

LIST OF APPEAL DECISIONS FROM 1 April 2015 to 31 March 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/00076/NUCU	Appeal against enforcement notice	Land and Buildings at NGR 311505 111709 (Hackpen Hill) Hackpen Stables Blackborough Devon EX15 2HX				Enf Public Inquiry	Appeal Dismissed

Summary of Inspectors Comments

The Inspector concluded that it was not clear from the evidence produced when the activity that was the subject of the notice commenced, as there was contradictions between information provided by the appellant and the neighbour. However, he concluded that that he was satisfied that there was not evidence of the the required ten year period of continuous use for the appeal to succeed.

14/00387/FULL	Retention of a multi-purpose timber frame agricultural building (Revised scheme)	Land and Buildings at NGR 301416 115145 (The Beeches, Crosses Farm) Uplowman Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspectors 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.

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

Summary of Inspectors 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.

14/01057/PNCOU	Prior notification for the change of use of agricultural building to dwelling house under Class MB(a) and (b) to Class C3	Land and Buildings at NGR 266078 109598(Great Close) Wembworthy Devon	Refusal of Change of Use	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspectors Comments

The council refused the notification on two grounds that insufficient information has been provided to demonstrate that the building was in agricultural use as part of an established agricultural unit on 20th March 2013 and that the building operations required to convert the building went beyond those allowable by part i of Class MB, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended, which has now been replaced by Class Q of the Town and Country Planning (General Permitted Development) Order 2015. The council argued that the building had been used as part of a builders storage yard, based on observations made during previous site meetings. However, the inspector found that there was no substantive evidence to conclude that the building had changed use since the agricultural operations were scaled down when the applicant's father passed away. In respect of the building operations that were required the inspector concluded that the provision of a concrete floor slab to support and internal timber frame structure that would in turn act to support the existing structure, would fail to comply with Class Q 1(i). The appeal was dismissed.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01452/MFUL	Installation of solar energy farm on 13.34 ha of land to generate 5.5 megawatts of energy (Revised scheme)	Land at NGR 299298 125070 (East of Bowdens Lane) Shillingford Devon	Grant permission subject to conditions.	Committee Decision	Allowed on appeal	Written Representations	A llow with Conditions

Summary of Inspectors Comments

The council refused the notification on two grounds that insufficient information has been provided to demonstrate that the building was in agricultural use as part of an established agricultural unit on 20th March 2013 and that the building operations required to convert the building went beyond those allowable by part i of Class MB, Part 3 of the Town and Country Planning (General Permitted Development)Order 1995 as amended, which has now been replaced by Class Q of the Town and Country Planning (General Permitted Development) Order 2015. The council argued that the building had been used as part of a builders storage yard, based on observations made during previous site meetings. However, the inspector found that there was no substantive evidence to conclude that the building had changed use since the agricultural operations were scaled down when the applicant's father passed away. In respect of the building operations that were required the inspector concluded that the provision of a concrete floor slab to support and internal timber frame structure that would in turn act to support the existing structure, would fail to comply with Class Q 1(i). 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	Sycamore Farm Hemyock Cullompton Devon EX15 3RR	Refuse permission		Refuse permission	Informal Hearing	Allow with Conditions
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Summary of Inspectors 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
14/01551/PNCOU	Prior notification for the change of use of agricultural building to dwelling under class MB(a) and (b)	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)	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.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01915/FULL	Variation of Condition 10 of Planning Permission 14/00575/MFUL to allow for the erection of an Anaerobic Digestion (1,000Kw installed capacity) Facility	Land at NGR 283096 113579 (Menchine Farm) Nomansland Devon	Refuse permission	Committee Decision		Informal Hearing	Appeal Dismissed

Summary of Inspectors Comments

Planning permission was granted for the AD plant to operate from the site at Menchine Farm back in 2103, when an appeal to the Secretary of State was positively determined on the basis that the plant would operate using some 3,000 tonnes of poultry litter and 6,545 tonnes of maize/grass silage as the feedstock. This was all to be transported from within a 6km radius of Menchine Farm and would allow an output of up to 500kW using a single Combined Heat and Power unit (CHP).

A subsequent application to remove the operating restriction was applied for in November 2014, and which was appealed by the applicant following after 13 weeks. The effect of this change would have been to increase the traffic movements associated with the operation, and had the application remained under the jurisdiction of the LPA it would have been refused for the following reason:

In the opinion of the Local Planning Authority it is considered that there is insufficient information available to be able to accurately predict, and subsequently control, the likely increase in movements on the highway that would arise, and the nature of the vehicles involved in the transportation process to and from the application site, and how it would affect the environmental amenity of near properties and the local environment (in terms of noise, congestion and general disturbance). On this basis the application proposals are considered to be contrary to policies: DM1, DM2, DM5 and DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

In determining not to grant planning permission the Inspector reached the following conclusions:

13. The appellant's main argument is that the use of larger load sizes would enable the larger output to be achieved without significant additional traffic movements over and above those considered in the 2013 appeal, notwithstanding that no consideration is given to the local amenity impact of using larger load sizes. Regardless, the appropriate comparison, in my view is with the current operation, the true impact of which will not be evident until the required crop rotations enable the plant feedstock to be sourced from within the 6km radius zone. The 6km zone is also proposed to be used for the larger requirement, and the efficiency requirements required to keep the additional feedstock requirements to the projected 68.67% are no more than theoretical at this stage. Given that the larger load sizes are already in use, the addition feedstock requirement, and resultant digestate spreading, is likely to result in a proportionate increase in traffic movements on the rural lanes throughout the 6km zone. Failure to achieve the projected plant efficiency could result in up to a doubling of traffic by comparison with the current operation. Either scenario has the potential to significantly adversely affect local residential amenity in terms of noise and disturbance.

14. From the evidence before me I am not satisfied that I could reasonably conclude that no such harm would arise. As such, varying the condition as proposed would conflict with policies DM1, DM2, DM5 and DM7 of the Mid-Devon Local Plan Part 3 Development Management Policies (LP). LP Policy DM5 promotes renewable and low carbon energy, and the promotion of renewable energy projects and tackling the effects of climate change are key Government objectives. However, as LP Policy DM5 makes clear, adverse impacts must be satisfactorily addressed. In my view the appeal proposal does not adequately address the potential for harm to local amenity.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01144/PNCOU	Prior notification for the change of use of barn to dwelling under class MB(a)	Land and Buildings at NGR 282238 99968 Elston Meadow Westwood Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Allow with Conditions

Summary of Inspectors Comments

The main issue is whether sufficient information has been provided to demonstrate that the proposal is permitted development under class Q. The council contended the building was in mixed use of builders yard and agricultural, the inspector considered this along with evidence submitted and concluded that the planning permission was not proof that the appeal property was not solely in agriculture. The appellant established that agricultural unit existed and was continuing. the size of the curtilage was raised by the authority however the inspector concluded that the maximum cumulative floor space of 450sqm is permitted development. No specific detail was submitted by the inspector relating to curtilage. It was considered by the inspector that sufficient detail of the building operations was included. That the building is capable of functioning as a dwelling. the inspector concluded that the proposed change of use is permitted and conditioned that the unit be started in 3 years contrary to the class Q requirement of completion within 3 years.

14/01501/MFUL	Installation of a ground-mounted photovoltaic solar farm to generate 4.45MW of power (site area 8.08ha) with access track, fencing, 3 inverter/transformer cabins and substation	Land and Building at NGR 295155 101916 Stumpy Cross Silverton Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspectors Comments

The application was refused on the use of best and most versatile agricultural land. The appeal Inspector commented that considerable weight should be given to the benefits of the appeal scheme and it would not result in a significant loss of BMV agricultural land or harm agricultural industry - this weighs in favour of approval and the Inspector considered there was compelling evidence for the use of BMV land. However, he found there was harm to the character and appearance of the area and harm to the settings of important designated heritage assets. He considered that notwithstanding the temporary nature of the development, when all matters are weighed together, the balance tips against approval. The proposal would conflict with policy DM5 and would not amount to sustainable development. Even if there is the most compelling evidence for a solar farm on this BMV land, this would not outweigh the harm identified or negate the special regard that must be given to the desirability of preserving the settings of listed buildings.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01645/TPO	Application to remove 1 Lime tree protected by Tree Preservation Order 14/00002/TPO	11 Hayne Court Tiverton Devon EX16 6UY	Refuse consent	Delegated Decision	Refuse permission	Informal Hearing	Allow with Conditions

Summary of Inspectors Comments

The Inspector measured the health and visual amenity of the Lime Tree against the impact upon the living condition of occupants at No 11 Hayne Court. The Inspector considered that the tree is a mature and healthy specimen, of good size and vitality, and therefore it has significant intrinsic public amenity value. However the tree was found to completely dominate the rear garden of No 11 and the rear facing habitable rooms to the extent that the living conditions of occupiers, in terms of loss of natural light and outlook are seriously adversely affected. The Inspector argued that this impact could be alleviated to an extent by crown thinning and reduction works, but the level of reduction necessary to provide a satisfactory remedy would leave the tree with little or no public value. It was concluded therefore that the impact of the tree in terms of loss of light and outlook are severe enough to justify the removal of the tree, although in the interests of the character and appearance of the area, a condition should be attached to the grant of consent, requiring a replacement tree to be provided and maintained thereafter.

15/00073/PNCOU	Prior notification for the change of use of agricultural building to dwelling under Class MB(a) & (b)	Land and Barn at NGR 278004 104654(Building Adjacent to Lower Bagborough Cottages) Copplestone Devon	Refusal of Change of Use	Delegated Decision	Refusal of Change of Use	Written Representations	Appeal Dismissed
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Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
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Summary of Inspectors Comments

The main issue of the appeal considered by the Inspector was whether or not the proposed change of use/conversion of the agricultural building to a dwelling constitutes permitted development under Class Q of the GPDO. The Inspector noted that the appeal site accommodates a steel portal framed barn, which was partially clad in profile sheeting, measuring approx. 14 m by 5m, and therefore of a significant scale. The barn was also noted as retaining some of the original cob walls of an earlier barn, and was located adjacent to several Grade 2 listed cottages. The Inspector opined that, given the very close proximity of the cottages, the barn formed part of the setting of the listed buildings: the listing description of the cottages confirmed that the building was originally a farmhouse that was altered to form three cottages. The addition of fenestration, domestic building materials, such as render and timber boarding and the more substantial construction of the barn walls would, in the Inspector's opinion, dramatically increase the barn's presence on the appeal site and such that it would be unacceptably dominant and significantly detract from the setting of the listed cottages, which would harm their significance. The proposal would therefore not preserve the setting of the listed cottages but significantly cause harm to their significance. This would also run contrary to Para. 132 and 137 of the NPPF. In response to claims by the appellant, the Inspector also stated that Par. 55 of the NPPF had little relevance as to whether the proposal constituted permitted development under Class Q of the GPDO.

The Inspector concluded that the proposal would not preserve the setting of the adjacent listed cottages and that therefore the location of the building made it unsuitable to change from agricultural use to a use falling within Class C3: the proposal was seen as being contrary to Class Q.2(1) (e) of the GPDO and was not permitted development.

Appeal Dismissed

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
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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.

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 DM2 and DM11 in the DMP.

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
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.

15/00354/FULL	Erection of dormer window to rear	Orchard Lea Hemyock Cullompton Devon EX15 3RN	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Appeal Dismissed
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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.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
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

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

15/00403/FULL	Erection of replacement extension and alterations to garden levels including new retaining walls and removal of decking	48 Cottey Brook Tiverton Devon EX16 5BR	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Appeal Dismissed
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Summary of Inspectors Comments

The appeal was dismissed for the following reasons:

The size and scale of the proposal, including the size and restricted nature of the rear gardens are such there would be an increase in the sense of enclosure and creation of an overbearing outlook, which would have an unacceptable adverse impact on the living conditions of the occupiers of No. 49, contrary to local plan policy DM13.

The loss of one parking space would lead to increased pressure on the limited capacity for on-street parking in the area, and would be harmful to highway safety and contrary to local plan policy DM8.

Note

This application included the re-grading of the back garden following an outstanding enforcement request for the removal of decking. The inspector concluded this would reduce the present degree of overlooking and is acceptable, although the sloping nature of this and the neighbouring gardens inevitably already results in unavoidable overlooking to a greater or lesser degree.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00442/PNCOU	Prior notification for the change of use of agricultural building to dwelling under Class Q	Foxlands Farm Hockworthy Wellington Devon TA21 0NP	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

- The inspector considered a procedural matter, and concluded although the consideration of Q(a) can be made without Q(b) they are not separate stages of prior approval. Therefore any prior approval must include building operations.

- The inspector concluded that the building works proposed fail the tests of Q.1.(i)(i) (aa) of the 2015 GPDO, which requires that the replacement of the roof and exterior walls would not exceed that reasonably necessary for the building to function as a dwelling house. It would also fail the tests of Q.1.(ii), in that the partial demolition would be likely to exceed that reasonably necessary to carry out the building operations.

- It was considered insufficient information was submitted regarding the structural capability of the new building.

The inspector did not consider the Q.2 conditions, as it was found the proposal was not permitted development.

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
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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.

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 arguement 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

15/00898/TPO	Application to fell 1 Monterey Pine tree protected by Tree Preservation Order 08/00001/TPO	Beeches Dukes Orchard Bradninch Exeter EX5 4RA	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspectors Comments

- The tree contributes to the appearance and setting of the conservation area
- The relationship of the tree to the garden and dwellings of beeches is satisfactory
- There is no major evidence to suggest the tree is at risk of falling
- The tree has ceased growth height, however, will continue to grow in the crown
- The proposal would cause harm to the amenity of the local area and is unjustified.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
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

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.

14/02077/FULL	Erection of a dwelling with parking and associated access (Revised scheme)	11 Uplowman Road Tiverton Devon EX16 4LU	Grant permission subject to conditions.	Committee Decision	Refuse permission	Written Representations	Allow with Conditions
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Summary of Inspectors Comments

The main issue is the effect of the proposal on the character and appearance of the surrounding area. The Inspector stated that the proposal would not appear unduly cramped compared with the character of surrounding properties. Although it would have a smaller plot size than is typical of nearby properties and reduce the plot size for No 11, this would neither be particularly apparent from the public realm nor result in unacceptably small plots for future occupants. The scale, design and set back from the road would be broadly consistent with the appearance of properties on Pomeroy Road and would not appear incongruous or detrimental to the street scene. Subject to conditions in respect of obscure glazing on the western elevation and landscaping, the proposal is not considered to harm the privacy and amenity of neighbouring occupants. Conditions are required in respect of the access, parking and turning areas however the Inspector did not consider it necessary to improve visibility along the frontage of No 11.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01947/FULL	Replacement of existing wooden single glazed windows and doors with uPVC double glazed units	West End Hall 5 West End Road Bradninch Exeter Devon EX5 4QW	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

- o The inspector agreed with the local planning authority (LPA), that the hall contributed positively to the conservation area, and has historic significance.
- o The inspector recognised the existing windows are in a relatively poor state of repair, however were of a fine classical design.
- o The inspector noted the use of uPVC units would introduce a very visually apparent, modern and out-of-character material to the existing largely coherent historic appearance of West End Hall, and thereby harm the positive contribution made by the Hall to the character and appearance of the Conservation Area.
- o This harm was not considered to be outweighed by a significant public benefit and is therefore contrary to policy DM27 of the Local Plan Part 3 (Development Management Policies) and the NPPF.

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
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Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
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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
15/01238/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

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

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
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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.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
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

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.

15/00033/FULL	Change of use of residential garage/workshop to dwelling	Ravensdale Blackborough Cullompton Devon EX15 2HJ	Refuse permission	Committee Decision	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspectors Comments

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
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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

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
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

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.
