

LIST OF APPEAL DECISIONS FROM 1st October 2017

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
16/01343/PNCOU	Prior notification for the change of use of agricultural building to dwelling under Class Q	Land and Buildings at NGR 307104 113338 (Lane Northeast of Ashley Road) Uffculme Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The proposal is to be determined on one issue that of Paragraph Q.2.(1) (e) of the GPDO, whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3.

The issue is the impact of noise arising from the operation of the nearby concrete products factory and aggregate bagging plant on the living conditions.

Insufficient information was submitted by the applicant for the inspector to categorically show that there would not be any undue noise implications. It was unclear if the sound recordings were outside of the hours of limitation for the bagging area.

However the maximum sound levels experienced, and not just the ambient levels, has implications for the living conditions of future occupiers, particularly for disturbed sleep. Given the unfettered nature of the site.

The submitted evidence did not demonstrate that living conditions for the future occupiers would be acceptable.

The other properties located closer to the main building, are protected by changing levels, a bund area which are not associated with this property.

The use of the front loaders although generally operated to the north of the site does nothing to alleviate the inspectors concerns, if the factory is operated through the night.

The inspector concluded that due to the effect of noise on the living conditions of future occupiers and the associated potential impact on the operation of the neighbouring concrete products factory the appeal is dismissed.

17/00300/MOUT	Outline for the erection of 30 dwellings and new vehicular and pedestrian accesses	Land at NGR 305578 112053 Uffculme Road Uffculme Devon	Subject to the provision of a S106 Com	Committee Decision	Refuse permission	Written Representations	Allow with Conditions
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Summary of Inspectors Comments

Given that the LPA does not have a 5 year housing land supply, the Inspector advised that the tilted balance in para 14 of the NPPF would apply and the main issue was whether the proposal would be a suitable form of development in this location, having regard to the character and appearance of the area. He agreed with the previous Inspector that development on a greenfield site on the edge of the village should not in itself be considered harmful and, in the context of Mid Devon, there is an acceptance that housing provision will inevitably result in the loss of agricultural land on the fringes of settlements. The Inspector concluded (in the same way as the previous appeal site next door) that the site was well related to the village, which has a wide range of facilities and services as well as good access to public transport, including bus and rail networks and well positioned in relation to nearby employment opportunities. He considered that an additional 3percent increase in the number of households in the village would be unlikely to undermine social cohesion in Uffculme. The Inspector concurred with the Officers report about the benefits of the scheme and considered that concerns relating to the possible linear ribbon nature of the proposed development and the potential erosion of the rural setting between the villages of Uffculme and Willand and between Uffculme and the Business Park were not well founded and in fact the site was better screened than the previous appeal site.

The obligations set out in the s106 agreement relating to 35 percent the provision of affordable housing, education and public open space were found to be CIL compliant.

At the time of writing, a decision was awaited on the appellants submission of a cost claim.
