



Appeal Decision

Site visit made on 14 October 2019

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/U1105/W/19/3234491

Broadview, Court Place Farm, Wilmington EX14 9LA

- 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 Lynda Cole against the decision of East Devon District Council.
 - The application Ref 19/0244/FUL, dated 5 February 2019, was refused by notice dated 1 July 2019.
 - The development proposed is the demolition of existing dwelling and construction of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area, having particular regard to the location of the site within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and,
 - the setting of Court Place Cottage, a Grade II listed building.

Reasons

Character and appearance

3. The National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection. This is reflected in Strategy 46 of the East Devon Local Plan (2013 to 2031) (adopted January 2016) (the Local Plan) which states that development will only be permitted, amongst other criteria, where it conserves and enhances the landscape character of the area and does not undermine landscape quality.
4. In this case, the wider locality consists of a gently rolling pastoral landscape, with belts of woodland, mature trees, field systems bounded by hedges, and buildings and groups of buildings often nestled in amongst trees and other landscape features within the landscape.
5. Court Place Farm is located in open countryside typical of the area. It consists of a series of agricultural buildings and a dwelling which are all sited on the lower side of the access drive. On the other side of the drive, in a more elevated location from the adjoining group, is Broadview. This single storey

dwelling is modest in size and somewhat functional in appearance. The dwelling is prominent in views from parts of the adjoining bridleway, which passes along the access drive, because of the dwelling's position, elevation and the limited landscaping around and within the curtilage. It can also be seen from areas near the entrance drive with the road. In the wider landscape, Broadview appears less prominent because it is seen in the broader context of the farm group and the woodland further up the slope.

6. The design of the replacement dwelling was amended during the application process and the intention is for the general form to read as farm buildings and thereby it is said that this would help to assimilate the replacement dwelling within the wider group of buildings in this location. I note that the policies of the development plan, the Framework and the AONB Management Plan would not preclude a more contemporary approach to a replacement dwelling. Also, the external elevations would be clad from a palette of materials similar to other buildings in the wider area.
7. However, the replacement dwelling would be larger than the present dwelling and, although cut and lowered into the slope, the extent of built form and related bulk stretching back into the site would be particularly evident when traveling along the drive from the north. The shallow curve of the main roof, the mix of projections that would be added around the central body of the building with a variety of roof shapes and slopes, and the arrangement of windows and doors, would not, to my mind, form a coherent design or a sympathetic building that would satisfactorily harmonise with the rural character of the location. As a consequence, the resulting building would not integrate successfully into the rural setting, and it would appear conspicuous and out of place when viewed from parts of the access drive and in areas around the entrance from the road.
8. I accept that in the limited wider views of the site that are available, the building would be harder to identify because of distance and screening. Nevertheless, this does not justify a scheme which would cause the localised harm outlined above. I also note that a replacement dwelling has been approved, although I have limited details of that scheme, and while this establishes the principle of a replacement, I have considered this proposal based on its merits and on the detailed design before me.
9. For the above reasons, I conclude that the development would harm the character and appearance of the area and, accordingly, the proposal would not conserve or enhance the landscape and scenic beauty of the AONB as required by the Framework. This is a matter to which I attribute great weight. Accordingly, the proposal would conflict with Strategies 7 and 46, Policies D1 and H6 of the Local Plan, Policies NE1 and BHE3 of the Stockland Neighbourhood Plan 2014-2031 (the Neighbourhood Plan) and the Framework which seek, amongst other things, to ensure that the scale, massing, height, fenestration and materials of buildings relate well to their context.

Setting of the listed building

10. Court Place Cottage is a Grade II listed building located within the northern section of the farm group. It is a reasonably modest building that has been altered since the listing description, including the change in the roof material from thatch to tile. I am aware of the application to replace the window frames and a door and that the owner is said to be commencing the process to have

the building de-listed because of the changes and additions that have taken place. While that may be the case, the building is presently listed and I am mindful of the duty to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess.

11. The significance of Court Place Cottage is derived from its age, traditional form and the use of vernacular materials of construction. The Framework explains that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. In the case of Court Place Cottage, the building is experienced when approaching it along the drive and in the immediate drive area adjoining the building. These areas form part of the setting to the listed building.
12. When approaching along the drive, Broadview is seen in the same view and general context as Court Place Cottage. The bungalow is set on an elevated part of the land and appears to be visually quite dominant when approaching the listed building. Given the rather functional appearance of Broadview and its higher position, it detracts to a moderate extent from the setting of the listed building. The bungalow, however, has less influence on the setting of the listed building when viewed from the adjoining position in the drive because of the partial screening from the tree and hedging, and Broadview's size and position.
13. In the view when approaching along the drive, the replacement building, as the side elevation would present a greater bulk of building, would appear as a more dominant building than the bungalow. Its form and appearance, which would detract from the character and appearance of the area, would therefore exert a greater influence on the setting of the reasonably modest sized listed building. As a consequence, the replacement dwelling, would adversely affect how the listed building would be experienced and thereby harm the significance of the building as a heritage asset.
14. In closer views, the replacement building would be on the other side of the drive, partially screened by the tree and hedging, and therefore exert less influence on the setting of the listed building. Some of the bulk of the replacement building would still be perceptible from this area near the listed building. From this adjoining area within the drive, the replacement building would still appear to be more dominant and compete with the listed building to a greater extent than Broadview. It would therefore detract, albeit to a minor extent from this location, from the way in which the heritage asset would be experienced.
15. In this case, the development proposal would lead to less than substantial harm to the significance of the heritage asset and, in accordance with paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal.
16. The benefits of the replacement dwelling would largely be private and any public benefits with the provision of a new dwelling, including meeting modern standards of construction and energy efficiency, would be minor. In any case, a replacement dwelling has already been permitted which, in all likelihood, would deliver similar benefits. Therefore, any public benefits from the proposal are of no more than of limited weight.

17. As a consequence, the public benefits would not outweigh the harm I have identified. This results in a conflict with paragraph 194 of the Framework because the harm to the heritage asset does not have a clear and convincing justification and the Framework requires great weight to be given to the conservation of designated heritage assets.
18. I have regard to the case at Dunscombe Barn¹ which has been drawn to my attention. There are some similarities in terms of the proposal being a replacement of a dwelling of little architectural merit with a more contemporary design in a rural setting adjoining a listed building. However, I note that there was limited intervisibility between the buildings in the Dunscombe Barn case because of well-established trees and vegetation and this is one factor that differs from the present case. I have considered the present proposal on its merits and as the setting of a listed building will need to be judged in the circumstances of each case, I attribute the appeal at Dunscombe Barn limited weight.
19. In the light of the above analysis, I conclude that the proposal would harm the setting of the listed building and thereby adversely affect the ability to appreciate its significance. This harm would not be outweighed by the benefits of the scheme. It therefore follows that the proposal would conflict with Policy EN8 of the Local Plan, Policy BHE1 of the Neighbourhood Plan and the Framework which seeks, amongst other things, to give great weight to the conservation of heritage assets.

Other Matters

20. The information indicates that the site could be promoted as a self-build site and therefore may meet a need for people who wish to build their own homes, which would be supported by the Framework. However, I attribute this matter limited weight as this is a replacement dwelling and an alternative replacement dwelling has already been permitted. This matter would not outweigh the harm I have identified above.

Conclusion

21. Having regard to the above, and taking all other matters into account, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR

¹ Appeal Ref: APP/U1105/W/19/3225267 - Dunscombe Barn, Lane Past Dunscombe Manor Farm, Salcombe Regis EX10 0PN