

Appeal Decision

Site visit made on 17 March 2014

by Roger Dean BSc DipTP MRTPI

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

Decision date: 15 April 2014

Appeal Ref: APP/Y1138/A/13/2208641

Devon Valley Mill, Station Road, Hele, Exeter EX5 4PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Taylor against the decision of Mid Devon District Council.
 - The application Ref 12/01741/OUT, dated 30/11/2012, was refused by notice dated 20 September 2013.
 - The development proposed is to demolish a former office building and replace with three new houses.
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Preliminary Matters

1. The application was made in outline with approval of layout, scale and access sought at this stage. Appearance and landscaping were reserved for subsequent approval.
2. During the course of the application, amended proposals of the access to the site and associated arrangements were submitted as shown on drawings numbered J 295/03 rev C - 4 June 2013, J 295/04 rev B, J 295/05 rev B and J 295/09. I deal with the appeal on this basis.

Decision

3. The appeal is dismissed.

Main Issues

4. There are two, the first being whether the proposed dwellings would be in a sustainable location for new residential development. The second is whether the demolition of the present buildings is justified having regard to relevant local and national planning policies.

Reasons

Location

5. The site is at the edge of the Devon Valley Mill complex, where the large main paper mill building is dominant in the local landscape. It lies adjacent to the classified road junction in Hele, a hamlet which does not have an envelope wherein development may be allowed under local planning policies. Consequently, under Policy COR18 of the adopted Mid Devon Core Strategy,
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the site is regarded as being in the countryside where development is strictly controlled. Even if occupation of the dwellings were restricted to persons working at the Mill, there is no evidence to suggest that accommodation at this location is an essential need for such employees to meet the requirements of Policy DM10 of the recently-adopted Mid Devon Local Plan Part 3 (Development Management Policies).

6. Also recently, however, the local planning authority granted Prior Approval¹ for the change of use of the present building at the site from offices to 3 dwellings. If this conversion were to be viable, the availability of such a fall-back option constitutes a compelling factor in this case. Taking account also of the closeness of village services at Bradninch and the frequency of bus services stopping outside the site, these are material planning considerations which outweigh any objection on the grounds of an unsustainable location for this amount of new housing development. They also indicate to me that the appeal should be determined otherwise than in accordance with CS Policy COR18.

Demolition of the present building

7. An historic building evaluation carried out at the time of the application indicates that the present building originated as a house in the early C19. With office use in the latter part of the C20, wholesale changes were made internally and there have also been external alterations as well as extensions to the original structure. However, these mainly affect the rear of the building and its public face onto Station Road still exhibits a traditional cottage form with some attractive period features. Complemented by buildings of a similar vernacular style on the other side of the road, the appeal property makes a valuable contribution in its focal position to the character of this small settlement.
8. Recognising also that the building has historic associations with the mill complex, the local planning authority has identified it as a heritage asset of value with the suggestion that it should be added to the local list of buildings of architectural or historic interest.
9. I acknowledge that the building is in a dilapidated condition and requires considerable renovation. However, notwithstanding the view expressed in the initial grounds of appeal about viability for either future office or residential use, the appellant's statement suggests that a residential conversion would be viable albeit that a scheme for 3 dwellings under prior approval is regarded as less attractive than the appeal proposal for new buildings.
10. In this regard, I appreciate that in comparison with the prior approval scheme, the appeal proposal would provide dwellings with off-street parking as well as improved private amenity areas. A better dwelling outlook would also be obtained than that which would be available at the building's rear under a converted scheme. I have also noted that the new dwellings would have raised floor levels to be flood resilient although the converted scheme would also incorporate flood defence measures which have satisfied the requirements of the Environment Agency.

¹ Under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended. LPA decision reference 13/01178/PNCOU dated 14 October 2013.

11. Nonetheless, bearing in mind the requirement to consider opportunities for the enhancement of heritage assets under Policy DM27 in the adopted LP Part 3, I am not aware that all possible alternatives have been investigated to retain the present building. It may be that there is little demand for other office use in this location, especially with the need for refurbishment, but potential sale or letting has not been the subject of market testing. Moreover, for a residential refurbishment scheme, it does not appear that investigations have been undertaken to retain the more important part of the building facing Station Road and replacing or possibly removing the altered parts at the rear. Without such a wider evaluation of alternatives with the broad costs involved, it does not appear to me that investigations into the retention of the present building, and particularly its more important part, have been fully exhausted.
12. Under the National Planning Policy Framework, I am required to make a balanced judgement in this case having regard to the scale of harm or loss to the non-designated heritage asset and its significance. In this instance, the loss would obviously be total and I have come to the view that the existing building has sufficient significance in its local context such that its removal would not be justified, in the light of the information presented to date, to satisfy LP Policy DM27.
13. I have noted those other appeal decisions brought to my attention where development has been permitted involving the loss of non-designated heritage assets. However, each case is different and has to be considered on its individual merits, as I have done.
14. My conclusion under the first main issue does not outweigh that which I have made under the second. The content of the Planning Practice Guidance issued by the Government in March 2014 has been considered but in the light of the facts of this case, it does not alter my findings.

Other matters

15. Subsequent to the submission of the appeal, the company represented by the appellant entered into two planning obligations by way of unilateral undertakings. The first would make a contribution towards public open space/play area provision in the area arising from the proposed development and the second a contribution towards mitigating the effects of traffic generated by the scheme on local air quality.
16. Having considered the evidence presented by the Council, I am satisfied that both obligations meet the three statutory tests set out in Regulation 122(2) of The Community Infrastructure Levy Regulations 2010. In particular, whilst the air quality obligation appears to have been entered into reluctantly, I note that Policy AQ4 of the Council's 2008 Air Quality and Development Supplementary Planning Document establishes that the requirement relates not just to Cullompton but to other settlements around it, as identified in CS Policy COR17 which includes Bradninch. Given the proximity of the site to this village, I am satisfied that a contribution would be necessary to make the development acceptable in planning terms and would be directly related to it.
17. The obligations therefore form material planning considerations in this case but neither overcomes the harm I have identified under the second main issue.

18. I have taken account all other matters arising in this case, including representations raised by interested persons and Bradninch Town Council. Some of these have been addressed by the amended proposals and in other respects, I agree with the findings made in the Council officer's report that they do not amount to any further significant concerns. Nothing else that I have read in this case adds to or outweighs the conclusions I have made and the appeal must fail accordingly.

R G Dean

INSPECTOR

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