The Planning Inspectorate

Appeal Decision

Site visit made on 25 August 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Appeal Ref: APP/Q1153/W/20/3253602
6 The Square, North Tawton EX20 2ER

- 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 Martin against the decision of West Devon Borough Council.
- The application Ref 3691/19/FUL, dated 21 October 2019, was refused by notice dated 25 February 2020.
- The development proposed is the change of use from A1 to C3 & works to dwelling.

Decision

1. The appeal is dismissed.

Procedural matters

2. The North Tawton Neighbourhood Plan, 2016-2034 (NP) is at an advanced stage of preparation, having been the subject of examination, with a public referendum understood to be 'on hold' further to the Covid-19 outbreak. All parties have had opportunity to comment on how the proposed development relates to the emerging NP. As such and given its advanced stage of preparation, weight has been given to the emerging NP in this decision.

Main Issue

3. The main issue is the effect of the proposed change of use on the vitality of the town.

Reasons

4. The appeal property is located at the heart of the small town of North Tawton. The existing retail space is accessible from the main dwelling and it also has direct access to The Square. Although other dwellings are evident close by, many of the ground floors of buildings fronting The Square appear to comprise of at least partial commercial usage.

5. The proposed change of use would result in the loss of the A1 unit, with the space becoming part of the wider residential accommodation of the appellant. Very few existing retail spaces in the vicinity appeared to be either vacant or unused at the time of my visit. Similarly, I have little substantive detail regarding any surplus of A1 retail space nearby, such as to demonstrate a lack of need for such premises in the town.

6. The unit lacks its own dedicated mains services and is currently dependent on the main dwelling for provision. However, this in itself does not demonstrate that the existing space is not commercially viable as such services can be

installed. I have no evidence before me to suggest this wouldn't be possible, albeit I acknowledge such provision may reduce available floor space.

7. I have no evidence of the unit being actively marketed for any period of time, be that 18 months as required in Policy E4 of the emerging NP or any other period time. Such information would assist in demonstrating commercial viability. Likewise, that the appellant has no intention of running a business from the retail space in future, in itself does not make the unit unviable. Similarly, although letters from a surveyor and a prospective tenant have been provided, they alone do not sufficiently demonstrate that the unit is unviable as a commercial proposition.

8. Notwithstanding the view of the appellant, at the time of my visit the existing appearance of the vacant shop unit did not detract from its surrounds, nor did it require a change of use to improve its appearance. Furthermore, although referred to by the appellant, I have little information to support how the proposed change of use would result in an increased footfall or improved vitality of the town.

9. Previous planning permissions have resulted in the commercial space within the host building reducing over time. However, these decisions have not been evidenced to have resulted in the space becoming unviable and do not mean that the intended change of use should be allowed.

10. The appellant contends that a perceived lack of accuracy in the emerging NP makes it unreliable for decisionmakers to consider. Whilst I acknowledge that the map provided appears to incorrectly show the host building rather than the unit as retail space, no alternative assessment of the town's retail space has been provided for consideration. It should also be noted that the Council's reason for refusal referred to the Plymouth and South West Devon Joint Local Plan 2014-2034, adopted 2019 (LP), as well as the emerging NP.

11. Therefore, in the absence of substantive evidence to the contrary, the proposed change of use would not accord with Policy DEV18 of the LP which, amongst other things, seeks to ensure the vitality of town centres and that changes of use should increase footfall overall.

12. The proposed change of use would also not accord with Policy E4 of the emerging NP, which amongst other things seeks to improve the vitality of the town, requiring the need for such changes of use to be appropriately evidenced.

13. The absence of objection from the Council regarding the effect of the wider proposal on the character and appearance of the area and other matters, including ecology, highways safety and drainage does not amount to more than a neutral consideration in the appeal.

Other matters

14. The property is located in the North Tawton Conservation Area, national policy and legislation places a duty on decision makers to preserve or enhance the character or appearance of such historic assets. Although I have had special regard to the significance of the setting of the conservation area, given my conclusion on the main issue, the matter has not been determinative in my consideration of the appeal.

15. Whether the emerging NP was known to exist to the appellant at the time of the property purchase or at the point of the application is not a matter which alters the decision. I must determine the appeal on its own merits, on the evidence provided and against relevant planning policy at the time of my decision.

16. The appellant explains that increased residential floor space would provide additional living space to enable fostering and the care of an elderly relative. However, in the absence of substantive evidence regarding how such personal circumstances demonstrate a need for the proposed change of use, these matters do not lead me to a different conclusion.

Conclusion

17. For the reasons above the appeal is dismissed.

M Scriven

INSPECTOR