

Appeal Decision

Site visit made on 10 April 2024

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2024

Appeal Ref: APP/P1133/W/23/3333751

Montgomery House, Crusader Court, Higher Wheatley Farm, Pocombe Bridge, Exeter, EX4 2HB

- 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 KMC Properties Ltd against the decision of Teignbridge District Council.
 - The application Ref 22/01396/FUL, dated 14 July 2022, was refused by notice dated 2 November 2023.
 - The development proposed is the change of use from office use (Use Class Eg) to residential/commercial (live-work) unit.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal proposal would be in an appropriate location given development plan policies and the National Planning Policy Framework (The Framework).

Reasons

3. The appeal site is former domestic garaging which has been altered and extended and is now in permitted use as a Family Massage Centre. It sits on a short cul de sac lane, has approximately rectangular grounds alongside a semi-detached dwelling, and is in a scatter of varied local development at Pocombe Bridge. The proposal is as described above and submitted floor plans show the single level property with living space, 2 bedrooms and 2 office rooms all with front door access and on-site parking.
 4. The locality has a relatively rural character but Pocombe Bridge does incorporate significant development and the site would not reasonably be termed as isolated. Read together Policy S22 and Policy S21 of the Teignbridge Local Plan 2013-2033 (TLP) categorise land outside the defined limits of their listed settlements as open countryside. Pocombe Bridge is not one of the settlements listed in either of these policies; the site is therefore defined by the development plan as being within open countryside. It follows that the restrictions on development set out in TLP Policy S22 would apply to the appeal proposal. Whilst there is some encouragement for employment generating activities there is no stated scope for residential use other than under a few clearly non-applicable headings such as local affordable or agricultural need.
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5. TLP Policy WE9 is concerned with rural workers dwellings. Again, I see no case for the scheme before me to be embodied within the ambit of the specified types of development. There would also be no alignment with the strict 'essential' requirements for potential residents. Both necessary to generate the reason for a new home in the countryside under this policy.
6. The Appellant underlines that this "live-work" scheme should gain positive traction when seen against these policies and deliver significant benefits generally, but I am not persuaded. I have no details whatsoever of the intended employment element or any case for its setting in a rural area, nor anything before me which puts a coherent argument for it being necessary to have integral supervisory living accommodation. Written evidence or full explanation is lacking and submitted plans effectively show a dwelling with two office rooms. Looking at the plans I would say it would be no different from making provision for the extremely frequent occurrence nationally of having scope for 'working from home'.
7. The Appellant argues that the location is a sustainable one but given limited availability of public transport and scope for safe and convenient walking or cycling I would envisage almost all necessary travel would have to be by private car. Additionally, a number of other planning decisions are cited to seek to make the case for the scheme but by reason of their on-site starting point, nature, scale, location or specific justification provided I see none as directly comparable or a 'precedent'. In any event I must assess this case on its merits. It is clear to me that this property has not been a dwelling in the past and I do not see any planning history here which would help the case for this building to become a new home.
8. I have carefully considered the over-arching policy basis of The Framework but I find nothing in that document which would markedly lend any weight to the Appellant's case for allowing the appeal. I would also confirm that to my mind the development plan policies which I cite mirror relevant objectives within that document.
9. Whilst any new dwelling would make a contribution to the improved supply of houses and would bring with it some limited economic and social gains in this instance, they are not sufficient to outweigh the environmental harm which would be inherently avoided by the application of TLP Policies S22 and WE9.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal would not be in an appropriate location given conflict with development plan policies and The Framework. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR