

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS LODGED**

Ref: 20/1212/FUL **Date Received** 05.05.2021
Appellant: Mrs Nicola Langley
Appeal Site: Annexe Higher House Farm Branscombe Seaton EX12 3BH
Proposal: Addition of solar panels to roof
Planning APP/U1105/W/21/3274442
Inspectorate Ref:

Ref: 20/1213/LBC **Date Received** 05.05.2021
Appellant: Mrs Nicola Langley
Appeal Site: Annexe Higher House Farm Branscombe Seaton EX12 3BH
Proposal: Addition of solar panels to the roof
Planning APP/U1105/Y/21/3274441
Inspectorate Ref:

Ref: 20/1895/FUL **Date Received** 17.05.2021
Appellant: Mr Peter Crosby
Appeal Site: Green Acres Lyme Road Axminster EX13 5BH
Proposal: Construction of garage and barn (partially retrospective)
Planning APP/U1105/W/21/3275216
Inspectorate Ref:

Ref: 20/2710/FUL **Date Received** 18.05.2021
Appellant: Mr Coletti
Appeal Site: 2 Brooklyn Stowford Sidmouth EX10 0NA
Proposal: Change of use of land and construction of hardstanding to allow the siting of 2no. shepherd huts for holiday accommodation
Planning APP/U1105/W/21/3275285
Inspectorate Ref:

Ref:	20/1983/FUL	Appeal Ref:	21/00001/HH
Appellant:	Mrs Clements		
Appeal Site:	1 Orchard Close Lympstone Exmouth EX8 5LA		
Proposal:	Change of material on south elevation of garage to render to reflect adjacent properties.		
Decision:	Appeal Allowed (no conditions)	Date:	27.04.2021
Procedure:	Householder		
Remarks:	Delegated refusal, conservation reasons overruled (EDLP Policies D1 & EN10).		

The Inspector noted that the proposed development would change the material of the southern elevation and adjoining wall stretching to the west, away from the public highway, from the approved stone wall cladding to a grey render. However, rather than facing the public highway, which is generally bounded by stone clad walls in the vicinity, the proposed render would face a private driveway and he considered that its finish would neither appear inappropriate nor unsympathetic in relation to the varied materials which include render, brick and timber on other nearby boundary treatments that similarly do not front the highway.

He concluded that the proposed development would not harm the character and appearance of the surrounding area or the setting of the Lympstone Conservation Area. The proposal therefore accords with Policies D1 and EN10 of the East Devon Local Plan and Policy 7 of the Lympstone Neighbourhood Plan.

BVPI 204: Yes
Planning APP/U1105/D/21/3266284
Inspectorate Ref:

Ref:	20/1149/FUL	Appeal Ref:	20/00067/REF
Appellant:	Mrs N Bayliss		
Appeal Site:	Land Opposite Exton Lane Exmouth Road Exton		
Proposal:	Construction of two dwellings and creation of new vehicular access		
Decision:	Appeal Dismissed	Date:	05.05.2021
Procedure:	Written representations		
Remarks:	Delegated refusal, accessibility, sustainability and environmental reasons upheld (EDLP Policy TC2 & Strategy 7).		
BVPI 204:	Yes		
Planning	APP/U1105/W/20/3264705		
Inspectorate Ref:			

Ref: 19/2283/COU **Appeal Ref:** 20/00068/REF
Appellant: Mr I Chubb
Appeal Site: The Big Office Chubbs Yard Chardstock Axminster EX13 7BT
Proposal: Change of use from office to dwelling (retrospective)
Decision: **Appeal Allowed** **Date:** 11.05.2021
(with conditions)
Procedure: Written representations
Remarks: Officer recommendation to approve, Committee refusal. Loss of employment land and sustainability reasons overruled (EDLP Strategies 7 & 32 and Policy D8).

Application for a full award of costs against the Council refused.

The Inspector considered that in the absence of any substantive evidence that there was demand or need for office space in this location, it could not be said that the change of use to a dwelling would be harmful in respect of employment opportunities or business use within the area.

In respect of the accessibility of services and facilities that may reasonably be required on a day to day basis, the Inspector noted that the settlement does contain a range of services and facilities within convenient walking distance of the appeal site which include a shop, a church, a public house, a village hall and provides convenient access to bus routes which connect with the nearby larger settlements at Axminster and Chard.

The Inspector concluded that the proposal would re-use a building which is located with convenient access to a range of services and facilities that would not substantively add to the need to travel by car for and would not have a harmful effect on available employment land. Consequently, the appeal scheme complied with the provisions of Policy D8 and Strategies 7 and 32 of the Local Plan.

BVPI 204: **Yes**
Planning APP/U1105/W/20/3264784
Inspectorate Ref:

Ref: 20/1212/FUL **Appeal Ref:** 21/00023/REF
Appellant: Mrs Nicola Langley
Appeal Site: Annexe Higher House Farm Branscombe Seaton EX12 3BH
Proposal: Addition of solar panels to roof
Decision: **Appeal Invalid** **Date:** 13.05.2021
Procedure:
Remarks: Appeal submitted out of time
BVPI 204: **No**
Planning APP/U1105/W/21/3274442
Inspectorate Ref:

Ref: 18/F0034 **Appeal Ref:** 19/00069/ENFAPP

Appellant: Natalie Jones
Appeal Site: Otter Valley Golf Centre Rawridge Honiton EX14 9QP
Proposal: Appeal against the serving of an enforcement notice in respect of the carrying out of a material change of use of the land from that of agriculture to a mixed use of the land for siting of a mobile home for residential purposes, use of the land as an equine stud farm and use of the agricultural barn for livestock, without planning permission
Decision: **Appeal Allowed** **Date:** 18.05.2021
Procedure: Inquiry
Remarks: Enforcement Notice corrected and quashed, temporary planning permission granted.

The Council considered that there was no evidence to demonstrate that the equine stud farm business is or will be operationally viable in the near future. Neither was there evidence indicating that it was necessary for a worker to be present at all times on the site in relation to the business. The use therefore did not comply with Policy H4 of the East Devon Local Plan. Consequently there was no justification for the mobile home to be retained on the land within open countryside designated as an Area of Outstanding Natural Beauty which is in a remote and unsustainable location.

The Inspector acknowledged that Local Plan Policy H4 had not been complied with due to the lack of a business plan or evidence that could in substance be considered as a business plan. However, there were other policies brought to his attention which pulled in the opposite direction, supporting the general principle of this type of development (LP Policies E4 & E5).

He considered that there were economic and social benefits which added significant weight to the proposal. If planning permission for occupation of the mobile home was not approved, the business would lack an essential requirement and that would undermine the business making it more likely to fail. That would have a detrimental impact upon the livelihood of the appellant and her workers and also in respect of the broader community in terms of what it provided and the ancillary businesses that supply it.

If however, the mobile home was approved for a temporary period of 3 years it would give the appellant some certainty over that period. If the business could not demonstrate viability after 3 years, this decision would not bind the Council into approving a permanent dwelling or extending the period for the occupation of the mobile home. Allowing the mobile home would therefore give the appellant the best chance of making a success of the business and this also added significant weight in favour of the development.

Remarks: The Inspector concluded that, on balance, other material considerations outweighed the conflict with the development plan indicating that planning permission should be given for the development with the residential occupation of the mobile home being for a period of 3 years.

BVPI 204: **No**
Planning APP/U1105/C/19/3238383
Inspectorate Ref:

Ref: 19/F0187 **Appeal Ref:** 20/00051/ENFAPP

Appellant: Mr S Broom
Appeal Site: Court Place Farm Wilmington Honiton EX14 9LA
Proposal: Appeal against the serving of an Enforcement notice in respect of the unauthorised replacement of windows and a door in a listed building

Decision: **No Further Action** **Date:** 18.05.2021
Procedure: Written representations
Remarks: Partial award of costs against the Council.

The Council considered it expedient to issue the notice as the PVCu windows and rear door were an incongruous alteration to the heritage asset which was harmful to its character and significance. The works were therefore contrary to Local Plan Policy EN9 and the provisions of the National Planning Policy Framework.

The Inspector carried out a site visit on 5 January 2021. Following that visit, the Inspector concluded that he should recommend to the Secretary of State that the building which is the subject of the listed building enforcement notice should be removed from the statutory list of buildings of special architectural or historic interest. The Secretary of State for Digital, Culture, Media and Sport subsequently removed the building from the list.

As the building was no longer a listed building the listed building enforcement notice had no effect and the Inspector therefore took no further action on the appeal.

Having regard to the costs application, the Inspector considered that the Council's pursuance of replacement windows that met a heritage specification, was unreasonable as this exceeded the legal requirement to put the building back to the state it was in before the works were carried out and this has led to some additional expense by the appellants.

The Inspector therefore found that unreasonable behaviour resulting in unnecessary or wasted expense had been demonstrated in respect of the requirements of the notice and that a partial award of costs was justified. The costs were limited to those costs incurred in appealing against those requirements.

BVPI 204: No
Planning APP/U1105/F/20/3258749
Inspectorate Ref:

East Devon District Council List of Appeals In Progress

App.No: 19/0078/FUL
Appeal Ref: APP/U1105/W/19/3242773
Appellant: Mr & Mrs Raggio
Address: Lily Cottage Goldsmith Lane All Saints Axminster EX13 7LU
Proposal: Demolition of former cottage and construction of new dwelling.
Start Date: 8 January 2020
Procedure:
Hearing
Questionnaire Due Date: 15 January 2020
Statement Due Date: 12 February 2020
Hearing Date: To be arranged

App.No: 15/F0020
Appeal Ref: APP/U1105/C/20/3248557
Appellant: Ms Charmaine Lee
Address: Hawkwell Park, Hawkchurch
Proposal; Appeal against the serving of an enforcement notice in respect of the non - compliance with a condition on a planning permission restricting the occupation of caravans on the site to gypsies and travellers.
Start Date: 8 December 2020
Procedure:
Inquiry
Questionnaire Due Date: 22 December 2020
Statement Due Date: 19 January 2021
Inquiry Date: 6 July 2021

App.No: 20/2043/VAR
Appeal Ref: APP/U1105/W/21/3268125
Appellant: Philip and Christine Potter
Address: April Rise Crewkerne Road Axminster EX13 5SX
Proposal; Variation of condition 3 of permission 18/1425/FUL (Retention of garage as built, and change of use to create holiday accommodation) to allow building to be used as an unrestricted dwelling

Start Date: 2 March 2021

Procedure:
Written reps.

Questionnaire Due Date: 9 March 2021

Statement Due Date: 6 April 2021

App.No: 20/0912/VAR
Appeal Ref: APP/U1105/W/21/3267313
Appellant: Mr & Mrs Peter & Ann Stansell
Address: Goldcombe Farmhouse Gittisham Honiton EX14 3AB
Proposal; Conversion Of Existing Buildings To Holiday Dwellings (application for removal of Condition 5 of planning permission 84/P0792 to allow year round occupancy of the holiday dwellings and variation of Condition 6 of planning permission 84/P0792 to allow The Cider Barn to be used as an unrestricted residential dwelling)

Start Date: 4 March 2021

Procedure:
Written reps.

Questionnaire Due Date: 11 March 2021

Statement Due Date: 8 April 2021

App.No: 20/1251/TEL
Appeal Ref: APP/U1105/W/21/3268338
Appellant: Telefonica Limited
Address: Stantyway Recreation Ground Otterton
Proposal; The erection of an 18m high lattice tower supporting 3no. antennas and 1no. microwave dish, the installation of 1no. equipment cabinet and 1no. meter cabinet on new concrete base and the installation of ancillary equipment

Start Date: 4 March 2021

Procedure:
Written reps.

Questionnaire Due Date: 11 March 2021

Statement Due Date: 8 April 2021

App.No: 20/1481/FUL
Appeal Ref: APP/U1105/W/21/3267933
Appellant: Ms A Cole
Address: 18 Fore Street Seaton EX12 2LA
Proposal; To demolish the later read additions and erect a three storey building to form 3 x 1 bedroom apartments; carry out internal alterations to existing property to create additional 1 bedroom dwelling
Start Date: 16 March 2021
Procedure:
Written reps.
Questionnaire Due Date: 23 March 2021
Statement Due Date: 20 April 2021

App.No: 20/2054/VAR
Appeal Ref: APP/U1105/W/21/3269783
Appellant: Mr & Mrs G & S Bowey
Address: Apple Barrel Barn Orchard Cottage Dunkeswell Abbey
Proposal; Change of use of redundant barn to holiday cottage
Start Date: 19 March 2021
Procedure:
Written reps.
Questionnaire Due Date: 26 March 2021
Statement Due Date: 23 April 2021

App.No: 20/1406/FUL
Appeal Ref: APP/U1105/D/21/3269729
Appellant: Timothy Phillips
Address: Ridge Cottage Stockland Honiton EX14 9EN
Proposal; Construction of single storey side extension and external steps
Start Date: 19 March 2021
Procedure:
Written reps.
Questionnaire Due Date: 26 March 2021
Statement Due Date: 23 April 2021

App.No: 20/1380/PDQ
Appeal Ref: APP/U1105/W/21/3267702
Appellant: Mr Braddick
Address: Land North Of Hamlet House Hamlet House Weston
Proposal; Conversion of agricultural building to dwelling
Start Date: 23 March 2021

Procedure:
Written reps.

Questionnaire Due Date: 30 March 2021
Statement Due Date: 27 April 2021

App.No: 20/2410/MFUL
Appeal Ref: APP/U1105/W/21/3270077
Appellant: Churchill Retirement Living
Address: Honiton Cattle Market Silver Street Honiton
Proposal; Demolition of existing structures and redevelopment to form 57 retirement living apartments for older persons including communal facilities, parking and landscaping.
Start Date: 29 March 2021

Procedure:
Inquiry

Questionnaire Due Date: 5 April 2021
Statement Due Date: 3 May 2021
Inquiry Date: 15 July 2021 (Provisional)

App.No: 20/1510/FUL
Appeal Ref: APP/U1105/D/21/3267759
Appellant: Mr and Mrs Kerr
Address: Highfield Higher Way Harpford Sidmouth EX10 0NJ
Proposal; Construction of dormer windows to front and rear, raising of roof to provide additional 1st floor accommodation, veranda and render finishes (revision of 20/0784/FUL)
Start Date: 15 April 2021

Procedure:
Written reps.

Questionnaire Due Date: 22 April 2021

App.No: 20/1908/FUL
Appeal Ref: APP/U1105/W/21/3270084
Appellant: Mr Ben Shipton
Address: Honeysuckle Thatch Talaton Exeter EX5 2RN
Proposal; Removal of existing extension to the west of the property, and the creation of a new extension in its place extending to the south.
Start Date: 21 April 2021
Procedure: Written reps.
Questionnaire Due Date: 28 April 2021
Statement Due Date: 26 May 2021

App.No: 20/1909/LBC
Appeal Ref: APP/U1105/Y/21/3270087
Appellant: Mr Ben Shipton
Address: Honeysuckle Thatch Talaton Exeter EX5 2RN
Proposal; Removal of existing extension to the west of the property, and the creation of a new extension in its place extending to the south.
Start Date: 21 April 2021
Procedure: Written reps.
Questionnaire Due Date: 28 April 2021
Statement Due Date: 26 May 2021

App.No: 20/2424/PDQ
Appeal Ref: APP/U1105/W/21/3270922
Appellant: Mrs Sarah Taylor
Address: Bond Lane Farm Bonds Lane Woodbury Salterton Exeter EX5 1QF
Proposal; Prior approval for proposed change of use of existing poultry building to 3 no. larger dwellinghouses and 2 no. smaller dwellinghouses (use class C3) and associated operational development under Class Q(a) and (b)
Start Date: 21 April 2021
Procedure: Written reps.
Questionnaire Due Date: 28 April 2021
Statement Due Date: 26 May 2021

App.No: 20/1543/FUL
Appeal Ref: APP/U1105/W/21/3270924
Appellant: Mrs Alison Brockbank
Address: Bicton Inn 5 Bicton Street Exmouth EX8 2RU
Proposal; Proposed yard/smoking area and installation of new door
Start Date: 21 April 2021
Procedure:
Written reps.
Questionnaire Due Date: 28 April 2021
Statement Due Date: 26 May 2021

App.No: 20/1129/FUL
Appeal Ref: APP/U1105/D/21/3268793
Appellant: Mr & Mrs Hignett
Address: Greystones Salcombe Regis Sidmouth EX10 0JQ
Proposal; Construction of two storey side extension, incorporating first floor extension to existing single storey rear lean-to, and single storey front extension. Removal of existing garden buildings
Start Date: 26 April 2021
Procedure:
Written reps.
Questionnaire Due Date: 3 May 2021

App.No: 20/1449/FUL
Appeal Ref: APP/U1105/W/20/3261920
Appellant: Mr R G Down
Address: The Rowans Sidmouth Road Clyst St Mary Exeter EX5 1DR
Proposal; Conversion and alteration of ground floor of agricultural building to create two, 2 bedroom flats
Start Date: 30 April 2021
Procedure:
Written reps.
Questionnaire Due Date: 7 May 2021
Statement Due Date: 4 June 2021

App.No: 20/2177/FUL
Appeal Ref: APP/U1105/W/21/3271915
Appellant: Mr & Mrs R and M Banks
Address: Devenish Pitt Farm Farway Colyton EX24 6EG
Proposal; Change of use of a rural building and erection of an extension to form 3 no. holiday lets, with associated works.
Start Date: 10 May 2021
Procedure:
Written reps.
Questionnaire Due Date: 17 May 2021
Statement Due Date: 14 June 2021

App.No: 20/1473/FUL
Appeal Ref: APP/U1105/W/21/3271284
Appellant: Miss Willow Ray
Address: Sunbeams Rhode Lane Uplyme Lyme Regis DT7 3TX
Proposal; Erection of a new two storey house in garden plot.
Start Date: 12 May 2021
Procedure:
Written reps.
Questionnaire Due Date: 19 May 2021
Statement Due Date: 16 June 2021

App.No: 20/1826/PIP
Appeal Ref: APP/U1105/W/21/3271456
Appellant: Mr Martin Overton
Address: Land East Of Claremont Green Lane Axminster
Proposal; Permission in Principle Application for Construction of 1no. Self-build Dwelling
Start Date: 12 May 2021
Procedure:
Written reps.
Questionnaire Due Date: 19 May 2021
Statement Due Date: 16 June 2021

App.No: 20/0191/FUL
Appeal Ref: APP/U1105/W/21/3272290
Appellant: Cladir Limited
Address: Home Farm Clyst Honiton Exeter EX5 2LX
Proposal; Construction of 1 no. warehouse building, renovation of brick building, construction of hammerheads and site entrance, installation of pallisade fencing, vehicular and pedestrian gates, 2.1m high wall, covered cycle store and refuse store and lockable road barrier
Start Date: 18 May 2021
Procedure: Written reps.
Questionnaire Due Date: 25 May 2021
Statement Due Date: 22 June 2021
