

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

Ref: 20/2054/VAR **Date Received** 25.02.2021
Appellant: Mr & Mrs G & S Bowey
Appeal Site: Apple Barrel Barn Orchard Cottage Dunkeswell Abbey
Proposal: Change of use of redundant barn to holiday cottage
Planning APP/U1105/W/21/3269783
Inspectorate Ref:

Ref: 20/1407/LBC **Date Received** 25.02.2021
Appellant: Timothy Phillips
Appeal Site: Ridge Cottage Stockland Honiton EX14 9EN
Proposal: Demolition of utility extension and external masonry wall and construction of replacement single storey side extension, replacing windows with French doors on the East elevation, replacement doors on South elevation and windows on North and East elevation; Installation of PV and solar panels, external steps and internal alterations
Planning APP/U1105/Y/21/3269767
Inspectorate Ref:

Ref: 20/1406/FUL **Date Received** 25.02.2021
Appellant: Timothy Phillips
Appeal Site: Ridge Cottage Stockland Honiton EX14 9EN
Proposal: Construction of single storey side extension and external steps
Planning APP/U1105/D/21/3269729
Inspectorate Ref:

Ref: 20/2410/MFUL **Date Received** 02.03.2021
Appellant: Churchill Retirement Living
Appeal Site: 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.
Planning APP/U1105/W/21/3270077
Inspectorate Ref:

Ref: 20/1908/FUL **Date Received** 02.03.2021
Appellant: Mr Ben Shipton
Appeal Site: 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.
Planning APP/U1105/D/21/3270084
Inspectorate Ref:

Ref: 20/1909/LBC **Date Received** 02.03.2021
Appellant: Mr Ben Shipton
Appeal Site: 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.
Planning Inspectorate Ref: APP/U1105/Y/21/3270087

Ref: 20/1449/FUL **Date Received** 08.03.2021
Appellant: Mr R G Down
Appeal Site: 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
Planning Inspectorate Ref: APP/U1105/W/20/3261920

Ref: 20/2424/PDQ **Date Received** 12.03.2021
Appellant: Mrs Sarah Taylor
Appeal Site: 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)
Planning Inspectorate Ref: APP/U1105/W/21/3270922

Ref: 20/1543/FUL **Date Received** 12.03.2021
Appellant: Mrs Alison Brockbank
Appeal Site: Bicton Inn 5 Bicton Street Exmouth EX8 2RU
Proposal: Proposed yard/smoking area and installation of new door
Planning Inspectorate Ref: APP/U1105/W/21/3270924

Ref: 20/2074/LBC **Date Received** 17.03.2021
Appellant: Mr R Hawley
Appeal Site: Old School House Cotleigh Honiton EX14 9HJ
Proposal: Proposed demolition of existing conservatory and construction of two storey rear extension including installation of solar panels, part glazed veranda, insertion of 1 no. first floor window to north elevation and internal alterations to the existing house including creation of new door opening to kitchen and removal of existing door on south elevation
Planning Inspectorate Ref: APP/U1105/Y/21/3271260

Ref: 20/1473/FUL **Date Received** 18.03.2021
Appellant: Miss Willow Ray
Appeal Site: Sunbeams Rhode Lane Uplyme Lyme Regis DT7 3TX
Proposal: Erection of a new two storey house in garden plot.
Planning APP/U1105/W/21/3271284
Inspectorate Ref:

Ref: 20/1826/PIP **Date Received** 20.03.2021
Appellant: Mr Martin Overton
Appeal Site: Land East Of Claremont Green Lane Axminster
Proposal: Permission in Principle Application for Construction of 1no.
Self-build Dwelling
Planning APP/U1105/W/21/3271456
Inspectorate Ref:

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

Ref: 20/0312/TRE **Appeal Ref:** 20/00031/TRE
Appellant: Mrs Kath Pyne
Appeal Site: Oasis Toadpit Lane West Hill Ottery St Mary EX11 1TR
Proposal: Fell two Pine trees subject of a Tree Preservation Order
Decision: **Appeal Dismissed** **Date:** 04.03.2021
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld.
BVPI 204: **No**
Planning APP/TPO/U1105/7890
Inspectorate Ref:

Ref: 20/1779/FUL **Appeal Ref:** 20/00060/REF
Appellant: Mr John Lomax
Appeal Site: Water Tower At Mount Pleasant Exmouth Road Aylesbeare
Proposal: Provision of additional secure storage space adjacent and within structure
Decision: **Appeal Dismissed** **Date:** 08.03.2021
Procedure: Written representations
Remarks: Delegated refusal, Countryside protection, landscape and accessibility reasons upheld (EDLP Strategies 7 & 47 and Policies D1 & E5).
BVPI 204: **Yes**
Planning APP/U1105/W/20/3261920
Inspectorate Ref:

Ref: 20/0668/PDQ **Appeal Ref:** 20/00057/REF
Appellant: Terry Grandfield
Appeal Site: Barn At Orchard Farm Plymtree
Proposal: Prior approval for proposed change of use of existing agricultural barn to 4 no. smaller dwelling houses (use class C3) and associated operational development under Class Q(a) and (b)
Decision: **Appeal Dismissed** **Date:** 16.03.2021
Procedure: Written representations
Remarks: The Inspector agreed with the Council that the proposal would consist of building operations that exceed those permitted as reasonably necessary for the building to function as dwelling houses. The proposal does not therefore meet the criteria to qualify as permitted development under Class Q of the General Permitted Development Order 2015.
BVPI 204: **No**
Planning APP/U1105/W/20/3261197
Inspectorate Ref:

Ref: 20/1624/PDQ **Appeal Ref:** 20/00058/REF
Appellant: Terry Grandfield
Appeal Site: Barn At Orchard Farm Plymtree EX15 2LW
Proposal: Prior approval for proposed change of use of existing agricultural barn to 4 no. smaller dwelling houses (use class C3) and associated operational development under Class Q(a) and (b).
Decision: **Appeal Dismissed** **Date:** 16.03.2021
Procedure: Written representations
Remarks: The Inspector agreed with the Council that the proposal would consist of building operations that exceed those permitted as reasonably necessary for the building to function as dwelling houses. The proposal does not therefore meet the criteria to qualify as permitted development under Class Q of the General Permitted Development Order 2015.
BVPI 204: **No**
Planning APP/U1105/W/20/3261200
Inspectorate Ref:

Ref: 19/2591/VAR **Appeal Ref:** 20/00043/NONDET
Appellant: DS Developments (Exeter) Ltd.
Appeal Site: South Whimble Farm Clyst Honiton Exeter EX5 2DY
Proposal: Removal of condition 16 of planning permission 16/1826/MFUL for the construction of 19 dwellings. The condition requires the connection of the development to the decentralised energy network in the locality.
Decision: **Appeal Dismissed** **Date:** 17.03.2021
Procedure: Written representations
Remarks: Appeal against the non-determination of the application within the prescribed time period.

The Council resolved that the application should have been refused as the condition was necessary in the interests of sustainable design and climate change.

The appellants appeal statement introduced the intention to provide a different form of, or remove entirely, the affordable housing secured in relation to the original permission. During the appeal process the appellant submitted a Unilateral Undertaking which, amongst other things, would reflect such changes.

The Inspector found that condition no 16 was not reasonable or necessary, however, he dismissed the appeal on the basis that the submitted UU would not safeguard the original permission's affordable housing obligations and the proposal would therefore be contrary to EDLP Strategy 34.
BVPI 204: **No**
Planning APP/U1105/W/20/3254780
Inspectorate Ref:

Ref: 20/0572/FUL **Appeal Ref:** 20/00063/REF
Appellant: Mr J Lacey
Appeal Site: Land At Woodhouse Lyme Road Uplyme
Proposal: Change of use of agricultural land for siting of static caravan and construction of generator housing (retrospective).
Decision: **Appeal Dismissed** **Date:** 17.03.2021
Procedure: Written representations
Remarks: Delegated refusal, countryside protection and sustainability reasons upheld (EDLP Strategy 7 & Policy TC2 and Uplyme NP Policy UHG2).
BVPI 204: **Yes**
Planning APP/U1105/W/20/3262750
Inspectorate Ref:

Ref: 20/0848/FUL **Appeal Ref:** 20/00054/REF
Appellant: Mr Thomas Lowday
Appeal Site: Windrush Poltimore Exeter EX4 0AB
Proposal: Change of use of residential dwelling and agricultural land to an educational facility to operate as an independent special school (use class D1) and provision of car park spaces, installation of compost toilets and wildlife pond and planting of new woodland
Decision: **Appeal Allowed (with conditions)** **Date:** 18.03.2021
Procedure: Written representations
Remarks: Delegated refusal, sustainability reasons overruled (EDLP Strategies 5B & 7 and Policy TC2).

The Inspector agreed that the site would not be suitable for the proposal having regard to the development plan, with reference to accessibility and the proposal would conflict with the relevant aims of Policies Strategy 5B, Strategy 7 and TC2 of the EDLP.

However, the Inspector also gave consideration to Paragraph 94 of the Framework which identifies the importance that a sufficient choice of school places is available to meet the needs of communities. It goes on to say that the decision maker should give great weight to the need to create, expand or alter schools. He noted that Devon has a significant need for this type of school, much of which is concentrated around the wider Exeter area. Student numbers are also expected to rise considerably, particularly in East Devon, Exeter and the South Hams. He considered that the proximity of Windrush to Exeter and to the M5 motorway made it well placed in this regard.

Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise and the Inspector found that the site would not be suitable for the proposal having regard to the development plan, with reference to accessibility. However, he concluded that other considerations relevant to this case provided a convincing justification for locating the proposed development at Windrush. These other material considerations attracted significant weight and constituted an exceptional justification for making a decision which was not in accordance with the development plan.

BVPI 204: **Yes**
Planning APP/U1105/W/20/3260272
Inspectorate Ref:

Ref: 20/0411/LBC **Appeal Ref:** 20/00061/LBCREF
Appellant: Mr David Holt
Appeal Site: Berry Cottage Longmeadow Road Lympstone Exmouth EX8 5LW
Proposal: Remove existing rear porch and construct extension to the rear (north) elevation
Decision: **Appeal Allowed** **Date:** 18.03.2021
(with conditions)
Procedure: Written representations
Remarks: Delegated refusal, listed building conservation reasons overruled (EDLP Policies EN8 & EN9).

The Inspector considered that whilst there would be some loss of historic fabric this has decayed over time and requires replacement. Other important fabric that is capable of re-use would be salvaged and incorporated within the new extension.

He concluded that, on balance, the proposal would preserve the features of special architectural or historic interest which Berry Cottage possesses and the loss of some historic fabric would be outweighed by the public benefit from maintaining this important building. The proposal therefore accords with the aims and objectives of policies EN8 and EN9 of the development plan.

BVPI 204: **No**
Planning APP/U1105/Y/20/3262597
Inspectorate Ref:

Ref: 20/1632/FUL **Appeal Ref:** 20/00066/NONDET
Appellant: Mr Robert Lester
Appeal Site: Woolbrook Reservoir Balfours Sidmouth EX10 9EF
Proposal: Construction of single storey dwelling
Decision: **Appeal Dismissed** **Date:** 23.03.2021
Procedure: Written representations
Remarks: Appeal against the failure of the Council to determine the application within the prescribed time limit.
The Council resolved that if the application had been determined, it would have been refused for amenity reasons. Amenity reasons upheld (EDLP Policies D1& EN1 and Strategy 6).

BVPI 204: **No**
Planning APP/U1105/W/20/3264008
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: 18/F0034
Appeal Ref: APP/U1105/C/19/3238383
Appellant: Natalie Jones
Address: Otter Valley Golf Centre, Rawridge
Proposal: Appeal against the serving of an enforcement notice in respect of the 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.
Start Date: 6 July 2020
Procedure:
Inquiry
Questionnaire Due Date: 20 July 2020
Statement Due Date: 17 August 2020
Inquiry Date: **16 March 2021**

App.No: 19/F0187
Appeal Ref: APP/U1105/F/20/3258749
Appellant: Mr S Broom
Address: Court Place Cottage, Court Place Farm, Wilmington
Proposal: Appeal against the serving of a listed building enforcement notice in respect of replacement windows and door.
Start Date: 5 October 2020
Procedure:
Written reps.
Questionnaire Due Date: 19 October 2020
Statement Due Date: 16 November 2020
Site visit: 5 January 2021

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: 20/0507/FUL
Appeal Ref: APP/U1105/W/20/3262604
Appellant: Mr S James
Address: Hookmills Chardstock Axminster EX13 7DD
Proposal; Change of use of single storey office building to dwelling;
store building to associated domestic use and adjoining land
to garden
Start Date: 21 December 2020
Procedure:
Written reps.
Questionnaire Due Date: 28 December 2020
Statement Due Date: 25 January 2021

App.No: 20/1632/FUL
Appeal Ref: APP/U1105/W/20/3264008
Appellant: Mr Robert Lester
Address: Woolbrook Reservoir Balfours Sidmouth EX10 9EF
Proposal; Construction of single storey dwelling
Start Date: 5 January 2021
Procedure:
Written reps.
Questionnaire Due Date: 12 January 2021
Statement Due Date: 9 February 2021

App.No: 20/0078/CPE
Appeal Ref: APP/U1105/X/20/3263779
Appellant: Mr Colin Bloomfield
Address: Stream Wood Land NW Of Yawl Cross St Marys Lane
Uplyme
Proposal; Certificate of Lawfulness for an existing use and operation
consisting of the erection of 2no. buildings and their use for a
mixed residential, workshop and storage use in connection
with management of surrounding woodland
Start Date: 8 January 2021
Procedure:
Written reps.
Questionnaire Due Date: 22 January 2021
Statement Due Date: 19 February 2021

Ref.No: 18/F0494
Appeal Ref: APP/U1105/C/20/3262840
Appellant: Malcolm John Burrough
Address: Thorn Park Family Golf Centre, Salcombe Regis, Sidmouth
Proposal; Appeal against the serving of an enforcement notice in respect of the siting of two caravans on the land.
Start Date: 11 January 2021
Procedure:
Written reps.
Questionnaire Due Date: 25 January 2021
Statement Due Date: 22 February 2021

App.No: 19/2283/COU
Appeal Ref: APP/U1105/W/20/3264784
Appellant: Mr I Chubb
Address: The Big Office Chubbs Yard Chardstock Axminster EX13 7BT
Proposal; Change of use from office to dwelling (retrospective)
Start Date: 22 February 2021
Procedure:
Written reps.
Questionnaire Due Date: 1 March 2021
Statement Due Date: 29 March 2021

App.No: 20/1149/FUL
Appeal Ref: APP/U1105/W/20/3264705
Appellant: Mrs N Bayliss
Address: Land Opposite Exton Lane Exmouth Road Exton
Proposal; Construction of two dwellings and creation of new vehicular access
Start Date: 23 February 2021
Procedure:
Written reps.
Questionnaire Due Date: 2 March 2021
Statement Due Date: 30 March 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
