

LIST OF APPEAL DECISIONS FROM 23 SEPTEMBER to 18 OCTOBER 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01850/CLU	Certificate of Lawfulness for existing use of building as residential dwelling and associated use of land as residential garden for a period in excess of 10 years	The Orchard Cheriton Bishop Exeter EX6 6HP	Refuse Certificate of Lawful Use	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The site has an interesting planning history as far back as 2001, and in 2010 a Certificate of Lawfulness was issued for the siting of a caravan for full time residential occupancy was granted by this Authority.

This current appeal was regards an application for a Certificate of Lawfulness for the existing use of the unit as a residential dwelling and associated use of land as residential garden for a period in excess of 10 years.

The key issue is whether the unit is a mobile home or a structure within the definition of a dwellinghouse and the appellant had argued that the various works undertaken at the site and the pattern of use of it enables it to be qualify as a dwellinghouse.

Officers under delegated authority refused to issue a certificate, and the Inspector agreed that on balance that the unit is not a dwellinghouse but a mobile home with the site being occupied in line with the certificate issued in 2010.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01692/FULL	Sub-division of 1 dwelling into 2 dwellings, installation of 1 dormer window, and formation of additional vehicular access	Muxbeare Muxbeare Lane Willand Cullompton EX15 2RF	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The main issues in this case are:

- o whether the proposed sub-division represents sustainable development in the context of its location and accessibility to services and facilities, and
- o the effects of the proposed sub-division on highway safety along Muxbeare Lane.

Muxbeare is a large detached bungalow situated in countryside just outside of the built-up area of Willand. It is accessed from Muxbeare Lane, a narrow winding road leading from the B3181 into the countryside beyond. The proposal would involve the sub-division of the existing 4-bedroom, chalet-style bungalow into two 3-bedroom, semi-detached bungalows. There would be little alteration to the existing structure of the dwelling, although a new dormer extension would be added to the first floor room at its north-eastern end, and a new parking area would be created to serve the second dwelling created. The proposal would not represent sustainable development and it would conflict with national policy as set out in the NPPF. It would also conflict with Policies COR 1 and COR 9 of the Council's Core Strategy (CS), which relate to sustainable development and, in particular, to the accessibility of development and reducing the need to travel by car. Finally, it would conflict with Policies DM 1 and DM 2 of the Council's Local Plan Part 3 - Development Management Policies (Local Plan). The existing vehicular access to the site is located at its western end close to a sharp bend in the road. The proposed sub-division of the dwelling would result in a new access being created further to the east, with a new parking and turning area to the front of the new dwelling. Little information is given on the submitted plans regarding the proposed parking area. It would appear unlikely that an adequate visibility splay could be provided from the new vehicular access in an easterly direction, owing to the existence of large hedgerows on the boundaries of neighbouring properties