

LIST OF APPEAL DECISIONS FROM 19 November 2016 to 18 January 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00158/NUDRU	Appeal against	Land at 97524 124069 (Fourwinds) Morebath Devon EX16 9AU				Written Representations	Allowed in Part

Summary of Inspectors Comments

After this appeal was submitted by the appellant's agent to the Planning Inspectorate, two planning applications were submitted to the Council for the retention of the smaller barn, and the relocation of the other. The Council requested that this appeal be put on hold while the applications were considered; both were subsequently approved. The appeal was on two grounds; firstly that the steps required were excessive as it necessitated the removal of both buildings. The Inspector has varied the notice to reflect the circumstances following the approval of the planning applications so that only the larger, more prominent building has to be removed. The second relates to the period of compliance being too short; the Inspector considers that the 3 month compliance period given by the Council is reasonable, and therefore the appeal fails on this ground.

16/00790/PNCOU	Prior notification for the change of use of agricultural building to 3 dwellings under Class Q	Stud Thorne Farm Stoodleigh Tiverton Devon EX16 9QG	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Dismissed
----------------	--	---	---------------------------	--------------------	---------------------------	-------------------------	------------------

Summary of Inspectors Comments

Appeal dismissed on the basis that the location and siting of the building makes it otherwise undesirable and impractical for the building to change use. The change of use was considered to result in unacceptable living conditions for future occupiers due to the resultant noise and disturbance from the vehicle movements and activities of the large commercial racing enterprise operating from the site. Although holiday accommodation has been approved on site the Inspector considered that the issues of noise and disturbance would not be comparable to the situation for open market dwellings where noise would be ongoing and permanent issues for the occupants. The Inspector considered that the buildings had been in solely agricultural use and were structurally capable of conversion. No costs were awarded.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
16/00190/OUT	Outline for the erection of a dwelling	Green Acres Farm Coldridge Crediton Devon EX17 6BW	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The main refusal issue for consideration was whether the siting of a house in the open countryside accords with the approach of the development plan and national policy to new housing in the countryside and if not, whether there are any good reasons to depart from that approach.

The site currently accommodates a mobile home and a container which are unauthorised and are to be removed under the terms of an effective Enforcement Notice (which has also been subject to an appeal process). The appellant had suggested that a dwelling on the site would be more attractive than the mobile home and container currently in place. However the Inspector concluded that as the result of the requirement of the Enforcement Notice the mobile home and the container will be removed in the relatively near future. Furthermore he concluded that a dwelling on the site would bring a permanent residential presence that would appear sporadic, notwithstanding the row of existing dwellings opposite, and harmful to the character and appearance of the area.
