

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: 25 November 2020

Appeal Ref: APP/Q1153/W/20/3248169

Highfield Garage, Road from Heath Cross to Northbeer Cross, Spreyton, EX17 5AF

- 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 J Cox against the decision of West Devon Borough Council.
 - The application Ref 1510/18/FUL, dated 2 May 2018, was refused by notice dated 3 September 2019.
 - The development proposed is the erection of workshop building to provide additional workshop space.
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Decision

1. The appeal is dismissed.

Procedural matter

2. A noise assessment for the proposed development has been provided for the appeal, which was not part of the original application. All parties have had opportunity to comment on its content and as such I have considered it in my decision.

Main Issues

3. The main issues are:
 - Whether the proposed development in the countryside is necessary;
 - The effect of the proposed development on the character and appearance of the area, with particular regard to the setting of a nearby listed building;
 - The effect of the proposed development on the living conditions of neighbours, with particular regard to noise.

Reasons

4. The appeal site is located within a large agricultural field at the edge of the small settlement of Highfield. Whilst not considered to be isolated, the location of the site is in the countryside. An existing vehicle recovery and garage business currently occupies premises opposite the field and a large area of hardstanding adjacent to it. By virtue of the existing settlement size and its positioning in the landscape, there is a degree of sensitivity to any proposed development nearby.
5. The proposed development would introduce a light-industrial unit to the northern edge of the field, providing approximately 1000m² of floor space, approximately triple the floor space of the existing business. The boundary hedgerow to the

north of the appeal site would be largely removed to provide access from the existing area of hardstanding and relocated to the south of the site.

The need for the proposed development

6. The proposed development would provide additional workshop and office space for the business. The business is currently utilising two vehicle workshops on the existing site, one attached to a small office building, the other a larger partially open sided structure. Little substantive evidence has been provided regarding the need for a building of the size of that proposed. Reference is made to it being to provide more fit for purpose undercover floor space for the operation of the business. However, I have little information before me to explain how the current arrangement is a barrier to the functioning of the existing business, or the detail of any intended future expansion.
7. Similarly, I have little evidence before me to demonstrate that the existing site and area of hardstanding could not be redeveloped to accommodate the needs of the business, rather than the proposed use of the field. Likewise, that it would not be feasible to operate elsewhere or from other sites, including those understood to be part of the wider business of the appellant.
8. From my visit it was apparent that the two existing workshops have limited capacity and there was an apparent need to work on vehicles outside the main buildings. I also acknowledge that the site is close to the A30, hence access to the wider area for recovery purposes is good. However, this does not substantiate that alternative locations would not be appropriate to accommodate the intended development.
9. For the reasons above, there is insufficient information to provide surety that the proposed scheme, particularly its size, is necessary in the countryside when considered against both local and national policy.
10. The appellant refers to a previous inspector's decision¹ with regard the appropriateness of considering the appeal against Policy TTV26 of the Plymouth & South West Devon Joint Local Plan 2014-2034, 2019, (JLP). However, the appeal related to a different form of development, it is also clear that the broad intentions of the policy relate to protecting the special characteristics of the countryside. That there is reference to isolated development does not mean it solely relates to isolated development, nor is it stated in the policy that it only relates to residential development.
11. Therefore, the proposed development would not accord with Policy TTV26 and DEV15 of the JLP which, whilst supporting rural development, seek to ensure that development should protect the countryside, be proportionate and serve an evidenced need.
12. The proposed development would not accord with the National Planning Policy Framework, 2019 (the Framework) when read as a whole, which seeks to encourage sustainable development in appropriate locations, in rural areas reflecting local needs.

¹ APP/Q1153/W/19/3241853

Character and appearance of the area

13. Surrounded by open countryside, albeit not subject to any national designation, the existing buildings of the settlement are largely no higher than two storey and are of a red brick, stone and render appearance under slate or thatched pitched roofs. The rural landscape and cohesive built form positively contribute to the character and appearance of the area. The small existing workshop at the front of the existing site assimilates with its surrounds adding to its character. The separate open sided workshop under a sheeted roof to the rear of the existing site is well screened on two sides, set back from the road and is largely unseen when passing the site.
14. To the north of the appeal site, beyond the existing hardstanding and a small field is a Grade II listed building, Stockhay, a thatched building of plastered cob appearance. The significance of the setting of the building is derived from not only its well preserved past as a farmhouse of mid to late 17th Century origins but also its apparent linkage with the countryside that surrounds it. The building, albeit set back from the road and bound by trees is very much a feature of the hamlet, positively contributing to the wider character and appearance of the area.
15. In accordance with S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (as amended) decisionmakers have a duty to have special regard to the desirability of preserving the listed building or its setting and the Framework states that great weight should be given to the asset's conservation.
16. The proposed development is of a long, deep, light industrial unit appearance, incorporating rendered blockwork below green box profile metal sheeting. The building would have 9 expansive, shutter doors which approach the height of proposed eaves on the northern elevation and a dark green metal sheet roof, the height of which appears to be far taller than the nearby established built form and hedging. The scale and appearance of the proposed building would therefore be at harmful odds with its surrounds and it would be visible from the highway, buildings opposite, Stockhay and properties looking north from Spreyton.
17. The visibility of the proposed building would be made more apparent by virtue of the loss of hedgerow currently enclosing the boundary between the appeal site and area of hardstanding, particularly when seen from the direction of Stockhay and buildings to the northwest of the appeal site. A belt of established deciduous trees occupies the north of the hardstanding. Therefore, although there is a degree of screening to the proposal, the existing screening offered would be temporal and the current appearance of enclosure of the appeal site would be harmfully lost.
18. The proposed development would therefore appear as a prominent building in the wider landscape, not assimilating with the countryside setting within which it would sit. Furthermore, the size of the proposed development would itself increase the existing settlement area of Highfield to such a degree that would be further harmful to the character and appearance of the wider landscape.
19. Notwithstanding the view of the appellant that the setting of the listed building is unaffected by the proposed development, harm to the setting of a listed building does not require the proposed development to be seen from or in the same viewpoint as the heritage asset. The landscape within which the listed building sits, including that of the appeal site, adds to the overall significance of its

- setting, which would be harmed by the introduction of a building of the scale proposed in this location.
20. The appellant's Landscape Visual Impact Assessment (LVIA) identifies that the proposed design does not reflect its surrounds, being more of a functional design, and considers that it therefore does not detract from that which surrounds it. However, it is clear that the introduction of such a large building of light-industrial appearance to the small settlement, with an established congruous built form would create harm. Similarly, that the existing business is in operation does not mean that such a significant expansion in floor space would not constitute new development.
 21. The LVIA acknowledges a 'limited' localised impact on its surrounds, however limited constitutes harm to the existing situation. Hedge relocation and planting, including a commitment to ongoing management to the south of the appeal site is proposed, as too the filling of the current access to the appeal site from the road in order to provide screening. However, this does not in my view offset the harm identified above as such measures would take time to establish and the overall size of the proposed development would appear to be significantly taller than the existing hedging. This would make it difficult to realistically screen the proposal without introducing planting which itself would be at odds with its surrounds.
 22. Notwithstanding the view of the appellant, by virtue of the proposal's height and lack of evidence to support adequate screening, views to the skyline from the south and west would be harmed. Also, little detail of the proposed monitoring regime for the intended landscaping is provided, similarly how any remedial action would be dealt with if translocation of the current hedging failed.
 23. I acknowledge that other large buildings do exist in the distance to the south of the site. However, they appear to be largely screened to neighbouring properties and the public highway. I have also not been provided with detail of their previous acceptance and I must consider the proposal on its own merits against extant planning policy.
 24. The appellant considers the proposal to constitute betterment when compared with the existing arrangement and appearance of the business. However, albeit reference is made to relocating the business to the proposed site in the evidence provided, the description of the proposed development before me is for additional workshop space.
 25. Therefore, the proposed development does not accord with policies DEV15, DEV20 and DEV23 of the JLP which seek to ensure development has a positive relationship with existing buildings and enhances the landscape within which it would sit. The proposed development would also fail to accord with JLP Policy DEV21 which seeks to sustain local character and distinctiveness, enhancing the historic environment.
 26. For the reasons above the proposal would also not accord with the Framework when read as a whole.
 27. Although harmful to its surroundings, the harm to the setting of the listed building would be less than substantial. As such it is necessary to consider the public benefits of the proposal and whether they would outweigh the identified harm. Public benefits associated with the proposal would include economic

benefit from construction, the likely benefit to workers in terms of better working conditions and, although no specific number is stated some likely increase in employment from an expanded site. However, these benefits do not outweigh the harm identified above.

Noise

28. There are several neighbouring residential properties in close proximity to the existing business and the appeal site. The original application did not include a noise assessment and therefore it could not be demonstrated that the proposal would not be detrimental to the living conditions of neighbours.
29. The noise assessment provided for the appeal identifies that the proposed development would, if appropriately designed and with working practices appropriately managed, result in a low noise impact as defined by British Standards 4142:2014 and is categorised as of No Observed Adverse Effect Level. Such matters could be the subject of conditions if the appeal were allowed. I cannot be certain that betterment would be achieved from the existing situation as the proposal before me is for an extension of the existing business rather than its relocation. However, the proposed development would not create harm to the living conditions of neighbours with regard noise.
30. Therefore, with appropriate use of conditions the proposed development would accord with Policy DEV1 and DEV2 of the JLP which, amongst other things, seek to ensure proposed development does not adversely effect the living conditions of neighbours.

Other matters

31. I have no substantive evidence that the proposed development would result in harm to highways safety or increased traffic. Likewise, I have no reason to consider that the proposed development would harm ecology or drainage. However, an absence of harm in these regards is no more than a neutral consideration in the appeal. I accept that concerns regarding light could be addressed through means of conditions. However, given my findings on the main issues above this does not outweigh the harm associated with the proposal as a whole.
32. The Council identified several representations considered to be 'undecided'. Having considered the matters raised in the reasoning above, these representations do not lead to me a different conclusion.

Planning balance

33. I have insufficient evidence before me to conclude that the proposed development is necessary in the intended location. Given the overall size and scale of the proposal, the scheme would harm the character and appearance of the area. Similarly, it would harm the setting of the nearby Grade II listed building, which would not be outweighed by the public benefits of the proposal. The fact that the proposed development would not result in harm to the living conditions of neighbours with regard to noise levels is a neutral effect and does not outweigh the harm identified above. As such the proposed development does not represent sustainable development.

Conclusion

34. For the reasons above, having considered the Development Plan and the Framework as whole, the appeal is dismissed.

M Scriven

INSPECTOR