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Your Ref:

Date: 27th March 2024

My Ref: 23/00007/URBAN

Contact: Heather Nesbitt

Dear Sir/Madam,

APPEAL BY Mr Bernard Robert George Rowe
Site at: Church Lea Willand Old Village Willand Cullompton
Application No: 23/00007/URBAN
Appeal Ref No. APP/Y1138/C/24/3340219/3340220

TOWN AND COUNTRY PLANNING ACT 1990 – APPEAL UNDER SECTION 174

I am writing to let you know that an Appeal has been made to the Secretary of State against the service of an Enforcement Notice issued by Mid Devon District Council 14th February 2024.

The appeal is to be decided on the basis of an exchange of Written Representations by the parties and a site visit by the Inspector. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

The alleged breach of planning control is:

Without planning permission the erection of a lean-to extension to the existing garage which is forward of the front principal elevation of the House on the Land shown in the approximate position on the Plan coloured blue.

The reasons for issuing the Enforcement Notice are:

1. The lean-to extension to the garage is a prominent, unduly intrusive, visually dominant and discordant feature in the street scene, in conflict with the intrinsic physical built qualities of the surrounding area which forms the Willand Conservation Area ("the Conservation Area").
2. It is materially harmful to the built form, character and appearance of the area as such and it fails to adhere to good design principles. Consequently, the lean-to causes harm to the Conservation Area and fails to persevere or enhance the Conservation Area.

3. Church Lea is located within the settlement limit of Willand where development of extensions, outbuildings etc within the residential curtilage are supported by policy DM11 of the Mid Devon Local Plan (MDLP). However, the policy requires that development would reflect and respect the character and appearance of the host dwelling and more importantly in this case its setting, have a good understanding of the characteristics of the site and would not adversely impact the residential amenity of the neighbouring residents.
4. The low density detached housing within the immediate area and wider locality is generally set on good sized plots and there is a very verdant character and appearance to the local area of planted front gardens, hedges and green verges. The lean-to abuts the unauthorised fence (subject of a separate notice) and they are intrinsically linked to one another.
5. The lean-to is visually intrusive as it is visually dominant and is a discordant feature in the street scene. The guttering from the unauthorised lean-to drapes over the unauthorised fence (subject of a separate notice) and discharges onto the public highway.
6. The lean-to is considered to be contrary to policies S1, S9, S13, and DM25 of the Mid Devon Local Plan 2013-2033 and the guidance with the National Planning Policy.

The Enforcement Notice requires the following steps to be taken:

- (1) Permanently remove the lean-to extension from the Land; and
- (2) Permanently remove all debris and other materials from the Land that result from the dismantling and removal of the lean-to

The appellant's grounds for appeal against the Notice are:

- Ground B** - that the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
Ground G - that the time given to comply with the notice is too short.

Any comments already made following the original application will be forwarded to the Planning Inspectorate together with copies to the appellant and will be taken into account by the Inspector in deciding the appeal. I should point out to you that any views you make will be disclosed to the other parties.

If you wish to make further comments, modify or withdraw your previous representation, you can do so on line at <https://acp.planninginspectorate.gov.uk> or by writing to the case officer, The Planning Inspectorate, Room 3B, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN quoting the above appeal reference, you will need to provide 3 copies.

All representations must be received by 23rd April 2024. Any representations submitted after this date will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from GOV.UK <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

Any documentation regarding this appeal can be viewed at our offices at the above address or on the Council's planning online view and tracking service via <https://planning.middevon.gov.uk/online-applications/>

When made, the decision will also be published by the Planning Inspectorate.

Yours faithfully

Appeals Team