
Appeal Decision

Site visit made on 26 April 2021

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 11 May 2021

Appeal Ref: APP/U1105/W/20/3264784

The Big Office, Chubbs Yard, Chardstock, Axminster EX13 7BT

- 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 Ian Chubb against the decision of East Devon District Council.
 - The application Ref 19/2283/COU, dated 8 October 2019, was refused by notice dated 6 November 2020.
 - The development proposed is the proposed change of use of office building to single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed change of use of office building to single dwelling at The Big Office, Chubbs Yard, Chardstock, Axminster, EX13 7BT, in accordance with the terms of the application, Ref: 19/2283/COU, dated 8 October 2019, subject to the condition in the attached schedule.

Application for costs

2. An application for costs was made by Mr Ian Chubb against East Devon District Council. This application is the subject of a separate Decision.

Procedural Matters

3. I have amended the original address of the development site to reflect that provided within the Council's decision notice and as stated at section D of the appeal form, in the interests of accuracy and consistency.

Background and Main Issues

4. The appeal building is situated within a commercial yard area located at Chardstock. The evidence before me indicates that the appeal building had been in use as an office from 2012 and was converted to a dwelling during 2018. The appeal proposal seeks retrospective use of the office building for use as an independent dwelling house, and I have determined this appeal on that basis.
5. The main issues in this appeal are:
 - The effect of the proposed development on the supply of employment land in the area; and,

- Whether the proposed development is in a suitable location for housing, with particular reference to the accessibility of services and facilities and to the reliance on motor vehicles.

Reasons

Employment Land

6. Strategy 32 of the East Devon Local Plan 2013 – 2031 (the Local Plan) seeks to resist the loss of employment sites, setting out that permission for the change of use of the site will not be granted where it would harm business and employment opportunities in the area, unless certain criteria are met.
7. The main parties have referred me to a recent appeal decision¹ for development at the Doyle Centre which considered the approach to be taken with regards the interpretation of the requirements of Strategy 32 of the Local Plan. Whilst I acknowledge the comments of the Council, consistent with the approach taken by the Inspector in that aforementioned appeal decision, in my view Strategy 32 of the Local Plan firstly requires an assessment of whether there is any harm resulting from the loss of employment land and then, if there is such harm, the proposal could only be permitted in the event that one of the listed criteria has been satisfied.
8. The evidence before me indicates that the Council's Economic Development Officer was consulted on the appeal proposal and, following an assessment of the supply of available similar premises within the area, concluded that office space supply within the area was not constrained and that given its design and location there did not appear to be any demand for such office space in this location.
9. Given the findings of the Council's Economic Development Officer and in the absence of any substantive evidence that there is demand or need for office space at this location, it cannot be said that the change of use to a dwelling would be harmful in respect of employment opportunities or business use within the area. In light of these conclusions, in this particular instance there would be no requirement to consider the criteria provided under Strategy 32 of the Local Plan with regards to, for example, that the proposed development be subject to a marketing period of 12 months or 2 years as described under criterion 3 of Strategy 32 of the Local Plan.
10. On this main issue, in the absence of evidence which indicates that the proposal would have a harmful effect with regards to employment land at this location, I conclude that the appeal proposal would not conflict with Strategy 32 of the Local Plan. For the same reasons, the appeal proposal would not conflict with the policies of the Chardstock Neighbourhood Plan.
11. Whilst I acknowledge the Appellant's contention that Strategy 32 of the Local Plan is 'out of date', I do not concur that the changes made to The Town and Country Planning (Use Classes) Order 1987 would result in this policy being considered to be out of date given that changes to other forms of employment, retail or community use would not result in the loss of such uses whereas the appeal proposal which is for residential development would result in the loss of such a use.

¹ Appeal Reference: APP/U1105/W/18/3201622

Location of Development

12. Whilst the appeal site is located within the settlement at Chardstock and is predominately surrounded by a mixture of residential and commercial development, it is accepted by the main parties that the appeal site is not located within a Built Up Area Boundary (the BUAB) as defined by the Local Plan. Strategy 7 of the Local Plan provides that parts of the plan area outside the BUAB and site-specific allocations shown on the Proposals Map, are considered to be in the countryside. This policy seeks to restrict development outside of the BUAB unless it accords with a specific Local or Neighbourhood Plan policy which explicitly permits it and where there would be no harm caused to the amenity and environmental qualities of the distinctive landscape in which it is located.
13. I note the Appellant's submissions and contention that Strategy 7 of the Local Plan is a blanket policy and should be considered to be out of date for the purposes of paragraph 11 of the National Planning Policy Framework (the Framework). However, I do not agree that this policy is out of date in so far as this appeal, given that Strategy 7 of the Local Plan refers to, and leads into, a second policy which, in this particular instance and as described below, requires that the development proposal be assessed in terms of the suitability of the location with regards to access to services and facilities. Therefore, when considered together, I do not find that these policies are inconsistent with the provisions of the Framework.
14. Policy D8 of the Local Plan permits the re-use of rural buildings outside of BUABs subject to a number of criteria. Amongst other matters, to accord with the requirements of Policy D8 of the Local Plan, the proposed re-use must be in keeping with its surroundings, local building styles and materials and that development must be located close to a range of accessible services and facilities to meet the everyday needs of residents and must be in a location that will not substantively add to the need to travel by car. Furthermore, the requirements of this policy also include that the existing building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting.
15. In respect of the accessibility of services and facilities that may reasonably be required on a day to day basis, from observations made on my site visit and from the evidence and submissions before me, it is clear that while the Local Plan places Chardstock outside of the BUABs, the settlement does contain a range of services and facilities within convenient walking distance of the appeal site. The settlement contains a shop, a church, a public house, a village hall and provides convenient access to bus routes which connect with the nearby larger settlements at Axminster and Chard.
16. In light of the above, whilst the location of the appeal site may result in some private vehicular use to access larger centres for facilities such as healthcare, by reason of the level of services and facilities contained within Chardstock and which are located within safe walkable or cyclable distances of the site, and given that alternative transport modes are available for access to the nearby larger settlements, I do not find that the appeal scheme would substantively add to the need to travel by car within this area.

17. There is no evidence or submissions before me which confirm that the appeal building is not structurally sound or would not be capable of conversion. In terms of whether the proposed change of use would protect or enhance its setting, as noted above, while the appeal site is situated within Chardstock and predominately surrounded by development, the site is located within the East Devon Area of Outstanding Natural Beauty (the AONB) and is situated adjacent to the Chardstock Conservation Area boundary.
18. The appeal building is located within the settlement and there are only very limited views of the site due to surrounding and nearby development. By reason of that position and given that the proposal does not seek to alter the form or appearance of the existing building, there would be no harm to the landscape and scenic beauty of the AONB resulting from the appeal proposal.
19. Furthermore, as described above, the site is adjacent to the Conservation Area and it is acknowledged that the appeal building is in close proximity to listed buildings. However, in accordance with the conclusions of the Council's Conservation Officer, the use of the appeal building as a residential dwelling would be consistent with other residential use close to the site, and given that no changes are to be made to the external appearance of the appeal building, I find no harm in respect of these heritage assets.
20. In summary of the above, the appeal proposal would re-use a building that is located outside of the BUAB and which would be located with convenient access to a range of services and facilities that would not substantively add to the need to travel by car for future residents. The appeal scheme would be sympathetic to its surroundings and would not have a harmful effect on the setting of the Chardstock Conservation Area or on the setting of nearby listed buildings. The proposed development would conserve the landscape and scenic beauty of the AONB. Consequently, the appeal scheme would comply with the provisions of Strategy 7 and Policy D8 of the Local Plan.

Other Matters

21. Concerns have been raised with regards to the size of the accommodation at the appeal building, as well as in respect of the impact of the proposal on the living conditions of nearby residents. In these regards, the evidence before me confirms that the Local Plan does not provide set space standards for living accommodation and in my view, the space available would not appear to be substandard. In terms of the potential impact on the living conditions of nearby residents, given its permitted use and by reason of the separation distances and intervening features, I do not find that the proposal would result in harm to the amenity of nearby residents.
22. Further to the above, whilst I acknowledge the Appellant's submissions regarding a potential fall-back position, I have not considered that position further given that, for the reasons given above, the proposed change of use would accord with the provisions of the development plan and that the appeal is allowed subject to conditions.

Conditions

23. Whilst it is noted that the Council have not suggested any conditions in the event that the appeal was allowed within their statement, the Council's Officer report does provide the recommendation that the proposal be approved subject

to two conditions. The first condition requires that the development is carried out in accordance with approved plans and, in the interests of certainty and precision I consider that that condition is reasonable and necessary.

24. I have not imposed a condition removing permitted development rights as suggested by the Council's Officer as such a condition should only be applied in exceptional circumstances. In this case the suggested reason for the condition refers to the space available within the site and that additions to the appeal proposal could be detrimental to the character and appearance of the area. However, I have not been provided with reasons as to how the specified permitted development rights would result in harm to the character or appearance of the area and, given the constrained nature of the site and by reason of the limited views into the site, alterations to the appeal building through permitted development rights that could have an effect on the character and appearance of the area would be extremely limited.

Conclusions

25. For the reasons given above, the proposed development would comply with the development plan when taken as a whole and, consequently, the appeal succeeds and planning permission is granted subject to the condition in the attached schedule.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. The development hereby approved shall in all respects accord strictly with drawing number: 19/22/01A General Arrangement received by the Local Planning Authority on 12 November 2019 and drawing number: Location Plan received by the Local Planning Authority on 20 November 2019.