



Appeal Decision

Site visit made on 8 January 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal Ref: APP/U1105/W/19/3235921

The Blue Ball Inn, Trow Hill, Steven's Cross, Sidmouth EX10 9QL

- 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 Punch Partnerships (PML) Ltd against the decision of East Devon District Council.
 - The application Ref 19/0430/FUL, dated 25 February 2019, was refused by notice dated 12 July 2019.
 - The development proposed is described as proposed erection of three detached dwellings and private car parking with associated new private vehicular access, landscaping, boundary treatments, drainage and ground works, and reconfiguration of the existing car park.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Punch Partnerships (PML) Limited against East Devon District Council. This application is the subject of a separate Decision.

Procedural Matters

3. Following the Council's decision on the planning application, the Sid Valley Neighbourhood Plan 2018-2032 (SVNP) passed the referendum stage and was subsequently 'made'. Accordingly, it now forms part of the adopted development plan for the area. The Council's appeal statement sets out the SVNP policies which it alleges the proposed development conflicts with and the appellant has had the opportunity to comment on this. I have taken this into account in reaching my decision.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - Whether the proposed reduction in parking for the public house would be acceptable, with particular regard to the viability of the public house and the living conditions of surrounding residents.

Reasons

Character and appearance

5. Situated within the built up area boundary (BUAB) of Sidmouth, the appeal site contains the Blue Ball Inn car park. Located on the opposite side of the highway to the Inn, it sits between undeveloped open grassland and fields. Appearing as a relatively discreet feature within the wider countryside setting, the hard-surfaced car park, its associated signage and lighting, and the parking of vehicles on the site do not notably detract from the rural character of the surroundings area. The separating presence of the highway and the degree of separation to surrounding built form means that the site does not have an urban character and instead relates more to the surrounding rural landscape rather than part of the surrounding urban fabric. Although soft landscaping provides some screening, the site is visible in the locality, including from Trow Hill and from parts of the nearby public footpath, with greater visibility when trees are not in leaf. Built form in the immediate locality is concentrated on the other side of the highway, with properties generally only present on both sides of the highway on the other side of the River Sid, a reasonable distance away.
6. Introducing three dwellings, the proposed development would increase significantly the degree and scale of built form on the site. Although positioned on part of the existing car park, the effect of the dwellings would nevertheless be to appear to significantly extend the built environment into the rural undeveloped surroundings, contrary to the prevailing development pattern of properties in the locality. Their set-back position and existing and proposed soft landscaping would limit their visibility from certain vantage points, including from the east on Trow Hill – which is identified as a key view to protect in SVNP Policy 2 – and the nearby Area of Outstanding Natural Beauty (AONB), and from parts of the footpath. Be that as it may, they would appear in the surrounding area as notable features, particularly from the west and directly in front of the site. Their presence and effect on the surrounding area would also be significantly greater than the car park.
7. The submitted Landscape Assessment identifies that the site is not located within a defined or designated landscape and contains no key landscape characteristics identified in published assessments. It sets out that the site is seen as a separate entity and distinct from the adjoining countryside due to boundary planting, which restricts visibility of it. From my site visit, it was clear to me that soft landscaping and trees do provide extensive screening and limit views of the site in some parts of the locality. As set out in the Landscape Assessment, topography also limits views of the site. Nevertheless, it is visible in the surrounding area and I observed that trees and soft landscaping on and around the site, combined with the car park's unobtrusive nature, serve to associate it with the mature hedging and trees on the southern boundary.
8. Consequently, rather than separating it from the countryside, these features connect the site with its rural undeveloped surroundings rather than the built environment. I also observed on my site visit that, with trees not in leaf, the site is visible from various points on Burscombe Lane. Although the views were longer distance glimpses, the site reads from some points along the lane as unrelated and separate from the buildings on the opposite side of Trow Hill and the River Sid. In these views, the proposed development would therefore be experienced as encroaching suburbanisation.

9. Accordingly, the proposed development would be an incongruous addition and read as an ad-hoc intrusion that would harm the rural character and undeveloped appearance of the surrounding area. Council landscape officers and the East Devon AONB team have not commented on the proposed development. It would be on brownfield land within the BUAB, and the Council has not alleged that it would harm the AONB or the Local Green Space at The Byes. The Council has also not alleged a conflict with SVNP Policies 4, 5 and 7, and the alignment, orientation, design and traditional appearance of the proposed dwellings would reflect the characteristics of built form in the surrounding area. Various views of the site are also transitory, while additional soft landscaping could be secured by condition. Be that as it may, these matters do not lead me to a different conclusion.
10. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Strategy 6 and Policy D1 of the East Devon Local Plan 2013 to 2031 (EDLP). Amongst other aspects, these require development to be compatible with the character of the site and its surroundings and respect the key characteristics and special qualities of the area.

Parking

11. The Inn has a wide range of facilities, including a public bar and dining area, lounge bar, restaurant and dining areas, function room and skittles alley, nine rooms of accommodation, beer gardens and terrace, and a barbecue area. The existing car park contains 82 parking spaces.
12. The appellant's Transport Assessment and Transport Technical Notes include data from three parking surveys which were carried out to assess parking demand on randomly selected weekends. Covering the peak and off-peak seasons over a two-three day period, the maximum recorded occupancy of the car park was 57%, with the lowest at 29%. The maximum number of spaces in use during each survey was 47 in November (over a dry weekend), 38 in April (over the dry Easter weekend) and 41 in July (on a fair weather summer holiday weekend). The Council has not contested these figures, which indicate that the revised car park, with 53 spaces remaining, would have been sufficient to accommodate the peak demand recorded during each of the survey periods. The surveys also show limited variations in seasonal parking demand.
13. On the face of it, it therefore appears that the proposed development would not result in insufficient parking for the Inn. On that basis, the appeal proposal would not threaten its viability nor harm surrounding residents' living conditions through increased on-street parking demand. However, the evidence before me indicates that the Inn can accommodate some 384 people, and I have little evidence setting out how the Inn was being used and what its occupancy levels were during the three survey periods.
14. If, for example, the function room was not being used and/or there was only limited occupation of the overnight accommodation during the parking surveys, then it is likely that recorded parking demand would have been less than if the Inn's facilities were being used more extensively. Without such detail accompanying the parking results and with little information relating to typical use and occupancy levels of the Inn, it is not clear to me that the peak parking levels recorded are sufficiently representative of typical peak demand at times when the Inn may operate at or near capacity. With little evidence to indicate

otherwise, it seems to me that high occupancy levels are not necessarily only likely to coincide with peak season or public holidays, and it not clear that high occupancy levels would only represent a small period of time. In coming to this view, I have taken account of the fact that the majority of the facilities are said to be constantly available to customers when the Inn is open.

15. If high occupancy levels of the Inn were to result in greater parking demand than that recorded during the three surveys, then it is likely that the 53 spaces that would remain available to the Inn would be insufficient and would be below a level that could be considered reasonable. This could harm custom, with customers opting to go elsewhere, and thus threaten the viability of the Inn and its community and social gathering function. If the car park were full, customers may also seek to park in the locality. Having observed on my site visit that nearby residential roads, such as Harcombe Lane, are relatively narrow, it seems to me that this could result in noise disturbance to surrounding residents through increased traffic movements and congestion.
16. The surveys were carried out during dry weather, covered peak seasons including Easter and the summer, and the data show limited seasonal fluctuations in recorded parking demand. It has been put to me that the Inn is also food-orientated, that events only involve variations in its menu and that there is no evidence to suggest major variations in patron numbers and demand fluctuations. There is no allegation from the Council and Highway Authority that the proposed development would harm highway safety. I recognise that 1 in 4 pubs have also closed since 2008 and that scope to intensify the business may be limited. The appellant also provided the Council with an assurance that the proposed development would not adversely affect the viability of the Inn, and the sale of the appeal site would generate a financial return for the Inn. However, with little evidence regarding use of the Inn at the time of the parking surveys and/or occupancy levels more generally, these matters do not lead me to a different conclusion.
17. For the above reasons, I conclude that the proposed reduction in parking for the public house would be unacceptable, with particular regard to the viability of the public house and the living conditions of surrounding residents. I therefore find that it conflicts with EDLP Strategy 32 and Policy D1, and SVNP Policy 18. Covering premises used for employment and community purposes, these require, amongst other aspects, development to not harm social or community gathering and/or business opportunities in the area and the amenity of occupiers of adjoining residential properties.
18. However, with the built up nature of the site and the proximity of surrounding plots, there is limited development potential for the Inn. Consequently, I find that the appeal proposal would not, in relation to this matter, conflict with Strategy 6 which, amongst other aspects, requires development to not prejudice the development potential of an adjacent site.

Other matters

19. The proximity of the appeal site to the European designated nature conservation site of Pebblebed Heaths means that the development would be likely, in combination with other plans and projects, to have a significant effect on the internationally important interest features of the heath. Mitigation measures are therefore required to make the development acceptable and avoid an adverse effect on the integrity of the designated sites. I note that

such mitigation in the Council's area is provided by a combination of funding from the Community Infrastructure Levy and contributions from developments, and the Council indicates that a financial contribution for the proposed development has been secured. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further – including through Appropriate Assessment – because it could not lead me to a different decision.

Planning Balance

20. I have found that the proposed development would harm the character and appearance of the surrounding area and that the reduction in parking for the public house would be unacceptable. The appeal proposal therefore conflicts with relevant policies in the EDLP and SVNP. This indicates that the site cannot reasonably be described as suitable for the development proposed and that the appeal proposal would not make effective use of land.
21. The EDLP sets out a minimum number of new homes required in the district, and the EDLP and SVNP support residential development within defined towns and the BUAB in principle. The appeal proposal would help to meet an identified development need and would provide modest-sized homes that may be accessible to younger people and families. However, the provision of only three new dwellings through a windfall development would have a limited effect on the supply of housing in the area, and I have little evidence which indicates that the EDLP is out of date or that the proposed development is required to meet the district's identified housing needs. With the development only providing three dwellings, its benefits, including in relation to employment and housing mix and supply, would also be relatively limited.
22. The proposed dwellings would reflect the characteristics of built form in the surrounding area. Located on the edge of the settlement and within the Sidmouth BUAB, the development would utilise previously developed land and would be reasonably close to existing services and facilities. Be that as it may, these matters do not indicate that the appeal proposal is acceptable, and its limited benefits do not provide justification for development that conflicts with the development plan.

Conclusion

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

Tobias Gethin

INSPECTOR