

**REPORT TO: PLANNING COMMITTEE**  
**Date of Meeting: 29 September 2014**  
**Report of: Assistant Director City Development**  
**Title: Appeals Report**

**Is this a Key Decision?**

No

**Is this an Executive or Council Function?**

No

**1. What is the report about?**

The report provides Members with information on the latest appeal decisions received and a record of new appeals submitted to the Planning Inspectorate.

**2. Recommendation:**

**Members are asked to note the report.**

**3. Summary of decisions received**

The following provides a summary of one decision that has been received since the last report. A copy of the decision letter is available online through searching the planning application reference number on the Council website.

**3.1 Berkeley House, Dix's Field, Exeter**  
**Application Reference: 14/0624/03**

The application sought change of use of part of the second floor from B1 Office Use to a yoga studio with ancillary office (D2) (personal consent) only.

The main issue was whether the appeal proposal would lead to the unsatisfactory loss of employment space within an established employment area. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with provisions of the development plan unless material considerations dictate otherwise. The development plan comprises the Exeter Local Development Framework Core Strategy and the Exeter Local Plan First Review 1995-2011. Policies CP2 of the former and E3 of the latter, seek to prevent the loss of employment premises. These provide a narrow definition of employment but are qualified to the extent that they do apply some flexibility where the loss would not harm business or employment opportunities in the area. The Council had disputed the number of employment opportunities predicted to result from the yoga studio and expressed concern that the premises had only been empty since October 2013 and no evidence of marketing had been provided. Berkeley House is an office building in a commercial area on the edge of the city centre, the ground floor is entirely occupied by an estate agents. The appellant is paying full rates on the vacant properties without income and has considered the option of converting two offices to residential use as 'permitted development'. To prevent the permanent loss of employment, the applicant had suggested a temporary permission for three years but this had not been taken up by the Council. The Council did not consider that links and relationships with other businesses would be created. However, the Inspector felt that there was no apparent reason why the proposed use would not in itself create links and relationships, provide an additional facility for the employees of other businesses in the area; as well as providing the opportunity for visitors to the City to enjoy linked trips to a facility in a

sustainable central location where access to public transport is excellent.

The Inspector allowed the appeal imposing conditions, one limiting the use to a three year period and one specifying the approved drawings for the avoidance of doubt.

The Inspector also approved an application for costs, which are yet to be submitted. In coming to his conclusion that the proposal was in accordance with the local development plan, he noted that the appellant was paying full rates on the vacant property and had submitted to the Council a separate Prior Notification application to convert the space to residential. The Inspector took the view that this conversion was a genuine fallback position and would, in the long term, result in the permanent loss of this employment space in the city centre. He concluded that the Council had given insufficient weight to the offer of a temporary consent, which would help to retain the space in some form of commercial use and allow the premises to return to office space in the future.

#### **4. New Appeals**

- 4.1 One new appeal has been received since the last report. It relates to 16b Monmouth Street, Topsham where permission was sought for a two storey rear extension.