

# LIST OF APPEAL DECISIONS FROM 23 March – 25 April 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01650/CLU	Certificate of Lawfulness for the existing use of land for residential purposes and the siting of 1 caravan	The Caravan Woodclose Burlescombe Tiverton Devon EX16 7JU	Grant Certificate of Lawful Use	Delegated Decision	Grant permission	Public Inquiry	Appeal Dismissed

## Summary of Inspectors Comments

The appeal was in respect of refusal of a certificate of lawfulness for residential use of land associated with a mobile home. A certificate of lawfulness was granted for the mobile home but this did not include the entire site, which was a former horticultural nursery with glasshouses still apparent on the site. The main issue in determination of this appeal was the extent of the planning unit and its established use, and whether the appellant was entitled to site the mobile home anywhere on the site and use the site wholly for residential purposes. The Inspector sets out a number of arguments and case law in this respect and concludes that the entire site is one planning unit in mixed use for agriculture and the stationing of a caravan/mobile home. The Inspector concluded that Mid Devon was correct to refuse the application on the basis that the entire site was not in residential use.

15/00108/MOUT	Outline application for up to 60 dwellings with access onto Uffculme Road, with all other matters reserved	Land at NGR 305658 112080 (West of The Harvesters) Uffculme Road Uffculme Devon	Refuse permission	Delegated Decision	Refuse permission	Public Inquiry	Allow with Conditions
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## Summary of Inspectors Comments

The main issue in determination of this application was whether, having regard to the development plan, the NPPF, the housing land supply of the Council, and the scale/location of the development, the appeal scheme would constitute a sustainable form of development. The scheme was for 60 dwellings at Uffculme, outside of settlement limits, where it was being argued by the developer that due to under delivery of housing, Mid Devon does not have the required 5 year housing land supply and that permission should be granted. The Inspector concluded that Mid Devon does not currently have a deliverable 5 year housing land supply. He also concluded that there has been a persistent under delivery of housing (although he acknowledged that this reflects the economic position nationally), and therefore a buffer of 20% should be applied. He concluded that the supply of housing policies in the Core Strategy are inconsistent National Planning Policy Framework as they were adopted before the framework and based on outdated figures and methods of calculated. These policies are therefore not up to date and should be given limited weight. In terms of the sustainability of the development itself, the Inspector concluded that the development would deliver social benefits through market and affordable dwellings, promote economic activity, and no environmental harm was identified. The Inspector considered the development to be sustainable and that planning permission should be granted.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01238/PNCOU	Prior notification for the change of use of an agricultural building to a dwellinghouse under class Q	Land and Buildings at NGR 291372 123742 (Lower Langridge Farm) Exebridge Devon	Not Permitted Development	Delegated Decision	Not Permitted Development	Written Representations	Appeal Dismissed

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### Summary of Inspectors Comments

Reasons:

- o The proposal extends beyond the external dimensions of the existing building (in the form of a soil vent pipe)
- o The roof is raised, therefore extending beyond the external dimensions of the existing building
- o The application proposes a new concrete floor which will support the proposed walls, and therefore would be a new structural element

Summary: The proposal is not permitted development

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15/01348/OUT	Outline for the erection of 1 dwelling to replace redundant water storage tank	Reservoir at NGR 306411 112786 Adjacent 69 Highland Terrace Uffculme Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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### Summary of Inspectors Comments

The main issues in determination of this application were the effect of the proposed development on highway and pedestrian safety in the surrounding street and the living conditions of surrounding properties, and the effect of the proposed development on protected species. The Inspector concluded that the development, having no off-street parking and being in an area where parking is already constrained, would be likely to cause unacceptable competition for parking within a convenient distance of people's homes, particularly at peak times, and this would detract from the living conditions of residents. It was also likely to lead to unexpected vehicle movements on the street or obstruct footways forcing pedestrians into the street. The site has the potential to support reptile populations, however, no reptile surveys had been carried out and there is no certainty that adequate mitigation in respect of protected species could be achieved. A condition to secure such surveys would not be appropriate or reasonable.