

# Appeal Decisions between 05/04/2022 and 12/06/2022

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
05/04/2022	20/00704/OUT	2021/0006	Appeal Dismissed	APP/N1160/W/21/3269385
<b>Ward</b>				
Southway				
<b>Address</b>				
Land At Cann Lodge Accessed Off Cheshire Drive Tamerton Foliot Plymouth				
<b>Application Description</b>				
Outline application for 14 dwellings with all matters reserved except access				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mr Chris King		
<b>Synopsis</b>				
<p>The Inspector agreed that there would be adverse impacts upon the significance of the CA and the Grade II* listed Church of St. Mary and that the benefits of the proposal would not outweigh the scale of harm to these non-designated heritage assets. It was therefore agreed that the proposal conflicts with policies SPT11 and DEV21 and is at odds with the objective of C2 of the National Design Guide. The inspector also agreed that the proposal would detract from the character and appearance of the area, in conflict with DEV23 and DEV28, and that the development would involve an unacceptable loss of green infrastructure in conflict with DEV27. The Inspector concurred that the proposal would be likely to have an unacceptable risk to pedestrian safety or cause congestion and inconvenience for existing highway users in conflict with DEV29. The Inspector however did not agree that the development would be harmful to the ecological function of the site or conflict with Policy DEV26 as he considered that suitably worded conditions could be attached and therefore the proposal would be unlikely to harm the LNR or nature conservation interests.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
06/04/2022	18/00649/FUL	2019/0031	Appeal Dismissed	APP/N1160/W/19/3228647
<b>Ward</b>				
Plymstock Dunstone				
<b>Address</b>				
Land Off Colesdown Hill Plymouth				
<b>Application Description</b>				
Change of use of the land to a private Gypsy and Traveller caravan site consisting of 2no mobile homes, car parking and associated development				
<b>Appeal Process</b>		<b>Officers Name</b>		
Informal Hearing		Mr Paul Webber		
<b>Synopsis</b>				
<p>The inspector agreed the proposal would conflict with the policies for the Saltram Countryside Park Strategic Green Space (in particular Policies DEV27 and PLY54 of the JLP) and Policy DEV26 of the JLP concerning biodiversity. Notwithstanding the compliance with Policy DEV13, concerning Gypsy and Traveller accommodation he considered that the scheme would conflict with the development plan when considered as a whole. Moderate weight was attached to the compliance with Policy DEV13 of the JLP and the planning policy for traveller sites and substantial weight to the unmet need for Gypsy and Traveller pitches. The lack of availability of suitable, affordable and acceptable alternative sites was also afforded substantial weight, along with the personal circumstances of the proposed occupiers of the site. The combined weight in support of the scheme was therefore deemed substantial. The harm to, and policy conflict with, the Strategic Green Space and the functions and characteristics of the Saltram Countryside Park attributed moderate weight. However, the potential disruption and harm to the habitat of bats a matter of great significance that weighs to a very large extent against the proposal. The importance of ensuring that a protected species is not unduly harmed tipped the balance of all the considerations such that the combined harm would not be outweighed by the cumulative benefits of the proposal. The Council made a costs claim, the Inspector agreed that the appellant should have been timelier in the supply of documents, however did not find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process had been demonstrated and therefore no award of costs was made.</p>				