
Appeal Decisions

Site visit made on 7 February 2017

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

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

Decision date: 13 April 2017

Appeal A Ref: APP/X1118/W/16/3161353

The Stables, Saunton Road, Braunton EX33 1HG

- 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 Grove Caravans Ltd against the decision of North Devon District Council.
- The application Ref 61585, dated 11 August 2016, was refused by notice dated 7 October 2016.
- The development proposed is the erection of a dwelling to be used in conjunction with the adjacent proposed offices.

Appeal B Ref: APP/X1118/W/16/3163665

The Stables, Saunton Road, Braunton EX33 1HG

- 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 Peter Caswell against the decision of North Devon District Council.
 - The application Ref 61586, dated 26 July 2016, was refused by notice dated 28 October 2016.
 - The development proposed is the construction of 4 offices for B1 use.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the erection of a dwelling to be used in conjunction with the adjacent proposed offices at The Stables, Saunton Road, Braunton EX33 1HG in accordance with the terms of the application, Ref 61585, dated 11 August 2016, subject to the conditions set out in the Annex to this decision.

Appeal B

2. The appeal is allowed and planning permission is granted for the construction of 4 offices for B1 use at The Stables, Saunton Road, Braunton EX33 1HG in accordance with the terms of the application, Ref 61586, dated 26 July 2016, subject to the conditions set out in the Annex to this decision.

Procedural matters

3. As the appeals deal with proposals on adjacent sites, and because of the link between them, it is appropriate that they be dealt with together.
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Appeal A - erection of a dwelling to be used in conjunction with the adjacent proposed offices.

Main Issue

4. Whether the proposed dwelling would be suitably located having regard to local and national policies.

Reasons

5. The appeal site forms part of an open field to the south of Saunton Road, on the western edge of Braunton. The site lies outside of any designated settlement boundary, and is in the countryside where saved Policy ENV1 of the North Devon Local Plan (adopted July 2006) provides that development will only be permitted where a rural location is required, amongst other criteria. Saved Policies HSG9 and HSG9A set out a restrictive approach to new dwellings in the countryside, where only those serving an essential need for agriculture, forestry or rural based industries will be permitted.
6. These policies are not wholly in accordance with the National Planning Policy Framework (the Framework), which provides a more flexible approach towards development in rural areas. However, the Framework recognises the intrinsic character and beauty of the countryside as part of one of its core planning principles, and the policies chime with this objective.
7. The proposal is to be linked to the proposal subject of Appeal B for four offices on the adjacent site. The Council contend that the application is for an open market dwelling, and no essential functional link has been demonstrated between the proposed dwelling and the offices. However, that is not what has been applied for. Although the offices and proposed dwelling are not within the same application site, they are in the same ownership, and there would be no impediment to imposing an occupancy condition in relation to the offices. I consider that the dwelling would be attractive to anyone wishing to occupy the offices, and that there would be planning benefits arising from such occupation in terms of the need to travel.
8. However, there is no evidence to show that there would be an essential need for someone to live on the site, and I therefore find that the proposal would conflict with the restrictive approach of these policies.
9. The Council accepts that it cannot currently demonstrate a 5 year supply of housing land, in which circumstances the policies in the development plan affecting the supply of housing, including those referred to above, must be regarded as out of date. I shall refer to this further below.
10. I have also been referred to policies in the emerging North Devon and Torridge Local Plan (NDTLP) 2011-2031. Policy ST01 sets out a spatial strategy hierarchy, the bottom tier of which is the countryside outside of Local Centres, Villages and Rural Settlements, where development will be limited to that which is enabled to meet local economic and social needs, rural building re-use and development which is necessarily restricted to a countryside location. NDTLP Policy DM28 supports rural workers' accommodation where, amongst other things, an essential operational need for a full time worker to be resident at or near the place of work can be demonstrated.

11. For the reasons indicated above, the proposal would not comply with these policies. The examination of the plan has been suspended pending additional work on housing land being carried out, but because they are broadly consistent with the Framework, they carry moderate weight at this stage.
12. I therefore conclude on the first main issue that the proposal would not accord with the Council's housing strategy for the area, and would conflict with the policies to which I have referred above.

Presumption in favour of sustainable development

13. Paragraph 14 of the Framework provides that where development plan policies are out of date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as whole. In determining whether the proposal would be a sustainable form of development there are a number of components which need to be assessed. The Framework aims to avoid new isolated homes in the countryside unless there are special circumstances, but I consider that the proposal would not be isolated, either physically, because of the existence of nearby buildings, or in terms of accessibility to services and facilities.
14. The Framework seeks to manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The proposal that the dwelling should be linked to the occupation of the proposed offices means that there would be some reduction in the need to travel for work purposes. There is a bus stop on Saunton Road just to the north of the appeal site, within a few minutes' walk. There is also a good quality cycle path on the north side of Saunton Road, which would enable occupiers to reach Braunton and Barnstaple with relative ease. The site is connected to Saunton Road by Moor Lane, which lacks a footway and is unlit, but it is only a short length of road, and whilst walking along the lane may be unappealing to some, especially those with children, it is straight, with good visibility and would take little time to negotiate. It may be that future occupiers would rely largely on the use of private cars but there would be a genuine choice of transport modes.
15. In environmental terms, the site is well screened from public views by hedges and planting, and the Council accepts that there would be no significant landscape impact. Nor does the Council allege harm to the character or appearance of the countryside. Whilst the site lies in the countryside, there is built development to the south in the form of a studio/dwelling, and tourist accommodation has been provided in the field immediately to the west of the site. On the opposite side of Moor Lane there are a number of buildings which also include holiday dwellings. There is a large housing area, Saunton Park, on the north side of Saunton Road. In such a context, the proposed dwelling would not have a significant impact on the character of the area and I find that there would be no material harm to the environmental dimension.
16. The proposal would also bring with it some modest economic benefits arising from the construction and occupation of the dwelling, and the provision of a live-work unit would help to satisfy a part of the market which is under supplied in the area. There would also be a social benefit in providing an additional unit of accommodation, at a time when the Council concedes that it is unable to meet the housing needs for the district. I have no information as to the current scale of the under-provision, but a single dwelling would have

only a small impact on housing numbers, and thus the benefit it would provide would be limited.

17. The harm that would arise out of a conflict with the Council's housing strategy for the area would be limited. This harm would not significantly and demonstrably outweigh the benefits of the proposal to which I have referred above, and therefore, the presumption in favour of sustainable development applies, and planning permission should be granted.

Conditions

18. The Council has suggested a number of conditions which I have assessed in the light of national guidance. A condition to require the development to be carried out in accordance with the approved plans is needed to achieve certainty. A condition dealing with materials is required in the interests of appearance, whilst a condition relating to parking is needed in the interests of highway safety. I shall also impose conditions relating the occupation of the dwelling to the offices approved in respect of Appeal B, because permission would be unlikely to be granted in this location without such a justification.
19. The appellants also propose new hedge planting around the boundaries of the site, which I consider to be important to mitigate the impact of the proposal on the appearance of the area, and I shall therefore impose a condition to secure it and to give effect to the appellants' intentions..

Appeal B – the construction of 4 offices for B1 use

Main issue

20. The main issue is whether the appeal site would be in a suitable location for office uses having regard to local employment policies and the effect on the countryside.

Reasons

21. The site lies outside of the designated settlement boundary of Braunton. Saved North Devon Local Plan (LP) 1995-2011 has a permissive approach towards employment development on non-allocated land within specified towns, including Braunton, but LP Policy ENV1 aims to restrict development in the countryside other than where a rural location is required and it provides economic or social benefits to the local community and it protects or enhances its beauty, the diversity of its landscape and historic character, the wealth of its natural resources and its ecological, recreational and archaeological value.
22. I consider that this policy is not consistent with the National Planning Policy Framework (the Framework) which supports support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and through well-designed new buildings.
23. Moreover, saved LP Policy ECN3 is broadly supportive of employment development within or on the edge of an identified village or small rural settlement, subject to it being compatible with the size and location of the settlement and where it would not harm the rural character and setting of the settlement or the surrounding area. The policy does not require such development to need a rural location.

24. Policy DM12 of the emerging North Devon and Torridge Local Plan (NDTLP) also favours new employment sites of an appropriate scale to the settlement, adjacent or well related to the development boundary/settlement to meet an identified business need and contribute to the area's economic objectives, where the Council is satisfied that there is a need and that the development cannot be accommodated within the development boundary.
25. NDTLP Policy DM14 relates to new small scale economic development in the countryside and provides a similar approach. The Council argues that it requires development to have a strong functional link to, amongst other things, an existing rural activity. However the first three criteria are disjunctive, and only one needs to be satisfied. Criterion b) requires sites to be adjoining or well related to a defined settlement, and the proposal satisfies this criterion. The weight that can be attached to these policies is limited because of the plan's emerging status, however they are broadly consistent with the positive approach of the Framework, and this carries moderate weight.
26. The Council accepts that there is a shortfall of employment floorspace in the area, and this is buttressed by the appellant's evidence from local estate agents who say that the units would meet a demonstrable unmet demand. However, the Council says that there is no need for the units proposed, as adequate provision has been made in site at Chivenor Cross, to the south of Braunton, which includes employment development up to 2.24 hectares for B1 business use and up to 5.98 ha for B2/B8 general industrial, storage and industrial use.
27. However, the permission is in outline only and there is no specific provision for office units of the type proposed here. The appellant's unrefuted evidence is that the developers are said to be interested only in selling plots of 1 acre, which is clearly of a different scale from that of the business units proposed here. Furthermore, I have not been told of any reserved matters applications having been made for the commercial parts of the scheme, and given that the permission is for B1, B2 and B8 uses, there can no certainty of any offices coming forward, and the timescale for delivery is unknown.
28. The Framework requires that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. I consider that pinning hopes that the existing employment sites and the proposed Chivenor Cross development will eventually address the demand for all types of business development is not the kind of proactive response that the Framework seeks. I therefore consider that the proposal would meet the locational criteria of Policies DM12 and DM14, and would be consistent with the positive approach to employment referred to in JLP Policy ST11.
29. Turning to the environmental impact, the building would be of a fairly small scale, and would be in a location which the Council accepts is well-screened from public views. It would relate satisfactorily to the scale of nearby buildings, such as the holiday units to the east and west of the site, and the dwelling/studio to the south. In terms of the impact on character and appearance, it is relevant that the site also lies in an area designated as a Heritage Coast, where saved Policy ENV3 says that development will only be permitted where it is consistent with the conservation, protection and enhancement of its natural beauty and where one of three criteria are met. Of

these criteria only one is relevant, and that is that development provides a social and economic benefit to the communities within the heritage coast.

30. The Inspector's decision¹ in respect of 3 self-catering residential holiday units in the adjacent field to the west found that the buildings in that case satisfied Policy ENV3, because the proposal would maintain the natural beauty of the Heritage Coast whilst facilitating its enjoyment and appreciation by the public and providing socioeconomic benefits in relation to rural tourism development. In this case, the proposal would have a lesser impact on the landscape, as it would lie between two fields containing built development of a similar scale, and to the fore of a dwelling and studio. It would also result in an economic benefit to the area. For the same reason the proposal would satisfy the landscape criteria of saved LP Policy ENV5 and NDTLP Policy ST09, both of which set out the approach to the designated coast and estuary.
31. Accordingly on the main issue I find that the site would be in a suitable location for office uses having regard to local employment policies and that it would not have a materially harmful effect on the countryside or the Heritage Coast. Whilst it would conflict with Policy ENV1, it would not conflict with the other policies to which I have referred and the circumstances referred to above justify my not determining the proposal in accordance with Policy ENV1.

Other matters

32. The Council refers to the site as being high quality agricultural land. This was not given as a reason for refusal, and in any event the Council has not refuted the appellant's evidence that the Agricultural Land Classification map shows the area as being of low value. I attach little weight to this concern.

Conditions

33. The Council has suggested a number of conditions which I have assessed in the light of national guidance. A condition to require the development to be carried out in accordance with the approved plans is needed to achieve certainty. Conditions relating to materials and waste storage are necessary in the interests of appearance, whilst car parking is required to be provided and retained for highway safety reasons. A condition limiting the use to Class B1 is necessary to define the permission, and to protect the living conditions of nearby occupiers.
34. The appellant also proposes new hedge planting around the boundaries of the site, which I consider to be important to mitigate the impact of the proposal on the appearance of the area, and I shall therefore impose a condition to secure it and to give effect to the appellant's intentions.

Conclusion

For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

¹ Ref: APP/X1118/A/14/2212248

ANNEX

Conditions

Appeal A - APP/X1118/W/16/3161353

- 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, Refs: NDC 002, NDC 005, NDC 006, NDC 007 and NDC 008.
- 3) Prior to first occupation of the approved dwelling the garage and car parking facilities as shown on drawing number NDC 002, shall be completed in full and shall thereafter be retained for these purposes.
- 4) No work shall commence on any part of the development hereby permitted until details of the external materials to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.
- 5) Prior to the commencement of development a scheme showing details of hedge planting in the position shown on plan Ref: NDC002 shall be submitted to and approved in writing by the local planning authority. If within a period of 5 years from the date of planting, any plant (or any plant planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another plant of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original plant unless the local planning authority gives its written consent to any variation.
- 6) The dwelling shall not be occupied other than by a person solely or mainly employed, or last employed, in the business occupying one or more of the B1 office units approved under appeal Ref: APP/X1118/W/16/3163665, or a widow or widower or surviving civil partner of such a person, and any resident dependants.
- 7) The B1 office units approved under appeal Ref: APP/X1118/W/16/3163665 shall be finished ready for occupation before the residential floorspace is occupied and commencement of the residential use shall not precede commencement of the business use in one or more of those units.

Appeal B - APP/X1118/W/16/3163665

- 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 Refs: NDC 002, NDC 005, NDC 006 and NDC 007 received on 15 August 2016.
- 3) Prior to first occupation of any of the approved offices the parking and refuse bins shall be provided as shown on the approved plans and thereafter they shall thereafter be retained for these purposes.

- 4) No work shall commence on any part of the development hereby permitted until details of the external materials to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), the development hereby permitted shall be restricted to uses within Class B1 (Business use) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes.
- 6) Prior to the commencement of development a scheme showing details of hedge planting in the position shown on plan Ref: NDC006 shall be submitted to and approved in writing by the local planning authority. If within a period of 5 years from the date of planting, any plant (or any plant planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another plant of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original plant unless the local planning authority gives its written consent to any variation.