



Appeal Decision

Site visit made on 1 June 2021

by Colin Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 June 2021

Appeal Ref: APP/K1128/W/21/3269800

Choakford Corner, Plympton, Plymouth PL7 5BB

- 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 & Mrs P Vincent against the decision of South Hams District Council.
 - The application Ref 1978/20/FUL, dated 1 July 2020, was refused by notice dated 28 August 2020.
 - The development proposed is described as 'change of use of building/yard (agricultural contracting use) to use for agricultural engineering business'.
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Decision

1. The appeal is allowed and planning permission is granted for a development described as 'change of use of building/yard (agricultural contracting use) to use for agricultural engineering business' at Choakford Corner, Plympton, Plymouth PL7 5BB in accordance with the terms of the application, reference 1978/20/FUL, dated 1 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: SHDC1, SHDC2, HIN-003.
 - 2) The site shall only be used as an agricultural engineering business.

Background and Main Issue

2. The appeal concerns a business premises situated in the countryside, outside a recognised settlement. I understand that it has planning permission for use as an agricultural contractor's yard. However, the site is currently occupied by Vincent Tractors and Plant. As well as servicing and repairing equipment, this business also sells tractors, machinery and parts. Retrospective planning permission is being sought to continue these activities.
3. The main issue is whether the site provides a suitable location for the change of use, having particular regard to development plan policy.

Reasons

4. To help achieve a sustainable pattern of development, the Local Plan¹ aims to focus housing and employment in the largest settlements, with only a limited amount of new development being permitted in the countryside. As part of this approach, Policy TTV1 establishes a settlement hierarchy which prioritises the growth of the main towns over smaller towns, villages and hamlets. Since the

¹ Plymouth & South West Devon Joint Local Plan 2014-2034

appeal site is located in the open countryside outside a recognised settlement, it is not in an area that is prioritised for development. Indeed, Policy TTV26 says that isolated development in the countryside should be avoided.

5. Consistent with this strategy, Policy DEV16 aims to concentrate retail activities in the main centres. The policy indicates that proposals for retail use at the appeal site should be accompanied by a 'sequential test' in order to prove that alternative sites in centre or out-of-centre locations have first been discounted. There should also be an 'impact assessment' to demonstrate what effect the proposed use would have on established retail centres. While the policy recognises that the sale of some bulky goods would be best accommodated in out-of-centre locations, evidence needs to be provided to support such proposals, including an impact assessment. The appeal has not been supported by such information and so I am unable to determine that the current retail activity on the site complies with Policy DEV16.
6. There is some dispute between the parties as to what percentage of revenue is being generated from sales. Nonetheless, it is agreed that the business is mainly focused on serving the needs of the agricultural community and this includes the repair and servicing of farm equipment. Therefore, given the nature of these activities, it seems to me that Local Plan policies which aim to support the rural economy are also relevant to this appeal.
7. This includes Policy DEV15 which says that *support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy*. The evidence indicates that current activity on the site does contribute to the balance of jobs and rural diversification in compliance with this aspect of the policy.
8. What is meant by 'suitable location' is not explicitly defined in Policy DEV15, although paragraphs 1-8 of the policy establish some criteria. Of particular relevance is paragraph 1 which says *appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment*.
9. In this case, the change of use has enabled an expansion in the range of business activities taking place on the site, allowing it to be used more intensively than it was previously. Although this has not resulted in a sizeable expansion of the site, it has led to the installation of an office building which also serves as a customer reception. However, this is a relatively small structure and considering that the number of staff on the site remains very modest, the changes can be described as an 'appropriate and proportionate expansion' in line with the policy. Furthermore, the site is well distanced from its nearest neighbours and there is little evidence before me to suggest that the change of use has resulted in any adverse residual impacts on neighbouring occupiers or the environment. The development therefore complies with paragraph 1 of Policy DEV15.
10. Paragraphs 2-7 of the policy are not of direct relevance to the appeal proposal, although paragraph 8 is applicable. The first part of this (i) indicates that there should be safe access to the highway network. In this case, it is accepted by the Council that the change of use has not resulted in a notable increase in traffic movements. Given that both the previous and current activities on the

site involve heavy vehicles, it seems to me that the change of use makes very little difference to highway safety in the vicinity of the site.

11. Part (ii) of paragraph 8 says that *developments should avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.*
12. The site is in a relatively remote location and I am not aware that there are any bus stops in the vicinity. In practice, customers and employees are likely to come and go in their own vehicles. Nonetheless, there is already permission for business activity on the site and it has been established that the current use has not led to a significant increase in traffic movements. Furthermore, as the clients of the business are mainly from the agricultural community, I am not convinced that a more central location would necessarily help to reduce trip lengths as the surrounding farms are distributed over a wide area. Although the site is in the countryside, it is a fairly short drive from the A38 and so can be accessed in a fairly direct and efficient manner from most directions. Therefore, despite the lack of a detailed Sustainable Travel Plan, the change of use is in general accordance with part (ii) of paragraph 8.
13. Part (iii) of paragraph 8 requires a positive relationship with existing buildings in terms of scale, design massing and orientation while part (iv) advises against incongruous or isolated new buildings. In this case, the largest building on the site already benefits from planning permission and is being actively used by the current business. The office building is small in comparison and is not visually intrusive within the confines of the site. Nor is it a particularly prominent feature from the public domain. There is little impact on the character and appearance of the area.
14. Overall, therefore, the change of use complies Policy DEV15. It also accords with Policy TTV2 which promotes the growth and expansion of rural businesses. By supporting the rural economy, the development is compatible with the sustainability objectives of Policies SPT1 and SPT2 as well as the settlement hierarchy set out in Policy TTV1. Although the development does not meet the terms of Policies DEV16 or TTV26, it nonetheless complies with the objectives of the Local Plan when read as a whole.

Conclusion and Conditions

15. For the reasons given above, I conclude that site provides a suitable location for the change of use. The appeal is therefore allowed. As the change of use has already taken place, a time limit condition is unnecessary. However, for clarification purposes, there is a condition requiring compliance with the plans. So that activities on the site remain compatible with its rural location, there is also a condition requiring the site to be used as an agricultural business as envisaged. A condition to restrict operating hours is unnecessary given the separation between the site and the nearest residential properties.

Colin Cresswell

INSPECTOR