
Appeal Decisions

Site visit made on 1 February 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 27 April 2017

Appeal A Ref: APP/P1133/W/16/3161844

Higher Wheatley Farm, Lane to Higher Wheatley Farm, Pocombe Bridge, Devon EX4 2HB

- 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 Keith Crawford against the decision of Teignbridge District Council.
 - The application Ref 16/00318/FUL, dated 1 February 2016, was refused by notice dated 3 May 2016.
 - The development proposed is the change of use of and extension to, 2 existing residential garages to a single dwelling.
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Appeal B Ref: APP/P1133/W/16/3163295

Higher Wheatley Farm, Lane to Higher Wheatley Farm, Pocombe Bridge, Devon EX4 2HB

- 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 K Crawford against the decision of Teignbridge District Council.
 - The application Ref 16/02196/FUL, dated 8 August 2016, was refused by notice dated 7 October 2016.
 - The development proposed is the change of use and extension of domestic garages to B1 commercial use.
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Appeal A Decision

1. The appeal is dismissed.

Appeal B Decision

2. The appeal is dismissed.

Procedural Matters

3. There are 2 appeals that relate to this site. Appeal A as described on the application form relates to the change of use of the existing garages as well as an extension, to provide a single dwelling. Appeal B relates to a change of use of the same buildings and a different form of extension, to create an industrial unit. I have considered each proposal on its individual merits but to avoid duplication, I have dealt with the 2 schemes together.
 4. The buildings were partially completed at the time of my site visit. The Council consider that the garages would be permitted development. These buildings
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are therefore likely remain whatever the outcome of these appeals.

Appeal A Main Issues

5. The first main issue is whether the site is in a suitable location for the proposed residential development in relation to its accessibility to services. The second is the effect of the proposal upon the character and appearance of the area.

Appeal B Main Issues

6. The first main issue in this appeal is the implication for neighbours' living conditions at the adjoining dwellings with particular reference to activity related to the proposed commercial use. The second is the effect of the proposal upon the character and appearance of the area.

Reasons

Appeal A – accessibility

7. The appeal site is accessed along a lane that slopes up from Tedburn Road between the existing residential buildings of Crusader Court and a group of industrial buildings. The site including the pair of garages is also directly alongside a pair of semi-detached dwellings, cottage 1 and cottage 2.
8. This is a rural area close to the outskirts of Exeter. Policy S22 of the Teignbridge Local Plan¹ (LP) states that land outside of defined settlement limits are classified as open countryside where development and investment will be strictly managed.
9. The appellant has referred me to another appeal decision² concerning the change of use from a single dwelling to 2 dwellings which related to the adjoining pair of cottages. That Planning Inspector considered the site was not isolated in terms of his interpretation of the National Planning Policy Framework (the Framework). In reaching that view the Inspector stated that the appeal site is near to existing housing and business uses. I recognise this as an significant material consideration and consistency in decision making is important.
10. Tedburn Road is tightly enclosed by hedging on one side and the limited verge on the other which is not suitable for walking along or pushing wheelchairs or pushchairs. There are no streetlights nearby. It may not take very long to drive to Exeter or the village of Ide which is 1km away according to the appellant. However it would not be an attractive or safe prospect to walk to either from the site particularly at night time or in poor weather. The appellant refers to bus services that run along Tedburn Road and the B3212 which is further away. However, I did not see a bus stop nearby and I have not been provided with the details of those services. Although there may be various commercial and residential uses close to the site, there are no shops, schools or other community facilities nearby with the nearest being in Ide.
11. LP Policy S1 sets out sustainable development criteria and requires proposals to perform well against those criteria. Of relevance in this case is accessibility by walking, cycling and public transport for main travel purposes, particularly work, shopping, leisure and education. The site performs well in relation to

¹ Teignbridge Local Plan 2013-2033, adopted 6 May 2014

² APP/P1133/A/14/2211660

accessibility to the employment opportunities nearby but is deficient in other respects.

12. At the time of the previous appeal decision, LP Policy S1 had not been adopted although that Inspector did refer to it in its draft form. The Inspector refers to the site's relatively close proximity to local services in suburbs on this side of Exeter but acknowledges that this would require private motorised journeys. I agree that reaching those necessary day to day facilities from the site would rely upon the use of private vehicles. That is the least sustainable means of transport and a regular need to travel points towards the site being in the wrong place for new residential development. Moreover, the adoption of the LP and increased weight that Policy S1 has gained as a result is a material change since the previous appeal decision. Policy S1 is generally consistent with the Framework and I have no evidence that it is not up-to date in the context of paragraph 49 of the Framework. Policy S1 defines how the proximity to services should be considered and the appeal scheme does not perform well against the accessibility criteria. I consider that the site is isolated when judged against that policy which forms part of the development plan and is the starting point for making my decision. Notwithstanding that the Framework acknowledges opportunities to maximise sustainable transport solutions vary from urban to rural areas, the weight to be attached to Policy S1 outweighs the view that the previous Inspector took. I am, in any event, required to consider the merits of the appeal based on its individual circumstances.
13. The Framework at paragraph 55 makes it clear that new isolated homes in the countryside should be avoided unless there are special circumstances. I consider this site is isolated with respects to its accessibility and no special circumstances are put forward. The proposal would conflict with paragraph 34 of the Framework that seeks to locate development where the need to travel will be minimised and use of sustainable transport modes can be maximised.
14. In relation to the main issue, this is not a suitable location for the residential development proposed due to the poor accessibility of the site to services. This would not comply with LP Policies S1 and S22. This would not be a sustainable form of development with respect to paragraph 14 of the Framework.

Appeal A – character and appearance

15. The site is within the Area of Great Landscape Value (AGLV) and although is dispersed by dwellings and other buildings has a pleasant rural feel. The 2 garages have simple roofs with ridges running parallel with each other and with the side of the nearby cottage 2. A flat roof separates the pitched roofs and covers a central space. The proposed extension would be to the rear. It would substantially increase the size of the structures, extending over a concrete slab that was in place at the time of my visit.
16. The garages are set down on an area of land that looks to have been levelled off alongside cottage 2. The hillside to the west rises steeply to the side of the site. There is a large brick wall on the eastern side of the site separating it from the land immediately to the rear of the dwellings and a shorter wall with timber boarding above along the northern boundary.
17. The adjoining cottages are 2 storey structures which largely screen the garages as one approaches the site from the east. Even with the proposed extension, from the field to the west the garages appear much smaller than the cottages.

The garages are not in prominent view from Tedbury Road which is at a much lower level to the north. From that direction there may be some views from the high, steep hillside on the other side of the road but the structures even with the increase in size would not be prominent or intrusive within the general surrounding open countryside. The external use of painted render and a slate roof would not look out of keeping with the surrounding buildings.

18. Although the creation of another dwelling through conversion would have an increased visual impact due to an increase in activity, this and the extended building would be of minor visual significance. The landscape qualities, character and distinctiveness of the AGLV would be conserved. In relation to the second main issue, the proposal would have an acceptable impact upon the character and appearance of the area. This would comply with LP Policy EN2A which seeks, amongst other things, the conservation and enhancements of the qualities, character and distinctiveness of the AGLV.

Other Matters – appeal A

19. The proposed dwelling could be implemented without wider environmental harm and would contribute to the housing stock of the area. However, these factors and my conclusion on the second main issue do not outweigh my conclusions in relation to the first main issue.

Conclusion – Appeal A

20. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Appeal B - Living conditions

21. The proposal would involve the use of the garages with a different form of extension, for business purposes. The buildings are very close to both adjoining dwellings, particularly cottage 2 and its front and rear gardens. There are some commercial uses nearby downhill from the site to the east. However the dwellings that adjoin the site are in what I found to be a tranquil rural area.
22. A B1³ use can by definition be carried out in any residential area without detriment to the amenity of that area⁴. However, whilst the activity within the building and around the site could be appropriate next to dwellings, the associated activity from the comings and goings of staff and visitors are matters that could potentially lead to impacts upon the adjoining properties.
23. The Council refers to the size of the proposed building leading to 6 or 7 employees requiring 4 parking spaces. I have not been provided with any parking standards or evidence of likely traffic generation. However this would appear to be a reasonable estimate of space required for parking of additional vehicles which is not disputed by the appellant. This gives some indication of the demand that the proposed use would create for vehicle movements nearby. There is space around the buildings that would enable some parking. The lane leading up to the site is also wide enough to allow for some safe additional parking. Due to the location of the site isolated from services, employees and

³ Town and Country Planning (Use Classes) Order 1987, as amended.

⁴ by reason of noise, vibration, smell fumes, smoke, soot, ash, dust or grit.

visitors of the proposed business premises would be largely reliant on private vehicles and parking in these areas.

24. The access lane currently only leads to the dwellings and adjoining field. The proposed use would lead to further vehicles using the lane which would bring with it the additional engine noise as well as the sounds of doors opening and closing close to the fronts of both cottages. This increase in activity would have the potential to become significantly much noisier than the present tranquillity of the area. Such activity would disturb the occupants of the cottages.
25. Compensatory parking for the 2 cottages would be nearby on land clarified as being within the appellant's ownership (on plan 1845/15/601 Revision C). Those spaces would still be close to and convenient for the occupiers of the dwellings.
26. In relation to the first main issue, this would not be a suitable location for the proposal due to the harm that would be caused to the living conditions for occupiers of cottage 1 and cottage 2. The proposal would not comply with the requirement in paragraph 17 of the Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.

Appeal B – character and appearance

27. The proposed small flat roof building highlighted in red on the site plan is shown adjoining a part of the building that has not as yet been constructed. That extension would be added to another extension to the building over the concrete slab that I saw at my visit. The overall increase in size of the garages would be a little more than as proposed in appeal A. I consider that these extensions would be well screened and would make little difference to the visual qualities of the site.
28. The landscape qualities, character and distinctiveness of the AGLV would be conserved. In relation to the second main issue, the proposal would have an acceptable *impact* upon the character and appearance of the area. Thus it would comply with LP Policy EN2A.

Conclusion Appeal B

29. LP Policy EC3 is supportive of business use within permanent and soundly constructed rural buildings and paragraph 28 of the Framework supports economic growth in rural areas. However the proposal would not comply with the requirement in paragraph 17 of the Framework as I have set above. The harm in relation to the first main issue including the non-compliance overall with the Framework are material considerations that outweigh the benefits of proposal and my conclusions on the second main issue. LP policy S1A would not be complied with.
30. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR