



North Devon Council

Report Date: 30th October 2023

Topic: Planning and Enforcement Appeal Decisions received since last report to Planning Committee. See Agenda for Planning Committee held on 6th September 2023.

Report by: Sue Thomas – Senior Planning Support Officer (Appeals).

1. INTRODUCTION

1.1. This report is to inform Planning Committee Members of the Planning and Enforcement Appeal Decisions received from the Planning Inspectorate.

2. RECOMMENDATIONS

2.1. That Members and other interested parties note the appeal decisions reported.

3. REASONS FOR RECOMMENDATIONS

3.1. The Appeal Decisions are reported for general information and to enable consideration of any implications they may have on future cases.

4. REPORT

- 4.1 **Appendix A** – 73875 - Outline application for the erection of up to 161 residential dwellings, involving the demolition of an existing dwelling (no.18 St Andrews Road) to create a new access onto St Andrews Road, and associated landscaping and open space with some matters reserved (appearance, landscaping, layout & scale) (amended plans) (additional noise report supplied 14/07/22) – Land north of St Andrews Road, Fremington – Appeal Dismissed 11/09/2023
- 4.2 **Appendix B** – 74082 - Conversion and extensions to form five open market dwelling units and one dwelling unit for social rent - The White Hart, Bratton Fleming, Barnstaple Devon EX31 4SA – Appeal Dismissed 13/09/2023
- 4.3 **Appendix C** – 74197 - Erection of holiday unit, improved access and resurfacing of area to create additional parking - Higher Mullacott Road From St Brannocks Road To Mullacott Cross Roundabout, Ilfracombe EX34 8NA – Appeal Dismissed 05/10/2023
- 4.4 **Appendix D** – 75015 - Retrospective application - temporary change of use of land for the siting of temporary caravan for use as a rural workers dwelling together with erection of 1 polytunnel, 1 shed & 1 compost toilet - Land to the East of Kingsland Farm, Burrington, UMBERLEIGH, Devon EX37 9LU – Appeal Allowed 18/10/2023
- 4.5 **Appendix E** – 75762 - Change of use of land & erection of two yurts together with associated access, parking and landscaping for the purposes of tourist accommodation - West Pilliven, Witheridge Tiverton Devon EX16 8QD – Appeal Allowed 27/10/2023
- 4.6 **Appendix F** - Planning Appeal re 74895 – Outline application for the erection of 5 dwellings including access & associated works with some matters reserved

(appearance, layout, scale and landscaping) - Land at Back Lane, Chulmleigh, Devon - Appeal Allowed on 7th August 2023.

As stated in the last Appeal Report (Planning Committee of 6th September) the Planning Inspectorate has been contacted with a request that the Inspector provides an explanation for their comments at paragraph 10 of their appeal decision As I am sure that you are aware, North Devon and Torridge District Councils DO have a 5 Year Housing Land Supply as advised in the communication sent to the Inspectorate on 3rd May 2023.

It should be noted that:

- the appeal decision, once issued, cannot be amended or re-issued
- at the time of submitting the planning application and the subsequent appeal, North Devon and Torridge District Councils did not have a 5 Year Housing Land Supply
- with regard to this particular appeal case, the Inspector's decision might not have been influenced by the existence of a 5YHLS

Update - At the time that this report (30th October 2023) no substantive response has been received from the Planning Inspectorate although advice has been received that the matter is in hand. See **Appendix F** – copy of email from Planning Inspectorate.

5. RESOURCE IMPLICATIONS

- 5.1. Where an application by the appellant for an award of Appeal Costs is successful it is expected that this will be paid from the Planning budget (financial resource implication)
- 5.2. Where an application by the LPA for an award of Appeal Costs from the appellant is successful it is expected that this will be paid into the Planning budget (financial resource implication)
- 5.3. There may be a financial implication if Consultants are employed to confirm that any claim for Appeal Costs is reasonable/acceptable (financial resource implication)
- 5.4. There may be a call on NDC staff (Planning/Legal) to confirm that any claim for Appeal Costs is reasonable/acceptable (staffing resource implication)

6. EQUALITIES ASSESSMENT

- 6.1. There are not any equalities implications anticipated as a result of this report.

7. ENVIRONMENTAL ASSESSMENT

- 7.1. It is considered by the Author that, as this report is simply to advise Planning Committee Members and other interested parties of recent Planning and Enforcement Appeal decisions, there are no Environmental implications arising from its contents.

8. CORPORATE PRIORITIES

- 8.1. What impact, positive or negative, does the subject of this report have on:



8.1.1. The commercialisation agenda: - Positive as will learn lessons to reduce potential costs awards against the Council

8.1.2. Improving customer focus and/or – Positive as will learn lessons for future consideration

8.1.3. Regeneration or economic development – Positive as will learn lessons for future consideration

9. CONSTITUTIONAL CONTEXT

9.1. Article of Part 3 Annex 1 paragraph: - Not applicable

9.2. Referred or delegated power? – Not applicable

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

11.1 Information extracted from MasterGov Appeals Records (Appendices A - F)

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:

Sue Thomas – Senior Planning Support Officer (Appeals) - Planning, Housing & Health