	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Allow with Conditions

Summary of Inspectors Comments

The inspector considered the main issue to be whether the proposed development would preserve or enhance the character or appearance of the Bradninch Conservation Area (the CA). The Inspector noted that the CA comprises a variety of designs of buildings and of varying density and age. The nearby former market place on Fore Street is a key focal point and Peter Street is a fairly narrow road leading onto to that space. Within Peter Street and the adjacent eastern end of Beacon Road the development pattern generally consists of terraced properties positioned very close to the road providing an intimate character with a strong sense of enclosure. 14 Peter Street was deemed to be an exception in the sense that it is a detached dwelling at the junction between those two roads, and between it and No 1 on the eastern side of Peter Street are garden walls associated with those two properties. It was considered that although those walls maintain the sense of enclosure to the street to some degree, it is not to the same extent as is the case at the southern end of the street with its two storey buildings on both sides. Furthermore the gates would be vertically boarded timber and so would maintain solidity to that frontage when closed and the vehicular access was not deemed to be an alien feature in the street scene as there are already two others nearby. For the above reasons, the proposed development would preserve the character and appearance of the CA. As such, it would accord with Policies DM2 and DM27 of the Mid Devon District Council Local Plan Part 3 Development Management Policies. The Inspector had regard to the loss of parking on the road as a result of the new access although there was no substantive evidence that the proposal would exacerbate any existing parking or traffic flow problems or that there would be difficulty accessing and exiting the site due to the narrowness of the street. The appeal was allowed on this basis.