

Appeal Decisions Received between 01/05/09 to 31/05/09

Reference Number	Parish	Proposal Description and Location	Appeal Decision & DATE	Comments
52/0406/08/F	STOKE GABRIEL	Resubmission of application 52/2544/07/F for demolition of existing and erection of replacement dwelling – Highover, Hoyle Lane, Stoke Gabriel, Totnes, Devon TQ9 6QW	APPEAL DISMISSED On 6 May 2009	The Inspector was of the opinion that the proposed bulk and shape of the new dwelling would not be in keeping with its surroundings and would be harmful to the character and appearance of the area.
08/0690/08/F & 08/0691/08/F	BUCKLAND TOUT SAINTS	0690/08/F Removal of condition 1 of approval 9/08/0635/05/CU for continued use of land for storage of road planings, other roadstone, aggregates and soils. 0691/08/F Storage of soil, aggregate, stone etc. Land at Torr Quarry Industrial Estate, East Allington, Totnes	0690/08/F ALLOWED Subject to Conditions & 0691/08/F DISMISSED Both on 8 May 2009	690/08 This appeal is against planning conditions 1,2 and 6 imposed on the planning approval. <u>Condition 1. Landscaping</u> The Inspector concluded that the existing bund enclosing the area used for the storage of road planings has regenerated to an extent and should be left to regenerate further, naturally. The area is not prominent in the landscape and open to few public views. The planning condition imposed on the approval requiring additional planting should be deleted. <u>Condition 2. Height of material stored</u> This condition limited the height of stored material so that it did not exceed the height of the adjoining tree canopy. The Inspector removed this condition and imposed a new condition limiting the height of stored material to 3m. <u>Condition 6. Limitation on use of equipment/plant above ground level</u> The Inspector imposed a new condition, effectively rewording the condition under appeal ensuring no plant/equipment is operated above existing ground level. 691/08 This appeal was against the refusal of planning permission for the continued storage of soil/aggregate etc and proposed the reduction of ground level by 2m. This is a site that was originally under the control of DCC as planning authority. An

				<p>appeal against the further planting of the area was allowed, the Inspector at that time concluding that there were no significant publicly accessible views. The existing wooded slopes were considered sufficient to assimilate the operations.</p> <p>The temporary permission for the use of the area for storage has now expired. The use of the area has resulted in material cascading down the wooded slope. The Inspector considered that the spilt material is likely to have an adverse affect on the future health of trees on the wooded hillside which are of considerable importance to the screening of operations on the site. The proposed reduction in site levels would entail raising the existing edges by up to 2m. This in the Inspectors view would only consolidate the harm already caused. In his view, to prevent further spillage of tipped material a new bund or other form of enclosure should be formed around the re-established western and northern edges with appropriate landscaping to screen the materials stored. He concluded that the scheme before him would harm the character and appearance of the landscape in this rural area.</p>
30/1954/08/F	KINGSWEAR	Demolition of existing sun room/porch and rebuilding smaller pitched roof porch/boot room. New slit window to south elevation, sliding doors to cart store, conservation roof light to nursery mezzanine together with minor internal and external alterations – Southdown Barns, Mill Lane, Brixham, TQ5 0AJ	DISMISSED on 26 May 2009	The Inspector was of the opinion that the proposal would be an unsatisfactory addition to this group of buildings and would confuse their historic form and function to the detriment of their character and appearance. Whilst considering that any impact on the wider countryside would be modest, the Inspector considered that the historic form and character of this group of buildings is something that is worthy of protection for its own sake.
58/2157/08/F	WEMBURY	Resubmission of 58/1883/08/F for disabled annex – Lane End, Spring Road, Wembury Point, Plymouth, PL9 0AU	ALLOWED on 18 May 2009	The Inspector stated that planning permission had already been granted to provide a double garage/ boat store in the same location and the same scale as the appeal proposal. As there would be no significant difference, apart from a single entrance door replacing the garage doors, he considered that there would no conflict with the relevant

				development plan design policies within the Local Plan. He also made reference to paragraph 99 of Circular 11/95, which states that an accommodation annexe might take the form of a separate building as well as an extension to the property concerned. The Inspector considered that an appropriate condition ensuring that it would remain in such ancillary use fulfilled the requirements for strict control established by Structure Plan Policy ST5 and Local Plan Policy SHDC 3. He also considered that there was no reason to suppose that the annexe could not continue as ancillary accommodation after current needs prevail, and he did not accept that the proposal could lead to irresistible pressure for a replacement double garage/boatstore on the site. The Inspector concluded that the appeal should succeed. A condition requiring the annexe only to be occupied for purposes ancillary to the residential use of the dwelling known as Lane End was attached to the permission. However, the Inspector did not consider it necessary to attach a condition to secure control over any further window openings in the building.
19/0599/08/0	EAST ALLINGTON	Outline application for the erection of eleven dwellings including affordable provisions – Land adjacent to Willowfields, Lister Way, East Allington, Totnes – WIMS (UK) Ltd	DISMISSED On 20 May 2009	The Inspector concluded that the appeal site is not an appropriate location for the proposed development. There was no dispute that there is conflict with the current Development Plan in this case, but other considerations in favour of the development, including the local need for affordable housing and the present significant under-supply of dwellings in the district, are outweighed by the relatively remote location of the village and its lack of a shop.
50/1022/08/F	STAVERTON	Resubmission of planning application 50/2310/07/F for the formation of off street parking for four vehicles – Land adj Landscope House, Landscope, Asburton – Mr Langdon	DISMISSED On 13 May 2009	The Inspector concluded that the proposal would be very unlikely to provide any meaningful highway benefit and it would unacceptably harm the character and appearance of the area.
14/2387/09/F	DARTINGTON	Replacement of mobile home with dwelling – Land Adj 6	DISMISSED On 2 June 2009	The Inspector considered that the proposal would be contrary to policy. Strict control should be

		Puddavine Terrace, Dartington, Totnes, Devon TQ9 8EU – Mr B Vowles		exercised in this countryside location. He concluded that the replacement of the existing mobile home with a permanent dwelling would be unacceptable in principle in this location notwithstanding that there would be no significant effect on the character and appearance of the surrounding rural area.
01/2380/08/F	ASHPRINGTON	Erection of split-level single storey dwelling and works to widen access – Site r/o 1 Dunstone Cottages, Ashprington, Totnes, Devon TQ9 7UW – Alison Carr	DISMISSED On 3 June 2009	The Inspector concluded that the proposed new dwelling would be most obtrusive and out of keeping with the character of the area and would cause considerable harm to the setting of the Conservation Area. In addition, he considered that the development would be likely to harm highway safety, regarding the proposed parking and turning arrangements.