
Appeal Decision

Site visit made on 31 January 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 14 March 2017

Appeal Ref: APP/U1105/W/16/3161357

Pinehurst Annexe, 189 Beer Road, Seaton EX12 2QB

- 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 Mr & Mrs S Grief against the decision of East Devon District Council.
 - The application Ref 16/1691/FUL, dated 15 July 2016, was refused by notice dated 9 September 2016.
 - The development proposed is the extension of home office and change of use to B1 office.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of home office and change of use to B1 office at Pinehurst Annexe, 189 Beer Road, Seaton EX12 2QB in accordance with the terms of the application, Ref 16/1691/FUL, dated 15 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, C0277/P1 Rev B, C0277/P2 Rev B, C0277/S1, C0277/S2 and C0277/S3.
 - 3) Prior to the use of any exterior lighting affixed to the development hereby approved a scheme for the minimisation of light pollution shall have been submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in accordance with the approved scheme.

Preliminary Matter

2. I noted at my site visit that construction works were being undertaken on the appeal building. The Council have confirmed that planning permission for an extension to the annexe was granted in 2016¹. The appellants have confirmed that the construction works are in connection with the implementation of this permission combined with a previous planning permission². I have dealt with the appeal on this basis.

¹ 16/2208/FUL – 20 October 2016

² 15/2415

Main Issues

3. The main issue is whether the site is a suitable location for B1 office use with regard to local and national policies.

Reasons

4. The appeal site comprises a detached annexe building and part of the generous, steeply sloping grounds of a large detached house, Pinehurst. The annexe building is presently being extended and it is in close proximity to the entrance to the site. There is an area for parking and turning cars between the annexe and the principal dwelling. The dwelling is located on Beer Road which runs between the settlements of Beer and Seaton. There is no dispute between the 2 main parties that the site is not within the built-up area boundaries for either of these settlements. As such for planning purposes the site is within the countryside.
5. The proposal comprises an extension at first floor level and the use of the annexe as a B1 office. The extant permission³ consists of the same extension to the annexe but to be used as a living room/sun room in connection with the main house. I consider that taking into account the amount of construction work that is being carried out at the appeal property that it is highly likely that the extant permission would be implemented if the appeal is dismissed. This constitutes the fallback position and as such I give the fallback position significant weight.
6. Strategy 7 of the East Devon Local Plan (LP) states, amongst other things, that development in the countryside will only be permitted where it is in accordance with a specific LP policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.
7. LP Policy E5 relates to small scale economic development in rural areas. The Council have stated that the site is not previously developed as it forms part of a residential garden. However, the definition of previously developed land in Annex 2 of the National Planning Policy Framework (Framework) excludes land in built-up areas such as private residential gardens. As the site is within the countryside and not a built-up area the exclusion does not apply.
8. The Council have treated the appeal site as a greenfield site for the purposes of LP Policy E5 and as such the policy states that the proposal should be well related in scale and form and in sustainability terms to the village and surrounding areas. The extension itself would have no greater impact than the fall back position and it is well related in scale and form to the surrounding area.
9. I acknowledge that Beer Road in the immediate vicinity of the site is mainly unlit with some significant bends and there are sections without footways. This combined with the undulating topography would not make it an attractive environment for pedestrian or cyclist use especially in the dark. There is a bus service along Beer Road but taking into account the distance to the nearest bus stops and the character of the road it is highly likely that employees would use a private motor car to access the site.

³ 16/2208/FUL

10. However, a widely recognised benefit of home working is a reduction in journeys to and from work for the occupiers of the home which must be balanced against any car trips generated by the employees. The appellants have stated that there are only 2 employees each working three days a week and that their existing offices are based outside of the district with a home office and they presently work full time. As such they could be travelling twice a day to their office outside of the district. Therefore, the proposal is unlikely to make a significant difference in terms of travel movements. Moreover, as I have found that the site is previously developed land the requirement for the site to be well related in sustainability terms does not apply in this case.
11. However, LP Policy E5 goes on to state that a number of additional criteria also need to be met. The existing access would be utilised and as stated above it is unlikely that there would be a significant difference in terms of travel movements. I note that local residents have raised concerns in relation to the increase in traffic and the safety of the access due to its location on a hill and the presence of blind bends on Beer Road. However, the existing access is an appreciable distance from the nearest bends and I noted on site that there is adequate visibility in both directions when exiting the site. As such I consider that the proposal would comply with the policy in these respects.
12. In relation to the amenity of neighbouring occupiers the proposed use of the annexe and the extension would have no greater impact in relation to overlooking and privacy than the fallback position. Moreover, the use as B1 office would be unlikely to cause any significant noise and disturbance in relation to any neighbouring occupiers. I note that concern has been raised about the possible future change of use to a B8 storage or distribution centre. However, taking into account the limited size of the annexe and its close proximity to the appellants' home it is unlikely that this would occur.
13. I have no evidence before me to indicate that the proposal would harm any historic interests. As stated above, the built form of the extension would have no greater impact than the fallback position in relation to the impact on the landscape.
14. I acknowledge that local residents have raised concerns in relation to the impact of the existing lighting within the site on light pollution and its impact on the flight paths of nearby bat colonies. However, I am required to determine the current appeal on its own merits. I consider that a condition as suggested by the Council would ensure that any external lighting proposed as part of this scheme could be controlled. As such I am satisfied that the proposal would not have an adverse effect on any identified protected species.
15. There is no evidence to suggest that the proposal would directly create any additional employment but the proposal would essentially allow the appellants to transfer to the appeal site the sort of business-related activities that are presently undertaken outside of the district. I acknowledge that the business could be carried out in an alternative location but neither LP Policy E5 nor Strategy 7 refers to a "need" for development such as that proposed having to be demonstrated in a rural area.
16. Furthermore, the proposal would accord with the Framework's support for a prosperous rural economy at paragraph 28. This promotes the sustainable growth and expansion of all types of businesses and enterprise in rural areas. Additionally, paragraph 21 of the Framework states that local planning

authorities should facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

17. Taking into account all of the above, I consider that the proposal would comply with LP Policy E5, LP Strategy 7 and the Framework and as such it would be a suitable location for B1 office use.

Other Matters

18. Reference has been made, within third party representations, to a recent appeal decision⁴ and refusal of a planning application⁵. In relation to the appeal decision the proposal in that instance was for three dwellings and the main issue relates to the character and appearance of the area. As such I do not consider that it is directly comparable to the scheme before me and give it little weight. In relation to the planning application I do not have the full details of the scheme before me and the appellant has stated that the scheme is an outline major application for a mixed use development. As such I cannot be certain that the scheme is directly comparable to the scheme before me. In any case, I am required to determine the appeal on its own merits.

Conditions

19. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. In the interests of conciseness and enforceability the wording of some of the suggested conditions has been amended.
20. I have imposed a condition specifying the relevant drawings as this provides certainty. The condition in relation to lighting is required in the interests of light pollution.

Conclusion

21. For the reasons given above, and having regard to all other matters raised I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR

⁴ APP/U1105/W/16/3155322

⁵ 15/2188/MOUT