

East Devon District Council
List of Planning Appeals Decided

Ref: 08/1503/CPE **Appeal Ref:** 09/00014/LDC

Appellant: Maximum Fun Ltd

Appeal Site: Crealy Adventure Park Sidmouth Road Clyst St Mary
Exeter Devon

Proposal: Regularisation of the "El Pastil Loco" roller coaster and
associated structures/features all of which have been in place
for greater than 4 years

Decision: **Appeal Allowed (no conditions)** **Date:** 16.09.2009

Procedure: Written representations

Remarks: Appeal against the Council's decision to refuse to grant a
Certificate of Lawful Use or Development. The Inspector
considered that, on the balance of probabilities, the
development has not materially changed the mixed or
composite use of the planning unit and did not therefore
consider that enforcement action alleging such a breach of
planning control could have been taken against the
development at the material date. All the buildings were
substantially complete for a period in excess of four years and
the Inspector considered that on the balance of probabilities,
the operational development was immune from enforcement
action.

BVPI 204: **No**

Planning Inspectorate Ref: APP/U1105/X/08/2091816

Ref: 08/1504/CPE **Appeal Ref:** 09/00015/LDC

Appellant: Maximum Fun Ltd

Appeal Site: Crealy Adventure Park Sidmouth Road Clyst St Mary Exeter Devon

Proposal: Regularisation of The Old Bess Pirate Ship and associated structures/features all of which have been in place for greater than 4 years

Decision: **Appeal Allowed (no conditions)** **Date:** 16.09.2009

Procedure: Written representations

Remarks: Appeal against the Council's decision to refuse to grant a Certificate of Lawful Use or Development. The Inspector considered that, on the balance of probabilities, the development has not materially changed the mixed or composite use of the planning unit and did not therefore consider that enforcement action alleging such a breach of planning control could have been taken against the development at the material date. All the buildings were substantially complete for a period in excess of four years and the Inspector considered that on the balance of probabilities, the operational development was immune from enforcement action.

BVPI 204: **No**

Planning Inspectorate Ref: APP/U1105/X/09/2091819

Ref: 08/1505/CPE **Appeal Ref:** 09/00005/REF

Appellant: Maximum Fun Ltd

Appeal Site: Crealy Adventure Park Sidmouth Road Clyst St Mary Exeter Devon

Proposal: Use of land for an Adventure Park (Ancillary to wider use of Great Adventure Park), together with the operational development of the "Princes Train Track" and "Tractor Yard"

Decision: **Appeal Allowed (no conditions)** **Date:** 16.09.2009

Procedure: Written representations

Remarks: Appeal against the Council's decision to refuse to grant a Certificate of Lawful Use or Development. The Inspector considered that, on the balance of probabilities, the development has not materially changed the mixed or composite use of the planning unit and did not therefore consider that enforcement action alleging such a breach of planning control could have been taken against the development at the material date. All the buildings were substantially complete for a period in excess of four years and the Inspector considered that on the balance of probabilities, the operational development was immune from enforcement action.

With regard to the use of the land for an adventure park, the Inspector considered that on the balance of probabilities the planning unit has had a mixed or composite use for a continuous period of ten years preceding the material date. He therefore considered the use of the land to be immune from enforcement action.

BVPI 204: **No**

Planning Inspectorate Ref: APP/U1105/X/08/2091822

Further notes on the above decisions in respect of Crealy Adventure Park

The interpretation of the planning status of the area of the three applications is considered to be as follows.

The Princes Train and Tractor Yard remain as part of the Adventure Park with no permitted development rights for other buildings, engineering operations or any change to include amusement park rides or features.

The El Pastil Loco roller coaster and the Old Bess Pirate Ship, together with their respective associated structures and features either have planning permission or have been proven to be lawful; but have no permitted development rights in respect of being changed to other amusement park rides.

The Inspector did not confirm the use of the land as an amusement park.

Ref: 09/0848/FUL **Appeal Ref:** 09/00051/REF

Appellant: Mr Max Rait

Appeal Site: 15 Knowle Road Budleigh Salterton EX9 6AR

Proposal: Two storey extension

Decision: **Appeal Allowed (with conditions)** **Date:** 22.09.2009

Procedure: Written representations

Remarks: Delegated refusal. Amenity reasons overruled (DSP Policy CO6 & EDLP Policies D1 & H7.) The Inspector considered that the extension would be an appropriate addition to the property and would enhance its appearance in the street scene.

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/D/09/2110784

East Devon District Council
List of Planning Appeals Lodged

Ref: 09/1213/ADV **Date Received** 13.09.2009
Appellant: Mr A Chipperfield
Appeal Site: Unit 3 (Junction A35 With Ramsden Lane) East Devon
Business Park Wilmington Devon EX14 9RL
Proposal: Retention of non illuminated sign
Planning
Inspectorate
Ref:

Ref: 09/1387/TRE **Date Received** 16.09.2009
Appellant: Mr Bryn Andrews
Appeal Site: Pitt White Mill Lane Uplyme Dorset DT7 3TZ
Proposal: Fell one Horse Chestnut
Planning
Inspectorate
Ref:

Ref: 09/1152/FUL **Date Received** 17.09.2009
Appellant: Devonshire Homes
Appeal Site: 7 Cridlake Axminster Devon EX13 5BT
Proposal: Erection of attached dwelling and provision of parking spaces.
Planning APP/U1105/A/09/2112978/WF
Inspectorate
Ref:

Ref: 09/1296/TRE **Date Received** 22.09.2009
Appellant: Mr D Goodall
Appeal Site: Sidmouth House Cotmaton Road Sidmouth Devon EX10
8ST
Proposal: Fell one Sycamore
Planning
Inspectorate
Ref:

Ref: 09/0565/FUL **Date Received** 24.09.2009
Appellant: Clinton Devon Estates
Appeal Site: Bovey House Beer EX12 3AD
Proposal: Installation of tennis court
Planning APP/U1105/A/09/2113336/NWF
Inspectorate
Ref:
