
Appeal Decisions

Site visit made on 7 September 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 September 2016

Appeal A: APP/U1105/W/16/3151307

Hogsbrook Farm, Woodbury Salterton, Devon EX5 1PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by FWS Carter & Sons Ltd against the decision of East Devon District Council.
 - The application Ref 15/1950/FUL, dated 13 August 2015, was refused by notice dated 22 February 2016.
 - The development is change of use of units 1-5 inclusive Hogsbrook Units, Hogsbrook Farm.
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Appeal B: APP/U1105/W/16/3151311

Hogsbrook Farm, Woodbury Salterton, Devon EX5 1PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by FWS Carter & Sons Ltd against the decision of East Devon District Council.
 - The application Ref 15/1936/FUL, dated 13 August 2015, was refused by notice dated 22 February 2016.
 - The development is change of use of units 7-9 inclusive Hogsbrook Units, Hogsbrook Farm.
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Decisions

1. Appeal A is allowed and planning permission is granted for change of use of units 1-5 inclusive Hogsbrook Units, at Hogsbrook Farm, Woodbury Salterton, Devon EX5 1PY in accordance with the terms of the application, Ref 15/1950/FUL, dated 13 August 2015, subject to the conditions in the attached Annex.
2. Appeal B is allowed and planning permission is granted for change of use of units 7-9 inclusive Hogsbrook Units, at Hogsbrook Farm, Woodbury Salterton, Devon EX5 1PY in accordance with the terms of the application, Ref 15/1936/FUL, dated 13 August 2015, subject to the conditions in the attached Annex.

Procedural Matters

3. For ease of reference I refer to the different cases as Appeals A and B in this decision letter as set out in the above headers. I have dealt with each appeal on its individual merits but to avoid duplication have considered the proposals
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together in this document. Although there are two appeals, I have used singular terms in places for ease of reading.

4. The descriptions of development in the above headers are as they appear on the respective planning application forms. From the submissions it is clear that the changes of use concerned are to the following uses for Appeal A: Use Classes B2 (General Industry), B8 (Warehouse and Distribution) and B1 (Office and Light Industry) and for Appeal B: Use Class B8. I have therefore determined the appeals on that basis.

Main Issue

5. The main issue is whether or not the development is in a suitable location having regard to the principles of sustainable development.

Reasons

6. The change of use from agricultural buildings has already occurred and the units are currently occupied. Although it is associated with the Greendale Business Park in terms of ownership and being in fairly close proximity to it, the units concerned are nevertheless clearly physically separated from that main park, on a countryside site, and so do not represent an extension to that park, even if advertised as being part of it. They are also smaller units than those generally seen on the Greendale Business Park or that at Hill Barton, and it is a relatively small scale development as a whole compared with those other sites.
7. As such I am satisfied that it can be considered a small scale economic development that is likely to support local businesses and the local economy generally, including the provision of jobs. The current level of occupancy indicates a demand, and I have not received any substantive evidence to indicate that this has, or would be likely to, materially lessen the demand for space elsewhere in the District, including on those allocated sites in the East Devon Local Plan (the Local Plan).
8. I acknowledge that the existing buildings were originally approved either on the basis that if no longer used for agricultural purposes they shall be removed, or restricted to agricultural storage, depending on the specific planning permissions. Nevertheless, they remain as existing buildings, regardless as to whether or not they were actually ever used for agricultural purposes, and I have considered the appeals based on their merits and based on the relevant current development plan policies. As such, Policy E5 of the Local Plan supports small scale economic development involving conversions of buildings in rural areas subject to certain criteria including taking account of highway safety, the amenities of neighbouring properties, wildlife, landscape or historic interests. Further related Local Plan policies Strategy 7, D8, TC2, TC7 and TC9 set out criteria to ensure that such development is compatible with the character, appearance, amenity and environmental qualities of the area, will not substantially add to the need to travel by car, would not be detrimental to highway safety and the satisfactory operation of the highway network, and has adequate car and cycle parking.
9. I have also had regard to a more recent planning permission for change of use of unit 10 to a micro-brewery, and for the prior approval for unit 6 to have a change of use to Use Classes B1 and B8.

10. It is highly likely that, given the location, the occupiers and employees are heavily reliant on private car use for travel to and from the site and delivery and other associated vehicles would add to the use of the local highway network. However, the relatively small scale of the development and associated individual uses is unlikely to materially add to the use of that network, especially as there is a direct and clear route from the site via the Greendale Business Park to the A3052 to the north, thereby reducing the need or likelihood of a material increase in the use of the narrow and winding surrounding lanes. For this reason, it is also unlikely to cause a material increase in noise and general disturbance from traffic travelling past nearby residential properties. I also have no substantive evidence to demonstrate that damage to local buildings claimed to be caused by large lorries passing by, relates to vehicles associated with the development concerned.
11. The lane immediately serving the site, and providing the initial leg of that route to the A3052, is fairly straight and wide enough for vehicles to pass, and so would also allow good visibility of and for any pedestrians that may use it. The visibility at the road junctions along that route is also adequate, and so in these respects the development would be unlikely to pose a risk to highway safety.
12. Although not ideally located in terms of accessibility on foot or cycle, the relatively small scale of the development and the individual uses is unlikely to attract a large number of visitors. Furthermore, there is a bus stop within the Greendale Business Park which allows the potential for access to the units by bus from the wider area. Although that bus stop is not directly related to the site, it is within reasonable walking distance along the wide business park estate road and the private road leading to the site which has good forward visibility and the potential for use of its verges. There is also space in or around the units concerned for cycle parking, albeit not formally provided or shown on the submitted plans.
13. The units are also of a nature, form and design, including the use of green cladding, and in close proximity to other large retained farm buildings, so as not to appear out of place in the landscape, and to a large extent are screened by either those other buildings or mature vegetation from many public vantage points. They are also set well away from the public highway to the north, being accessed via the fairly long private road. Furthermore, whilst features such as the roller shutter doors have been introduced, these face inwards to the courtyard area and so are not clearly visible in the context of the wider landscape.
14. The yard area in between the two rows of units concerned is large enough to accommodate a number of cars as well as some external storage, which is largely screened from wider view by the buildings either side. Although parking is also taking place on the opposite side of the lane, it is unclear as to the extent to which this relates to the development concerned, but in any case is screened from the wider countryside by the adjacent field hedge. I am therefore satisfied that there is not only adequate parking provision but that it, along with any external storage, does not materially detract from the character and appearance of the surrounding area.
15. In respect of potential noise disturbance, the site is set well away from residential properties generally, albeit fairly close to that associated with the farm. Furthermore, the relatively small scale nature of the development is also

generally unlikely to cause levels of noise, disturbance and activity that would materially change that relating to the combination of the farm and other industrial and business type operations in the slightly wider area. This would be subject to a need to control the hours of operation and the nature of vehicle reversing alarms so as to prevent high frequency audible alarms which would have the potential to be heard over a long distance.

16. On site external lighting could be controlled by condition to prevent unacceptable light pollution after dark in the context of the characteristically low levels of lighting in this countryside location.
17. For the above reasons, the development is in a suitable location having regard to the principles of sustainable development. As such it is in accordance with Policies Strategy 7, E5, D8, TC2, TC7 and TC9 of the Local Plan.
18. In its decision notice, the Council also refers to Policy E4 of the Local Plan. However, that policy relates to proposals to diversify and expand upon the range of traditional agricultural related economic activities undertaken in rural areas. The appeal development is not explicitly agriculture related, albeit that it is land that was previously used as part of the farm, and as such does not represent such a proposal. I therefore consider this policy not to be relevant in this case.
19. Policy E7 of the Local Plan is also referred to in that decision notice. However, that policy is stated not to apply to Greendale Business Park, and the development is not an extension to any other employment site. That policy too is therefore not relevant in this case.
20. The Council has suggested five conditions in respect of each appeal that it considers would be appropriate were I minded to allow the appeals. I have considered these in the light of advice in the Government's Planning Practice Guidance and omitted two in each case and amended the wording in others.
21. Those standard conditions suggested relating to commencement of development and for it to be carried out in accordance with the approved plans are not necessary as the development is completed. In the interests of protecting residents in the area from unacceptable noise and disturbance, conditions to prevent the use of high frequency audible reversing alarms on site vehicles and to restrict the hours of operation would be necessary. Furthermore, in order to protect the local rural environment from unacceptable light pollution, a condition to control lighting on the site would also be necessary.

Conclusion

22. For the above reasons, I conclude that the appeals should be allowed.

Andrew Dawe

INSPECTOR

ANNEX – Conditions

For Appeal A:

1. No high frequency audible reversing alarms shall be used on any site vehicle or vehicle based at the site (white noise alarms are permitted).
2. No machinery shall be operated, no processes carried out and no deliveries accepted or dispatched on the site except between the hours of 6am and 6pm Monday to Friday, 6am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.
3. All external site lighting shall be turned off between the hours of 7pm and 6am the next day and any low level security lighting shall be selected so that there is no upwards or lateral light overspill. Temporary lighting required during any occasional out of hours activity shall be operated by movement sensors.

For Appeal B:

1. No high frequency audible reversing alarms shall be used on any site vehicle or vehicle based at the site (white noise alarms are permitted).
2. No machinery shall be operated, no processes carried out and no deliveries accepted or dispatched on the site except between the hours of 6am and 6pm Monday to Friday, or between 6am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.
3. All external site lighting shall be turned off between the hours of 7pm and 6am the next day and any low level security lighting shall be selected so that there is no upwards or lateral light overspill. Temporary lighting required during any occasional out of hours activity shall be operated by movement sensors.