



Appeal Decision

Site visit made on 29 August 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/U1105/W/23/3314033

**Land adjacent to Hamlet House, Nags Head Road, Honiton, Devon
EX14 3PB**

- 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 G Braddick against the decision of East Devon District Council.
 - The application Ref 22/1600/FUL, dated 20 July 2022, was refused by notice dated 26 October 2022.
 - The development proposed is extension of an existing commercial building on the land north of Hamlet House.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr G Braddick against East Devon District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The address in the banner heading above is taken the appeal form as it is more accurate than that provided in the application form.

Main Issue

4. The main issue is whether the site is suitable having regard to development plan policies and national policy.

Reasons

5. Strategy 7 of the East Devon Local Plan, adopted January 2016 (LP) only supports development in the countryside where it would accord with other policies that permit such development, which would include Policy E5.
6. Policy E5 of the LP sets out the Council's economic strategy for development in rural areas. The first part of the policy is supportive of small scale economic development and expansion of existing businesses designed to provide jobs for local people. The second part of it highlights that development will be permitted where it involves the conversion of existing buildings; or the use of previously developed land if new buildings are involved; or where it would be on sustainably located greenfield sites. Even if I were to conclude that the appeal site was not previously developed land as set out in the National Planning Policy Framework (the Framework), there is no dispute between the

parties that it is well related to the surrounding areas. Therefore, the first part of the policy is relevant to this appeal.

7. The appeal site is in the countryside and comprises a small building that I observed contained a variety of tools and building materials. Some building materials including concrete blocks and scaffolding poles were stored outside of the appeal site but adjoining it. The submitted evidence claims that the building is currently used as a storage facility in support of the appellant's small building business which reflects my on site observations. Notwithstanding the above, it is not appropriate for me to determine whether the current use of the appeal site is or is not lawful. This can only be formally determined by a lawful certificate application.
8. The development would provide a tidy site and a safe, dry building for storing more tools, materials and equipment. Additionally, extra trips to other rented storage facilities would be reduced by the extra storage space the development would provide. However, measures could be employed to tidy the site and safely store items and expensive equipment in the dry using the existing building. Although more items could be stored as a result of the proposal, the application form states that the development would not increase the number of employees and that none are on site. Furthermore, even if a larger storage building facilitated more cost effective bulk purchasing solutions, there is no evidence the existing business would fail to adapt or continue to be operational if the appeal were not to succeed. For these reasons, the development would not be representative of an expansion of an existing business in a rural area aimed at providing further employment.
9. The appellant sub contracts work to tradesmen in the local area, which they submit provides benefits to these respective businesses, though I have been provided with very limited information in this respect, including for example the extent or nature of such contracts, or their connection with the expansion of the existing business. As such, there is no substantive or quantifiable evidence that any such benefits would be directly related to the development as proposed. In any case, such benefits could continue regardless of the outcome of this appeal. Furthermore, even with such indirect benefits, there is nothing within the wording of Policy E5 of the LP that specifically identifies that rural economic development will be supported in such nuanced circumstances.
10. Therefore, I conclude that the site is not suitable having regard to development plan policies and national policy. As such, it would conflict with Policy E5 and Strategy 7 of the LP. There would also be conflict with chapter 6 of the Framework.

Other Matters

11. I have paid regard to comments from the main parties in respect of the planning history of the site. However, these matters do not affect my findings on the main issue above.
12. The development would provide biodiversity enhancements through the inclusion of a green roof, matching materials and would be of a non-intrusive design. The development would also not harmfully affect the landscape or highway network. However, any such benefits would not outweigh the harm I have identified above.

13. There is a grade II listed building (Hamlet House) in close proximity to the appeal site and consequently there is a statutory duty to pay special regard to the desirability of preserving buildings or their setting. Hamlet House is a two-storey Devonshire building of C17 origins, with major remodelling in C19. The building is composed of external cob and rubble whitewashed rendering, with thatched roofing. Externally, the property retains much of its historic character, despite a C19 major remodelling. There is an adjacent building known as Coach House which is assumed to be of a similar age to the main house, Hamlet House.
14. The building's significance is derived from its architectural value and its overall design that is characteristic of the Devon rural vernacular. The appeal site is immediately adjacent to the site of the listed building though the development would be located further from it than the existing building, with a lower roof height. Consequently, the development would avoid harm to the setting and significance of Hamlet House.

Conclusion

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says planning decisions must be made in accordance with the plan unless material considerations indicate otherwise. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no material considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR