

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

Ref: 21/3361/LBC **Date Received** 19.09.2022
Appellant: Mr & Mrs Jani Marok
Appeal Site: Richards Farm Payhembury Honiton EX14 3HL
Proposal: Install Starlink satellite dish for the provision of internet atop chimney stack on south west elevation of main dwelling
Planning Inspectorate Ref: APP/U1105/Y/22/3307238

Ref: 22/0749/FUL **Date Received** 20.09.2022
Appellant: Mr Tony Goode
Appeal Site: 30 Mill Street Ottery St Mary Devon EX11 1AD
Proposal: New shopfront/entrance separate from flat access.
Planning Inspectorate Ref: APP/U1105/W/22/3307284

Ref: 22/0961/FUL **Date Received** 22.09.2022
Appellant: Russell and Helen Hayman
Appeal Site: Land West Of 8 Mill Lane Alfington
Proposal: Erection of 2no. two storey 3-bed detached dwellings, erection of 2no. detached single garages, means of access and associated works
Planning Inspectorate Ref: APP/U1105/W/22/3307458

Ref: 22/0912/FUL **Date Received** 28.09.2022
Appellant: Mr John Lomax
Appeal Site: The Workshop Longmeadow Road Lympstone EX8 5LF
Proposal: Addition of first floor with alteration to fenestration.
Planning Inspectorate Ref: APP/U1105/D/22/3307801

Ref: 22/0758/FUL **Date Received** 29.09.2022
Appellant: Mr Barnaby Griffith
Appeal Site: 43 Halsdon Avenue Exmouth Devon EX8 3DW
Proposal: Single storey front extension, single storey rear extension and first floor extension with rear balcony with alteration to fenestration.
Planning Inspectorate Ref: APP/U1105/D/22/3307905

Ref: 21/2332/FUL **Date Received** 05.10.2022
Appellant: A & S Barnes Sons
Appeal Site: Stopgate Farm Yacombe Honiton EX14 9NB
Proposal: New farm access
Planning Inspectorate Ref: APP/U1105/W/22/3308364

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

Ref: 21/2474/FUL **Appeal Ref:** 22/00022/REF
Appellant: Mr & Mrs P & A Stansell
Appeal Site: Goldcombe Farmhouse Gittisham Honiton EX14 3AB
Proposal: Change of use of holiday let to dwelling
Decision: **Appeal Allowed** **Date:** 14.09.2022
(with conditions)
Procedure: Written representations
Remarks: Officer recommendation to refuse, Committee refusal, accessibility reasons overruled (EDLP Policies D8 & TC2 and Strategies 5B & 7).

The Inspector considered that the relatively short distance into Honiton could be cycled, although challenging topography and narrow unlit lanes limit the practicality of this. Gittisham can otherwise be reached quickly on foot, and more rapidly by cycle. Though the village contains few facilities aside from a restaurant, village hall and church, there is a bus stop with services into Honiton and Ottery St Mary, with stops including railways stations which provides a reasonably good level of connectivity for a rural location.

He acknowledged that private modes of transport might still be favoured given greater practicality. However, he considered that even if occupants chose to drive to Honiton, given that the journey takes no more than around 5 minutes, its environmental impacts would be very limited.

The Inspector concluded that whilst the proposal would conflict with Strategy 7 of the Local Plan, no unacceptable environmental harm would arise in relation to travel to access service and facilities. An unrestricted residential use of the dwelling would therefore be appropriate within the location in question and planning permission should be granted despite the identified conflict with the development plan.

BVPI 204: **Yes**
Planning APP/U1105/W/22/3298314
Inspectorate Ref:

Ref: 21/0236/ADV **Appeal Ref:** 21/00069/ADVREF
Appellant: Mr Mohammad Sherbaz
Appeal Site: A303 Services Yarcombe Honiton EX14 9ND
Proposal: Retention of 1 no. internally illuminated totem pole sign
Decision: **Appeal Dismissed** **Date:** 29.09.2022
Procedure: Written representations
Remarks: Delegated refusal, Public safety reasons upheld (EDLP Policy D4).

BVPI 204: **No**
Planning APP/U1105/Z/21/3286343
Inspectorate Ref:

Ref: 20/2298/FUL **Appeal Ref:** 22/00001/REF
Appellant: Linda Quinn
Appeal Site: Land Adjacent Heather Bell South Common Axminster
Proposal: Proposed conversion of existing building to form 1 no. unit of holiday accommodation
Decision: **Appeal Dismissed** **Date:** 29.09.2022
Procedure: Written representations
Remarks: Delegated refusal, accessibility reasons upheld (EDLP Policies D8 & TC2 and Strategy 7).
BVPI 204: **Yes**
Planning APP/U1105/W/22/3290996
Inspectorate Ref:

Ref: 21/3022/PDQ **Appeal Ref:** 22/00017/REF
Appellant: Mr Eric Eveleigh
Appeal Site: Greenfields Sidmouth Road Aylesbeare Exeter EX5 2JJ
Proposal: Change of use of 2no. existing, agricultural barns to 3no. dwellings under Class Q
Decision: **Appeal Allowed** **Date:** 04.10.2022
(with conditions)
Procedure: Written representations
Remarks: Delegated refusal

The Council considered that the extent of the works which would be necessary to convert the buildings to dwellings was beyond what could be classed as permitted development under Class Q of the 2015 General Permitted Development Order.

The Inspector considered that whilst a significant amount of work would be required to render the buildings suitable for residential accommodation, the works would either be permitted by Class Q1(i) of the GPDO, or would be internal work that would not constitute development. Furthermore, the proposal would not involve any new structural elements, and the existing buildings would remain largely intact. The resultant buildings would not be fundamentally different in their external appearance and the works would constitute conversion of the buildings rather than re-building.

The Inspector concluded that the building operations involved in the development would be to an extent reasonably necessary for the buildings to function as dwellings. Consequently, the proposal would comply with the requirements of paragraph Q.1(i) of the GPDO.

BVPI 204: **No**
Planning APP/U1105/W/22/3295913
Inspectorate Ref:

Ref: 22/0041/FUL **Appeal Ref:** 22/00007/REF
Appellant: David Mortimer
Appeal Site: Greenhayes Shute Axminster EX13 7QE
Proposal: Proposed conversion of redundant agricultural building to form 1 no. dwellinghouse; demolition of adjacent metal shed; provision of associated parking area and planting of new native hedgerow.
Decision: **Appeal Allowed** **Date:** 04.10.2022
(with conditions)
Procedure: Written representations
Remarks: Delegated refusal, accessibility reasons overruled (EDLP Policies D8 & TC2 and Strategies 5B & 7).

The Inspector referred to Paragraph 80 of The Framework which states that isolated homes in the countryside should be avoided unless certain criteria apply. One of the criterion is; *“the development would re-use redundant or disused buildings and enhance its immediate setting...”*, so an exception is made for isolated homes that would be created from the reuse of a redundant or disused building where there would be an enhancement.

The Inspector considered that there is conflict between EDLP Policy D8 and the Framework in relation to its locational requirements which means that this policy should be regarded as out-of-date and favour should be given to the Framework in this situation.

The Inspector noted that the Council has accepted a material change in circumstances relating to its housing land supply which has arisen since the submission of the appeal. The *Housing Monitoring Update* sets out that the Council can only demonstrate a 4.68 year land supply.

The Framework clarifies that policies of development plans are to be regarded as out of date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

The Inspector concluded that public benefits would result in the reuse of a suitable building and the creation of a dwelling to add to the local housing stock with related social and economic benefits and when weighed in the balance, the harm did not significantly and demonstrably outweigh the benefits. As such, there were clear material considerations to indicate that a decision should be taken other than in accordance with the development plan.

BVPI 204: **Yes**
Planning APP/U1105/W/22/3294599
Inspectorate Ref:

Ref: 21/2137/FUL **Appeal Ref:** 22/00006/REF
Appellant: David Mortimer
Appeal Site: Greenhayes Shute Axminster EX13 7QE
Proposal: Conversion of agricultural building to form 2x dwellings for holiday accommodation and provision of associated parking area
Decision: **Appeal Allowed** **Date:** 04.10.2022
(with conditions)
Procedure: Written representations
Remarks: Delegated refusal, accessibility reasons overruled (EDLP Policies D8, EN16 & TC2 and Strategies 5B & 7).

The Inspector referred to Paragraph 80 of The Framework which states that isolated homes in the countryside should be avoided unless certain criteria apply. One of the criterion is; *"the development would re-use redundant or disused buildings and enhance its immediate setting..."*, so an exception is made for isolated homes that would be created from the reuse of a redundant or disused building where there would be an enhancement.

The Inspector considered that there is conflict between EDLP Policy D8 and the Framework in relation to its locational requirements which means that this policy should be regarded as out-of-date and favour should be given to the Framework in this situation.

The Inspector considered that public benefits would result from the economic contribution that would be made by guests to the local area and the related employment opportunities that would derive both directly and indirectly there from. In addition, a contribution to the stock of holiday units could ease pressure on the existing housing stock that may otherwise be used for such purposes.

The Inspector concluded that the harm would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, which was a material consideration to indicate that the decision should be taken other than in accordance with the development plan.

BVPI 204: **Yes**
Planning APP/U1105/W/22/3294600
Inspectorate Ref:

Ref: 21/3021/FUL **Appeal Ref:** 22/00004/REF
Appellant: Caroline Campbell
Appeal Site: Valley View Woodhouse Lane Uplyme Lyme Regis DT7
3SX
Proposal: Demolition of garage and construction of single storey timber
frame building to provide holiday accommodation.
Resubmission of application 20/1535/FUL.
Decision: **Appeal Dismissed** **Date:** 05.10.2022
Procedure: Written representations
Remarks: Delegated refusal, accessibility and landscape reasons
upheld (EDLP Strategies 7 & 46 and Policies E16 & TC2,
Uplyme NP Policy UEM4).
BVPI 204: **Yes**
Planning APP/U1105/W/22/3293939
Inspectorate Ref:

East Devon District Council List of Appeals in Progress

App.No: 20/2701/FUL
Appeal Ref: APP/U1105/W/21/3287929
Appellant: Mr Martin Jackson
Address: 18 Hartley Road Exmouth EX8 2BQ
Proposal; Construction of dwelling.
Start Date: 18 January 2022
Procedure:
Written reps.

Questionnaire Due Date: 25 January 2022
Statement Due Date: 22 February 2022

App.No: 21/0463/FUL
Appeal Ref: APP/U1105/W/22/3294817
Appellant: Miss Dawn Bradbury
Address: Hornshayes Farm Stockland EX14 9BX
Proposal; Retain residential use of the static caravan situated on the site located at Hornshayes Farm.
Start Date: 29 March 2022
Procedure:
Hearing

Questionnaire Due Date: 12 April 2022
Statement Due Date: 10 May 2022
Hearing Date: 20 September 2022

App.No: 20/F0432
Appeal Ref: APP/U1105/C/22/3295289
Appellant: Mrs Dawn Bradbury
Address: Hornshayes Farm Stockland EX14 9BX
Proposal; Appeal against enforcement notice served in respect of the unauthorised siting of a residential caravan
Start Date: 29 March 2022
Procedure:
Hearing

Questionnaire Due Date: 12 April 2022
Statement Due Date: 10 May 2022
Hearing Date: 20 September 2022

App.No: 21/F0364
Appeal Ref: APP/U1105/C/22/3295011
Appellant: Stuart Partners Ltd
Address: Land at Hill Barton, Sidmouth Road, Clyst St Mary, EX5 1DR
Proposal; Appeal against enforcement notice served in respect of the change of use of the land from agriculture to a mixed use of agriculture and commercial parking area used by lorries, commercial vehicles, cars, plant and machinery and the siting of skips and shipping containers.
Start Date: 29 March 2022
Procedure:
Written Reps.
Questionnaire Due Date: 12 April 2022
Statement Due Date: 10 May 2022

App.No: 21/2683/FUL
Appeal Ref: APP/U1105/D/22/3296282
Appellant: Andrew Hill
Address: Abbots Cottage Combe Raleigh Honiton EX14 4TQ
Proposal; Removal of existing shed and greenhouse and replacement with a summerhouse.
Start Date: 25 April 2022
Procedure:
Householder
Questionnaire Due Date: 2 May 2022

App.No: 21/0876/FUL
Appeal Ref: APP/U1105/W/22/3295861
Appellant: Mr Barnes
Address: Stopgate Farm Yarcombe Honiton EX14 9NB
Proposal; Retention of a cement silo, water silo, site office and additional concrete area.
Start Date: 27 May 2022
Procedure:
Written Reps.
Questionnaire Due Date: 10 June 2022
Statement Due Date: 8 July 2022

App.No: 20/F0319
Appeal Ref: APP/U1105/C/22/3298710
Appellant: Mr & Mrs Barnes And Operators
Address: Stopgate Farm Yarcombe Honiton EX14 9NB
Proposal; Appeal against enforcement notice served in respect of the construction of a cement silo, water silo, site office and additional concrete area.
Start Date: 27 May 2022
Procedure:
Written Reps.
Questionnaire Due Date: 10 June 2022
Statement Due Date: 8 July 2022
Hearing/Inquiry Date:

App.No: 21/1625/FUL
Appeal Ref: APP/U1105/W/22/3295698
Appellant: Mr Nicholas Arrow
Address: The Old Reading Room Axminster Road Musbury Axminster EX13 8AZ
Proposal; Change of use from artist studio (sui generis) to hobby room ancillary to 'The Beeches' (use class C3)
Start Date: 14 June 2022
Procedure:
Written Reps.
Questionnaire Due Date: 21 June 2022
Statement Due Date: 19 July 2022

App.No: 21/2901/FUL
Appeal Ref: APP/U1105/W/22/3296021
Appellant: Mr Charlie Howard
Address: Chadacres Hawkchurch Axminster EX13 5XB
Proposal; Extension of existing implement shed.
Start Date: 14 June 2022
Procedure:
Written Reps.
Questionnaire Due Date: 21 June 2022
Statement Due Date: 19 July 2022

App.No: 21/1512/FUL
Appeal Ref: APP/U1105/W/22/3296441
Appellant: Mr and Mrs Rob and Claire Hilton
Address: Land North East Of Atlantis Sowden Lane Exmouth
Proposal; Erection of a sustainable zero carbon live/work development to include creation of a productive landscape rich in biodiversity.
Start Date: 29 June 2022
Procedure:
Written Reps.
Questionnaire Due Date: 6 July 2022
Statement Due Date: 3 August 2022

App.No: 21/3187/FUL
Appeal Ref: APP/U1105/W/22/3298012
Appellant: Mr R Pearcey
Address: The Store Little Bicton Place Exmouth EX8 2SS
Proposal; Proposed change of use from store to dwelling
Start Date: 5 July 2022
Procedure:
Written Reps.
Questionnaire Due Date: 12 July 2022
Statement Due Date: 9 August 2022

App.No: 21/1714/FUL
Appeal Ref: APP/U1105/W/22/3300099
Appellant: Bodenham (B & H Developments Ltd)
Address: The Old Workshop Kerslakes Court Honiton EX14 1FL
Proposal; Construction of 5 bedroom house in multiple occupation (Use Class C4).
Start Date: 6 July 2022
Procedure:
Written Reps.
Questionnaire Due Date: 13 July 2022
Statement Due Date: 10 August 2022

App.No: 20/2653/FUL
Appeal Ref: APP/U1105/W/22/3300692
Appellant: Mr Aldam
Address: 87 Sidford High Street Sidford Sidmouth EX10 9SA
Proposal; Demolition of the existing dwelling and redevelopment of the site to provide four dwellings and a new vehicular access.
Start Date: 27 July 2022
Procedure:
Written Reps.
Questionnaire Due Date: 3 August 2022
Statement Due Date: 31 August 2022

App.No: 21/1970/FUL
Appeal Ref: APP/U1105/W/22/3297372
Appellant: Mr S Boswell & Ms F Bond
Address: Milcot Farway Colyton EX24 6ED
Proposal; Demolition of existing lean-to and construction of single storey rear extension.
Start Date: 9 August 2022
Procedure:
Written Reps.
Questionnaire Due Date: 16 August 2022
Statement Due Date: 13 September 2022

App.No: 21/1971/LBC
Appeal Ref: APP/U1105/Y/22/3297377
Appellant: Mr S Boswell & Ms F Bond
Address: Milcot Farway Colyton EX24 6ED
Proposal; Demolition of existing lean-to and construction of single storey rear extension
Start Date: 9 August 2022
Procedure:
Written Reps.
Questionnaire Due Date: 16 August 2022
Statement Due Date: 13 September 2022

App.No: 22/0479/FUL
Appeal Ref: APP/U1105/D/22/3302246
Appellant: Mr Christopher Timms
Address: Blue Ridge Elm Way Sidford Sidmouth EX10 9SY
Proposal; Raising of roof to provide first floor accommodation.
Start Date: 30 August 2022
Procedure:
Householder
Questionnaire Due Date: 6 September 2022

App.No: 22/0489/FUL
Appeal Ref: APP/U1105/D/22/3302507
Appellant: Mr Andrew Walters
Address: 9 Old Home Farm Rousdon Lyme Regis DT7 3YL
Proposal; Construction of second parking space, demolition of part of front garden wall and lower kerb on private road
Start Date: 30 August 2022
Procedure:
Householder
Questionnaire Due Date: 6 September 2022

App.No: 22/0276/FUL
Appeal Ref: APP/U1105/W/22/3303968
Appellant: Mr Simon Lancaster
Address: 18 Minifie Road Honiton EX14 1NF
Proposal; Erection of a semi-detached dwelling
Start Date: 20 September 2022
Procedure:
Written reps.
Questionnaire Due Date: 27 September 2022
Statement Due Date: 25 October 2022

App.No: 21/0293/TRE
Appeal Ref: APP/TPO/U1105/8517
Appellant: Mrs Elaine Bancroft
Address: 22 Highbury Park Exmouth EX8 3EJ
Proposal; Lime - Fell to ground level.
Start Date: 21 September 2022
Procedure:
Written reps.
Questionnaire Due Date: 28 September 2022

App.No: 21/3265/FUL
Appeal Ref: APP/U1105/W/22/3301525
Appellant: Singleton & Manning
Address: Land Adjacent To Leighton Cottage Longmeadow Road
Lympstone
Proposal; Erection of a two-bedroom semi-detached cottage.
Start Date: 26 September 2022
Procedure:
Written reps.
Questionnaire Due Date: 3 October 2022
Statement Due Date: 31 October 2022

App.No: 22/0318/FUL
Appeal Ref: APP/U1105/W/22/3301884
Appellant: Mr Andrew Vickery
Address: Oak Tree House Old Ebford Lane Ebford Exeter EX3 0QR
Proposal; Erection of replacement dwelling.
Start Date: 26 September 2022
Procedure:
Written reps.
Questionnaire Due Date: 3 October 2022
Statement Due Date: 31 October 2022

App.No: 22/0262/FUL
Appeal Ref: APP/U1105/W/22/3301943
Appellant: Gerry Bird
Address: Stanzita King Edward Road Axminster EX13 5PP
Proposal; Formation, laying out and construction of a means of access
to a highway.
Start Date: 26 September 2022
Procedure:
Written reps.
Questionnaire Due Date: 3 October 2022
Statement Due Date: 31 October 2022

App.No: 21/2531/FUL
Appeal Ref: APP/U1105/W/22/3303671
Appellant: Mr Michael Huxtable
Address: Land South Of Treetops Toadpit Lane West Hill
Proposal; Two storey detached dwelling, and change of use of land to residential curtilage.
Start Date: 26 September 2022
Procedure:
Written reps.
Questionnaire Due Date: 3 October 2022
Statement Due Date: 31 October 2022

App.No: 21/1837/FUL
Appeal Ref: APP/U1105/W/22/3302272
Appellant: Russell and Julie Payne
Address: Lucehayne Cottage Widworthy Honiton EX14 9JS
Proposal; Change of use of annexe building, approved under permission 18/2546/FUL, for use as either an annexe and/or for holiday accommodation purposes
Start Date: 6 October 2022
Procedure:
Written reps.
Questionnaire Due Date: 13 October 2022
Statement Due Date: 10 November 2022

App.No: 21/0103/FUL
Appeal Ref: APP/U1105/W/22/3303990
Appellant: Mr D Crocker
Address: Chestnuts 65 Salterton Road Exmouth EX8 2EJ
Proposal; Demolition of existing buildings and construction of 9 no. apartments with associated parking, cycle and bin stores and creation of new vehicular access onto Salterton Road.
Start Date: 6 October 2022
Procedure:
Written reps.
Questionnaire Due Date: 13 October 2022
Statement Due Date: 10 November 2022

App.No: 22/0352/OUT
Appeal Ref: APP/U1105/W/22/3304675
Appellant: Mr and Mrs Mears
Address: 77 Seaton Down Road Seaton EX12 2HA
Proposal; Construction of a single storey dwelling accessed from Marlpit Lane following demolition of an existing car port; and construction of a parking bay accessed from Seaton Down Road. (Outline application with all matters reserved.)
Start Date: 6 October 2022
Procedure:
Written reps.
Questionnaire Due Date: 13 October 2022
Statement Due Date: 10 November 2022
