



Appeal Decision

Site visit made on 13 May 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Appeal Ref: APP/X1118/W/19/3223710

Deer Haven, Green Lane, Swimbridge, Barnstaple EX32 0FF

- 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 Bird of ARB Marine against the decision of North Devon District Council.
 - The application Ref 65497, dated 4 September 2018, was refused by notice dated 12 December 2018.
 - The development proposed is described as 'resubmission of previously withdrawn application 64831 to convert an existing rural building to form a live/work unit'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Bird of ARB Marine against North Devon District Council. This application is the subject of a separate decision.

Main Issue

3. Whether the site is suitably located for the proposed live/work use.

Reasons

4. The existing building is understood to have been constructed in the early 2000s for the purpose of agricultural storage. The building is currently being used by the appellant to run his marine engineering business, although it does not benefit from an express grant of planning permission for such a use. The appeal proposal is to continue this use in part of the building and to convert part of the building into a dwelling, so that the whole building would function as a live/work unit.
5. The building stands in a rural area remote from any other buildings. It is positioned against a line of mature trees and is not prominent to view. Access to the building is derived via a track from the road to the west, which is at a higher level.
6. In countryside locations such as this Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 adopted 2018 (NDTLP) establishes that 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. Policy DM14 of the NDTLP establishes that new small-scale economic development in countryside locations will be

supported where it relates to the change of use or conversion of a permanent and soundly constructed building. I am satisfied that the appeal proposal accords with this requirement as the building is of permanent construction and appears to be soundly constructed. However, parts (d) – (f) of the Policy also need to be satisfied. In terms of part (d), the existing building is distant from other buildings and residents. Therefore, no adverse impact on the living conditions of neighbouring occupiers would arise as a result of the proposal.

7. Part (e) relates to the accessibility of the site. I accept that the existing access is sufficient in terms of visibility, and that the site is equipped with adequate areas for the parking and manoeuvring of vehicles; however, the site is remote from main roads and is accessed via a network of small country lanes. Some of these lanes are wider than others and benefit from passing places, and for some lengths are wide enough for vehicles to pass in most areas with care. Furthermore, I note that the appellant suggests that customer visits and vehicle movements associated with the site would be low, and that the appellant would no longer need to commute between his home and work were the appeal to succeed.
8. However, vehicle movements associated with the proposal would include deliveries and some would involve accessing the site with a boat trailer. The network of small lanes, particularly the narrow lane immediately associated with the site and the lanes to the north that would provide the most direct access to the A361, are not suited to vehicle movements of this nature. Although no traffic problems have been reported to date, I consider it likely that the increase in movement of trailers and larger vehicles that would arise from the proposal would disrupt the free flow of traffic throughout this network of lanes, which would have an adverse impact on the functionality of the local highway network. In relation to this the appellant suggests that the lanes are already used by large diggers and agricultural vehicles. However, it would appear to be the case that such movements are essential to access existing land uses, whereas the proposal before me is essentially a new use in a remote countryside location.
9. Part (f) of Policy DM14 of the NDTLP states that such proposals will only be accepted where they respect the character and qualities of the landscape. The proposal would reuse an existing building. Some changes are proposed, in association with the introduction of a residential use into part of the building. These include the installation of large areas of glazing to the south and east elevations. Although the building is not prominent to view, the installation of large areas of glazing and the introduction of domestic paraphernalia that would potentially spread across the large curtilage area would draw attention to the building and make it more noticeable in the wider landscape. I consider this to be more harmful than if the building was still in its original use, because an agricultural building with associated vehicles and equipment would not appear out of place in such a location.
10. The part of the building that would be given over to residential use would be for the occupation of the appellant and his family. The parties disagree over the extent of this, although the submitted plans show that the residential element would be set over two floors in an area that would occupy two thirds of the existing building, leaving a single storey workshop space in the remaining third of the building. The residential use would therefore occupy a significant portion of the existing building. Policy DM28 of the NDTLP establishes that

accommodation in the countryside for a rural worker will be supported where there is an essential operational need for a full-time worker to be resident at or near the place of work.

11. I accept that there is no definition of essential operational need within the NDTLP, however, taking an ordinary meaning of the phrase into account, there appears to be no essential need for the business to be established in this remote countryside location. The use that the appellant has established at the site has utilised an existing building but in all other respects the use has no functional association with the land holding or the immediate area. Indeed, it is clear from the evidence provided that the appellant's business supports customers over a wide area of North Devon. I note that the appellant does not intend to use the land associated with the building for storage, and I can therefore see no special characteristics in the existing building or location that would be of benefit to the business that could not be found in a similar building in a more accessible location.
12. Furthermore, I am not convinced that the particular use at the site and business model that has been developed by the appellant requires the appellant to live at the site. Opening hours are fairly standard, and call out visits are unlikely to result from an emergency arising at the workshop, but rather would require the appellant to travel to another location. Such visits would be most likely to involve travel to the coast, initially via the network of small rural lanes associated with the site. The appellant suggests that such journeys are to be expected in a rural area like North Devon. However, Policy ST07 of the NDTLP establishes a clear preference for locating new rural development in the context of existing settlements. Supporting paragraph 4.10 of the Policy clarifies that the existing dispersed settlement pattern of the area should not be exacerbated by further development, that landscape quality should not be compromised and that the principles of sustainable development should be adhered to.
13. In summary the proposal would not be suitably located for the proposed live/work use, and would conflict with Policies ST07, ST11, DM14 and DM28 of the NDTLP and the National Planning Policy Framework, which together seek to ensure that development proposals are suitably located in terms of their proximity to existing settlements and accessibility to the existing highway network; relate to an essential need for the type of accommodation proposed; and are designed in a manner that does not harm the character of the landscape.
14. The Council refers to Policy DM05 of the NDTLP in its first reason for refusal. However, as detailed above, I am satisfied that the proposal would not conflict with this Policy as it would ensure safe and well-designed vehicular access and egress at the site. However, this is not sufficient to outweigh the harm that I have found in relation to the overall location and relationship between the site and the surrounding highway network.
15. The Council also refers to Policy DM27 of the NDTLP in its second reason for refusal. However, this Policy has not been determinative as it relates to the reuse of disused and redundant rural buildings and I have no evidence before me to suggest that prior to the appellant establishing his business at the site the building was redundant and disused.

Other Matters

16. In support of the proposal the appellant suggests that the cost of relocating would be significant, and the reuse of the existing building is better than constructing a new building at the site. However, using the existing building for an engineering use has not been lawfully established, so I cannot therefore give any significant weight to the existing operation of the business at the site.
17. The appellant also highlights the bespoke nature of the business, and that he is the only dealer in the area for a particular make of outboard motors and that the business creates local employment. He suggests that existing customers with these motors would have to travel further to have their motors serviced. He also suggests that many of his customers live inland and therefore already travel some distance to access the coast. Although I give some weight to the modest creation of employment, these matters are not sufficient to justify locating the business in a remote countryside location with poor accessibility.
18. A letter from a local estate agent advises that there is a local shortage of suitable premises, and comparable businesses put forward by the Council would appear to operate differently or be of a different scale or business model to the business subject of this appeal. However, the workshop area retained as part of the proposal would be small, and no external storage space is now proposed. The appellant suggests that the reduced space would be sufficient for his business. I therefore find it difficult to accept that equivalent space is not available locally in a more appropriate location, and note that there is no evidence submitted to support the estate agent's advice. I therefore give little weight to these matters.

Conclusion

19. For the reasons above, the appeal is dismissed.

Andrew Tucker

INSPECTOR