



Appeal Decision

Site visit made on 06 August 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/Y1110/W/23/3335001

St Andrew's Yard, Willeys Avenue, Exeter, Devon EX2 8EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Riviera Equity Limited against the decision of Exeter City Council.
 - The application Ref is 22/1330/FUL.
 - The development proposed is change of use of mixed use B8 storage and sui generis car sales to B8 storage and distribution only.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Additional plans have been submitted with the appeal (section X-X and a street scene drawing). These plans do not alter the proposal and the Council have had the opportunity to comment on them. On this basis, no party would be prejudiced if I took them into account. I therefore have had consideration to the submitted drawings in determining this appeal.
3. The appellant suggests that the description of development should be amended to refer to an existing use comprising motor vehicle sales rather than car sales as this also includes motorcycles which are noisier. I have given consideration to the suggestion that motor vehicles have been sold from the site in determining this appeal, however there is no need to change the description of development. That is because a description on an application does not in itself confirm a lawful situation at the site. The description of development in the banner heading therefore reflects the description on the application form upon which the Council consulted and determined the application.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located on Willeys Avenue and comprises a triangular parcel of land which is in use as a motor vehicle dealership and storage facility. The site contains a single storey building and is enclosed along the northern boundary to Willeys Avenue by a 2-metre high metal fence. A raised embankment to the railway forms the southern site boundary. The side elevation of a residential property borders the site to the east.

6. The surrounding area is predominantly residential and comprises uniform rows of red brick terraced dwellings. The traditional, compact and uniform nature of these dwellings results in a pleasant and ordered character and appearance to the surrounding area. At my site visit I observed that vehicles stored on the site could be clearly seen from the surrounding area including in views from Willeys Avenue and Isca Road. Nonetheless, I observed that the site had a low-key appearance and that the vehicles did not detract from the character and appearance of the area.
7. The appeal proposal seeks to change the use of the site to a storage and distribution use comprising a commercial self-storage facility. This would comprise 31 shipping containers which would measure approximately 2.5 metres in height and would be located along the site boundaries.
8. The proposal includes a 2 metre high security fence and landscaping along the boundary to Willeys Avenue comprising container planting which would trail down and up the containers. It is stated that tree planting along the boundary would be impractical given the proximity to the containers. Nonetheless, I am unconvinced that the container planting would be capable of adequately screening the containers, in particular in gaps in the planting between containers, at the site access and at the western corner of the site.
9. Given this it is likely that the proposed landscaping would fail to appropriately soften the appearance of the containers and therefore they would be apparent through gaps in the planting, in particular while the planting is becoming established. The height and position of the containers would mean that they would appear more prominent than the vehicles currently parked on the site. The material, size and utilitarian appearance of the containers would appear as a harsh and industrial form of development which would be visually at odds with the generally residential character of the immediate surrounding area.
10. It is suggested that the appeal proposal would give the site a tidier appearance, which would provide a better introduction to Exeter for passengers on the trains running along the train line to the north of the site. At my site visit, I observed that these trains are passing at speed and consequently any views of the site gained from them would be fleeting. Even if this were not the case, the utilitarian and industrial appearance of the containers in these views would appear jarring in the predominantly residential setting.
11. For these reasons the appeal development would have a harmful effect on the character and appearance of the area. I therefore find conflict with those aims of Objective 9 of the Core Strategy (2012) and Policies DG1 and CP17 of the Exeter Local Plan First Review (2005) (LP) which seek to promote a high-quality design. I also find conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that developments add to the overall quality of the area and are sympathetic to the surrounding built environment.
12. Whilst referred to by the Council, I find no conflict with LP Policy DG3 which relates to specific design requirements for commercial development.

Other Matters

13. The proposal would be of some benefit to the local community and would support economic growth and productivity of a local business. Whilst these may

be merits of the case, they do not overcome my above concerns or justify the development.

14. The current use of the site comprises a 'less vulnerable' use in accordance with the flood risk vulnerability classification set out in Annex 3 of the Framework. There would be no change in the flood risk vulnerability classification, which would also be 'less vulnerable'. This matter does not therefore attract any weight in favour of the proposal.
15. It is suggested that the proposed use would be more neighbourly than the existing use in terms of noise and vehicle movements. However, the proposal is not supported by any assessments which support this assertion. Therefore, I give these benefits limited weight in this decision.
16. It is stated that the dismissal of the appeal would result in a more intense version of the existing use resulting in greater disturbance to residents in the surrounding area through noise generation and vehicle movements. I have limited information about whether there would be an intention to amend the current operation if this appeal were dismissed. However, there would seem a greater than just theoretical possibility that this would take place. Nonetheless, given the limitations of the site due to its size there is no compelling evidence before me to suggest that an intensification of the existing use would be any more harmful to local residents in terms of noise and vehicle movements. Given this I afford this alternative limited weight in this decision.
17. The appellant suggests that the intensification of the use would necessitate the replacement of the existing fence with a steel security fence. The full details of this replacement fence are not before me. Nonetheless, as it would be of the same height as the existing enclosure, I have been presented with no compelling reason to find that it would result in harm to the character and appearance of the area.
18. The proposal is not supported by a tracking plan which demonstrates the site's capacity for vehicles turning. Based on the evidence before me the proposed layout appears tight and the irregular space for parking, loading and turning appears impractical. Thus, even if it were the case that the existing use results in vehicles reversing onto the highway, I cannot be certain that the proposal would reduce the number of vehicles reversing onto the highway or result in any betterment to highway safety. I therefore afford this benefit limited weight in this decision.
19. I acknowledge that the proposal has been revised following the submission of an earlier planning application¹ including a reduction in the number of shipping containers, the removal of two storey containers and inclusion of proposed landscaping. However, the amendments would still result in a proposal that would harm the character and appearance of the area for the reasons outlined.
20. It is stated that an existing permission for the redevelopment of the site for residential use² is financially unviable and impractical given the site's flood risk classification. Whilst that may be the case, I am tasked with determining the appeal before me, and these matters do not overcome the harm that I have identified in relation to the main issue.

¹ Application reference 21/00951/FUL

² Application reference 19/1676/FUL

Conclusion

21. The proposal conflicts with the development plan and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

N Robinson

INSPECTOR