



Appeal Decision

Site visit made on 12 August 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/U1105/W/24/3358068

Store at rear Belvedere House, Danby Lane, Exmouth EX8 1QS

- 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 Stephen Drinkall against the decision of East Devon District Council.
 - The application Ref is 24/1028/FUL.
 - The development proposed is demolition of warehouse/general industrial building (use classes B2 and B8) and erection of 3no. work/live units and 1no. dwelling (use class C3).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant notes that no officer report was available at the time of writing their statement. However, it accompanies the appeal and there would therefore have been an opportunity to comment on it, avoiding any procedural unfairness.

Main Issue

3. The main issue is the effect of the proposed development on employment provision, having regard to local and national policy.

Reasons

4. The appeal site comprises a type of utilitarian storage building dating to the 1980's that can be used for a range of employment purposes. The appeal building adjoins narrow lanes and is surrounded by residential and commercial development in the built-up area of Exmouth as defined in the Exmouth Local Plan (LP). It is part of an unassuming pocket of commercial activity near the high street, adding to the sense of an active community. In such locations, where there is good access to services and facilities, residential development is generally supported.
5. In addition to this, and to ensure local communities remain vibrant and viable, meeting its residents' needs, LP Strategy 32 resists the loss of employment uses. The plans show that narrow slithers of basement space within the much larger units would be apportioned to 'work areas'. Even if the internal layout could be secured using a planning condition, the plans show that the scheme would be predominantly residential in its nature. I have paid regard to the submitted extracts of the Planning Practice Guidance in this regard. Nevertheless, even though well located and moving to a flexible Use Class, the commercial element of the development would provide very little meaningful employment space. Additionally,

given the close links with their own rear gardens, future occupiers may decide not to use these work areas commercially.

6. While the scheme would deliver multiple occupiers, the existing building and site provides a far greater area and/or future options for a range of employment uses. The resulting loss of employment space would undermine the existing employment base and job opportunities at the appeal site.
7. In such circumstances, and amongst other things, LP Strategy 32 only supports proposals if continuing the use would significantly harm the quality of the locality. This could relate to traffic, living conditions, or other environmental issues. In that context, there is no dispute that the development would provide some beneficial highways improvements through formalised driveways. This would be likely to lead to a reduction in the number of vehicles parked in the vicinity. As a consequence, parking pressures would probably be reduced.
8. In that respect, at the time of my visit, the surrounding streets were busy. However, I was able to park without trouble, and short-stay parking was available for customers in several locations nearby. Given the scale and nature of the current vehicle repair use, it is unlikely that alternative employment uses would generate significant increases in traffic, or indeed, noise disturbance. Moreover, it is understood that certain controls are already in place in respect of the current permissions. Therefore, while there may well be busier times where parking pressures may be greater, the continued use has not been shown to significantly harm the quality of the locality.
9. Alternatively, and regardless of the above, LP Strategy 32 offers support for proposals where options to retain the use or a similar one have been fully explored without success for at least 12 months, and a surplus of provision in the locality can be demonstrated. This position is similarly set out in Policy EE3 of the Exmouth Neighbourhood Plan (NP). Here, sites are required to be shown to be economically unviable and marketed at a realistic price for at least a year. The supporting text explains that this is to prioritise employment opportunities in an area where housing developments have taken place on employment generating sites. These policies are consistent with paragraph 85 of the National Planning Policy Framework (the Framework) which says, amongst other things, that significant weight should be placed on the need to support economic growth taking into account local business needs.
10. The appellant claims there is no need to provide such marketing evidence given the scheme would deliver alternative employment uses. However, the extremely modest scale of proposed commercial space linked to rear gardens within what would mainly be a residential scheme would not amount to a similar use of the appeal site. As such, the proposal would not be exempted from these policy requirements.
11. It is claimed that the current location is sub-optimal and that there are existing options nearby at Liverton Business Park, though there is little reason to show why this, or other businesses could not continue to successfully operate here. Furthermore, the Council says that the business park is primarily retail, and I find no reason to disagree. Moreover, the evidence demonstrates that even with probable future allocations for industrial uses, there is still likely to be a

requirement to find additional employment land. Accordingly, there is no compelling case that there is a surplus of provision in the locality.

12. For the reasons given above, I conclude that the proposed development would have a harmful effect on employment provision having regard to local and national policy. As such, there would be conflict with LP Strategy 32 and NP Policy EE3.

Other Considerations

13. It has been brought to my attention that the emerging East Devon Local Plan (ELP) has been submitted for examination under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It is however not known what stage within this process the emerging plan has reached, including whether findings or modifications have been made or consulted upon. As a consequence, the policies referenced by the main parties can only be afforded modest amount of weight.
14. Even so, whilst the ELP seeks to allocate the majority of industrial uses towards its allocations, the loss of employment sites, either in whole or in part, to other uses will not usually be permitted. This is set out in ELP Policy SE04. There is consequently little before me to demonstrate that the retention of the current operations would conflict with the thrust of the ELP economic strategy.
15. There was a 2019 planning permission¹ for a similar scheme. That scheme was permitted at a time when the appeal site was in a storage use. However, a subsequent permission granted retrospectively extended those uses to general industry. The loss of storage space against which that permission was assessed is not comparable with the broader range of permitted uses applicable to this appeal. As such, that previous permission cannot be relied upon as a realistic fallback. I give this matter limited weight.

Other Matters

16. The site is close to the Exe Estuary and Pebblebed Heaths which are Special Protection Areas and Special Areas of Conservation (SAC). Within the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated sites falls to me as the competent authority. Had I been otherwise minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, and to undertake an Appropriate Assessment (AA) of the implications of the appeal scheme for the European designated sites. In that context, I would have looked at the appropriateness of the appellant's financial contribution towards mitigating recreational pressure on the SAC through their submitted S111 Undertaking.
17. However, as the appeal is being dismissed for other reasons, the outcome of any such AA would have no bearing on the overall outcome of this appeal. There is therefore no need for me to consider this matter any further as part of my decision since any findings on this issue would not change the appeal outcome.

¹ Application reference: 17/1770/FUL

Planning Balance and Conclusion

18. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. The Council states that its most up to date figures show a housing land supply of 2.97 years. This represents a significant housing shortfall. Paragraph 11 (d) of the Framework indicates that where the required supply cannot be demonstrated permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or, where there are specific policies in the Framework which firmly indicate development should be restricted. In this case, from the evidence before me, there are no specific policies in the Framework which suggest that development should be restricted.
19. In the context of the development plan, the proposal would be contrary to LP Strategy 32 and NP Policy EE3. For this appeal, I have found these policies to be generally consistent with the relevant aims of the Framework. As a consequence, I attach substantial weight to them. The proposal would not accord with the development plan as a whole.
20. The proposal would provide a limited amount of short-term employment through the construction of the development. Future occupiers of the sustainably constructed, mixed-use accommodation would support the vitality of the local community. The new houses, built on brownfield land, would make a modest, but important contribution to the supply of housing and towards helping to address the Council's notable shortfall.
21. However, the scheme would result in the loss of employment provision that has its place in a well-connected location. As such, it would be contrary to the aims of the Framework to support economic growth and local business needs. This adverse impact would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal would not benefit from the presumption in favour of sustainable development set out within Framework paragraph 11.
22. The proposal would conflict with the development plan as a whole and even when considered cumulatively, there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

J Hills

INSPECTOR