

## Appeal Decisions Received between 01/03/09 to 31/03/09

Reference Number	Parish	Proposal Description and Location	Appeal Decision	Comments
44/1128/08/F	SLAPTON	Stationing of temporary horticultural workers dwellings. Kimberly Nurseries, Slapton, Kingsbridge	<b>APPEAL DISMISSED</b>  <b>APPELLANTS APPLICATION FOR COSTS - REFUSED</b>	<p>The Inspector concluded that there was no agricultural justification for an on-site mobile home. As it is sited in an unsustainable location and within an area of countryside designated as CPA and AONB, the proposal was contrary to policy.</p> <p>The Inspector refused the appellant's application for costs because he did not feel that the appellant had incurred wasted expense in pursuing an appeal as a result of the Council's decision.</p>
15/0405/08/F	DARTMOUTH	Re-advertisement, Erection of dwelling – Old Mill Kennels, Old Mill Lane, Dartmouth	<b>DISMISSED</b>	<p>The Inspector concluded that the proposal would conflict with countryside protection, spatial strategy and sustainable development aims of Development Plan Policies. No overriding material considerations justified a decision other than in accordance with the Development Plan.</p>
51/2524/07/F	STOKE FLEMING	Resubmission of planning application 51/0763/for the erection of a dwelling house (temporary three years) for use by agricultural workers – Field at SX8458 5049 Fast Rabbit Farm, Strawberry Valley, Dartmouth	<b>DISMISSED</b>	<p>The Inspector concluded that there was insufficient justification to permit the erection of a temporary dwelling in the countryside, which would represent an unwarranted intrusion on the land that is essentially rural and undeveloped.</p>
15/2492/07/F	DARTMOUTH	Resubmission of planning application 15/0455/07/F for demolition of existing buildings and erection of 6 no. flats and associated parking – St Johns Ambulance Association, College Way, Dartmouth, Devon TQ6 9NN	<b>ALLOWED (Partial Award of Costs to Appellant)</b>	<p>The Inspector considered the main issues were the effect of the proposal on the character and appearance of the area and on highway safety. On this first main issue, he concluded that the proposal would not harm the character and appearance of the area or conflict with relevant Development Plan Policies. He accepted that the proposal would restrict views but did not consider this to be sufficient reason, in itself, to warrant a refusal of permission. On the second issue, the Inspector concluded that the level and layout of proposed on-site parking and the siting of the proposed garage entrance would not result in any material harm to highway safety.</p>

				<p>In response to the appellant's application for costs, the Inspector found that the Council did not unreasonably refuse permission on design grounds because Members had genuine concerns about the design and these formed the basis of its refusal. However, on the matter of highway safety the Council failed to produce any credible evidence to show it had any grounds for taking a decision contrary to the advice given by the Highway Authority. Consequently, the Inspector found that the Council had behaved unreasonably in refusing the proposal for highway safety reasons.</p> <p>Full copies of the appeal and costs decision letters can be found on the website with the other appropriate applications and appeal documents using the planning reference above.</p>
<b>53/0446/08/F</b>	<b>STOKENHAM</b>	Retrospective application for resubmission of planning application 53/0462/07/F for extended decking and boundary treatment – 1 Shindle Park, Chillington, Kingsbridge, TQ7 2JE	<b>DISMISSED</b>	<p>The Inspector concluded that the proposal would not harm living conditions at 2 Shindle Park and the increased height of fencing would not generally be seen from the public domain, thus resulting in no unacceptable harm to the character and appearance of the area. However, the Inspector was of the opinion that the increased depth of decking on the southern side of the appeal dwelling has resulted in a greater degree of overlooking towards windows and decked area along the rear elevation of Westgrove than would have been the case had the appeal decking been constructed as permitted. He concluded that the decking as constructed harms living conditions at Westgrove to an unacceptable degree.</p>