
Appeal Decision

Site visit made on 1 June 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/U1105/W/20/3246861

Autowhites garage, Bluebell Holt, Lyme Road, Uplyme DT7 3TJ

- 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 & Mrs White against the decision of East Devon District Council.
 - The application Ref 19/2248/FUL, dated 3 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is described as a 'new workshop building for new MOT bay plus associated residential accommodation'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the principle of residential accommodation in locational terms having regard to the relevant policies of the development plan and the National Planning Policy Framework (the Framework); and
 - ii) the accessibility of the residential accommodation to services having particular regard to the use of the private motor vehicle.

Reasons

Principle of development

3. The main parties agree that the appeal site is located outside the Built Up Area Boundary (BUAB) for Uplyme. I find it is positioned on the edge of the village. Whilst the site was considered for inclusion into the BUAB within the Uplyme Neighbourhood Plan 2017-2031, dated July 2017 (NP), it was ultimately not included.
4. Strategy 7 of the East Devon Local Plan 2013-2031 adopted 28 January 2016 (LP) defines the countryside to include all those parts of the plan area that are outside of the BUAB. Furthermore, it states that development in the countryside will only be permitted where it is in accordance with specific development plan policies that explicitly permits such development. The BUABs are important tools for the delivery of the spatial strategy for the area and sustainable development.

5. The Council have had particular regard to Policy H4 of the LP in their assessment of the principle of this proposal. This policy is concerned with the provision of housing within the countryside for various reasons including for people employed in rural businesses and activities. It is a permissive policy subject to a number of criteria being satisfied including there being a functional need for the occupier to live on site.
6. The appellants have set out that the family business at the site is very much a facility valued by the local community. I note that Uplyme Parish Council have supported both the application and subsequent appeal and I afford this some weight. It is a local business that has supported three generations of employment. Furthermore, in order to ensure its long and viable future the appellants state that it is in need of significant investment; and it is necessary for the next generation of the business to reside locally to justify this.
7. Whilst I have no reason to challenge the appellants' assertion that local house prices are prohibitive to finding alternative accommodation within the village, I do not consider that this represents a functional need to live on site. Nor do I consider the historic arrangement of previous generations living and being employed at the site to significantly support the proposal.
8. The appellants cite a security benefit from living on site. However, I note that the proposed dwelling offers only restricted natural surveillance over the wider employment area. Moreover, I have little evidence that security has been a problem in the past or that security could not be achieved equally as well through other means than a new dwelling within the countryside. As such, I afford this limited weight.
9. The appellants detail that the residential accommodation would allow greater flexibility in working hours and vehicle collection times, improving customer services. Whilst this may be beneficial for the business, I have no evidence that this benefit would be the difference between it being viable or not. As such, I afford this very little weight.
10. Even if I take the benefits of the proposal cumulatively, I do not find that they amount to a functional need to justify the residential accommodation having regard to Policy H4 of the LP and the Framework, including paragraph 78 which states that housing should be located where it will enhance or maintain the vitality of rural communities.
11. The appellants have highlighted that the proposal would accord with LP policy E5, the Uplyme Neighbourhood Plan (including Strategic Objective E) and paragraphs 83 and 84 of the Framework. These seek to support prosperous rural and local economies. I note that similar commercial development to what is proposed here has previously been granted planning approval¹. I have no evidence to indicate that a similar proposal may not be granted approval again if it were sought. This could deliver many of the economic benefits of the proposal.
12. Furthermore, I do not find that these policies support the associated residential accommodation. This use is the basis for the Council's reason for refusal. The self-contained dwelling proposed, albeit on previously developed land and integral to the workshop building, lies within the countryside as defined by the

¹ LPA ref: 17/0593/FUL

LP. In the circumstances, the principle of this element is most appropriately assessed having regard to Strategy 7 and Policy H4 of the LP.

13. Therefore, in conclusion on this main issue I find that the principle of residential development in locational terms, having regard to the relevant policies of the development plan and the Framework, to be unacceptable. The proposal would be contrary to Strategy 7 and Policy H4 of the LP which seek to implement the spatial strategy for the area by restricting new housing in the countryside, except where justified in relation to rural businesses and activities.

Accessibility to services

14. The appeal site, whilst located outside of the BUAB of Uplyme, is a very short and convenient walk along the private access road to Uplyme Road. Uplyme Road has a pavement, street lighting and bus stops a short walk from the site. From here there are some village services and facilities within walking and cycling distance or via the local bus services. As such, the proposed development would not be likely to be significantly more reliant on the use of the private motor vehicle than any dwelling within the BUAB.
15. Furthermore, the appellants highlight that living on site eliminates the personal need of at least one of the future occupants (being employed at the site) to commute to work. Whilst this does not represent a functional need, if appropriately secured, it would go some way to mitigating the likely number of trips by private car from any associated dwelling.
16. Therefore, in conclusion on this main issue I find that the accessibility of the proposed dwelling to services, having particular regard to the use of the private motor vehicle, to be satisfactory. As such, the proposal would not be contrary to Policy TC2 of the LP which seeks to locate new development so as to be accessible by pedestrians, cyclists and public transport, and well related to compatible land uses so as to minimise the need to travel by car.

Other matters

17. The Framework is clear at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Whilst decisions may depart from the development plan that should only be if material considerations in a particular case indicate that the plan should not be followed.
18. Section 11 of the Framework sets out that decisions should make effective use of land. However, the policies of the Framework need to be read as a whole. The aims for effective use of land, including previously developed land, weigh positively for the proposal. However, this needs to be considered in the context of the development being in a countryside location (as defined by policy), on the edge of a rural village. Furthermore, the Council sets out that it has an adequate housing land supply and I have no evidence to the contrary.
19. Nonetheless, I am mindful of the Government's objective to significantly boost the supply of housing as expressed at paragraph 59 of the Framework. Furthermore, I note the appellants' assertion that local housing need is an essential component of the Uplyme Neighbourhood Plan. However, the provision of one additional dwelling would make little meaningful difference to housing supply overall and I have little evidence in regard to local housing needs and how this proposal would address them.

20. Furthermore, the appellants state at paragraph 7.23 of their appeal statement that the proposal should be considered as an affordable self-build. The appellants consider this scheme affordable by virtue of the relative costs compared to a free-standing property and that they already own the land. The Framework sets out that self-build may be either market or affordable housing. As such, based on the very limited evidence I afford this nominal weight.
21. Both parties have raised an earlier appeal² within their evidence. Whilst this proposal has clear parallels in terms of residential development outside of the BUAB, it is different in form, siting and context. As such, I have had regard to the previous Inspector's decision, but I have afforded it very limited weight.
22. I note that the proposal would replace an existing building on site. Whilst this is of no architectural merit it is in keeping with the existing context. The previous planning approval at the site was deemed acceptable in landscape and visual terms and I note that the Council have raised no objection to the current proposal in this regard either. I have no reason to disagree, but I note it is a policy requirement for development to reflect good contextual design whether it's an enhancement or otherwise. I do not consider that the proposal before me is of such quality to carry any significant weight in favour of allowing the scheme.
23. The appellants have referred to other local services and facilities that are offered by the family, including child-minding. However, I have very limited details on this and how it relates to the proposal before me for a new workshop and associated residential accommodation.
24. Finally, whilst I appreciate that the appellants are frustrated by the Council's processing of the application, including an apparent lack of site visit and discussion, this is not relevant to my assessment of the planning merits.

Conclusions

25. Whilst I find that the proposal would be satisfactory in terms of access to services and facilities, I find that the proposal would be contrary to the principal of development established by the development plan. I afford this significant weight. Whilst I find some benefits from the proposal, even if taken cumulatively I do not find that these indicate that a departure from the development plan is justified.
26. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR

² PINS ref: APP/U1105/W/18/3193334