
Appeal Decision

Site visit made on 30 November 2020

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 04 December 2020

Appeal Ref: APP/Q1153/W/20/3256733

Land behind The Red Lion Inn, High Street, Exbourne EX20 3RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr P O'Connor against the decision of West Devon Borough Council.
 - The application Ref 1673/20/PIP, dated 9 June 2020, was refused by notice dated 10 July 2020.
 - The development proposed is erection of 6 affordable starter homes (2 and 3 bedroom) with on site parking and pub garden area as shown on layout plan Exe/1 attached.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle stage') establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. A schematic plan showing how the development could be laid out is before me. However, as this appeal does not relate to technical details, I have taken the submitted plan to be illustrative only.

Main Issues

5. Whether the site is suitable for residential development, having regard to its location, land use and amount of development, with particular regard to:
 - a) the effect on the character and appearance of the Exbourne Conservation Area and the setting of the grade II listed building, known as Town living;
 - b) the effect on Grade 2 agricultural land.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

Character and appearance

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant permission in principle for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. The appeal site is part of an orchard between Town Living and the Red Lion Inn. A small part of the site fronts Blenheim Lane where it extends towards the road alongside some modest garage buildings. The site also extends to the yard area at the front of the Red Lion Inn, facing High Street. It is within the Exbourne Conservation Area (CA).
8. The CA has a loose built form, with pockets of cottages and larger houses often tightly grouped around road junctions, and a sporadic arrangement of detached buildings and farmsteads fronting the village's narrow roads and separated by undeveloped fields. This rich and unplanned arrangement of historic buildings, interspersed by open paddocks and a close relationship with the surrounding countryside, give the CA its significance.
9. Town Living is a grade II listed farmhouse and barn to the northeast of the site, separated from the site by the remaining area of orchard. It has a vernacular appearance derived from its informal arrangement of openings set within gently undulating cob walls underneath a thatched roof. Along with the attached historic barn it forms a long building that is nestled into the landscape, which rises to the southwest towards the appeal site. Its significance is derived from its vernacular appearance, including its historic agricultural buildings that are indicative of the way it was used in the past, as well as its intimate relationship with undeveloped land to the east, south and west which would have served as farmland.
10. The appeal site is part of an important undeveloped area of farmland that surrounds Town Living and connects the surrounding countryside with the developed area of the settlement. The developed edge of the settlement to the west and southwest of the site is strongly defined by a consistent, and in the most part historic, line of road fronting buildings, with rear curtilage boundaries that align. The proposal would introduce development beyond this line in a north easterly direction, in a backland position, away from High Street.
11. Furthermore, owing to the elevated height of the site in relation to Blenheim Lane, dwellings erected at the site would be prominent. Such prominent development, in a position that would be at odds with the overriding pattern of built form in the CA, would fail to preserve its character and appearance.
12. At its western end the way that the Town Living building nestles into the hillside is particularly characterful, and creates an intimate relationship between the building and the surrounding landscape. Remnant fruit trees indicate that this area was used historically as an orchard. I could see at my visit that only a small number of veteran trees remain, and that they are in

poor condition. However, these trees provide evidence of the historic use of the site, which is a typical use for a small field at the edge of a settlement, and enhances the visual and historic connection between the farmstead and its landscape.

13. I appreciate that the site area has been pulled back from that previously dismissed at appeal² to create more open space between the developed area and the farmstead. However, extending development in this direction, beyond the strongly defined line of development fronting High Street, into the orchard and towards the farmstead would still erode this well established historic setting. Furthermore, as the appeal site is much higher than the farmstead, and slopes down towards the buildings, development here would be dominant and become a significant intrusion into its well established and largely unaltered agricultural setting. I am not satisfied that its impact could be successfully mitigated by additional planting.
14. In terms of the National Planning Policy Framework (the Framework) the harm to the character of the CA and the setting of Town Living would be less than substantial. Paragraph 196 of the Framework establishes that any harm should be weighed against the public benefits of the proposal. The proposal would deliver 6 residential units which the appellant suggests would be affordable and deliverable. This is a clear public benefit that carries significant weight, particularly in the context of an identified local need for such accommodation and the close proximity of the site to a number of local facilities in Exbourne. Additionally, the proposal would respond positively to local aspirations to see new development of a small scale, with off street parking, planting and pedestrian connectivity. There would also be some small benefits arising from new residents who may make use of existing facilities in Exbourne.
15. The appellant also refers to the benefit to the existing pub, the Red Lion Inn. The proposal would provide parking for the pub and space for a pub garden. Whilst these may be of benefit to the future viability of this business and community facility, I have limited information before me to demonstrate that additional parking and the provision of a pub garden are essential to secure its future. Indeed, bringing a new access through the front of the pub site would result in the loss of existing parking and present a constraint on the business in the future. It would also restrict the ability of the pub to extend in the direction of the existing outbuildings, and the erection of new dwellings in close proximity to the pub could create future conflict, restricting the way that the business could operate. I therefore give limited weight to the benefit of the proposal to the existing pub.
16. Paragraph 184 of the Framework states that heritage assets are an irreplaceable resource and paragraph 193 of the Framework establishes that great weight should be given to the conservation of heritage assets. As set out above the proposal would cause harm to the character of the CA and setting of Town Living. The impact on both would be considerable. The proposal would result in a significant and permanent change to the CA and to the setting of the adjacent listed building. In this context I find that the public benefits of the proposal would not be sufficient to outweigh the degree of harm identified.
17. In summary, the proposed location and land use would harm the character and appearance of the CA and the setting of the listed building. This would be

² APP/Q1153/W/19/3240175

contrary to Policies SPT2, DEV10, DEV20 and DEV21 of the Plymouth & South West Devon Joint Local Plan 2014 – 2034 (JLP), which seek to ensure that development proposals for housing are designed to a high quality, integrated with adjacent development, have a proper regard to the pattern of local development and conserve the historic environment. The proposal would also be contrary to Policy TTV27 of the JLP as development that meets local housing needs in rural areas must also meet the requirement of all other relevant policies of the JLP.

Agricultural land

18. The appeal site is located on grade 2 agricultural land. Policy TTV26 of the JLP states that development proposals in the countryside should avoid the use of best and most versatile agricultural land. The Framework glossary clarifies that this includes grade 2 land. The proposal would see the land use changed, which would result in the loss of an area of best and most versatile agricultural land.
19. Although the parties disagree over when the orchard area was last put to an agricultural use, it is clear that it is not currently used for agriculture. The orchard area is small and close to existing dwellings, which would limit its use to some degree. Furthermore, much of the land around the edge of Exbourne has this classification, and it is therefore likely that some grade 2 land might be required to accommodate future development, although there is limited information before me in this respect. However, although the proposal would deliver new housing, it would cause considerable harm to the character and appearance of the conservation area and setting of the listed building. As such I am not satisfied that the loss of best and most versatile agricultural land is justified in this instance.
20. In summary, the proposed location and land use would result in the loss of an area of grade 2 agricultural land, which would be contrary to Policy TTV26 of the JLP, which amongst other things seeks to avoid such losses.

Other Matters

21. There are references to the effect of the proposal on the setting of the grade II* Church of St Mary, which is to the north of the site. Intervening development between the appeal site and the Churchyard means that the site is not easily viewed from the environs of the Church. I am satisfied that its undeveloped state is not a significant component of the setting of this highly graded building, and there is no evidence before me to suggest that it contributes to its significance. Thus, the location, land use or amount of development proposed would not harm the setting of this listed building.
22. Nos. 1 and 2 High Street are grade II listed buildings close to the site to the southwest. The curtilage of these buildings adjoins the appeal site. However, the appeal site does not appear to be a significant component to the setting of these buildings, and in any case the rear elevation of these buildings which faces towards the appeal site is dominated by a large two storey flat roofed extension, which is likely to have no historic significance. Similarly, the location, land use or amount of development proposed would not harm the setting of this listed building.

Conclusion

23. For the reasons above, the appeal should be dismissed.

Andrew Tucker

INSPECTOR