

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

Ref: 19/0439/FUL **Date Received** 14.09.2019
Appellant: Mrs Hatice Oflaz
Appeal Site: 20 New Street Honiton EX14 1EY
Proposal: Change of use from A2 (professional Services) to (A3)restaurant use, including new rear access to serve residential unit and fenestration changes

Remarks: This appeal was turned away by the Planning Inspectorate on 20 January 2020 as the supporting documents had not been submitted within the 6 month deadline. The agent for the appeal has since provided proof that the documents had been submitted and the Inspectorate has now made the appeal live again.

Planning Inspectorate Ref: APP/U1105/W/19/3237187

Ref: 19/0822/CPL **Date Received** 22.01.2020
Appellant: Mrs L Sweetland
Appeal Site: Land At Rear Of Chestnut House Bunts Lane Seaton
Proposal: Certificate of Lawful development for proposed development for the construction of dwelling without complying with condition 3 of approval of reserved matters granted under application 15/1949/RES
Planning Inspectorate Ref: APP/U1105/X/20/3245342

Ref: 19/1788/FUL **Date Received** 22.01.2020
Appellant: Mr Gordon Britton
Appeal Site: Land Rear Of St Johns Close High Street Honiton
Proposal: Erection of two bedroom dwelling
Planning Inspectorate Ref: APP/U1105/W/20/3245326

Ref: 19/1119/FUL **Date Received** 02.02.2020
Appellant: Mr & Mrs Whiting
Appeal Site: Monkton Park Farm Payhembury Honiton EX14 3HY
Proposal: Removal of two barns, renovation and extension of existing C20 building to create a dwelling and alterations to the access
Planning Inspectorate Ref: APP/U1105/W/20/3246094

Ref: 12/1291/MOUT **Date Received** 04.02.2020
Appellant: Eagle Homes Ltd
Appeal Site: Tithebarn Green Land At Monkerton, Exeter And Redhayes/North Of Blackhorse
Proposal: Appeal against the refusal of the Council to discharge condition 3 relating to the submission of a framework plan / appearance palette for approved phase 13.
Development of the site to provide up to 930 dwellings, a new link road, employment area (B1a Use Class), park and ride facility, local centre/square, health and fitness centre, creche, public and private open space and car and cycle parking, together with landscaping and associated servicing (all matters reserved except points of access)
Planning Inspectorate Ref: APP/U1105/W/20/3246215

Ref: 19/2630/FUL **Date Received** 11.02.2020
Appellant: Mr & Mrs Burgess
Appeal Site: Building Adjacent Carpenters Cottage Combpyne
Proposal: Alterations to existing building and change of use to form 1 no. residential unit (C3)
Planning Inspectorate Ref: APP/U1105/W/20/3246701

Ref: 19/2248/FUL **Date Received** 13.02.2020
Appellant: Mr & Mrs White
Appeal Site: Autowhites Garage Bluebell Holt Lyme Road Uplyme Lyme Regis
Proposal: New workshop building for new MOT bay plus associated residential accommodation.
Planning Inspectorate Ref: APP/U1105/W/20/3246861

East Devon District Council
List of Planning Appeals Decided

Ref: 18/2116/CPE **Appeal Ref:** 19/00018/LDC

Appellant: Mr & Mrs Dawes
Appeal Site: Pughs Farm Monkton Honiton EX14 9QH
Proposal: Existing Use of 1no. residential unit on land at Pugh's Farm, EX14 9QH

Decision: **Appeal Dismissed** **Date:** 24.01.2020
Procedure: Written representations
Remarks: Delegated refusal. Appeal against the refusal of the Council to issue a certificate of lawful use for the residential use of a caravan as an independent unit of accommodation.
The Inspector agreed that the Council's reasons for refusal to grant a certificate were well founded and on the balance of probabilities, the appellants had not demonstrated the continuous independent occupation of the caravan and the associated use of the land for the relevant period of 10 years.

BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/X/19/3224975

Ref: 18/2363/TRE **Appeal Ref:** 19/00010/TRE

Appellant: Mr & Mrs M & G Harris
Appeal Site: Dene Lower Broad Oak Road West Hill Ottery St Mary EX11 1XH
Proposal: T1 Oak - Remove 5 lowest secondary branches (approx 50mm diameter) to raise limb over boundary bank of Little Mead. Reduce spread of same limb over Little Mead garden by 1 - 1.5m max 40mm cuts, to reduce shading and cover over garden especially boundary hedge and shrubs.
T2 Oak - Remove first two secondary branches (approx 100mm diameter) growing over road into and beside Thorn (crataegus orientalis), and two other smaller branches. Trim outside of higher secondary branches over Little Mead boundary by 1 - 1.5m max 40mm cuts to reduce shading and cover over garden hedge and spread into Thorn on hedge.

Decision: **Appeal Dismissed** **Date:** 24.01.2020
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld.
BVPI 204: **No**
Planning Inspectorate Ref: APP/TPO/U1105/7214

Ref: 19/0203/FUL **Appeal Ref:** 19/00066/REF
Appellant: Mr J Garrett
Appeal Site: St Saviours 12 Morton Road Exmouth EX8 1AZ
Proposal: Change of use of building from nursing home to 19 bed house of multiple occupation (large HMO)
Decision: **Appeal Allowed (with conditions)** **Date:** 28.01.2020
Procedure: Written representations
Remarks: Officer recommendation to approve, Committee refusal, amenity reasons overruled (EDLP Policies D1 & H3). Application for a full award of costs against the Council refused.

The Inspector considered that the proposal would not have a harmful or adverse impact on the character and appearance of the surrounding area and would not be detrimental to the living conditions of nearby residents. The proposed development would therefore comply with Policy D1 of the East Devon Local Plan.

He also considered that the proposal would provide adequate levels of storage for bicycles and refuse, and would be located close to a range of services and facilities. In combination with the above, the proposal would therefore also accord with Policy H3 of the Local Plan.

BVPI 204: **Yes**
Planning APP/U1105/W/19/3238164
Inspectorate
Ref:

Ref: 18/1798/FUL **Appeal Ref:** 19/00053/REF
Appellant: Mr & Mrs Lambert
Appeal Site: Elmcote Boughmore Road Sidmouth EX10 8SH
Proposal: Construction of dwelling and detached carport
Decision: **Appeal Dismissed** **Date:** 29.01.2020
Procedure: Written representations
Remarks: Delegated refusal, conservation, tree and amenity reasons upheld (EDLP Policies D1, D2, D3, EN9 & EN10 and Sid Valley NP Policies 1, 6, 7 & 9).
BVPI 204: **Yes**
Planning APP/U1105/W/19/3235304
Inspectorate
Ref:

Ref: 18/2151/FUL **Appeal Ref:** 19/00044/REF
Appellant: Mr Roger Rudkin
Appeal Site: South Lodge St Johns Road Exmouth EX8 5EG
Proposal: Erection of two bedroom bungalow
Decision: **Appeal Dismissed** **Date:** 29.01.2020

Procedure: Written representations
Remarks: Delegated refusal, countryside protection, tree and amenity reasons upheld (EDLP Strategies 6 & 7 and Policies D1, D2 & D3).

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/19/3233336

Ref: 18/2044/CPE **Appeal Ref:** 19/00038/LDC

Appellant: Mrs Susan Key Weare
Appeal Site: Hooked Rise Farm (Holiday Lodge) Dunkeswell Honiton EX14 4QY
Proposal: Certificate of lawful existing use in relation to the change of use of an outbuilding known as Hooked Rise Farmhouse Holiday Lodge to a single detached dwelling house with associated garden

Decision: **Appeal Dismissed** **Date:** 03.02.2020

Procedure: Written representations

Remarks: Delegated refusal. Appeal against the refusal of the Council to issue a certificate of lawful use for the change of use of the building to a single detached dwelling.

The Inspector agreed that the Council's reasons for refusal to grant a certificate were well founded and on the balance of probabilities that the appellant had not demonstrated the continuous independent occupation of the building as a single dwellinghouse for the relevant period, or the associated use of any land.

BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/X/19/3230905

Ref: 18/2376/MFUL **Appeal Ref:** 19/00042/NONDET

Appellant: Colyford Eden Ltd
Appeal Site: Land North Of Kingsholme And West Of Coly Road Colyford Colyton

Proposal: Proposed residential development of 15no. dwellings (10no. affordable) with site access and associated works.

Decision: **Appeal Dismissed** **Date:** 04.02.2020

Procedure: Informal hearing

Remarks: Appeal against the failure of the Council to determine the application within the statutory time period. Delegated resolution to refuse, had the Council been able to determine the application. Green wedge, amenity and ecology reasons upheld (EDLP Strategies 8 & 47 and Policies D1 & EN5).

BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/W/19/3233226

Ref: 19/1839/FUL **Appeal Ref:** 19/00068/HH

Appellant: Mr Aaron Ray
Appeal Site: Sunbeams Rhode Lane Uplyme Lyme Regis DT7 3TX

Proposal: Demolition of single garage and construction of replacement double garage with workshop (revision to 18/2470/FUL).

Decision: **Appeal Allowed (with conditions)** **Date:** 05.02.2020

Procedure: Householder

Remarks: Delegated refusal, street scene, amenity and landscape reasons overruled (EDLP Policy D1 & Strategy 46 and Uplyme NP Policy UEN3).

The Inspector considered that the design and appearance of appeal scheme would be consistent with other forms of development within Rhode Lane and would be seen in the context of nearby, neighbouring properties with regards to its scale, height and position within the appeal site adjacent to the highway. The proposed structure would appear subservient to the host dwelling, would reflect and reinforce the prevailing character of surrounding area and would not be detrimental to the street scene within Rhode Lane.

He concluded that the proposed development would not result in a significant adverse effect on the character and appearance of the area nor would be harmful to the AONB. The proposal would therefore comply with Policy D1 and Strategy 46 of the Local Plan and Policy UEN3 of the Uplyme Neighbourhood Plan.

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/19/3238372

Ref: 18/2512/FUL **Appeal Ref:** 18/00071/REF
Appellant: Mr & Mrs Stephen Roberts
Appeal Site: Grindlebrook Farm Sidmouth Road Aylesbeare Exeter EX5 2JJ
Proposal: Proposed agricultural workers dwelling
Decision: **Appeal Dismissed** **Date:** 11.02.2020
Procedure: Informal Hearing
Remarks: Delegated refusal, countryside protection and lack of justification for essential need reasons upheld (EDLP Policy H4).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/19/3237065

Ref: 19/0452/FUL **Appeal Ref:** 19/00060/REF
Appellant: Mr Jason Everett-Brown
Appeal Site: Land Lying To The South Of 8 Grange Cottage Rockbeare
Proposal: Erection of a two bedroom chalet for use as a residential dwelling (retrospective application)
Decision: **Appeal Dismissed** **Date:** 17.02.2020
Procedure: Written representations
Remarks: Delegated refusal, countryside protection and sustainability reasons upheld (EDLP Strategy 7 and Policies D1 & H4 and Rockbeare NP Policy Rock 7).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/19/3236759

Ref: 18/F0527 **Appeal Ref:** 19/00062/ENFAPP
Appellants: Jason Everett-Brown, Brian Frank Reginald Brown & Sheila Patricia Brown
Appeal Site: 8 Grange Cottages Rockbeare Exeter EX5 2EP
Proposal: Appeal against an enforcement notice served in respect of the unauthorised construction and residential use of a building.
Decision: **Appeal Dismissed** **Date:** 17.02.2020
Procedure: Written representations
Remarks: Enforcement notice varied and upheld, countryside protection and sustainability reasons upheld (EDLP Strategy 7 and Policies D1 & H4 and Rockbeare NP Policy Rock 7).
BVPI 204: **No**
Planning Inspectorate Refs: APP/U1105/C/19/3236773, 774 & 775

Ref: 19/F0046 **Appeal Ref:** 19/00058/ENFAPP

Appellant: Mr Simon Connell

Appeal Site: The Undercliff Rousdon

Proposal: Appeal against an enforcement notice served in respect of the unauthorised construction of a raised viewing platform

Decision: **Appeal Dismissed** **Date:** 17.02.2020

Procedure: Written representations

Remarks: Enforcement Notice varied and upheld, countryside and landscape reasons upheld (EDLP Strategies 7, 44 & 46 and Policy D1). Application for a partial award of costs against the Council refused.

BVPI 204: **No**

Planning APP/U1105/C/19/3236321

Inspectorate Ref:

East Devon District Council List of Appeals In Progress

App.No: 18/2173/VAR
Appeal Ref: APP/U1105/W/19/3234261
Appellant: Mr David Manley
Address: Enfield Farm Biodigester Oil Mill Lane Clyst St Mary EX5
1AF
Proposal; Variation of conditions 2,5,7 and 10 of planning permission
17/0650/VAR to allow increase annual tonnage of crop input
from 26,537 to 66,000 tonnes and increase annual tonnage of
digestate exported from the site from 21,354 to 56,000 tonnes
and vary wording of Odour Management Plan
Start Date: 20 August 2019 **Procedure:**
Written reps.
Questionnaire Due Date: 27 August 2019
Statement Due Date: 24 September 2019

App.No: 19/0430/FUL
Appeal Ref: APP/U1105/W/19/3235921
Appellant: Punch Partnerships (PML) Ltd
Address: The Blue Ball Car Park Sidford
Proposal; Proposed construction of three detached dwellings and
private car parking with associated new private vehicular
access, landscaping, boundary treatments, drainage and
ground works, and reconfiguration of the existing car park.
Start Date: 9 September 2019 **Procedure:**
Written reps.
Questionnaire Due Date: 16 September 2019
Statement Due Date: 14 October 2019

App.No: 19/F0077
Appeal Ref: APP/U1105/C/19/3234097
Appellant: John Howard Lomax
Address: The Workshop, Longmeadow Road, Lypstone
Proposal; Appeal against serving of enforcement notice in respect of the
unauthorised installation of a sewage treatment plant
Start Date: 23 October 2019 **Procedure:**
Written reps.
Questionnaire Due Date: 6 November 2019
Statement Due Date: 4 December 2019

App.No: 19/1557/CPL
Appeal Ref: APP/U1105/X/19/3238290
Appellant: Mr John Lomax
Address: The Workshop Longmeadow Road Lymptone Exmouth EX8 5LF
Proposal; Certificate of lawfulness for the provision of a porous hard surface to be used for any purpose incidental to the enjoyment of The Workshop, Longmeadow Road, Lymptone EX8 5LF a dwellinghouse at any point outlined in red on the attached plan.
Start Date: 30 October 2019
Procedure: Written reps.
Questionnaire Due Date: 6 November 2019
Statement Due Date: 4 December 2019

App.No: 19/0674/FUL
Appeal Ref: APP/U1105/W/19/3240291
Appellant: Mr Tom & Mrs Emma Bambridge-Sutton
Address: Mead Fortescue Road Sidmouth EX10 9QG
Proposal; Construction of dwelling in garden including demolition of existing garage and provision of parking spaces and replacement of fence with extension to stone boundary wall.
Start Date: 9 December 2019
Procedure: Written reps.
Questionnaire Due Date: 16 December 2019
Statement Due Date: 13 January 2020

App.No: 19/0675/LBC
Appeal Ref: APP/U1105/Y/19/3240296
Appellant: Mr Tom & Mrs Emma Bambridge-Sutton
Address: Mead Fortescue Road Sidmouth EX10 9QG
Proposal; Construction of dwelling in garden including replacement of fence with extension to stone boundary wall.
Start Date: 9 December 2019
Procedure: Written reps.
Questionnaire Due Date: 16 December 2019
Statement Due Date: 13 January 2020

App.No: 19/1104/OUT
Appeal Ref: APP/U1105/W/19/3240709
Appellant: Mr & Mrs Ward
Address: Four Acres Exton Lane Exton Exeter EX3 0PN
Proposal; Construction of detached dwelling (outline application with all matters reserved)
Start Date: 11 December 2019
Procedure:
Written reps.
Questionnaire Due Date: 18 December 2019
Statement Due Date: 15 January 2020

App.No: 19/0834/PDR
Appeal Ref: APP/U1105/W/19/3241417
Appellant: Feniton Park Limited
Address: Ware Farm Ottery St Mary EX11 1PJ
Proposal; Prior notification under Part 3 Class R for the flexible change of use from agricultural use to 9no. aparthotel units
Start Date: 17 December 2019
Procedure:
Householder
Questionnaire Due Date: 24 December 2019
Statement Due Date: 21 January 2020

App.No: 19/0077/FUL
Appeal Ref: APP/U1105/W/19/3241441
Appellant: Mr And Mrs Jonathan And Clare Hansford
Address: Land At Pit Orchard Bim Bom Lane Kilminsteron
Proposal; Construction of 5 no. dwellings and formation of vehicular access
Start Date: 17 December 2019
Procedure:
Written reps.
Questionnaire Due Date: 24 December 2019
Statement Due Date: 21 January 2020

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: 1 April 2020
Venue: Tale Room, Blackdown House, Honiton

App.No: 18/F0050
Appeal Ref: APP/U1105/C/19/3234227
Appellant: FWSC (Ladram) Ltd.
Address: Ladram Bay Holiday Centre, Ladram Bay, Otterton
Proposal; Appeal against the serving of an enforcement notice in respect of the construction of a raised platform with associated balustrade, storage areas and supporting structures
Start Date: 17 January 2020
Procedure:
Written reps.
Questionnaire Due Date: 31 January 2020
Statement Due Date: 28 February 2020

App.No: 19/1360/FUL
Appeal Ref: APP/U1105/W/19/3243366
Appellant: Dr Paul Barber
Address: Gardeners Barn Honiton Bottom Higher Brand Lane Honiton
Proposal; Change of use and alteration of agricultural building to form dwelling
Start Date: 29 January 2020
Procedure:
Written reps.
Questionnaire Due Date: 5 February 2020
Statement Due Date: 4 March 2020

App.No: 19/2011/PDQ
Appeal Ref: APP/U1105/W/19/3243386
Appellant: Mrs S Herrod
Address: Building At Pinneywood Farm Lodge Lane Axminster EX13 5RT
Proposal; Prior approval for proposed change of use of agricultural building to a dwelling (use class C3) and associated operational development
Start Date: 29 January 2020
Procedure:
Written reps.
Questionnaire Due Date: 5 February 2020
Statement Due Date: 4 March 2020

App.No: 19/0821/FUL
Appeal Ref: APP/U1105/W/19/3244064
Appellant: Mark Thomas
Address: 1 Hardys Court Hawkerland Road Colaton Raleigh Sidmouth EX10 0HL
Proposal; Demolition of the old stables and construction of a new bungalow including new vehicular access from Hardys Court.
Start Date: 10 February 2020
Procedure:
Written reps.
Questionnaire Due Date: 17 February 2020
Statement Due Date: 16 March 2020

App.No: 19/0488/FUL
Appeal Ref: APP/U1105/W/20/3244536
Appellant: Mr Stuart Phillips
Address: 8 Mill Street Ottery St Mary EX11 1AD
Proposal; Conversion of 1st floor and part of ground floor to 4no. apartments; retention of part of ground floor as storage
Start Date: 12 February 2020
Procedure:
Written reps.
Questionnaire Due Date: 19 February 2020
Statement Due Date: 18 March 2020

App.No: 19/1826/FUL
Appeal Ref: APP/U1105/W/19/3243903
Appellant: Mr & Mrs Boote
Address: Oaklands Farm Monkton Honiton EX14 9QH
Proposal; Change of use and conversion of existing farm shop/cafe and redundant agricultural buildings to create 5 no. dwellings together with extensive landscaping, vehicle parking and access.
Start Date: 13 February 2020
Procedure:
Written reps.
Questionnaire Due Date: 20 February 2020
Statement Due Date: 19 March 2020
