

Meeting: Planning Committee

Date: 18 August 2025

Wards affected: All

Report Title: Appeal Monitoring Report

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1. Purpose of Report

- 1.1 The report provides Members with information on the latest appeal decisions received. The constitution requires:

20. Reviews of Decisions

20.1 *The Planning Committee will review, at least annually, a sample of the implemented decisions made by that committee to assess the quality of those decisions. Visits will be incorporated into the schedule of site visits arranged for that committee. The purpose is to improve the quality and consistency of decision making and will assist in reviews of planning policy and monitoring the quality of decisions as required by Best Value Performance Indicators. Members and officers will undertake reviews together and include consideration of whether there is a need to initiate a review of any policies or practices.*

20.2 *At quarterly meetings of the Planning Committee, the results of recent Planning Inspectorate decisions will be reported. A short report will be provided to identify whether the decision was a delegated officer decision, or one taken by the committee and briefly outlining the main issues.*

2. Introduction

2.1 This report provides information on recent appeal decisions. Although all Councillors receive appeal decisions by email, the purpose of this report is to monitor and inform future decision-making. This will help ensure that future decisions benefit Torbay and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

2.2 Cost

It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where an application is refused against Officer advice, during this interim arrangement, the Divisional Director - Planning, Housing & Climate Emergency Place along with the Chair/Deputy Chair of Planning Committee will be required to assist in defending their decision at appeal. Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

2.3 Financial Summary

The cost of defending decisions at appeal is met by existing budgets. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

2.4 Risks

The key risk relating to appeal decisions relates to awards of costs against the Council. An appeal can be lodged by the applicant if planning permission is refused, or if planning permission is granted but conditions are imposed, or against the Council's decision to take formal enforcement action. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with major developments, which often require a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low. Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry can be very significant. These are infrequent, so the impact is considered to be medium.

3. Recommendation(s) / Proposed Decision

- 3.1. That Members note the report and Appendix 1 which includes the planning appeal decisions issued between 24 January 2025 – 31 July 2025.

4. List of Appeal Decisions

4.1: Application reference: P/2024/0245

Address: Erlwood Cottage, Middle Warberry Road, Wellswood, Torquay

Description of development: The development proposed is the formation of two storey rear extension from the basement floor level, single storey side extension with terrace and balustrades, and single storey rear extension to form canopy to garden; Facade renovation including window placement and an entrance portico; Renovation and enlargement of existing garage to form an annex; Site landscaping, removal of both chimneys, and dwelling roof replacement from concrete tile to slate.

Planning Inspectorate decision issued: 28 July 2025

Appeal reference: APP/X1165/D/24/3351034

Delegated decision

Main issues: The main issue is therefore whether the proposal would preserve or enhance the character or appearance of the Warberries Conservation Area and the effect on the character and appearance of the dwelling and area.

Decision: Allowed.

4.2: Application references: P/2024/0573 and P/2024/0327

Address: 7 The Reeves Road, Torquay

Description of development: The development proposed is described as “proposed house and parking (all as drawings) adj. 7 The Reeves Road Torquay”.

Planning Inspectorate decision issued: 10 July 2025

Appeal reference: APP/X1165/W/25/3358395 and APP/X1165/W/25/3359330

Delegated decision

Main issues:

- the character and appearance of the area;
- the living conditions of the occupiers of 2, Sherwell Valley Road (No 2) with particular regard to outlook; and
- highway safety.

Decision: Both appeal A and B dismissed.

4.3: Application reference: P/2024/0893

Address: 60 Washbourne Close, Brixham

Description of development: The development proposed is described as modification of garage to establish home office.

Planning Inspectorate decision issued: 10 July 2025

Appeal reference: APP/X1165/W/25/3364358

Delegated decision

Main issues: The main issues are the effect of the proposed development on:

- the character and appearance of the area; and
- the living conditions of nearby residents, with particular regard to privacy.

Decision: Dismissed.

4.4: Application reference: P/2024/0835

Address: Fosseway West, St Agnes Lane, Torquay

Description of development: two storey 4-bedroom dwelling in the grounds of Fosseway West with amenity areas to include first floor terraces.

Planning Inspectorate decision issued: 10 July 2025

Appeal reference: APP/X1165/W/25/3365086

Delegated decision

Main issues: whether the proposed development would preserve or enhance the character or appearance of the Chelston Conservation Area (CA).

Decision: Dismissed.

4.5: Application reference: P/2024/0589

Address: 138 Newton Road, Torquay

Description of development: The development proposed is described in the application as “the clients seek to remodel and extend their existing detached dormer bungalow into two spacious houses that utilise more natural sunlight and adapt to the growing needs of the occupants. This is a minor development.”

Planning Inspectorate decision issued: 2 July 2025

Appeal reference: APP/X1165/W/25/3364439

Delegated decision

Main issues:

- the effect of the proposed development on the character and appearance of the area;
- the living conditions of the occupiers of 6 Littlefield Close (No 6), with particular regard to outlook and privacy; and
- whether the proposed development would provide satisfactory living conditions for future occupiers, with regard to outdoor space.

Decision: Dismissed.

4.6: Application reference: P/2024/0628

Address: 18 Branksome Close, Preston, Paignton

Description of development: The development proposed is the formation of a two-storey rear extension; loft conversion including hip to gable roof alteration with rear dormer and two attached pitched roof dormers to the front; front porch with pitched roof; wraparound balcony to the rear and side to include bi-fold doors and balustrading; changes to fenestration, and 2.5m planting on the southeast elevation boundary.

Planning Inspectorate decision issued: 01 July 2025

Appeal reference: APP/X1165/D/24/3356183

Delegated decision

Main issues: The main issues are (i) the effect of the development on the character and appearance of the host dwelling and the street scene; (ii) the effect on the living conditions as regards outlook and privacy for occupiers of neighbouring properties. (Issue (i) relates to the first reason for refusal, and issue (ii) addresses the second and third reasons).

Decision: Allowed.

Award of costs: Refused.

4.7: Application reference: P/2024/0735

Address: 39 Nightingale Close, Torquay

Description of development: The development proposed is a single storey side extension to provide additional accommodation.

Planning Inspectorate decision issued: 20 June 2025

Appeal reference: APP/X1165/D/25/3362444

Delegated decision

Main issues: The main issue is the effect of the extension through the loss of the existing garage on highway safety and convenience in Nightingale Close.

Decision: Allowed.

4.8: Application reference: P/2023/0480

Address: Copythorne Road, Brixham

Description of development: The development proposed is outline planning application for the erection of up to 77 dwellings, including affordable housing (35%), areas of open space (including public park), landscaping, biodiversity net gain and site infrastructure, with all matters reserved apart from access.

Planning Inspectorate decision issued: 19 June 2025

Appeal reference: APP/X1165/W/24/3354507

Committee decision

Main issues:

- (a) whether the location, scale and nature of the development accords with the spatial strategy of the development plan;
- (b) the effects of the proposal on the character and appearance of the area and whether it would conserve and enhance the landscape and scenic beauty of the NL;
- (c) whether the proposal constitutes major development within the NL, and if so, whether there are exceptional circumstances and whether it would be in the public interest; and
- (d) whether the development would prejudice strategic decisions for the plan making process.

Decision: Allowed.

Award of costs: Refused.

4.9: Application reference: P/2024/0440

Address: 43 Barton Avenue, Paignton

Description of development: The development proposed is two storey dwelling with parking and amenity area.

Planning Inspectorate decision issued: 12 June 2025

Appeal reference: APP/X1165/W/25/3359444

Delegated decision

Main issues:

- the effect of the proposed development on the living conditions of the occupiers of 43 Barton Avenue (No 43), with particular regard to the provision of internal and external space;
- whether the proposed development would provide satisfactory living conditions for future occupiers, with regard to internal space;
- the effect of the proposed development on the local highway network with regard to parking and waste provision; and
- the character and appearance of the area.

Decision: Dismissed.

4.10: Application reference: P/2024/0586

Address: 2-4 Fore Street, St Marychurch, Torquay

Description of development: The development proposed is change of use of premises in Use Class E to 3 dwellings in Use Class C3.

Planning Inspectorate decision issued: 10 June 2025

Appeal reference: APP/X1165/W/25/3360468

Delegated decision

Main issues: whether the proposal would be permitted development with regard to the impact of the change of use on the character or sustainability of the St Marychurch Conservation Area (CA).

Decision: Dismissed.

4.11: Application reference: P/2024/0403

Address: Land at SX904562, Bascombe Road, Churston Ferrers

Description of development: The development proposed is change of use from agricultural to a secure dog walking and exercise field, together with new entrance, parking area and shelter.

Planning Inspectorate decision issued: 10 June 2025

Appeal reference: APP/X1165/W/25/3359506

Delegated decision

Main issues:

- whether the proposed development would preserve or enhance the character or appearance of the Churston Conservation Area (CA);
- whether the proposed development would provide a safe and suitable access for all users; and
- the effect of the development on biodiversity with regard to protected species.

Decision: Dismissed.

4.12: Application reference: P/2024/0308

Address: Hollington House, Acadia Road, Torquay

Description of development: The development proposed is described in the application as “Part demolition of existing extension (lower roof). Erection of two storey link and four flats.”

Planning Inspectorate decision issued: 5th June 2025

Appeal reference: APP/X1165/W/24/3354566

Delegated decision

Main issues:

- whether the proposed development would preserve or enhance the character or appearance of the Lincombes Conservation Area (CA), including trees;
- the effect of the proposed development on the living conditions of the occupants of 444 Babbacombe Road (No 444) with regard to privacy;
- whether the proposal would provide acceptable living conditions for future occupants, with particular regard to privacy, outlook, outdoor space and internal space standards; and
- the effect of the development on highway safety with regard to parking provision.

Decision: Dismissed.

4.13: Application reference: P/2024/0508

Address: 57 Ash Hill Road, Torquay

Description of development: The development proposed is described as the formation of pitched roof to garage.

Planning Inspectorate decision issued: 27 May 2025

Appeal reference: APP/X1165/D/25/3364088

Delegated decision

Main issues: The main issue is the effects of the appeal proposal on the character and appearance of the area and on heritage assets, namely the Upton Conservation Area (the CA).

Decision: Dismissed.

4.14: Application reference: P/2024/0796

Address: 56 Laura Grove, Paignton

Description of development: The development proposed is the formation of a garage and parking space.

Planning Inspectorate decision issued: 27 May 2025

Appeal reference: APP/X1165/D/25/3363117

Delegated decision

Main issues: The main issue is the effect the proposed development would have on the character and appearance of the appeal site frontage in the context of the local street scene.

Decision: Allowed.

4.15: Application reference: P/2024/0635

Address: Fernleigh, Parkham Road, Brixham

Description of development: The development proposed is to replace existing two-storey rear extension and single-storey extensions and garden store at rear and erect a two-storey rear extension to include mono-pitched roof, velux rooflights and raised-seam metal cladding.

Planning Inspectorate decision issued: 27 May 2025

Appeal reference: APP/X1165/D/25/3359978

Delegated decision

Main issues: The main issues are the effects the proposed development would have, first, on the character and appearance of Fernleigh itself and the wider street scene within the Brixham Town Conservation Area (CA) and, second, on the residential amenity of the neighbouring property, Ashleigh, Parkham Road.

Decision: Allowed.

4.16: Application reference: P/2024/0393

Address: 448 Babbacombe Road, Torquay

Description of development: The application sought planning permission for "Proposed building to form 3 letting apartments within the gardens/grounds of existing site (revised scheme)" without complying with a condition attached to planning permission Ref P/2009/0271/PA dated 8 September 2009.

The condition in dispute is No 3 which states that: “The units hereby approved shall be occupied for holiday use only and shall not be occupied as a person’s sole or main place of residential occupation. The owners/operators shall maintain a register of the names of all occupiers of the units and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.”

The reason given for the condition is “To ensure that the holiday accommodation is not used for unauthorised residential occupation, in accordance with Policy TU5 of the saved Adopted Torbay Local Plan 1995-2011”.

Planning Inspectorate decision issued: 23 May 2025

Appeal reference: APP/X1165/W/24/3354095

Delegated decision

Main issues: the effect that removing the condition would have on:

- the provision of acceptable living conditions for the occupiers of the proposed dwellings with regard to privacy and outlook and on the living conditions of the occupiers of 448 Babbacombe Road2 with regard to privacy;
- the provision of suitable parking for vehicles with reference to highway safety;
- the preservation or enhancement of the character or appearance of the Lincombes Conservation Area; and
- the preservation of the settings of the Grade II listed building 446 and 448 Babbacombe Road and the Grade II listed gate piers and gate to No 448 Babbacombe Road.

Decision: Dismissed.

Award of costs: Refused.

4.17: Application reference: P/2024/0205

Address: Land to the Rear of St Helens, Ridgeway Road, Torquay

Description of development: The development proposed is construction of a new detached dwelling with private amenity space and parking.

Planning Inspectorate decision issued: 1 May 2025

Appeal reference: APP/X1165/W/24/3351533

Delegated decision

Main issues:

- whether the proposal would preserve or enhance the character or appearance of the Lincombes Conservation Area (CA) and whether it would preserve the setting of a non-designated heritage asset;
- the effect of the proposal on the living conditions of the neighbouring occupiers at Kim House, with particular regard to privacy and outlook; and,
- the effect of the proposal on biodiversity.

Decision: Dismissed.

4.18: Application reference: P/2024/0466

Address: 38 Bidwell Brook Drive, Paignton.

Description of development: The development proposed is the erection of extensions to front and rear.

Planning Inspectorate decision issued: 25 April 2025

Appeal reference: APP/X1165/W/24/3356918

Delegated decision

Main issues: The main issues in this case are, first, the effects of the proposed front extension on the character and appearance of 38 Bidwell Brook Drive itself, together with its semi-detached neighbour, No 36, in the context of the local street scene, and second, the effect of the proposed rear balcony on residential amenity at neighbouring properties.

Decision: Dismissed.

4.19: Application reference: P/2022/1306

Address: 53A Woodville Road, Torquay

Description of development: The application sought planning permission for alterations and change of use from builders workshop/garage to one-bedroom dwelling (as revised by letters dated 9/2/01 and 13/2/011 and plans received 13/2/01) without complying with a condition attached to planning permission Ref 2000/0434/PA, dated 16 February 2001.

The condition in dispute is No 2 which states that: The windows indicated on the plans hereby approved as obscure glazed shall be retained as fixed, obscure, and double glazed windows at all times.

The reason given for the condition is: In the interests of privacy of the adjoining occupiers.

Planning Inspectorate decision issued: Dismissed.

Appeal reference: APP/X1165/W/24/3355185

Delegated decision

Decision: Dismissed.

Award of costs: Refused.

4.20: Application reference: P/2024/0494

Address: 27 Winsu Avenue, Paignton.

Description of development: Extensions to existing property.

Planning Inspectorate decision issued: 14 April 2025

Appeal reference: APP/X1165/D/24/3357621

Delegated decision

Main issues: The main issue is the effect of the proposal upon the character and appearance of the host dwelling and wider street scene, with particular regard to materials.

Decision: Allowed.

4.21: Application reference: P/2024/0650

Address: 8 Bridge Road, Torquay.

Description of development: Erection of a porch.

Planning Inspectorate decision issued: 7 April 2025

Appeal reference: APP/X1165/D/25/3359483

Delegated decision

Main issues: The main issue is the effect of the proposal upon the character and appearance of the Torre Conservation Area.

Decision: Allowed.

4.22: Application reference: P/2024/0625

Address: 63 Barcombe Road, Paignton.

Description of development: The development proposed is the construction of one pitched roofed dormer on front elevation and rear dormer extension; formation of a single-storey extension at rear, to include bi-fold doors and new steps and balustrading, cladding and changes to fenestration.

Planning Inspectorate decision issued: 7 April 2025

Appeal reference: APP/X1165/D/25/3360232

Delegated decision

Main issues: The main issues are the effects of the proposal upon the character and appearance of the host dwelling and wider area, and upon the living conditions at 61 Barcombe Road with specific regard to visual impact and light, and upon those at 7 Lammas Lane with particular regard to privacy.

Decision: Dismissed.

4.23: Application reference: P/2023/1095

Address: Pia's, 33 Fleet Street, Torquay

Description of development: The development proposed is change of use of retail's upper floors storage to 4 No. residential units.

Planning Inspectorate decision issued: 20 February 2025

Appeal reference: APP/X1165/W/24/3348552

Delegated decision

Main issues:

- Whether the proposed development, in particular flats 1 and 2 provide adequate living space and acceptable levels of daylighting for future occupants; and
- Whether the proposed development contributes to the creation of sustainable communities.

Decision: Allowed

Award of costs: Refused.

4.24: Application reference: P/2024/0057

Address: 37 & 39 Hyde Road, Paignton

Description of development: Removal of existing refreshment kiosk/store and construction of three dwellings with associated works.

Planning Inspectorate decision issued: 20 February 2025

Appeal reference: APP/X1165/W/24/3349802

Delegated decision

Main issues:

The effect of the proposal upon the character and appearance of the area;

- The effect of the proposal upon the living conditions of surrounding residents and those of future occupiers with particular regard to the amount of internal floor area and loss of privacy; and
- Whether the proposal would lead to an unacceptable flood risk.

Decision: Dismissed.

4.25: Application reference: P/2024/0271

Address: 24 Bella Vista Road, Brixham

Description of development: The development proposed is for the erection of 2no. pitched roof dormers.

Planning Inspectorate decision issued: 20 February 2025

Appeal reference: APP/X1165/D/24/3357441

Delegated decision

Main issues: The main issues are the effect of the appeal proposal upon the character and appearance of the area, including the setting of the Brixham Town Conservation Area; and upon protected species, specifically bats.

Decision: Allowed.

4.26: Application reference: P/2024/0404

Address: Thornhill Brake, Seaway Lane, Torquay

Description of development: The development proposed is for a single storey side extension to provide bedroom and bathing facilities to allow ongoing independent living.

Planning Inspectorate decision issued: 19th February 2025

Appeal reference: APP/X1165/D/24/3354540

Delegated decision

Main issues: The main issue is the effect of the appeal proposal upon the character and appearance of the host dwelling, identified as a 'key building' (a non-designated heritage asset)

and whether the scheme would preserve or enhance the character or appearance of the Conservation Area.

Decision: Dismissed.

4.27: Application reference: P/2024/0272

Address: 63 Cliff Road, Paignton

Description of development: The development proposed is for renovations to include replacement of front boundary wall, replacement windows and door, install insulation and render to external walls.

Planning Inspectorate decision issued: 19th February 2025

Appeal reference: APP/X1165/D/24/3351383

Delegated decision

Main issues: The main issue is whether the proposed replacement windows to the front elevation would preserve or enhance the character or appearance of the Conservation Area.

Decision: Allowed.

4.28: Application reference: P/2023/0201

Address: East Down, Preston Down Road, Paignton

Description of development: The development proposed is construction of two dwellings.

Planning Inspectorate decision issued: 18 February 2025

Appeal reference: APP/X1165/W/24/3337335

Delegated decision

Main issues: The main issue is the effect of the proposed development on the character and appearance of the area.

Decision: Dismissed.

4.29: Application reference: P/2024/0098

Address: Wheatridge Lodge, Wheatridge Lane, Torquay

Description of development: The development for which a certificate of lawful use or development is sought is described as a new front porch and a rear flat roof dormer.

Planning Inspectorate decision issued: 17 February 2025

Appeal reference: APP/X1165/W/24/3347770

Delegated decision

Main issues: The issues involved relate solely to whether the proposed development accords with Class B and/or Class D, Part 1, Schedule 2 of the Town and Country (General Permitted Development)(England) Order 2015 (GPDO).

Decision: The appeal was allowed in part relating to the front porch but dismissed insofar as it relates to the proposed rear dormer.

Enforcement appeals - none

Address:

Breach of planning control alleged:

Planning Inspectorate decision issued:

Reference:

Decision:

Appendices

Appendix 1:

Planning appeal decisions issued between 24 January 2025 – 31 July 2025

Total	29	
Allowed	9	31%
Dismissed	19	66.51%
Withdrawn	0	0.00%
Split	1	3.44%