

## LIST OF APPEAL DECISIONS FROM 23 May 2016 to 27 June 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01108/MFUL	Installation of a ground-mounted photovoltaic solar farm to generate up to 6MW of power (site area 11ha) with associated infrastructure including inverter cabins, sub station buildings, access tracks, fencing and CCTV (Revised scheme)	Land at NGR 307922 118303 (Wiseburrow Farm) Burlescombe Devon	Grant permission subject to conditions.	Committee Decision	Refuse permission	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

The main issue was whether the benefits of the scheme, including the production of electricity from a renewable source, outweighed any harmful effects, having particular regard to the impacts upon the character and appearance of the area, the settings of designated heritage assets, and the outlook of neighbouring residents. The Inspector concluded that the development would have moderate adverse landscape and visual impacts, particularly when viewed from public rights of way in the area from which the development would be seen by high sensitivity receptors (walkers) enjoying the Mid Devon countryside. The Inspector concluded there would be no harmful cumulative impact with other solar schemes in the area and the development would not detract from the special landscape qualities of the AONB. In terms of impact on residential amenity, the Inspector concluded that the adverse effects on the outlook of neighbouring residents, particularly those at Whipcott Heights, should be given moderate weight in the overall planning balance. The Inspector also considered the impact of the development on heritage assets, in particular on the setting of the Grade I listed Holcombe Court. Whilst he commented that the proposed development would not intrude into or disrupt any important views of Holcombe Court, the development would be visible from part of the grounds and the roof the tower and would be glimpsed from the long gallery. He concluded that the development would result in less than substantial harm to the significance of this listed building. In weighing the planning balance, the Inspector found that the benefits of the scheme would not outweigh the totality of the harm identified and would fail to satisfy the environmental dimension to sustainable development.

15/00703/PNCOU	Prior notification for change of use of an agricultural building to a dwelling under Class Q	Eastmere Farm Lapford Crediton Devon EX17 6QU	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	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 appeal relates to the change of use of an agricultural building to a dwelling under Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2016. The main issue was whether the proposal meets the criteria of the GPDO, particularly in terms of the building operations set out at Q.1(j). The building has a timber frame made from a mixture of rough sawn and planed components, covered externally with profiled metal sheeting. The floor is concreted in some areas with some areas of earth flooring. The structural surveys submitted found that additional structural strengthening was required to facilitate the residential conversion and was therefore contrary to the advice set out in paragraph 105 of the PPG which confirms that no new structural elements are required. Due to the slope of the floor restricting the available headroom, a degree of alteration and levelling to the internal floor level would be required. The inspector found that the excavation would be to an extent that was not within the building operations permitted by the legislation. The inspector concluded that the works to facilitate the change of use go beyond those permitted by the GPDO and therefore the appeal was dismissed. An application for costs was also dismissed by the inspector.

15/01688/FULL	Erection of dwelling	Land Rear of 65 Tidcombe Lane Tiverton Devon EX16 4EQ	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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### Summary of Inspectors Comments

The main issues were the effect of the proposed development on:

- (i) the character and appearance of the area;
- (ii) the living conditions of adjoining occupiers with regard, in particular, to loss of outlook and privacy; and
- (iii) highway safety.

On each of the main issues the appeal was dismissed. The Inspector considered the proposal would appear as a conspicuous and discordant feature which would not relate to its surroundings and would be harmful to the character and appearance of the area. It would have an adverse effect on the living conditions of the neighbouring occupiers with regard to loss of outlook and upon highway safety. The proposed development would displace parking. Any increase in demand for on street parking on Tidcombe Lane would exacerbate the impaired visibility for vehicles exiting Tidcombe Close and would introduce additional risk to all road users.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01632/FULL	Erection of a dwelling	Jersey Cottage Sampford Peverell Tiverton Devon EX16 7EH	Refuse permission	Committee Decision	Refuse permission	Written Representations	Appeal Dismissed

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### Summary of Inspectors Comments

The main issue is whether the proposal would be an acceptable and sustainable form of development, having regard to its location in relation to local and national policies that seek to limit new development in the countryside.

The site is located to the east of the village of Sampford Peverell close to Tiverton Parkway railway station and adjacent to the A361 main road.

The area is predominantly rural in character with open fields and hedgerows in-between the development, and scattered trees along field boundaries.

Paragraph 55 of the National Planning Policy Framework (the Framework) seeks to promote sustainable development in rural areas through locating housing where it will enhance or maintain the vitality of rural communities.

However, there is little evidence to demonstrate that the addition of a single new home would boost materially the vitality of the community, particularly as the future occupants may equally be likely to travel to nearby towns.

The proposed development would be clearly outside and some distance from the edge of the village. Services in Sampford Peverell are limited.

The site is not within a village location and there is very limited residential development in the vicinity. Consequently, I find that the proposed dwelling would be isolated in terms of the Framework. There is no evidence to demonstrate why the proposed dwelling needs to be located in the countryside and how it would contribute to an identified local housing need.

In conclusion, the proposed dwelling would be outside the settlement and would be in the countryside for development plan purposes. No special circumstances have been demonstrated to justify the countryside location. Consequently the proposal would not accord with Policy COR18 of the Mid Devon Local Development Framework: Core Strategy (adopted 2007) which seeks to restrict development outside of settlements unless it is for agriculture and other appropriate rural uses. The policy is consistent with the Framework in this respect.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01778/PNCOU	Prior notification for the change of use of an agricultural building to a dwelling under Class Q	Lower Burston Farm Burston Lane Bow Crediton Devon EX17 6LB	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

This notification was the change of use of the building to residential under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. The main issue is whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to use as a dwellinghouse. The appeal building and nearby barn are linked by a covered field shelter some 5m wide, which the notification proposed to remove with the exposed elevation of the barn to be enclosed in block work. Despite the applicants case that the small size of the farm and the viability issues currently suggest that it is unlikely that the neighbouring building would be used for accommodating livestock in the future, the inspector considered that whilst the building was still there it could be used for such purposes at any time in the future. The inspector supported the concerns that the occupiers would experience an unsatisfactory living environment through noise and disturbance from both livestock and the activities involved. The inspector did not consider that it would be appropriate, or supported by the legislation of Planning Practise Guidance, to impose an agricultural occupancy condition or occupancy by family members only. The inspector concluded that the location and siting of the building makes it undesirable to change use to a dwelling house by virtue of the risk of unsatisfactory living conditions arising from the closeness of the appeal building to the adjacent barn and therefore fails to comply with the conditions set out in Q.2(e).

15/01232/PNCOU	Prior notification for the change of use of an agricultural building to dwelling under Class Q	Building at NGR 307382 112173 (Oakford House) Uffculme Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Dismissed
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### Summary of Inspectors Comments

Although the building was found to be structurally sound and the works proposed were reasonably necessary to convert the building, it was found that on the balance of probabilities, the site was not used solely for an agricultural use as part of an established agricultural unit on the relevant date. Photographic evidence of the physical condition of the building and the equestrian use of the site weighed against the sworn statements provided.