



Appeal Decision

Site Visit made on 31 March 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2021

Appeal Ref: APP/K1128/W/20/3262902

Eden Farm, Harberton, Totnes, Devon TQ9 6DN

- 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 C Wynne against the decision of South Hams District Council.
 - The application Ref 1232/20/FUL, dated 23 April 2020, was refused by notice dated 22 July 2020.
 - The development proposed is change of use of agricultural building to mixed use as agricultural and warehousing/distribution.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal is in an appropriate location for the development, with particular regard to accessibility; and the effect on the character and appearance of the area.

Reasons

Location

3. The site is located a short distance from the built up area of Totnes and close to the village of Harberton. The proposal would allow an existing business to relocate from a rural industrial estate at Halwell which is relatively remote from settlements. A large proportion of the business's staff live in and around Harberton.
4. Policy TTV1 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (LP) sets a high level spatial strategy for growth across a hierarchy of settlements. The site is in the countryside, where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities set out in LP Policies SPT1 and SPT2, including as provided for in LP Policies TTV26 and TTV27.
5. Policy TTV26 seeks to protect the special characteristics and role of the countryside. Whether or not the site is considered to be isolated, and while the role of the countryside may be changing and moving away from agriculture, the second part of the policy sets out general requirements for development in such locations. This includes that development should respond to a proven agricultural, forestry, or other occupational need that requires a countryside location, which the appellant's business does not. The policy allows the reuse of traditional buildings, but does not refer to modern ones, such as that at the appeal site.

6. Policies SPT1 and SPT2 do not give strict criteria, but set out principles to guide the management of development. Principles in SPT1 include supporting business growth, environmentally conscious business development, promotion of a low-carbon economy and biodiversity gains. The appellant has explained how his business seeks to meet these aims and how it would be assisted with a move to the appeal site.
7. SPT2 is focussed on promoting sustainable linked neighbourhoods and rural communities. Many of the principles relate to residential development but, collectively, those connected with reducing the need to travel and siting development so that uses are connected by public transport, walking and cycling opportunities can apply to all development. SPT1 also seeks to ensure that sustainable and health promoting transport options are available to access local education, services and jobs.
8. LP Policy TTV2 seeks to support the growth and expansion of rural businesses and enterprise generally, and Policy DEV15 provides a detailed approach to supporting the rural economy. These policies would help to deliver LP Strategic Objective SO9 to enable local employment opportunities, retaining and attracting young people and working age families.
9. Policy DEV15 gives support to proposals in suitable locations which seek to improve the balance of jobs within the rural area and diversify the rural economy. One criterion in determining the suitability of location is that development should avoid a significant increase in the number of trips by private car and to facilitate the use of sustainable transport, including walking and cycling where appropriate.
10. The site is accessed from Plymouth Road which, at the point of the appeal site has no footways or street lights and is subject to the national speed limit. It does not provide a safe walking route to Totnes and, due to the traffic speeds, width and alignment, is unlikely to be attractive for any but the keenest cyclists, especially in the dark or low light.
11. There is a network of rural roads, footpaths and green lanes around the surrounding area. It would be possible to access Totnes and Harberton by foot or cycle using these routes. However, the distance and topography may also be a deterrent to all but the keenest cyclists and walkers and, despite the stated intentions of around half of current employees, this means that walking and cycling would not provide a viable regular alternative to the private car for commuting trips, especially during the winter months when it would be darker and ground conditions may be less favourable.
12. Furthermore, leaving the site via or close to the lane to Dorsley Park would involve crossing Plymouth Road at a point where visibility to the right was restricted by the vertical alignment of the road. In the opposite direction towards Totnes, the appellant has cut a mown footpath to facilitate access to an existing public footpath from Plymouth Road. However, while this would avoid the need to walk along Plymouth Road, the visibility crossing the road when heading towards the site is extremely poor. It is also necessary to negotiate an awkward style and boundary wall arrangement on uneven ground close to the roadside. I, therefore, find that the site would not be safely or conveniently accessed by means other than the private car.

13. I am well aware that the business's existing site also has poor transport connections. Like a site suggested by the Council at Dartington, it necessitates a longer commute for most current employees than would be the case at the appeal site. There are policy aims seeking to reduce commuting miles and, being closer to the strategic road network, the appeal site would also reduce current business miles in connection with delivery and distribution.
14. However, while the appellant seeks to employ local residents where possible, the home location of current and future employees cannot be guaranteed. Mindful that the existing site would become available for other businesses, there is no substantive evidence that there would be a reduction in travel distances around the area generally. I, therefore, give the stated travel benefits limited weight. Compliance with the locational requirements of DEV15 is, thus, dependent upon matters to which I can give only limited weight and cannot safeguard. As such, restricting the use only to the appellant's business would make no material difference to this.
15. Policy DEV15 also supports proposals that re-use suitable buildings for employment uses, but this is under the banner that they should be in suitable locations. Given the accessibility considerations noted above, and read alongside the principles in SPT1 and SPT2, I find that the site is not in an appropriate location.
16. The policies of the National Planning Policy Framework (the Framework) similarly seek to support rural business development, including the reuse of existing buildings, and supporting storage and distribution operations in suitably accessible locations. This, though, is similarly alongside policies seeking to maximise travel by means other than the private car. The Framework's policies, read as a whole, do not, therefore, lead me away from my findings in connection with the development plan.

Character and appearance

17. The area around the appeal site is characterised by rolling hills, with short-range views. It has an undeveloped rural character and is a, predominantly, agricultural landscape. A change to business uses would be at odds with that character.
18. However, the building already exists, is sited low in the landscape and has been dug-in such that little of the surrounding hard surface is visible. Extensive landscaping and planting would, together with the building's siting, screen the building, access and parking areas from public view. As such, with conditions to control lighting, there would be little effect on the overall rural character of the area.
19. I, therefore, find no conflict with those parts of LP Policies DEV23 or DEV26 that seek to ensure the conservation of landscape character, scenic and visual quality, and enhance the immediate setting of the site.

Other Matters

20. The relocation of the business would allow it to operate from one single unit rather than the 3 separate units at the current location. I can understand the convenience of locating all parts of the business under one roof, but, given the proximity of the existing units to one another, it has not been clearly demonstrated how this would result in significant productivity improvements.

The appellant has spent considerable time unsuccessfully searching for alternative premises but considers all options too far from the homes of the existing staff, or of unsuitable tenure due to the cost of commercial rents.

21. I understand that the viability of the appellant's business has reduced in recent years. This is said to be due to increased competition from other online retailers and increasing employment and premises costs, but the evidence indicates that it has remained profitable. A move to the appeal site would reduce overheads and thereby improve profitability.
22. However, while the cost of premises is a significant expense, it is far from the largest business expense. Therefore, even with the immediate benefit of reduced costs, I cannot be certain that the business would continue to be viable into the future. I understand that the savings could be reinvested in price promotions, special offers, innovation and the like. However, the evidence does not demonstrate the cost or efficacy of such innovations so I cannot be certain that the relocation would have the desired effect, or be the only viable solution.
23. The appellant has indicated that 16 jobs would be lost if the appeal were not allowed. This would be particularly regrettable in the context of the current situation surrounding Covid-19, but the claim is unsubstantiated by robust evidence. If, notwithstanding my above analysis, I were to accept this were the case, I am not aware of any practical mechanism to ensure the retention of those jobs, either in the short or long term. In the absence of such certainty, and with regard to my earlier findings regarding any possible future business development, I attribute only limited weight to the stated benefits to the business and its future viability.
24. I understand that a questionnaire in connection with the emerging Harberton Neighbourhood Plan identified that local people would like more local employment opportunities in the area. The plan is said to seek to secure a vibrant community with a healthy economy and employment opportunities alongside new residential development. However, due to the current status of the plan, its policies and intentions can only be of limited weight in my decision. Moreover, these matters do not, in themselves, indicate that the appeal site, which is away from the main part of the settlement, should be developed as proposed.
25. There has been a considerable amount of support for the proposal. Amongst all of the matters raised, I note the positive comments about the business practices, employment opportunities and conditions offered by the appellant's business. However, this is of limited weight in my decision which is primarily influenced by considerations relating to land use.

Planning balance and Conclusion

26. Regardless of whether a site should be considered previously developed land, there are clearly parts of the development plan that lend support to rural businesses. However, this is within an overall framework that the sites should be located so as to be accessible by means other than the private car.
27. The site is in the countryside and, while some development may be permissible, the overall aim expressed through Policy TTV26 is to protect its special characteristics and role. Whether or not this is considered to be a

blanket policy across the plan area, there is no substantive evidence that its aims and detailed criteria are contrary to those of the Framework, so I attribute it full weight. With regard to Policy TTV26's reference to reuse of only traditional buildings and support for uses that require a rural location, together with the threads of Policies SPT1 and SPT2 seeking to provide well-connected development, I find that there would be a conflict with the development plan, read as a whole.

28. There would be no harm to the character and appearance of the area, but this is neutral in the planning balance. For the reasons given, other material considerations are of limited weight and do not indicate that a decision should be taken otherwise than in accordance with the development plan.
29. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR