

LIST OF APPEAL DECISIONS FROM 25 AUGUST to 22 SEPTEMBER 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
12/00122/NUDRU	Appeal against Enforcement Notice	Autumn Cottage 46A Brook Street Bampton Tiverton Devon EX16 9LY				Enf Written Reps	Appeal Dismissed

Summary of Inspectors Comments

The Inspector's decision has been received with regard to the appeal against an enforcement notice at Autumn Cottage in Bampton; ref 12/00122/NUDRU. The notice was served in relation to an unauthorised building which was partly erected within the River Bathern floodplain and Bampton Conservation area. The notice was for the removal of the building from the land.

The appeal was made under grounds (A) and (F) and failed on both grounds. The Inspector's comments were that under ground (A); that planning permission should be granted, the building should not be granted planning permission due to its size and location, specifically because of the impact on the Conservation Area more so than any flood risk. Under ground (F); that the requirements of the notice are excessive, no specific lesser steps were suggested and where a building is unauthorised, as in this instance, removal of the building from the land is not an excessive requirement.

The Inspector's decision is to dismiss the appeal and uphold the enforcement notice. This decision was issued on 14th September 2016 meaning the appellant now has six months from this date to remove the building from the land.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01104/OUT	Outline for the erection of a dwelling	Land at NGR 310114 115966 (Whitton Cottage) Nicholashayne Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The main issue is whether the proposal would provide a suitable site for housing, having regard to the proximity of services. The appeal site comprises part of the garden of Whitton Cottage and currently contains a stable block and a static caravan. The site lies adjacent to a rural road and is largely enclosed by established trees and hedges. Whitton Cottage is one of a cluster of dwellings in Nicholashayne, which is predominantly rural in character. The site is outside of any settlement as defined in the adopted Mid Devon Local Development Framework: Core Strategy 2026 (2007) and is in the countryside for development plan purposes. Paragraph 55 of the Framework states that new isolated homes in the countryside should be avoided unless there are special circumstances. The development would be used in part as an office. However, it is not essential for the business to be located in the countryside as it could be operated from other premises in a defined settlement. Consequently, the proposal cannot be considered as essential accommodation for rural workers. There are limited facilities in the nearby village of Culmstock. However, there is little evidence to demonstrate that the addition of a single new home would boost materially the vitality of Culmstock. To conclude on this matter, the proposed dwelling would be outside of any identified settlement and no special circumstances have been demonstrated to justify the countryside location. Furthermore, due to the site's location, future occupants would need to travel to access basic goods and services and it is highly likely that there would be a dependence on the private car. Therefore, the development would not accord with Policies COR1, COR12 and COR18 of the Core Strategy which seek to locate development in the most accessible locations and control development in rural areas.

16/00586/HOUSE	Erection of first floor extension	16 Duke Street Cullompton Devon EX15 1DW	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Appeal Dismissed
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Summary of Inspectors Comments

The Inspector found that the extension would be visible from rear gardens along the terrace of houses that the appeal property forms part of and also from public vantage points on Duke Street, where the side profile of the terrace forms part of the street scene. The proposed extension would have a flat roof sitting just below eaves height and would have a stark, box like appearance at odds with the traditional appearance of the appeal property and would detract significantly from the character of the terrace, causing unacceptable harm. The Inspector found that the proposal would not cause unacceptable harm to the living conditions of neighbouring properties and gardens and that there would remain a good standard of amenity for all users. Nevertheless, the harm caused to the character of the terrace outweighed this and the appeal was dismissed.