



Appeal Decision

Site visit made on 3 July 2024

by C Cresswell BSc (Hons), MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2024

Appeal Ref: APP/Q1153/W/23/3334066

North Beer Farm, Road from Northbeer Cross To Cox Moor Footbridge, Spreyton, Devon, EX17 5AP

- 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 Mr Daniel Hawkins against the decision of West Devon Borough Council.
 - The application Ref is 2389/23/FUL.
 - The development proposed is described as “alterations to north east elevation of agricultural building including new cladding, 4 roller shutter doors & 4 pedestrian doors (retrospective) & change of use from agricultural to light industrial (Class E)”
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Decision

1. The appeal is allowed and planning permission is granted for a development described as “alterations to north east elevation of agricultural building including new cladding, 4 roller shutter doors & 4 pedestrian doors (retrospective) & change of use from agricultural to light industrial (Class E)” at North Beer Farm, Road from Northbeer Cross To Cox Moor Footbridge, Spreyton, Devon, EX17 5AP, in accordance with the terms of the application, reference 2389/23/FUL, subject to the conditions set out in the Schedule at the end of this Decision.

Procedural Matters

2. For conciseness, the description of development in the heading above is taken from the Appeal Form rather than the Application Form.
3. The appeal was made retrospectively. The development has already taken place.

Main Issues

4. The main issues in this case are:
 - whether the site is a suitable location for the industrial units, having particular regard to planning policies which seek to control new development in the countryside.
 - whether the proposal would comply with policies that seek to deliver low carbon development.

Reasons

Location

5. The appeal site is in the open countryside outside the village of Spreyton, where Policy TTV1 of the Local Plan¹ would only permit the industrial units if they can be demonstrated to support the principles of sustainable development and sustainable communities. The policy defines this as compliance with Policies SPT1, SPT2 and TTV26. Although Policy TTV27 is also referenced, this concerns housing and so is of less relevance to the appeal.
6. Policy SPT1 sets out environmental, economic and social aspects of sustainable development. In terms of environmental sustainability, Policies SPT1 and SPT2 aim to promote a low carbon economy by reducing the need to drive. This is also reflected in Policy DEV15, which supports business activity in suitable locations and says that proposals should *avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate*.
7. Although Spreyton is identified as a sustainable village in the Local Plan, the site is well outside the built-up area. In my view, walking or cycling to the site from here would not be very appealing given the nature of the rural lanes, which are narrow and unlit. Besides, the village is very small and it is unrealistic to expect all of the units to be occupied by people who live locally. For the units to remain full, it seems likely that the occupiers would need to be drawn from a much wider catchment than Spreyton and its immediate surroundings. Even if the current occupiers of the units happen to be local, there can be no guarantee that this will remain the case in the future.
8. I have considered the Sustainable Travel Plan and I recognise that it is possible to travel to the site by means other than private vehicle. However, in reality, people will most likely to drive to the site for the reasons described above, which might include some relatively long journeys. Furthermore, given that the units are used for industrial purposes it may be necessary for people to use vehicles to transport materials or equipment to the site. While this would be the case wherever industrial units are located, the position of the site away from larger population centres makes it more likely that the occupiers would need to drive longer distances to reach the site. The units are therefore not in an optimal location to reduce the length of vehicle journeys.
9. One environmental benefit of the scheme is that it makes use of a former agricultural building. While it is not clear if the building was redundant before it was converted, the scheme nonetheless represents use of previously development land. This is supported by the Local Plan, including Policies SPT1 and TTV26. However, this benefit does not outweigh the environmental harm of situating the units in a relatively inaccessible area.
10. Turning to the social and economic aspects of sustainability, both the Local Plan and National Planning Policy Framework² aim to support rural enterprises. Indeed, the overall aim of Local Plan Policy DEV15 is to improve the balance of jobs within rural areas and diversify the rural economy.

¹ Plymouth & South West Devon Joint Local Plan 2014-2034.

² National Planning Policy Framework, December 2023.

11. The appellant says that there has been strong interest in the units and has provided a list of the enquiries received. However, it is unclear whether the demand is a result of the site's location near Spreyton or if it reflects a broader shortage of small Class E³ units in the wider area, which might be better accommodated in a more accessible location.
12. Nonetheless, I have considered the comments made in support of the proposal from local businesses. This includes representations from a plumber and a builder based in Spreyton, who state that the units are conveniently located and beneficial to their business operations. Although these comments seem to be made by people known to the appellant, I have little reason to doubt the validity of the points they have raised.
13. Therefore, regardless of whether there is a quantifiable need for the units in this location, there is evidence that the proposal helps to support rural businesses. As such, it is compatible with many of the economic objectives of Policies SPT1 and DEV15. This is re-enforced by the fact that the industrial units help to diversify an existing agricultural business, which is advocated by Policy TTV2. There is little before me to indicate that proposal would undermine agricultural operations on the site.
14. In my view, the benefits of the industrial units for the rural economy outweigh the environmental harm resulting from the poor accessibility. In reaching this decision, I am mindful that this is a very small development, and as such, the number of vehicle trips generated would be relatively limited.
15. This leads me to determine that the proposal is sustainable development in the context of Policies TTV1, TTV2, SPT1 and SPT2. Although parts of Policy TTV26 are irrelevant, the proposal would accord with paragraph 1(iii) which seeks to secure the re-use of disused buildings and brownfield sites.
16. I therefore conclude on this issue that the site is a suitable location for the industrial units.

Low carbon development

17. Policy DEV32 of the Local Plan aims to deliver low carbon development through a variety of measures. This includes paragraph (5) which says *all major development proposals should incorporate low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L*.
18. Since the proposal involves minor development, this part of Policy DEV32 does not apply. However, the Climate Emergency Planning Statement⁴ has since been published and introduces some new policy objectives. This includes mitigation measure M1, which says that paragraph 5 of Local Plan Policy DEV32 will also apply to minor planning applications.
19. The Planning Statement is not part of the statutory development plan and so does not have the same legal status as the Local Plan. However, it corresponds with the climate change and carbon reduction objectives of the Local Plan, including Strategic Objective SO11. I am also aware that the document has

³ The Town and Country Planning (Use Classes) Order 1987 (as amended).

⁴ Plymouth And South West Devon Climate Emergency Planning Statement, adopted November 2022.

been subject to a public consultation exercise. It is therefore a material consideration to which I assign some weight.

20. Although the development has made use of an existing building, I am informed that an area of concrete hardstanding has been laid, resulting in the loss of soil and natural vegetation. In response, the appellant has suggested that further carbon reduction measures could be implemented retrospectively and refers to installing solar panels on the roof. I see no reason why measures of this sort could not be applied retrospectively in order to comply with Policy DEV32. However, this would need to be secured by a planning condition.
21. I therefore conclude on this issue that, subject to an appropriately worded planning condition, the proposal would comply with policies that seek to deliver low carbon development. There would be no conflict with Policies DEV32 and SPT1 or Strategic Objective SO11 of the Local Plan. Nor would the proposal conflict with the aims of the Planning Statement.

Conditions

22. As the development has already taken place, I have not imposed the standard commencement condition. However, for clarity, a condition requiring the development to be carried out in accordance with the plans has been imposed. To protect amenity, there is a condition which ensures that the building is only used for light industry in accordance with Use Class E. In order to protect the character and appearance of the area, there is also a condition to control external lighting. While I have considered the alternatively worded condition suggested by the appellant, the condition imposed is sufficiently flexible to enable external security lights with the agreement of the Council.
23. Finally, there is a condition requiring low carbon measures to be implemented. This is to ensure compliance with Policy DEV32 and the objectives of the Planning Statement. The condition is worded to ensure that details are submitted, approved and implemented. There is a timetable for compliance because permission is being granted retrospectively and it is not possible to use a negatively worded condition to secure low carbon measures before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met. I note the Council's point that compliance with policy should be demonstrated at the planning application stage. However, the evidence before me indicates that in this particular case the necessary measures can be implemented retrospectively.

Conclusion

24. For the reasons given above, the appeal is allowed.

C Cresswell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: A01.01, A2.01, A03.01, A03.02
- 2) The development hereby approved shall only be used for light industrial use in accordance with Class E (g)(iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, re-enacting or further amending that order.
- 3) No external lighting shall be installed unless details are first submitted to and approved in writing by the Local Planning Authority. The external lighting must be maintained in accordance with the approved details.
- 4) Unless details of low carbon or renewable energy measures, in accordance with Policy DEV32 of the Local Plan, are submitted to the Local Planning Authority for approval within three months from the date of this decision, the use of the building for Class E activities (as described in Condition 2 of this planning permission) shall cease until such time the necessary details have been submitted. If the approved details have not been implemented within six months of the date of the approval, the use of the building for Class E activities shall cease until they have been implemented. The approved low carbon or renewable energy measures shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.