



Appeal Decision

Site visit made on 21 September 2023

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 December 2023

Appeal Ref: APP/X1118/W/23/3315986

Land and buildings to the South Side of 13 Hermitage Road, Ilfracombe EX34 8BU

- 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 RICCH Devon Ltd against the decision of North Devon District Council.
 - The application Ref 76274, dated 20 November 2022, was refused by notice dated 19 January 2023.
 - The development proposed is proposed change of use from domestic garage to B2 small vehicle repair workshop.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the efficient operation of the highway and highway safety.

Reasons

3. The appeal site comprises an existing garage located on the junction of Wilder Road and Brookfield Place. Wilder Road is a busy two-lane road with a 30 MPH speed limit. The area is primarily residential although there are some commercial uses nearby. There are double yellow lines adjacent to the site and further double and single yellow lines elsewhere on Wilder Road.
4. The proposed change of use to a vehicle repair workshop would involve vehicles accessing the building via the opening onto Wilder Road. Due to the dimensions of the building, it would be possible to house two cars within it whilst work was being carried out and an additional car outside of these times. There is no forecourt or sufficient additional land outside of the building to accommodate any further vehicles within the appeal site.
5. The appellant intends to only work on two vehicles at a time and to collect these from customers' homes. As such they contend that the parking provision would be sufficient. However, future owners or operators of the business may operate differently than the appellant intends to, which could result in more cars attempting to access the site.
6. Even if operating as described, and even though it is not intended to erect advertisements at the site, it is very likely that there would be times when customers arrive at the premises without an appointment. Additionally, there may be occasions when cars remain at the premises longer than intended or it

- would be necessary to move vehicles out of the building while they await collection or delivery.
7. Consequently, it would be very likely that there would, at times, be cars in the vicinity, associated with the business which could not be accommodated within the site. These vehicles would be likely to be parked on the surrounding road network. The appellant also explains that he intends to park in a nearby side street whilst he opens the garage doors when bringing a car to the site, before moving it into the building.
 8. However, the streets leading off Wilder Road in the vicinity of the site are generally quite narrow with limited parking opportunities. Therefore, there is a high likelihood that the proposal would result in vehicles parking on Wilder Road.
 9. Similar issues would occur when deliveries are made to the site due to the lack of an unloading area. In the interests of convenience, delivery vehicles are unlikely to park away from the building and are more likely to stop short-term on Wilder Road, even if a 'no parking' sign were displayed, as suggested by the appellant.
 10. Cars and delivery vehicles parking on Wilder Road would therefore interfere with the free flow of traffic on this road as drivers wait to pass parked vehicles. Furthermore, this would result in a risk to highway safety as drivers seek to navigate around parked vehicles on this busy road and would be to the detriment of the efficient operation of the highway. I have no professional highways evidence or surveys before me to demonstrate otherwise.
 11. The appellant explains that additional parking is available nearby at his property, his father's property and at nearby public car parks if required. However, given that the proposed use is a vehicle repair shop, it is unrealistic to expect that customers would park in locations away from the site. Furthermore, the parking spaces at private residences nearby may not remain available in the long term. The appellant intends for any deliveries to be made to an alternative address nearby and collected from there. However, this could not reasonably be controlled.
 12. I acknowledge that the appellant has made a number of suggestions of ways of working which seek to mitigate the impact of the proposal, including operating in accordance with a management plan. However, these are not measures which could reasonably be controlled by condition as it would not be possible for the Council to monitor compliance. Therefore, such conditions would not be enforceable and would therefore fail to meet the relevant tests set out in paragraph 55 of the National Planning Policy Framework.
 13. I have considered whether it would be appropriate to use a condition to grant a personal permission however, the harmful effects of the proposal on highway safety would occur regardless of the operator. I have also considered whether it would be appropriate to allow the appeal subject to a temporary condition, however given the harm that I have identified to highway safety, this is not a circumstance where I consider it appropriate to grant permission on a temporary basis.
 14. The appellant advises that previously the garage was used as a bus depot and domestic vehicle storage. However, such uses would not attract visiting

customers and deliveries in the same way a vehicle repair workshop would. In any event I have considered the proposal on its own merits, having regard to current circumstances.

15. For the reasons outlined above, the proposal would have a harmful effect on the efficient operation of the highway and highway safety and would therefore conflict with Policies DM05 and DM06 of the North Devon and Torridge Local Plan 2011 – 2031 (Adopted October 2018). Together, these policies seek to ensure that developments provide adequate access and parking of an appropriate range and scale having regard to, amongst other things, the specific type of development.

Other Matters

16. I understand the desire of the appellant to start his own business and acknowledge that the proposal has received some support locally. I have no reason to doubt that the proposed vehicular workshop would provide a good quality service to the town. However, the benefits of the scheme are largely private ones. I can therefore attach only limited weight to such matters.
17. The Council found the proposal to be acceptable with regards to the effect of the development on heritage matters and the living conditions of neighbouring properties. I see no reason to disagree. Nevertheless, the absence of harm in relation to these matters is a neutral factor in the appeal.
18. The appeal site is within the Zone of Influence of the Exmoor Heaths Special Area of Conservation. However, there is no need for me to undertake a Habitats Regulations Assessment because I am dismissing the scheme for other reasons.

Conclusion

19. The proposal does not accord with the development plan when read as a whole and there are no other considerations of sufficient weight that indicate that I should take a decision other than in accordance with this. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR