



North Devon Council

Report Date: 22nd December 2023

Topic: Planning and Enforcement Appeal Decisions received since last report to Planning Committee. See Agenda for Planning Committee held on 13th December 2023.

Report by: Sue Thomas – Planning Support Officer.

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** - Planning Appeal re 76274 – Change of use from domestic garage to B2 small vehicle repair workshop - Land and building to south of 13 Hermitage Road, Ilfracombe, EX34 8BU - Appeal Dismissed on 8th December 2023.

4.2 **Appendix B** – Planning Appeal re 74837 – Change of use of land and erection of a shepherd's hut for holiday use – Loscombe Farm, East Down, EX31 4NA – Appeal Dismissed on 8th December 2023.

4.3 **Appendix C** – Planning Appeal re 75710 – Conversion of agricultural barn to holiday let, Barn at Ashpark Farm, South Molton EX36 3EJ – Appeal Allowed on 16th December 2023.

4.4 **Appendix D** – Planning Appeal re 72984 – Conversion of storage building & change of use of land to a wedding venue – The Bolthole, Milltown EX31 4HG – Appeal Dismissed on 20th December 2023

4.5 **Appendix E** – Planning Appeal re 74775 - Hybrid planning application to provide an Agricultural-Hub comprising: Area 1: Full Planning Permission for the erection of workshop & storage & distribution uses with ancillary offices, shop & showroom, (sui generis), creation of access and associated works (Phase 1); Area 2: Outline Application for the erection of buildings 1, 2 & 3 for agri-business uses falling under Use Classes Class E (a) retail, Class E (e) medical services, Class E (g) Business, B2 workshop & B8 storage & distribution with appearance & scale to be reserved matters (Phases 2 & 3) – Land at Stonelands Cross, Rackenford – Appeal Allowed on 20th December 2023. Appellant Application for Costs Dismissed on 20th December 2023.

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 Annexe 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 - E)



12. STATEMENT OF INTERNAL ADVICE

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

Sue Thomas – Planning Support Officer - Planning, Housing & Health