



Appeal Decision

Hearing held on 9 January 2024

Site visit made on 9 January 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2024

Appeal Ref: APP/U1105/W/23/3330631

Greendale Farm Shop, NHS Drive Through Vaccination Centre, Sidmouth Road, Farringdon, Devon EX5 2JU

- 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 FWS Carter and Sons Limited against the decision of East Devon District Council.
 - The application Ref 23/0298/FUL, dated 9 February 2023, was refused by notice dated 16 June 2023.
 - The development is described as 'Retention of NHS vaccination centre and associated car park'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The building the subject of the appeal has been constructed on site. Consequently, I have used the description of development as it appears on the Council's Decision Notice and on the appeal form, rather than taking it from the application form, as this more accurately describes the appeal development.
3. On 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework). At the hearing, both parties agreed that there have been no fundamental changes relevant to the main issues in this appeal. The references in my decision to the paragraphs in the Framework relate to this new document.
4. A draft Statement of Common Ground (SoCG) dated 3 January 2024, was submitted prior to the hearing. At the hearing both parties confirmed that this was an agreed document. Within the SoCG, both parties agree that, although not referred to in the Council's Decision Notice, Strategies 1, 3 and 46 of the East Devon Local Plan 2013-2031 adopted January 2016 (LP) are relevant to the appeal before me. The SoCG also refers to Policy RC6 of the LP as being a point of dispute between the two parties. My findings in this respect are set out below.

Main Issues

5. The main issues in this appeal are:
 - Whether the appeal site is in a suitable location having particular regard to its accessibility by sustainable modes of transport;

- The effect of the development on the character and appearance of the area; and
- Whether the appeal site is a suitable location for the development with reference to the spatial strategy in the development plan.

Reasons

Accessibility

6. It is common ground between the parties that the appeal site is well served by public transport, in this case bus services. However, at the hearing the appellant conceded that the site was not accessible by walking and there were no dedicated cycle routes meaning that walking and cycling did not offer realistic alternatives to the private car.
7. While I agree with the appellant that wherever the proposal is sited, people would need to travel to it, if it were located in one of the towns, residents would have a greater choice of transport options compared to its current location. There was no representative of the NHS at the hearing and the appellant was unable to supply any evidence as to the availability of vaccination services in the main towns in the District. Consequently, I am not persuaded by the appellant's argument that if vaccines were no longer offered at the appeal site, residents from the wider East Devon area would drive to the towns for vaccinations, flooding those services resulting in residents of those towns needing to travel further afield for their vaccine leading to an overall increase in travel by car.
8. The appeal proposal is not isolated and inevitably some linked trips would take place with the shop, café and nursery facilities already on site. However, its rural location rules out the possibility of people accessing the service on foot and by cycle and notwithstanding that there are bus services which serve the appeal site, the location of the appeal site is heavily car reliant.
9. I conclude that the proposal is at odds with Strategy 1, Strategy 5B and Policy TC2 of the LP which seek to minimise the need to travel by car and promote the use of public transport by locating development where there is a range of transport options. The proposal is also contrary to Paragraph 109 of the Framework which seeks to limit the need to travel by locating development where there is a genuine choice of transport mode.

Character and Appearance

10. The appeal site lies in the Landscape Character Type (LCT) 3B: Lower rolling farmed and settled valley slopes of the East Devon and Blackdown Hills Landscape Character Assessment 2019 which is described as a medium scale, predominantly agricultural landscape often with long views. Key characteristics include a gently rolling landform, predominantly pastoral farmland with variable sized fields contained in wide low hedged boundaries and that it is well settled. It is special for expansive views from higher ground. This is consistent with what I saw.
11. The undulating landscape means that views of the appeal site are localised with the principal views obtained from the A3052 Sidmouth Road. The approach along the A3052 from the east is relatively open. Here, the landscape has a strong rural character with long reaching views, notwithstanding the close

- proximity of Greendale Business Park and Crealy Theme Park. Windmill Hill is acknowledged by both parties to be a locally significant landscape feature. The appeal site sits below the ridge of the hill but is still on locally elevated land. This results in the appeal building being clearly visible in the landscape, dissecting the long-range view westwards. I have been mindful that the appeal building replaced an existing agricultural building, but standing at five metres tall and metal clad, it has a somewhat industrial appearance. The presence of large numbers of cars adjacent to the building is visually prominent.
12. This has resulted in a noticeable change to the rural landscape. The urbanising effect is at odds with the predominantly agricultural landscape and the qualities of the LCT resulting in harm to the character and appearance of the local landscape. I have taken account of the fact that views of the appeal site would principally be from moving vehicles. However, the appeal site is visible over some distance rather than 'glimpsed' and therefore I find the overall level of harm to be moderate.
13. A landscaping scheme did not form part of the appellant's submissions but could be secured by a condition. The submission of a landscaping scheme would accord with the requirements of Policy D2 of the LP which requires that landscaping schemes meet a series of criteria. Planting along and management of the hedge to the east of the appeal site, once established could provide some screening of vehicles in the parking areas but would not prevent the building from being seen. Therefore, it would not fully mitigate the harm I have identified, and some minor harm would still result.
14. Whilst Strategy 3 of the LP seeks to minimise harm to the landscape, Strategy 7, Strategy 46 and Policy D1 seek to prevent harm by conserving the landscape. For this reason, I find that whilst the degradation to the landscape would not to be 'significant', it would nevertheless be unacceptable.
15. Therefore, in recognising the intrinsic character and beauty of the countryside, I find there would be harm, albeit minor to the character and appearance of the local area and therefore conflict with Strategy 7, Strategy 46, Policy D1 and Policy D2 of the LP which seek to conserve and prevent harm to the landscape character and integrate development with its surroundings. I also find conflict with Paragraph 180 of the Framework which recognises the intrinsic character and beauty of the countryside and seeks to protect valued landscapes.

Spatial Strategy

16. Strategy 1 of the LP establishes that the seven main towns in the district should be the focus for development with smaller settlements and rural areas being geared towards meeting local needs. Strategy 3 supports the provision of health care. The appeal site is located in the open countryside. In such locations, Strategy 7 of the LP permits development which accords with a specific Local or Neighbourhood Plan policy that explicitly permits development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. However, I have found that the proposal would conflict with local policies regarding accessibility and character and appearance. Therefore, there would be conflict with this policy.
17. The appellant's case is that the NHS vaccination centre with the primary purpose being to serve the needs of the residents of East Devon, complies with Policy RC6 (Local Community Facilities) of the LP. This permissive policy allows

facilities to be provided in the countryside to serve the local community. To my mind, a vaccination centre which serves not only the whole of the Council's administrative area but as the appellant conceded at the hearing, is also available to residents from adjacent district areas, would be more than a local facility. I therefore do not find that Policy RC6 is relevant to the appeal before me.

18. Accordingly, for the reasons above I conclude that while the development would comply with Strategy 3 given its general support for health care in the District, it would conflict with Strategies 1 and 7 of the LP and therefore is not a suitable location for the development.

Planning Balance and Conclusion

19. The appellant's case is that the appeal site is fundamental to the delivery of the NHS Covid vaccination programme across East Devon with the vaccination of 90,000 patients in the autumn/winter 2023 programme. The appeal site with a capacity of up to 1,200 patients a day is capable of offering other vaccines and is a training and education hub. It would also assist in providing surge capacity to be able to deliver 2,500 vaccinations a day with two weeks' notice. The appellant highlighted that the consequences of not having the capacity at the appeal site would be that residents of East Devon would need to travel further afield to places like Barnstaple and Plymouth.
20. I accept that if sufficient GP surgeries were providing the vaccination service in the District, the NHS may not need to operate the facility at the appeal site. At the hearing, the appellant explained that GP surgeries can opt out of providing the vaccine and several had done so in East Devon. However, there was no compelling evidence of this supplied at the Hearing.
21. This does not however justify the rural location for the proposal. Evidence was presented to me of the variety of locations where Covid vaccines were being offered in other districts in Devon such as supermarkets, retail parks, hospitals, shopping centres, theatres and car parks. Such locations were in towns and close to centres of population.
22. Alternative options considered by the NHS included commercial estates to rent and using an articulated lorry in a supermarket car park. There was little evidence put to me that other options had been considered. Whilst the NHS have carried out 'due diligence' in deciding to operate from the site, the evidence from the NHS as set out in the Council's committee report, indicates that decisions on the location of the vaccination centre have been based on the cost-effective delivery of the vaccination programme rather than any other considerations.
23. The provision of a mini-bus service and drive-through facility enabling vaccinations without leaving a vehicle would be a benefit to some users of the service. This weighs in favour of the proposal. The mini-bus service could operate for a facility located anywhere and therefore this attracts limited weight. A drive-through facility may not be easily accommodated at alternative venues and therefore I ascribe this modest weight.
24. Therefore, whilst I accept that there are benefits to operating a vaccination centre from the appeal site and that the Framework supports healthy communities, the weight I attach to the benefit is tempered by the lack of

evidence before me or submitted at the hearing that the facility could not be operated from elsewhere. I therefore give the benefits advanced by the appellant moderate weight.

25. My attention has been drawn to various other permissions for non-agricultural uses close to the appeal site¹ and at Greendale Business Park². However, in the main these have resulted from Prior Approvals where there is no requirement to have regard to the development plan and therefore, I give these very limited weight.
26. Although raised in submissions, the appellant agreed at the hearing that the appeal site did not fall within the definition of brownfield land as set out in the Framework and therefore I have not ascribed this any weight.
27. There are benefits arising from the delivery of vaccinations for East Devon residents and together I have afforded these moderate weight.
28. However, I have found that the development conflicts with the spatial strategy, results in the users being largely car dependant and that there is some minor harm to the character and appearance of the area.
29. The proposed development is contrary to the development plan as a whole and the identified material considerations do not outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

Alison Fish

INSPECTOR

¹ 20/1918/PDS Prior Approval for change of use of agricultural building and land within its curtilage to a registered nursery; 18/2388/PDR Prior Approval under Part 3, Class R for a flexible change of use from agriculture to 3 no. units of shops (A1).

² 21/2123/COU Continued use of Greendale Vaccination Centre by the NHS.

APPEARANCES

FOR THE APPELLANT:

Mr C Danks	Copperfield Land and Planning Limited
Mr A Tildesley	Copperfield Land and Planning Limited
Mr D Williams	David Williams Landscape Consultancy
Mr R Carter	
Mr P James	

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Golding	Senior Planning Officer
Mr G Spiller	Principal Planning Officer
Mr C Hariades	Landscape Architect and Green Infrastructure Officer

DOCUMENTS PRESENTED DURING THE HEARING

HD1	Decision Notice Ref: 22/1893/FUL
HD2	Copy of LCT3B: Lower Rolling Farmed and Settled Valley Slopes (extract from East Devon and Blackdown Hills Landscape Character Assessment 2019)
HD3	Copy of pages 123 and 124 from the Guidelines for Landscape and Visual Impact Assessment (GLVIA3)

DOCUMENTS SUBMITTED AFTER THE HEARING

PHD1	Draft conditions
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