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## Appeal Decision

Site visit made on 3 February 2025

**by T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 February 2025

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### **Appeal Ref: APP/U1105/W/24/3352802**

### **Bramleys, The Orchard, Lane to The Orchard, Brampford Speke, Devon EX5 5HW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr David Underhay against East Devon District Council.
  - The application Ref is 24/1186/FUL.
  - The development proposed is described as Erection of single story wooden shed / garden room within curtilage of house. Construction to be approx. 6.0m x 4.0m and to have a flat roof of approx. 2.5m to 3.0m height. Primary use will be as a hobby room / gym and storage. Site is within garden and is behind high hedge and solid boundary wall and will not be visible from road or neighbours.
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### **Decision**

1. The appeal is allowed and planning permission is granted for Erection of single storey wooden shed / garden room at Bramleys, The Orchard, Lane to The Orchard, Brampford Speke, Devon EX5 5HW in accordance with the terms of the application, Ref 24/1186/FUL, and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan; Proposed site plan; DRG. 01 of 02 (proposed floorplan and front elevation); and DRG. 02 of 02 (proposed rear and side elevations).
  - 3) The development hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Bramleys.

### **Procedural Matters, Background and Reasons**

2. The description of development in the banner heading above has been taken from the planning application form. However, I have referred only to the first part of the description of development within my decision because it is not necessary to include all of it.
3. The appeal is against a failure of the Council to give notice of its decision on the planning application Ref 24/1186/FUL within the prescribed period. As such, there is no decision notice. However, the Council's appeal submissions include a 'Householder Applications Report' which sets out that it considers that the proposed development is acceptable. My assessment of the submitted evidence and site visit observations do not lead me to a different conclusion. I note that the proposed development – which would be situated between the side of the property of the adjacent highway but behind extensive boundary treatment – would also have been recommended for approval had the decision remained with the Council.

## **Other Matters**

4. The appeal site is within a conservation area and a Grade II listed building, Brampford House, is nearby. However, the Council does not allege that the development proposed would have an adverse effect on the listed building, including its setting, or the character or appearance of the conservation area; the Council's conservation officer has also not objected. Having considered the development proposed – including its position, scale and appearance – and visited the site, I am satisfied that it would preserve the conservation area and listed building, and thus conserve their significance as designated heritage assets.

## **Conclusion and Conditions**

5. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development accords with the development plan (the East Devon Local Plan 2013 to 2031) as a whole. With no material considerations indicating that the proposed development should be determined otherwise than in accordance with it, the appeal is therefore allowed.
6. In addition to the standard time limit condition, I have imposed a plans condition in the interests of certainty. A condition relating to the use of the proposed development is necessary in relation to its location and in the interests of the living conditions of existing residents.

*T Gethin*

INSPECTOR