

LIST OF APPEAL DECISIONS FROM 29 JANUARY to 25 FEBRUARY 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/02122/FULL	Conversion of redundant building to dwelling (Revised scheme)	Dairy Cottage Crazelowman Tiverton Devon EX16 7DG	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Allow with Conditions

Summary of Inspectors Comments

- The main issue in this application is whether adequate information has been provided to assess the likely effect upon bats.
- The 2015 Bat Survey report noted a bat licence and further surveys would be required before any development could commence
- Mid Devons argument was appropriate mitigation could not be provided without these surveys first being completed
- The inspector concluded adequate information had been provided to assess to likely effect on bats and the appeal was allowed subject to condition

15/00450/FULL	Installation of balcony and access ramp	Yellow Hammer Brewing Limited Hanlons Brewery Hill Farm Newton St Cyres Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspectors Comments

The appeal decision relates to the installation of a balcony and external access ramp that would effectively provide an extension to the existing function room area. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties. The inspector noted the presence of the trees, shrubs and the close boarded fence at the boundary of the site. However he still found that there would be a clear line of sight between the proposed balcony and significant parts of the garden of the neighbouring property that would give rise to an unacceptable loss of privacy for the occupiers of that property. The inspector found that it had not been adequately demonstrated that there would not be an unacceptable amount of noise that would affect the occupiers of the neighbouring property. The inspector concluded that the proposal would be likely to give rise to an unacceptable degree of harm to the living conditions of the occupiers of the neighbouring properties in terms of noise and loss of privacy that would be contrary to guidance in the National Planning Policy Framework and policy DM2 of Local Plan Part 3 (Development Management Policies). The appeal is dismissed.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01949/MFUL	Change of use of land from agriculture to the installation and operation of a solar PV park to generate up to 5MW of power (site area 12.26 hectares) to include associated infrastructure (Revised Scheme)	Land at NGR 302663 109953 (Stoneshill Farm) Willand Road Cullompton Devon	Refuse permission	Committee Decision	Refuse permission	Written Representations	Allow with Conditions

Summary of Inspectors Comments

Decision

The appeal is allowed and planning permission granted for a 5MW solar array complete with inverter, substation, deer fencing, infra red CCTV, switch gear, landscaping and all necessary ancillary equipment at Stoneshill farm Willand.

The main issue is whether the benefits of the scheme outweighs any harmful effects, having particular regard to the impacts upon the best and most versatile agricultural land and the character and appearance of the area.

Benefits

Installed capacity of 5mw, equivalent to 1,250 homes, and reduce CO2 emissions by about 2,100 tonnes PA. It will assist tackling climate change, and help meet renewable energy obligations. Guaranteed farm income, and support local community. Substantial new hedge planting.

Agricultural land

The land is shown as grade 1 agricultural land, Following soil samples it has been established the land is Grade 3a and falls within available land. It is considered that significant in terms of development is triggered by 20ha for consulting purposes, and as this is 5mw it is on the cusp of classification of a large-scale solar farm. Therefore the assessment of significant depends of circumstances of the case.

Limited agricultural use would be continue.

Character and Appearance

Gently rolling hills with low lying flood plains, pastoral landscape and meadows. The appeal site is a large open field with some boundary hedges. Whilst not an unattractive rural area, urban influences are evident. There would be a marked change to the character of the area. Greatest impact would be from the B3131. There would be direct adverse visual impact. But this would be restricted to the local area. There would be no risk of flooding.

Planning Balance

The moderate adverse effects to the character and appearance of the area weighed against the benefits of tackling climate change, it is found on balance the proposal would satisfy the environmental dimension to sustainable development as defined in the framework., along with economic and social benefits. Therefore it is considered to be sustainable development.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00771/FULL	Formation of layby for parking of vehicles/access to woodland	Land at NGR 268282 111909 (North Of Higher Ford House) Chawleigh Devon	Grant permission subject to conditions.	Committee Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The inspector dismissed the appeal on the basis that the harm to the character and appearance of the area would be unacceptable. The site, by virtue of the lack of footways, well-vegetated low banks, extensive tree cover and general lack of visible development is described by the inspector as strongly secluded rural character. The inspector found that the harsh, engineered appearance of the layby would appear incongruous and an obviously man made feature in an otherwise largely undeveloped rural setting which would harm the character and appearance of the surrounding area. The inspector also noted that he was not convinced that the layby would be the only practicable means of accessing the woodland to undertake forestry works.

15/00284/FULL	Removal of Condition 6 (occupancy condition) of Planning Permission 4/32/95/0274 to allow flexible use of the main house and annexe	Old Golden Lion Fore Street Kentisbeare Cullompton Devon EX15 2AD	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspectors Comments

In dismissing the appeal, the inspector concluded that although the courtyard could be divided to create separate private amenity spaces for the two dwellings that would be created by the removal of the ancillary occupation condition, the courtyard is small and it would be impractical for two properties to share this space. High fencing to divide this space would harm the setting of the listed building and the Conservation Area, as this courtyard has historically been an open functioning area connecting the house and its outbuildings, and would introduce an inappropriately suburban feature. The main house is a generously family home and would have no direct access to the large rear garden, the external amenity space of the main house would be confined to the courtyard, which would be shared with the occupiers of the ban and the associated vehicles for both dwellings; this would result in unacceptably poor living conditions in terms of amenity space and privacy for the occupiers of the principal listed building contrary to policies DM2 and DM14. The inspector considered that the removal of the condition would prejudice the long term viability of the listed building as a family home, its optimal use, due to the loss of its amenity space; the building is in good condition and the proposal could not be justified to supplement the cost of maintaining the building. The proposal was not considered to be in the best interest of the listed building and there was no public benefit recognised, contrary to DM27 and the NPPF.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00979/OUT	Outline for the erection of a dwelling	Little Chace Uplowman Tiverton Devon EX16 7DW	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

- The proposal for a new dwelling within Uplowman should be considered in accordance with COR18, i.e. the proposal should be treated as being within the countryside
 - The application has not provided adequate justification for a new dwelling within the countryside, and therefore the application is refused and the appeal is dismissed
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