

Appeal Decision

Site visit made on 10 September 2019

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2019

Appeal Ref: APP/Q1153/W/19/3222509

**Unit 9, Cranmere Road, Exeter Road Industrial Estate, Okehampton
EX20 1UE**

- 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 Mortimer, Independent Tyre Distributors Network against the decision of West Devon Borough Council.
 - The application Ref 3715/18/FUL, dated 12 November 2018, was refused by notice dated 24 January 2019.
 - The development proposed is to extend parking area to create 10 additional parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted to extend parking area to create 10 additional parking spaces at Unit 9, Cranmere Road, Exeter Road Industrial Estate, Okehampton EX20 1UE in accordance with the terms of the application Ref. 3715/18/FUL, dated 12 November 2018, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Site Location Plan, Exe/1, Exe/2, Exe/3, Exe/4 and Exe/5.
 3. Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable surface water drainage option has been submitted to and approved in writing by the Local Planning Authority. The permeable parking shall be designed in accordance with CIRIA C753, with full design details and a sectional drawing showing its construction specification. The drainage scheme shall be installed prior to the approved parking area being brought into use, maintained and retained in perpetuity, in accordance with the agreed details.

Procedural Matter

2. Since the planning application the subject of this appeal was refused, West Devon Borough Council adopted the Plymouth & South West Devon Joint Local Plan 2014 – 2034 (JLP) in March of this year. The JLP therefore constitutes the Development Plan for the Borough Council's planning area and has replaced both the West Devon Local Plan Review, adopted 2005, and the West Devon Core Strategy, adopted 2011. Therefore, the policies from these two development plan documents referred to within the Council's decision notice are no longer relevant to this appeal. Furthermore, as is highlighted by the Council, the emerging Policy DEV31 has now been adopted albeit given the code DEV29. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether an over-provision of car parking would give rise to an unsustainable form of development.

Reasons

4. The appeal site comprises a single storey office building located towards the northern edge of the Exeter Road Industrial Estate. It is currently served by 11no parking spaces which are located on higher ground than and separated from the host building by a sloping grass verge, disabled access ramp and footpath. The proposal is to provide an additional 10no spaces of similar dimensions as those existing, upon the current intervening landscape strip, through the construction of a retaining wall and the creation of made ground so as to create a tandem parking arrangement.
5. It is explained by the appellant that these additional parking spaces are required due to the growth of their business, with a consequent increase in staff numbers. They also state that public transport provision does not generally facilitate sustainable methods of travel to and from the site, particularly due to the shift-working patterns that they employ and also the fact that a number of their staff live within outlying rural areas that are not served by public transport at all.
6. JLP Policy DEV29 sets out specific provisions relating to transport and states that development will be required to contribute positively to the achievement of a higher quality, effective and safe transport system in the Plan area. It will promote sustainable transport choices and facilitate sustainable growth that respects the natural and historic environment. Amongst other things, development proposals should, where appropriate: Ensure sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network; limit/control the overall level of car parking provision at employment, retail and other destination locations; and provide for high quality, safe and convenient facilities for walking, cycling, public transport and zero emission vehicles.
7. Whilst I acknowledge that the site falls within the confines of Okehampton, it is nonetheless in a peripheral location on its eastern rural edge. The National Planning Policy Framework (the 'Framework') paragraph 84 states that planning decisions should recognise that sites to meet local business needs, in

rural areas, may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. In such circumstances it is important to ensure that development is sensitive to its surroundings, and does not have an unacceptable impact on local roads, amongst other things.

8. In addition, where regarding transport, paragraph 106 of the Framework states that maximum parking standards for non-residential developments should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. In paragraph 109, the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
9. Furthermore, where concerning building a strong, competitive economy, Framework paragraph 80 stipulates that planning decisions should help create the conditions in which businesses can invest, expand and adapt, and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Therefore, there is strong support within the Framework in allowing local businesses to expand, provided that the proposals do not give rise to demonstrable harm to highway safety, whilst acknowledging that travel within rural areas and those less well served by public transport are, or more likely to be, reliant upon the use of private motor vehicles as a means of transport.
10. I note from the Council's Officer report that it is acknowledged that local bus networks and service providers may not provide a level of service that would provide a reliable method of transport for staff in the absence of additional car parking spaces. As explained by the appellant, with the deficiency in existing car parking provision, quite simply all that occurs is that their staff park elsewhere on the estate and sometimes within locations that are not designed for parking. It may well be that at times other car parking spaces within the industrial estate are vacant, however, these appear to be within the ownership and control of third parties and ultimately the proposal seeks to enhance the provision of parking for the business that operates within the appeal site itself.
11. I am not convinced that the Council has substantiated how the increased number of car parking spaces would give rise to an increased number of vehicles to and from the industrial estate, neither has it adequately demonstrated how the usable area immediately adjacent to the property for the manoeuvring of vehicles and the ability of delivery vehicles would be restricted. I also note that no objections have been raised by any statutory consultees in respect of highway safety either.
12. Therefore, in the absence of any concerns with regard to the impacts upon the character and appearance of the area, the parking spaces' safe operation or upon the living and working conditions of the occupiers of surrounding residential and non-residential buildings, I consider that the proposal would not give rise to unsustainable form of development. I therefore find no direct conflict between the proposal and JLP Policy DEV29.

Conclusion and Conditions

13. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
14. Other than the standard time limit condition, the Council have suggested a condition requiring the development is carried out in accordance with the approved plans. For the avoidance of doubt I consider that this is an appropriate condition. In addition, the Council's drainage consultee recommended that a condition requiring details of sustainable drainage be submitted prior to the commencement of development to which the appellant has agreed. The Council also subsequently passed helpful comments on the appropriate wording of this. I am however satisfied that sufficient space would be reserved within the site to enable vehicles to be parked thereon, with the proposed parking layout stipulating that the spaces would match those that exist, I therefore consider that it is not necessary to impose the Council's suggested parking condition.

C J Tivey

INSPECTOR