

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 29 June 2015
Report of: Assistant Director City Development
Title: Appeals Report

Is this a Key Decision?

No

Is this an Executive or Council Function?

No

1. What is the report about?

1.1 The report provides Members with information on the latest appeal decisions received and a record of new appeals submitted to the Planning Inspectorate.

2. Recommendation:

2.1 Members are asked to note the report.

3. Summary of decisions received

3.1 Two appeal decisions have been received and are summarised below:

(i) St Leonards Lodge, Jennifer Close, Exeter – This was an appeal against consent to undertake work to three protected trees. The Inspector ordered that the Condition regarding replacement planting be amended with the wording he proposed.

(ii) 32 Liberty Way, Exeter – The application sought approval for a side extension to the dwelling. The site accommodates a two story dwelling with single storey garage attached to the side, having a significant front set back. The dwelling is located within a row of similar dwellings which appear identical, share similar front building lines and are detached, albeit joined by their garages. The Council's SPD states that side extensions should have a setback of at least 900mm from the main front building line. The existing dwellings contain clear rhythmic gaps formed by the set back garages. In this case, although the proposal allows for a setback as set out in the SPD, its reduced setback compared with the current garage, and the other houses in the row, would cause it to appear obtrusive, incongruous and out of character with the prevailing form of development. He considered the development would have additional detrimental effects on the character and appearance of the streetscene. The proposed glazing on the first floor would be out of character with both the dwelling and its neighbours. He concluded that the proposal would have a harmful impact on the character/appearance of the surrounding area and that it would conflict with the Council's Core Strategy and Local Plan.

4. New Appeals

4.1 No new appeals have been confirmed.

5. Home Farm Appeal

5.1 Following a hearing on 8 June, a High Court judge has dismissed the Council's application to quash a Planning Inspector's decision to allow outline permission for 120 homes at Home Farm, Church Hill, Pinhoe.

After taking legal advice, the Council challenged the Inspector's decision on grounds that she had erred in her interpretation of national planning policy on meeting housing

needs. In particular, although the adopted Core Strategy's housing requirement included an element of growth in relation to students, she did not take into account the contribution made by student accommodation to housing supply in Exeter. The application to quash the decision was resisted by the Secretary of State and the applicants (Waddeton Park Ltd and the RB Nelder Trust).

Justice Hickinbottom ruled that Inspector made no error in her interpretation of national planning policy. She was entitled to her view on student accommodation, because the Council had provided insufficient evidence at the Home Farm Inquiry to demonstrate the extent to which students were included in the adopted housing requirement. The judge also ruled that, even if the Inspector had approached the issue differently, she would inevitably have come to the conclusion that the proposal was sustainable development and would therefore have allowed the appeal.

A copy of the judge's ruling can be viewed at
<http://www.bailii.org/ew/cases/EWHC/Admin/2015/1663.html>

6. Public Inquiries

- 6.1 The Waddeton Park Limited Inquiry at Exeter Road, Topsham will take place on 24 November.
- 6.2 The Honiton Road mixed use development Inquiry will take place in the first week of December.

Assistant Director City Development

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report:

Letters, application files and appeal documents referred to in report are available for inspection from:
City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries
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