



Appeal Decision

Site visit made on 25 February 2014

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 March 2014

Appeal Ref: APP/W1145/A/13/2210204

The former Shop & Post Office, Buckland Brewer Stores, Buckland Brewer, Bideford, Devon, EX39 5LW

- 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 Mr Keith Horwell against the decision of Torridge District Council.
 - The application Ref 1/0589/2013/FUL, dated 26 June 2013, was refused by notice dated 11 September 2013.
 - The development proposed is the change of use of former post office & stores to residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the former post office & stores to residential dwelling at the former Shop & Post Office, Buckland Brewer Stores, Buckland Brewer, Bideford, Devon, EX39 5LW in accordance with the terms of the application Ref 1/0589/2013/FUL, dated 26 June 2013, subject to the conditions set out in the attached Schedule.

Preliminary matter

2. The appeal property is located within the heart of the village in that part designated as the Buckland Brewer Conservation Area (CA). The external changes proposed to facilitate the change of use are minor, and are acceptably designed. The intended operational aspects of the development would therefore preserve the character and appearance of the CA.

Main issue

3. Having regard to the foregoing, the main issue is the effect of the proposed development on the community, social and economic needs of Buckland Brewer.

Reasons

4. The second section of policy HSC22 of the Torridge District Local Plan (LP) is designed, in effect, to protect against the loss of local services, such as village shops/post offices, and that planning permission for the change of use of such facilities should only be granted where adequate alternative arrangements have been made. The thrust of this part of the policy is consistent with national objectives set out in paragraphs 28 & 70 of the *National Planning Policy Framework*.

5. The business experienced trading difficulties and closed in early 2009. The appellant attributes the closure to the loss of trade experienced following a decision at national level to close the post office element of the business. Although not a strict requirement of policy, efforts have been made to dispose of the business and adjoining house, without success, although I note the difference of opinion between the parties as to valuations. The house and business were marketed for a period of just over three years. However, in November 2011, the selling agents unilaterally terminated their contract because a buyer could not be found, and it was no longer financially viable for them to continue acting on the appellant's behalf. The marketing undertaken had drawn a blank, for reasons explained in the agents' previous letter of January 2010.
6. The history of the business, the failed marketing, the five year vacancy and the likely costs involved in re-establishing a business, in combination, raise serious doubts as to the viability of re-establishing a shop on a profitable basis in the village. As explained in the explanatory text, LP policy HSC22 cannot militate against business failure or service closure, as is the case here.
7. Moreover, the local community appears to have accepted, as a reality, that the former village shop is unlikely to re-open, and has opened its own shop. Run by volunteers following initial funding by local public bodies and the national lottery, it has traded for well over a year. I visited the community shop and saw that it was well laid out and stocked, and offered a range of goods/services designed to cater for the day-to-day needs of local residents. Whilst there is no guarantee that the community shop would continue to trade for the foreseeable future, there is no convincing evidence that suggests otherwise. As matters stand, I consider it reasonable to treat the community shop as an alternative adequate arrangement in the terms of LP policy HSC22.
8. The Council considers that the development would be contrary to the provisions of LP policy DVT2, one of the local policies that set out the Council's settlement strategy. The policy is aimed specifically to development at rural settlements. Buckland Brewer is categorised as a village falling within Schedule B, wherein new development, including housing development, is limited to that which seeks to address local social or economic needs.
9. No compelling argument has been presented suggesting that the proposed conversion would address a proven social or economic need in the village. However, in what appear to be broadly similar circumstances¹, the Council has previously applied the requirements of the policy with a degree of flexibility.
10. The appeal property is sited prominently in the heart of a designated heritage asset and already displays some symptoms of dilapidation. In my view, the wider interests of the village would be best served if the property were to be acceptably modified and renovated than if it were to remain empty and neglected, particularly since the prospects for its re-use for its previous purpose appear remote. Since the character and appearance of the CA would thus be enhanced I consider that the commendable degree of flexibility shown previously by the Council in its application of LP policy DVT2 is worth repeating here, especially since the first criterion of the policy is clearly satisfied.

¹ *Planning permission Ref 1/1063/2012/FUL, dated 16 January 2013*

11. I conclude that the proposed development would not unacceptably affect the community, social and economic needs of the village, and that there is no material conflict with LP policy HSC22, since an alternative adequate arrangement for a local shop exists. Whereas the proposal complies with the first criterion of LP policy DVT2, I consider that a departure from the strict application of the other applicable criteria is warranted, given the degree of enhancement to the CA that would arise from the improvement to the physical fabric of the village. This is an important material consideration to which I attach considerable weight.

Conditions

12. So as to protect the visual amenity of the CA, the exceptional circumstances exist to withdraw certain permitted rights, as suggested by the Council.
13. A revised plan was submitted to overcome an initial highway objection, and I share the Council's view that the proposals shown therein should be provided prior to the occupation of the dwelling hereby permitted in the interests of highway safety.
14. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans.

Other matters

15. I note that not a single resident of the village objected to the proposal, and whereas the Parish Council expressed disappointment at the loss of a commercial amenity, it confirmed that it did not wish to raise an objection. A district councillor considered that there was still a demand for the shop but produced no compelling evidence to support this contention.
16. Since my site visit the new *Planning Practice Guidance* has come into force, but having regard to the facts of this case and the main issues identified, it has no material bearing on my conclusions.
17. All other matters raised in the representations have been taken into account including the reference to a previous appeal decision wherein planning permission was granted for a dwelling in another Schedule B village². Very little weight has been attributed to this decision since I am not been made fully aware of the facts and circumstances. This appeal, accordingly, has been dealt with, as required, strictly on its merits. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

² Ref APP/W1145/A/10/2140073

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking and re-enacting that Order with or without modification, no windows or rooflights, other than those expressly authorized by this permission, shall be inserted in any wall or the roof; no alterations or extensions shall be carried out to the dwelling, hereby permitted, including its roof, and no structures or outbuildings shall be erected in the garden.
3. The dwelling hereby permitted shall not be occupied until the car parking space and visibility splay shown on approved Drawing No 0484-06 Rev a have been provided. Thereafter the parking space shall only be used for the parking of cars and the area within the visibility splay shall be kept free of any obstruction above the height of 600mm.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 0484-01; 02; 03; 04; 05 & 06 Rev a.

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