

Date: 20 October 2010  
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Our Reference: CEH



To: Members of the Planning Inspections Committee:  
(Councillors: Geoff Chamberlain, Andrew Dinnis,  
Paul Diviani, Ray Franklin, Mike Green, Stephanie Jones,  
David Key, Helen Parr)

Ward Member:  
(Brenda Taylor, Steve Wragg)

Head of Planning and Countryside Services  
Development Manager  
Senior Solicitor

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Dear Sir/Madam,

**Planning Inspections Committee  
Friday 29 October 2010**

The above Committee meeting will be held in the Council Chamber, Knowle, Sidmouth to consider the matter detailed on the agenda below. Ward Members are reminded that they are Members of the Inspections Committee for the purpose of any application within their own Ward but do not have voting rights. For the purpose of such applications, they are also entitled to attend the informal site inspections to be carried out by the Committee.

Members are requested to bring their previously circulated copies of the Development Management Committee reports to the meeting. Please note the assembly time of 8.50 am in the Members Area, Knowle, for the visiting Members of the Planning Inspections Committee.

Yours faithfully,

MARK WILLIAMS

Chief Executive

Members of the public are welcome to attend and speak at this meeting provided they have entered their name against the relevant speaking sheet located near the entrance to the Council Chamber:

- The relevant Officer will introduce and outline the item to be discussed. The public will then be able to speak on that matter only.
- All individual contributions will be limited to a period of 3 minutes – where there is an interested group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group. Extra papers and/or handouts **cannot** be circulated at the meeting. There is a timing clock to assist you.
- Speakers should restrict their comments to planning considerations only.
- The Chairman has the right and discretion to control questions and irrelevant points being raised to avoid disruption, repetition and to make best use of the meeting time.
- Speakers are asked not to come to the microphone if their points have already been covered.
- After the public speaking period has finished the consideration of reports will begin and the public will take no further part in the meeting.
- All attendees at the meeting are asked to offer all speakers the courtesy of listening to others' points of view, even if they do not agree with it.
- The Chairman will not tolerate any interruptions from the public and is entitled to exclude people from the meeting if the business of the committee cannot be carried out effectively

## AGENDA

Page/s

- 1 To confirm the minutes of the meeting of the Planning Inspection Committee held on 1 October 2010 4 - 8
- 2 To receive any apologies for absence.
- 3 To consider any items which in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.  
  
(Note: Such circumstances need to be specified in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting).
- 4 To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which the Officers recommend should be dealt with in this way.
- 5 To consider the following planning application which the permanent, including substitute, Members of the Planning Inspections Committee have informally inspected during the day:

<u>District Ward</u>	<u>Application/Case Number</u> <u>Proposed Development / Site / Applicant</u>	<u>Approximate time</u> <u>of informal visit</u>
Exmouth	10/1489/FUL	9.30 am
Withycombe Raleigh	1 Humphries Park, Exmouth	
	Committee	10.30 am

### Members please note:

In order to minimise the number of cars used for the inspection, Members leaving from Knowle are asked to meet at **8.50 am for departure at 9.00 am**. If you are unable to attend, would you please inform Hannah Whitfield (01395 517542) and your substitute Committee Member as soon as possible. It is advisable for Members to wear stout shoes.

- ❑ You must declare the nature of any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- ❑ Where you have a personal interest because the business relates to or is likely to affect a body of which you are a member or manager as an EDDC nominee or appointee, then you need only disclose that interest when (and if ) you speak on the item. The same rule applies if you have a personal interest in relation to a body exercising functions of a public nature.
- ❑ Make sure you say the reason for your interest as this has to be included in the minutes.
- ❑ If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- ❑ You also need to declare when you are subject to the party whip before the matter is discussed.

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The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

**From Exmouth, Budleigh, Otterton and Newton  
Popleford – 157**

**From Exeter – 52A, 52B**  
**From Honiton – 52B**  
**From Seaton – 52A**  
**From Ottery St Mary – 379, 387**

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users. A hearing loop system is in operation in the Council Chamber.

3



**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the Planning Inspections Committee**  
**held at the Knowle, Sidmouth on Friday 1 October 2010**

<b>Present:</b>	Councillors: Paul Diviani (Chairman) Andrew Dinnis (Vice Chairman) David Atkins Stephanie Jones David Key Mark Williamson
<b>Officers:</b>	Ed Freeman, Interim Development Manager Jenna George, Planning Officer Christopher Holland, Democratic Services Officer Andrew Seddon, Senior Solicitor Janet Wallace, Environmental Health Officer
<b>Ward Member:</b>	Councillor Philip Skinner
<b>Apologies:</b>	Councillors: Derek Button Geoff Chamberlain Mike Green Ray Franklin Helen Parr

The meeting started at 11.21 am and ended at 12:16 pm

**\*1 Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 16 April 2010 were confirmed and signed as a true record.

**\*2 Applications referred to the Planning Inspections Committee**

The Committee considered the applications referred to it by the Development Management Committee. Members of the Planning Inspections Committee along with the Principal Planning Officer and Assistant Democratic Services Officer had informally visited the site earlier that day.

The following decisions were made having taken into account the report previously submitted to the Development Management Committee, which had been brought to Members' attention, noted by them and updated during the site visit.

- a) Tale Vale Ward: Application No: 10/0948/FUL (House 5) & 10/0951 (House 2) & 10/0952 (House 6) – Erection of free range chicken houses at James Barn, Kerswell, Cullompton for Mr M Cottrell and Miss M Andrews

**RESOLVED: 1)** that application 10/0948/FUL (House 5) be REFUSED for the following reasons:

- i) The site is situated within the open countryside where the Local Plan states that development will only be permitted where in accordance with a specific Local Plan Policy that explicitly permits such development and meets other relevant criteria listed in the policy. The proposed poultry house and the resulting cumulative impact with the existing two poultry houses does not satisfactorily meet the relevant criteria and no clear evidence has been submitted to demonstrate that there is a viable demand for the expansion of the poultry business at this site. Therefore the proposal is contrary to Policy ST1 of the Devon Structure Plan 2001 - 2016 and Policy S5 of the adopted East Devon Local Plan 1995 - 2011.

## **Applications referred to the Planning Inspections Committee (cont'd)**

a) Tale Vale Ward: Application No: 10/0948/FUL (House 5) & 10/0951 (House 2) & 10/0952 (House 6) – Erection of free range chicken houses at James Barn, Kerswell, Cullompton for Mr M Cottrell and Miss M Andrews

- ii) By virtue of the separation distance between the proposed poultry house and the adjoining neighbouring residence known as Windwhistle Barton, the poultry house and resulting intensification of the site would result in an unacceptable level of environmental nuisance detrimental to the amenity of adjoining residential occupiers contrary to Policies CO6, CO15 and CO16 of the Devon Structure Plan 2001-2016, Policies D1 and EN15 of the adopted East Devon Local Plan 1995 - 2011 and Government Guidance Planning Policy Statement 23 - Planning and Pollution Control.
- iii) By virtue of the location of the site within the open countryside, close to neighbouring occupiers and within 700m of a County Wildlife Site, the poultry house and resulting intensification of the site represents a significant risk due to airborne pollutants. The application fails to demonstrate that there will not be an unreasonable detriment to neighbouring uses or the wider environment. The proposal is therefore contrary to Policies CO6, CO10, CO15 of the Devon Structure Plan 2001-2016, Policies S5, D1, EN5, EN6, EN15 of the adopted East Devon Local Plan 1995 - 2011 and Government Guidance Planning Policy Statement 23 - Planning and Pollution Control.

**RESOLVED: 2)** that application 10/0951/FUL (House 2) be APPROVED subject to conditions to be drafted, delegated authority being given for this purpose to the Head of Planning, in consultation with Chairman and Ward Member.

**RESOLVED: 3)** that application 10/0952/FUL (House 6) be REFUSED for the following reasons:

- i) The site is situated within the open countryside where the Local Plan states that development will only be permitted where in accordance with a specific Local Plan Policy that explicitly permits such development and meets other relevant criteria listed in the policy. The proposed poultry house and the resulting cumulative impact with the existing two poultry houses does not satisfactorily meet the relevant criteria and no clear evidence has been submitted to demonstrate that there is a viable demand for the expansion of the poultry business at this site. Therefore the proposal is contrary to Policy ST1 of the Devon Structure Plan 2001 - 2016 and Policy S5 of the adopted East Devon Local Plan 1995 - 2011.
- ii) By virtue of the separation distance between the proposed poultry house and the adjoining neighbouring residence known as Windwhistle Barton, the poultry house and resulting intensification of the site would result in an unacceptable level of environmental nuisance detrimental to the amenity of adjoining residential occupiers contrary to Policies CO6, CO15 and CO16 of the Devon Structure Plan 2001-2016, Policies D1 and EN15 of the adopted East Devon Local Plan 1995 - 2011 and Government Guidance Planning Policy Statement 23 - Planning and Pollution Control.

\*2

**Applications referred to the Planning Inspections Committee (cont'd)**

a) Tale Vale Ward: Application No: 10/0948/FUL (House 5) & 10/0951 (House 2) & 10/0952 (House 6) – Erection of free range chicken houses at James Barn, Kerswell, Cullompton for Mr M Cottrell and Miss M Andrews

- iii) By virtue of the location of the site within the open countryside, close to neighbouring occupiers and within 700m of a County Wildlife Site, the poultry house and resulting intensification of the site represents a significant risk due to airborne pollutants. The application fails to demonstrate that there will not be an unreasonable detriment to neighbouring uses or the wider environment. The proposal is therefore contrary to Policies CO6, CO10, CO15 of the Devon Structure Plan 2001-2016, Policies S5, D1, EN5, EN6, EN15 of the adopted East Devon Local Plan 1995 - 2011 and Government Guidance Planning Policy Statement 23 - Planning and Pollution Control.

Members did not agree with the Officer's recommendation on application 10/0951/FUL as they considered that the shed would not excessively harm the amenities of the neighbouring properties due to its distance from the adjacent dwellings – this being the unit that would be sited furthest from the neighbours. It was also considered that there was sufficient agricultural need for a modest expansion of the site for one additional shed.

Chairman .....

Date .....



