

Appeal Decision

Site visit made on 8 August 2024

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/K1128/W/24/3340293

The Stables, Ledstone Cross to Hill Cross, Ledstone TQ7 2HQ.

- 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 Lachie Maclachlan against the decision of South Hams District Council.
 - The application Ref is 2974/23/FUL.
 - The development proposed is the change of use from the existing stable building (agriculture) to commercial.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A previous scheme for a change of use of the building to holiday accommodation was dismissed in 2021¹. Whilst I have referred to it in so far as it is relevant to my decision, I have assessed the proposal based on the circumstances of the site and the details of the scheme before me.

Main Issues

3. The main issues are:
 - whether the site represents an appropriate location for a commercial use, having regard to its accessibility to settlements and services and local plan policy on development in the countryside; and
 - whether the road network is suitable to serve the proposed development, and whether the scheme makes adequate provision for on-site parking in the interests of highway safety.

Reasons

Suitability of location for the proposed use

4. The appeal relates to a building located at the edge of the settlement of Ledstone, a small cluster of housing with no services or facilities. Access to the site from the nearest main road (Belle Hill A381) is via narrow country

¹ Ref: APP/K1128/W/20/3260220

lanes which are particularly steep in places. There are no pavements or street lighting.

5. In terms of settlement hierarchy, Ledstone would be considered to be a hamlet where Policy TTV1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) only allows for development to be permitted where it can be demonstrated to support sustainable development and sustainable communities referencing Policies SPT1 and SPT2 and including the provisions of TTV26 and TTV27.
6. Policy TTV26 relates to development in the countryside, with part 1 setting out where isolated development in the countryside will be permitted in exceptional circumstances. The previous Inspector in the appeal for the holiday let established that the location of the site is isolated. The appellant has not contested this position. Following a review of the location of the site and surroundings I also find the site to be isolated.
7. Within the criteria of part 1 of TTV26 it allows for the re-use of redundant or disused buildings and brownfield sites for an appropriate use. There are two parts to consider here, firstly whether the building is redundant or disused and secondly is the appropriateness of the use. The previous Inspector found little evidence that the building had been disused since its original construction and circumstances have not significantly altered since that time. The building was being used for storage at the time of the visit. It has not been demonstrated that the building is redundant or disused.
8. In terms of appropriate uses, point iv of part 2 of TTV26 states that where appropriate development should respond to proven agricultural, forestry or other occupational need that requires a countryside location. The appellant claims this test is not required, however, it provides a measure for what an 'appropriate' use could be within the context of the policy and is not limited to traditional buildings.
9. The proposal is for a 'commercial' use within Class E and an office use is referenced in the supporting documents. No case has been presented to demonstrate that there is an occupational need for a commercial development in this location. Even if an office were considered to be an 'appropriate' use the isolated location remote from settlements and services means the use could not be accepted, as discussed further below.
10. Policy DEV15 of the JLP supports the rural economy and refers to development in suitable locations to diversify the rural economy. Part 2 of the policy is supportive of 'small scale employment' where there are no residual adverse impacts on neighbouring uses or the environment. Part 4 also supports the reuse of suitable buildings for employment uses. Even if these two relevant parts of the policy were satisfied the requirements of Part 8 of the policy would also need to be met.
11. Part 8 of Policy DEV15 of the JLP requires proposals to demonstrate safe access to the existing highway network and avoid significant increase in the number of trips by private car and facilitate the use of sustainable transport including walking and cycling where appropriate and requires a sustainable travel plan to demonstrate how the traffic impacts have been considered.

12. No Sustainable Travel Plan has been provided and only limited details of any vehicle movements associated with the proposed use have been provided. As the specific use of the building is currently speculative a wide range of Class E uses could be considered. The appellant has suggested that the building could be conditioned to be used as an office. Whilst an indicative plan of desks has been provided, I have considered the use more generally as it would not be possible to condition the number of workers. Given the lack of public transport options, and the remote nature of the building relative to any settlement, I find that the proposed use would be reliant on the use of private vehicles. Whilst cycling to the site is technically possible the distances and topography do not make this an attractive option.
13. In terms of the sustainable travel plan required by Policy DEV15 of the JLP, the appellant has suggested that it is not unreasonable for this to be conditioned and that as the use is unknown it has not been possible for this to be provided at this stage. However, there is policy requirement for the sustainable travel plan and whether the site can be accessed in a sustainable manner is critical to the assessment and needs to be considered as part of the application.
14. There is dispute over parking provision which I will come on to later, however, five cars are shown on the plans. These along with servicing and deliveries would increase the traffic levels beyond the existing use. The previous appeal found that the reliance on private vehicles for a holiday let was unsustainable and I take the same view with regards to the commercial use of the site.
15. Paragraph 88 of the National Planning Policy Framework (the Framework) (formerly paragraph 83) supports sustainable growth of businesses in rural areas through the conversion of existing buildings. However, the previous Inspector concluded that whilst the Framework is a material consideration, the development plan forms the primary consideration, stating that "It has plan-specific expectations on the location of new development and how to minimise unsustainable travel patterns relative to its rural context". Therefore, whilst the JLP has more specific requirements, these do not make it inconsistent with the objectives of the Framework.
16. Whilst Policy SPT1 supports sustainable development which encourages business growth and reuse of sites it also promotes a low carbon economy and sustainable transport. Policy SPT2 relates to sustainable rural communities and states that these are well served by public transport, walking and cycling opportunities which this site is not.
17. In conclusion, the isolated nature of the building and the reliance on the use of private cars for access makes this an inappropriate location for commercial development and therefore the proposal conflicts with policies SPT1, SPT2, TTV1, TTV26 and DEV15 of the JLP.

Highway Network and Parking

18. An unrestricted commercial use has the potential to have a considerable number of vehicle movements associated with it as well as involve different vehicle types. However, it is accepted that the use could be conditioned to

be restricted to an office use. Even if this were the case, there would be no way to restrict or control the number of staff or vehicles accessing the site.

19. The previous appeal established that four vehicle movements predicted for a holiday let would be acceptable in terms of highway safety. It is argued that one additional vehicle would not 'tip the site into an unsafe category'. However, I do not find that the vehicle movements associated with a holiday let and an office are directly comparable. No specific evidence has been provided to demonstrate that an office use would have an equivalent or lower number of vehicle movements associated with it.
20. The roads to access the site are narrow lanes, with limited passing spaces and steep gradients. It is not possible to access the site by vehicle other than using the lanes. Residents living in the hamlet and any potential future employees would be alert to the hazards associated with the road. The difficulties associated with the lane are not however unique to this part of Devon and the road is a public highway, although it is signed as being 'Unsuitable for heavy goods vehicles' when accessed from Belle Hill.
21. An increase in vehicles using the lanes to and from the site would not be without issue particularly for an unrestricted commercial use where an increased use of vans would be a realistic possibility. In this instance use as an office may not be as problematic; however, without further clarity regarding the use at this time or further details such as a transport assessment and sustainable travel plan it is not possible to conclude that the proposed use would not have a harmful impact on highway safety, given the nature of the lanes used to access the site.
22. There is contention between the level of parking provided on the site and the link that this has with vehicle movements. In theory, fewer parking spaces available could result in fewer vehicles accessing the site. However, parking standards exist to ensure that appropriate levels of parking is provided for the size and type of development. Without appropriate provision this can lead to parking off-site which can be problematic and I do not agree that this would be 'self-policing' as the appellant suggests and will be dependent on the business and its needs. In this instance, there are very few safe off-site parking opportunities potentially leading to unsafe or impractical parking.
23. To meet the standards within the Joint Local Plan Supplementary Planning Document (2020) the development needs to provide adequate parking for a proposed future use. An indicative plan has been provided as part of the appeal which shows that five spaces can be provided adjacent to the building. However, these spaces cannot be accessed independently and would require numerous vehicle movements particularly to release a car from space five if the other spaces were all occupied. Due to the limited space on site manoeuvring would be difficult and would lead to vehicles reversing onto the highway.
24. Whilst the previous use was unrestricted in terms of vehicle movements it would have been assessed as a private stable. No evidence has been provided to demonstrate that the vehicle movements from the equestrian use would be in excess of those likely from a commercial use.

25. Overall, I conclude that there is insufficient evidence to demonstrate that the proposed development even if restricted to office use would not give rise to unacceptable impacts on the highway network and insufficient parking has been demonstrated to meet policy requirements. Therefore, the proposed use would be contrary to Policy DEV29 of the JLP and paragraph 8.16 of the Joint Local Plan Supplementary Planning Document (2020) which seek, amongst other matters, to provide safe and satisfactory traffic movements and vehicular access and manage car parking.

Other Matters

26. The planning history associated with this site has been taken into account on the basis of the information provided and so far as it is relevant to the case. Whether the building has been a stable or agricultural or neither use does not affect my assessment of the proposals in this instance.
27. Interested parties refer to Condition 6 of 08/0161/00/F which restricts the commercial use of the building. That condition relates specifically to that permission and does not prevent applications for commercial uses from being made.
28. Concerns have been raised regarding the impact on neighbouring properties along with wildlife and nature impacts, however as this appeal is being dismissed it is not necessary to further consider these.
29. The suitability of the building for a commercial use has been raised due to its lack of windows and low ceiling height. Had the appeal been allowed on other grounds this would have been taken into consideration.
30. Support for the scheme includes the reutilisation of a commercial space that would not harm nearby residents and provide employment in the area. As explained above the scheme is contrary to policy and therefore harm has been identified.

Conclusion

31. The proposal would provide new business accommodation and in doing so it would accord with the general thrust of national and local policy to support economic growth. However, the remote location of the site and the nature of the local highway network is such that an office use in this location would be inappropriate. I have taken account of the appellant's arguments but have concluded that the scheme would conflict with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

H Faulkner

INSPECTOR