

**REPORT TO: PLANNING COMMITTEE**

**Date of Meeting: 31 October 2016**

**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 latest decisions received and new appeals since the last report.

**2. Recommendation:**

- 2.1 Members are asked to note the report.

**3 Summary of Decisions received:**

- 3.1 The following decision has been received since the last report:

Appeal ref: APP/Y111110/C/16/3146595

Site at East Yard, Ide Lane, Pocombe Bridge, Exeter. The Council's reference is ENF/15/0004.

The breach of planning control alleged in the notice was:

"A material change of use of the land without planning permission, namely:-

The change of use of the land from agricultural to a mixed use of agriculture and domestic."

The requirements of the notice were to:

1. Cease the use of the land for domestic purposes.
2. Permanently remove the static caravan with any mobile caravan(s).
3. Permanently remove all garden ornaments, the polythene tunnel together with any other domestic paraphernalia.

The period for compliance was 6 months.

The Inspector noted that the appellant's agent appeared to have misunderstood the appeal process, and had not submitted any reasons or argument to support the grounds of appeal. He also expressed concern that the Council's alleged use of the site as "agriculture and domestic" was vague and inaccurate. In his view the site is in a mixed use including industrial and commercial storage, the base for a vehicle recovery business, the stationing of a caravan, and a building in mixed residential and other use.

The Inspector concluded that the appellant and his agent have made such a mess of the appeal that he could have summarily dismissed it, without considering it in any detail, since no relevant facts or arguments have been put forward to support the appeal. However, as he considered that the Council's Enforcement Notice was also defective, it could not be upheld. Therefore a situation had been created which he described as 'omniflawed'. In his view the best outcome was to quash the Enforcement Notice so that all those involved could start again on a proper footing.

In order to quash the Enforcement Notice the Inspector had to allow the appeal, but he made it clear that this was only for legal reasons and does not mean that any development at the site is being authorised.

#### **4. New Appeals:**

4.1 One new appeal has been received:

Application Ref: 16/0562/01 – Pocombe Orchard, Pocombe Bridge.

The application was for one new dwelling.

### **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  
Democratic Services (Committees)  
Room 2.3  
01392 265275