
Appeal Decision

Site visit made on 5 January 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2022

Appeal Ref: APP/P1133/W/21/3280127

Cross Park Farm, Heath Cross, Whitestone EX4 2HN

- 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 Darren Gorrett against the decision of Teignbridge District Council.
 - The application Ref 20/02318/FUL, dated 10 December 2020, was refused by notice dated 28 June 2021.
 - The development proposed is the use of building as residential dwelling and associated office space.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against Teignbridge District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have simplified the address taken from the planning application form so that it relates to the postal address of the site only.
4. At appeal stage, the appellant's submissions included revised plans which show additional annotation including the provision of acoustic fencing and the internal layout of the proposed dwelling. Given the minor nature of these changes I am satisfied, in applying the 'Wheatcroft Principles', that I am able to accept the amended plans and details and determine the appeal on that basis.
5. At the time of my site visit, a building on the appeal site was under construction. Both parties are satisfied that this relates to a planning permission granted in early 2020¹ for the construction of an office building in connection with the appellants civil engineering and crane hire business which is operating from the site. As such, the principle of a building on the site is not in dispute.
6. However, it was apparent to me that the works which have been carried out to date did not wholly comply with the drawings submitted as part of this appeal. Notwithstanding this, I have determined this appeal on the basis of the plans which have been submitted to me.

¹ Planning permission ref: 19/01872/FUL

7. The National Planning Policy Framework (the Framework) was revised on 20 July 2021. Insofar as it is relevant to this appeal, I have taken the Framework into account in reaching my decision.

Main Issues

8. The main issues are:

- whether the appeal site is an appropriate location for housing having regard to the proximity and accessibility of facilities and services;
- the effect of the proposed development on the character and appearance of the area; and
- whether the proposal would provide adequate living conditions for future occupiers by reason of its proximity to an existing employment use.

Reasons

Location

9. The Council's strategy for development is contained within Policy S1A of the Teignbridge Local Plan 2013-2033 adopted 6 May 2014 (LP) which sets out the presumption in favour of sustainable development to secure developments which improve the economic, social and environmental conditions of the area. In addition, Policy S1 of the LP seeks to ensure that new development is located where there is access to work, shopping, leisure and education by walking, cycling and public transport. Tedburn St Mary is the closest settlement to the appeal site and is listed in Policy S21 of the LP as being a village with close access to a number of services and therefore a location where limited development would be permitted. The appeal site is located approximately 2.5km east of Tedburn St Mary and lies within the open countryside.
10. The appeal site is located almost equidistant between Whitestone and Tedburn St Mary. Whitestone is not an identified village in the LP and I noted that its facilities and services appear to be limited to a playground, church, parish hall and a bus stop. Tedburn St Mary on the other hand, does have a range of services including a shop, garage and two pubs. This would provide occupiers of the appeal site with the necessary day-to-day services they would require. However, the 2.5km journey includes rural roads which are unlit and do not have a pedestrian footway. It includes a steep gradient both downhill and uphill which would make it undesirable for occupiers of the appeal dwelling to walk or cycle and public transport would appear to be too infrequent to make it a realistic option.
11. The appellant argues that living and working at the appeal site and a reduction in the number of office staff would lead to an overall reduction in the number of vehicle movements to and from the site, and a corresponding reduction in carbon emissions. I have not been provided with details of where the appellant currently resides (with the application form and appeal form both giving the appeal site as the appellant's address) against which to assess how this would impact on vehicular movements. With regards to a reduction in the number of staff travelling to the site, it does not necessarily correlate that this will lead to a decrease in carbon emissions. Policies in the LP encourage developments which support a thriving rural economy. This necessarily involves an increase in the use of the private car but also prevents those living in rural areas from

having to travel greater distances by car to reach alternative employment opportunities.

12. Policy S22 of the LP seeks to strictly manage development in the open countryside, permitting residential development in a limited number of circumstances. With reference to this particular appeal, it permits new dwellings for 'necessary rural workers'. Whilst not expressly making the case that the appellant is a necessary rural worker, the case has been put to me that an on-site presence overnight would deter instances of unauthorised access to the site at night, theft and criminal damage. Whilst this may be the case, I am not satisfied that this is the only measure which could be employed to provide the necessary deterrent and in the absence of any details about what security measures are currently in place, I cannot conclude that this amounts to a necessity for a residential dwelling on the site. As such, I find that the proposal is contrary to Policy S22 of the LP in this respect.
13. Policy EC3 of the LP is referred to by both main parties. The policy seeks to support the rural economy and, with specific reference to the matter at appeal, the policy permits the change of use or conversion of a permanently and soundly constructed building for business, general industrial and storage and distribution uses in the open countryside. The building already has an approved use for employment purposes and the appeal proposal is seeking to convert or change the use of part of the building to a residential use, which is not directly referred to in the policy.
14. However, the appellant is making the case that the purpose of the appeal proposal is to secure the ongoing viability of a rural employment use which he says has been affected by the Covid-19 pandemic. In addition, a reduction in staff numbers on-site and difficulties in retaining staff mean that expansive office accommodation is no longer required and the use of part of the building as a residential dwelling would enable the business and personal arrangements of the appellant to be consolidated.
15. In this respect, the appellant has submitted copies of the 2019 and 2020 accounts which they say, show a 'clear, sharp and demonstrable loss of profits'. Whilst I note that this would appear to be the case, I note that the 'Directors Remuneration' increased substantially between 2019 and 2020. I also note that wage costs increased over the period, which does not suggest a halving of staff numbers². Furthermore, there is no evidence to suggest why the employees have left/are due to leave the business. In any event, the accounts only indicate that this has been an issue in 2020 and I have been provided with insufficient details to conclude that enabling the appellant to live on site would secure the long-term viability of the business.
16. Neither am I satisfied that the building would be unsuitable for use by a separate business. I accept that its current use is limited by a condition on the 2020 permission but I have not been provided with any substantive details which indicate that the appellant has sought to investigate this as an option.
17. Paragraph 80 of the Framework seeks to avoid the development of isolated homes in the countryside unless (with regards to this appeal) it would re-use a redundant or disused building. The appellant acknowledges that the appeal site

² Paragraph 3.1.2 of the appellant's Supporting Planning Statement dated December 2020

is not isolated³ and I would agree that the presence of a number of dwellings on the approach roads surrounding the site would lead me to conclude similarly, that it is not isolated. Even if I were to consider the building to be redundant or disused, the fact that the appeal site is not isolated means that paragraph 80 does not apply in this instance.

18. Whilst I recognise the benefits of housing provision in broad terms, I find that the appeal site is not an appropriate location for housing having regard to the proximity and accessibility of facilities and services. As such, the proposal is contrary to Policies S1A, S1 and S22 of the LP being the provision of a dwelling in a location which would not encourage the use of walking, cycling or public transport resulting in a reliance on the private car.

Character and Appearance

19. The building the subject of this appeal is visible at a distance, on approach from the south along Heath Lane. However, the lower ground floor is currently obscured by a man-made earth mound along the southern edge of the appeal site such that it is not visible from Heath Lane. The submitted plans indicate proposals for additional landscaping including tree planting, along this boundary which, over time, will further help to screen the building. As such, any domestic style window dressing in the lower ground floor windows and the presence of domestic paraphernalia in the garden such as washing lines and play equipment is unlikely to be discernible from outside of the site.
20. The current use of the site by a civil engineering business already detracts from the rural character of the area to a certain extent and as such, I find that the provision of a dwelling on the site, with conditions relating to the implementation of a landscaping scheme would not lead to further erosion of the rural character of the area. As such, I find that the proposal accords with Policies S2 and EN2a of the LP which, amongst other things, seek high quality developments which conserve the landscape character of Teignbridge's AGLV and minimise adverse visual impacts through high quality building and landscaping design.

Living Conditions

21. The part of the building occupied as a dwelling would be set down well below the level of the existing concrete service yard. The use of this area for manoeuvring large, heavy machinery could result in excessive noise, fumes and vibration to the occupiers of the dwelling and I accept that this could lead to unacceptable living conditions.
22. However, it is clear from the submissions that it would be the appellant's intention to occupy the dwelling in connection with the running of the business. This could be controlled by condition, as could the measures put forward in the appellant's statement of case to install triple glazed windows, acoustic fencing and internal soundproofing. The appellant would also, as operator of the business, be able to control the on-site operations in order to limit the impact on his living conditions. The plans indicate a generous sized enclosed garden area and access would be provided from the car parking area used in connection with the office use. As such it is well segregated from the area used

³ Paragraph 4.1.3 of the appellant's Supporting Planning Statement dated December 2020

by heavy machinery and would offer a safe environment for the occupiers of the dwelling.

23. Taken together, I conclude that occupation of the dwelling in connection with the operation of the current business on site by way of a condition, would not lead to harm to the living conditions of those occupiers of the dwelling and as such I find no conflict with Policy S1 the LP which requires that development proposals perform well in terms of impact from existing developments on health, safety or amenity of occupants of the proposed development.

Other Matters

24. The Council identify that the appeal site does not affect the setting of Grade II listed building known as Chants Cottage, located to the west of the appeal site. This is not a matter of dispute between the parties. Based on the evidence before me and my own observations, I find that the proposal would not harm the setting of the listed building and therefore would preserve it's character and appearance.
25. The parish council and an interested party have raised the matter of alleged planning breaches at the appeal site but these are not relevant to my consideration of this appeal.
26. The Council have provided me with a copy of Policy EC2 of the LP which relates to the loss of employment land. This was not referred to in the reasons for refusal but the Council argue that conversion of the lower ground floor of the appeal building to a residential use would result in the loss of employment space. Given that the use of the building as an office has not yet commenced, I am doubtful as to whether this policy is applicable to the appeal proposal. In any event, I have identified the harm that would arise from the proposal such that my decision does not turn on this issue.

Conclusion

27. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR