

# LIST OF APPEAL DECISIONS FROM 27<sup>th</sup> April 2017 to 1<sup>st</sup> June 2017

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
16/01139/TPO	Application to reduce the crown of 2 Oak trees (T15 & T17) by 1-2m and remove the limb of 1 Common Ash tree (T12) protected by Tree Preservation Order 08/00004/TPO	The Oaks 3 The Gables Willand Cullompton Devon EX15 2FE	Refuse consent	Delegated Decision	Application Part Granted/Part Refused	Written Representations	Appeal Dismissed

## Summary of Inspectors Comments

The appeal was dismissed as the two Oak trees in question are in good health and offer high amenity value, creating an attractive and verdant setting to this residential area. The proposal to crown reduce the trees would reduce the prominence and attractiveness of both specimens.

No serious arboricultural defects were recognised which would justify the crown reduction work.

The high amenity value of both trees would be materially harmed by the works that are proposed. It was concluded that the reasons given for the works are not sufficient to justify the proposed crown reductions.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
16/01526/FULL	Variation of condition 2 of planning permission 16/00995/FULL for the substitution previously approved plans to enable the development of 2 storey dwellings on plots 3 and 4	Land at NGR 302666 114116 (West of Paullet) Turnpike Sampford Peverell Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

In dismissing the appeal the Inspector found that the change to two storey dwellings would have an unacceptable relationship with the gardens of 42 and 44 Higher Town, resulting in a harmful effect on the living conditions of the neighbours contrary to DM2. The relationship of the proposed dwellings to 14 and 15 Paullet was found to be acceptable, in respect of separation distances, the front-to-back relationship, overlooking impacts and dominance. The Inspector also held that the proposal would have a harmful effect on the character and appearance of the area, as the two storey dwelling would be substantially taller and bulkier than the bungalows on plots 1 and 2. Due to the topography, the dwelling on plot 3 would visually dominate the bungalows, creating a discordant street scene in a prominent part of the site, contrary to DM2.

16/01470/HOUSE	Formation of parking bay following demolition of wall and outbuilding with retention of arched gateway	Lamorna Peoples Park Road Crediton Devon EX17 2DA	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Appeal Dismissed
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### Summary of Inspectors Comments

The appeal relates to the creation of a parking bay following demolition of wall and outbuilding in the Crediton Conservation Area. The main issues considered by the inspector were (i) whether the character or appearance of the Crediton Conservation Area would be preserved or enhanced, and (ii) the effect on highway and pedestrian safety. The inspector agreed that the boundary wall made a positive contribution to the character and appearance of the conservation area despite it not being specifically referred to in the Conservation Appraisal. On this matter, the inspector concluded that the proposal would amount to less than substantial harm contrary to policies COR2 of the Mid Devon Core Strategy, DM13 and DM27 of the Local Plan part 3 (Development Management Policies). The inspector did not consider that the public benefit of the provision of an off street parking space would be sufficient to outweigh the effect on the conservation area and the appeal was dismissed on this basis.

In terms of the highway impacts, the inspector concluded that the manoeuvres on the highway would be similar and the road is quiet, as such the proposal would not be so different to the existing arrangement so as to materially increase the hazard for road users including pedestrians. The second reason for refusal was not supported by the inspector.

16/01117/FULL	Change of use of agricultural land and buildings to form camping site, to include provision for 2 shepherds hut pitches, 2 safari tent pitches, and 6 bell tent pitches; conversion of existing stables to shower/toilets, office, meeting room, sensory room for visitors, washing facilities, and storage; erection of 2 new blocks to serve campsite; and formation of equestrian area for grazing of miniature horses	Ingleton Farm Ashill Cullompton Devon EX15 3NP	Grant 3 year temporary permission	Committee Decision	Permitted with Conditions to Discharge	Written Representations	Appeal Allowed
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### Summary of Inspectors Comments

The appeal against the Local Planning Authority's decision to impose condition 1 relating to temporary 3 year permission for the site was allowed. As the appeal was lodged within 6 months of the grant of planning permission, the inspector determined the application in accordance with section 79(1) of the Town and Country Planning Act 1990. This enables the decision maker to (a) allow or dismiss the appeal, or (b) reverse or vary any part of the decision of the Local Planning Authority (whether the appeal relates to that part or not) and deal with the application as if it had been made to him in the first instance. Accordingly, the inspector considered all aspects of the proposal, not simply the merits or otherwise of condition 1. The effect of the proposed development on the character and appearance of the surrounding area was considered. The inspector concluded that the site is well screened on most sides and the imposition of a condition to aid screening on the northern boundary/ within the paddock was acceptable. In terms of the effect on the living conditions of nearby residents, with particular reference to noise, privacy, light intrusion and odours, the inspector concluded that with the inclusion of the paddock area separating the main camping section of the site and the neighbouring property and necessary required additional screening as mentioned above, the proposal was acceptable. The effect of the proposal on the safety and convenience of users of the adjacent highways was considered and it was concluded that as no detailed traffic figures or accident statistics, together with the modest size/ nature of the site and adequate parking provision, there would be no significant impact on the safety and convenience of uses of the adjacent highway network. Consideration was also made to whether an adequate and satisfactory justification has been provided for the development.

The inspector concluded that the proposed development met with all aspects of policy DM24. The policy requires that a business plan is submitted in support of the application which was provided by the applicants setting out details of the business, measures to be taken to make the site autism friendly, the likely impact on the local economy, competition, a time-line and target for the development and a marketing strategy. It was concluded that while council members were somewhat dismissive of this business plan due to the plan containing no financial viability information, the inspector concluded that there is no requirement in policy DM24 or its supporting text to say that a viability assessment is required, even though that is the implication of the reason given for the imposition of condition 1. The main aspect of the appeal related to whether condition 1 is necessary and reasonable. The inspector considered that that at no time prior to the consideration of this proposal by the Planning Committee was the prospect of only a temporary planning permission being granted discussed with the appellants. The appellants were therefore given no indication that their business plan and marketing strategy did not accord with policy DM24 and, indeed, no clarity on this point is provided by the reason given for the imposition of condition 1. In order to fully implement the proposed campsite a significant amount of expenditure would be involved. The inspector considered it unreasonable to expect the appellants to make that size of investment yet at the same time be told that the use would have to cease in 3 years' time. It was concluded that condition 1 was both unnecessary and unreasonable. An award for full costs has also been awarded.