



Appeal Decision

Site visit made on 27 January 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2021

Appeal Ref: APP/Y1110/W/20/3260542
20 Monks Road, Exeter EX4 7A2

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs R D and H M Sanders against Exeter City Council.
 - The application Ref 20/0037/FUL, is dated 10 January 2020.
 - The development proposed is change of use from domestic garage to mixed use of office (use class B1) and storage (use class B8).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from domestic garage to mixed use of office (use class B1) and storage (use class B8) at 20 Monks Road, Exeter EX4 7A2 in accordance with the terms of the application Ref 20/0037/FUL, dated 10 January 2020, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Application for Costs

2. An application for costs was made by Mr and Mrs R D and H M Sanders against Exeter City Council. This application is the subject of a separate decision.

Procedural Matter

3. On 1 September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force, amending the Town and Country Planning (Use Classes) Order 1987. These Regulations state that applications submitted prior to 1 September 2020 must be decided based on the use classes to which they refer. I assessed the appeal accordingly, without cause to seek amendments to the description of development.

Main Issue

4. The Council failed to give notice of its decision within the prescribed period. However, on the evidence before me, I consider the main issue to be the suitability of the site for the proposed business use having regard to development plan policy.

Reasons

5. The site comprises a garage no longer within the same ownership of the house it previously served, 20 Monks Road. Policy E5 of the Exeter Local Plan First Review (adopted 2005) (Local Plan) states that planning permission will be

granted for business use in residential areas provided that, subject to Policy H5, the proposal will not involve the loss of dwellings or loss of amenity. There should not be an adverse impact upon highway safety, nor loss of essential off-street residential parking, and street parking should not significantly increase.

6. Uses within Class B1 are, by definition, those that can be carried out within a residential area without detriment to the amenity of that area. Whilst Use Class B8 has the potential to be disruptive, in this case the small size of the site is unlikely to support levels of activity which would be unacceptably harmful to residents within this reasonably high-density urban environment.
7. Similarly, given the small scale of the proposal, it is unlikely to cause issues of parking or congestion within the road network that would be unacceptable or severe. It is noted that the site is easily accessible by walking, cycling or public transport, and users of the site could otherwise park in front of its doors.
8. As such, the site would be suitable for the proposed business use having regard to development plan policy. It would accord with Policy E5 of the Local Plan.

Other Matters

9. As there are no external changes proposed, the development would have a negligible effect upon the character and appearance of the area. I noted on site that the pedestrian door to the garage contains a window providing the internal space with natural light. There is no evidence that basic amenities, such as a form of toilet facility, could not be provided within the building for the modest scale of the intended use. Given such, I have no reason to doubt that an adequate working environment could be provided within the building.

Conditions

10. In the event that the appeal was allowed, the Council requested conditions which I have assessed with regard to the tests set out in the National Planning Policy Framework and the Planning Practice Guidance. Given that the scheme seeks change of use only, it is not necessary for a condition to confirm approved plans. As the proposal is for a mixed B1 and B8 use, I see no basis to seek removal of Permitted Development Rights. Similarly, I see no compelling reason why any internal works should be controlled. The garage no longer provides residential parking and, beyond that, no justifiable reason why this proposal should only be permitted for a temporary period has been provided. Given my findings above, a 'personal' permission is not necessary in this case.

Conclusion

11. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR