The Planning Inspectorate

Appeal Decision

Site visit made on 11 July 2017

by Mrs J Wilson BA BTP MRTPI DMS

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

Decision date: 16th August 2017

Appeal Ref: APP/P1133/W/17/3171836
Wheatley Hall, Tedburn Road, Pocombe Bridge, Exeter, 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 Miss Vicki Turner against the decision of Teignbridge District Council.
- The application Ref 16/02750/FUL , dated 3 October 2016, was refused by notice dated 23 December 2016
- The development proposed is a live-work unit (B1).

Decision

1. The appeal is allowed and planning permission is granted for a live-work unit (B1). at Wheatley Hall, Tedburn Road, Pocombe Bridge, Exeter, DEVON EX4 2HB in accordance with the terms of the application, Ref 16/02750/FUL, dated 3 October 2016, and the plans submitted with it, subject to the conditions set out in Schedule 1.

Procedural Matter

2. The appellants point to a factual discrepancy between the plans, application form and Council's report relating to the proposed change in floor space which suggests the loss of 38 metres of workshop floor space. The appellant has confirmed that no workshop floor space will be lost as the whole of the ground floor would remain as per the planning permission granted for the conversion of the tabernacle to a B1 business use. The appeal proposes the creation of 28m^2 of new floor space in a sleeping area/platform in the roof space above the existing kitchen and store. This would be in addition to the 66m^2 of workshop which already exists and which would remain. This accords with my findings on site and I have dealt with the appeal on this basis.

Main Issue

3. The main issue is whether the addition of the sleeping area to create a live work unit constitutes sustainable development within the context of the development plan policies and the National Planning Policy Framework (The Framework).

Reasons

4. The building is in an open countryside location adjacent to a cluster of commercial businesses including a heritage builder, vehicle repair business and a small number of residential properties. The building has been converted to a

workshop/studio under a permission granted in 2016[1]. Though the majority of works approved by this change are in place some aspects of the planned conversion such as the restoration of the bell tower, roof windows and a set of double doors have still to be undertaken. Nonetheless the workshop/studio is operational with the finishing and marketing of bespoke furniture items taking place at the time of my visit.

5. The Council states that the appellant has not demonstrated a proven need to live on site as part of the business. The appellant outlines that the nature of the business and the extent of dealings with international clients require long and often unsocial hours due to time differences. She advises that the ability to live and work from the unit would benefit her business. It appears to me that the objection raised by the Council in this case is one of principle and not related to any identified or specific harm which would be caused by the proposed use in conjunction with the workshop/studio.

6. Policy S22 of the Teignbridge Local Plan 2013 – 2033 (2014) (the Local Plan) manages development and limits uses to specific groups including (amongst other things) business use to ensure a resilient rural economy. Settlement policy under Policy WE9 of the Local Plan is focused on rural workers dwellings, permitted where they meet an essential functional or financial need but applicable to agricultural, forestry or rural businesses. This proposal does not sit squarely within the scope of this policy, however the workshop exists and the appellant currently travels to and from the site. The building has brought back into use a former tabernacle and the use is supporting the restoration of the original features on the building.

7. The appellant cites an appeal decision for a live work unit elsewhere in the district which bears some similarities to the issues involved here. In that case the Inspector stated that *"…while not strictly in accordance with the criteria set out in Policy S22, the proposal would be acceptable because it is not solely for a new dwelling but is for a dual use on a site already in commercial use. It would provide a dwelling for a worker to live at the place of work and in continuing a business use on the site…and would help support the local economy".*

8. The provision of additional floor space here is modest, it makes no external changes to the building over and above those already approved by the Council and does not lead to the loss of workshop space, save for the floorspace to create space for a staircase. It would enable the business to function in the manner outlined by the appellant providing a modest but flexible mix of commercial and residential use allowing for a worker to live at her place of work as provided for by Paragraph 21 of the Framework. I do not consider that this would compromise the fundamental objectives of Policies S22 and WE9 of the Local Plan in this case.

9. Transport and parking issues were considered in the previous proposal for the conversion of the tabernacle to a business use when when it was concluded that the use would be likely to be much less than the original use as a meeting house. In any event the Council did not advance a highway reason for refusal.

10. I conclude that whilst not strictly in accordance with Policy S22 or WE9, the proposed live-work unit would represent sustainable development. I find that it

[1] Teignbridge District Council 16/01392/COU

would support social and economic dimensions of sustainable development in respect of this particular business in accordance with the wider objectives of promoting sustainable development as set out in the Framework.

Conditions

11. Conditions should be imposed to require that the residential use is used in connection with the studio workshop and equally to ensure that the residential use does not expand into the workshop, these conditions are necessary as they are the basis on which the appeal proposal meets the sustainability requirements and would otherwise be in greater conflict with the prevailing Local Plan policies. A condition relating to the time limit for implementing the consent is required to comply with statutory provisions. I have taken account of the conditions suggested by the Council to which no objections have been raised by the appellant though have adjusted their wording in order to ensure they are precise.

Conclusion

12. For the above reasons and having regard to all other matters raised, I conclude that subject to the conditions detailed in the attached schedule the appeal should succeed.

Janet Wilson

INSPECTOR

Schedule 1

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 approved plan numbered TDC1 and the unnumbered site plan.

3) The residential area hereby approved shall be used solely as part of the live work unit created and in connection with the existing workshop/ studio use within the building. It shall not be used, let, leased or otherwise disposed of for any other residential or commercial purpose.

4) The residential accommodation shall be limited to the area of first floor accommodation detailed on plan number TDC1. The residential use shall not at any point be extended into the workshop/studio areas specified on the approved plans.

[End of schedule]