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## Appeal Decision

Site visit made on 23 November 2020

**by Mrs H Nicholls FdA MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 December 2020**

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**Appeal Ref: APP/P1133/W/20/3256849**

**Rosemary Cottage, Gabwell Hill, Stokeinteignhead TQ12 4QP**

- 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 Mr Neil Kirwin against the decision of Teignbridge District Council.
  - The application Ref 20/00688/FUL, dated 30 April 2020, was refused by notice dated 18 June 2020.
  - The development proposed is retrospective permission for the construction and conversion of an agricultural outbuilding into a Garden Room.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. During my site visit, I observed that the garden room had been completed and furnished. It also appeared to have signage to direct individuals presumably unfamiliar with the site. The covered BBQ area was also in situ.

### Main Issues

3. The main issues are:
  - the effects of the development on the character and appearance of the site, surrounding Area of Great Landscape Value (AGLV) and the setting of the grade II listed building, Rosemary Cottage; and
  - whether the location and use of the development complies with local policies that seek to reduce the need to travel and protect the character of the countryside.

### Reasons

#### *Character and appearance and setting of listed building*

4. Under Section 66(1) of the Listed Building and Conservation Areas Act (1990), I have a duty to have special regard to the desirability of preserving the listed building, or its setting, or any features of special architectural or historic interest which it possesses.
5. The listed building, Rosemary Cottage, is a C17 – early C18 small, two storey, traditional cob and rubble stone-walled cottage with attractive hipped thatched roof, eyebrowed over the first floor windows. Its significance derives from its age, traditional form, proportions and attractive features, including the composition of the principal elevation and construction materials.

6. Rosemary Cottage and its adjoining annexe currently have an elevated and largely open frontage onto Gabwell Hill and the nature of the boundary treatment and landscaping is highly manicured. Despite that it is close to the road and close to nearby dwellings, the streetscene and wider area is best described as semi-rural, given the agricultural surroundings and character of many of the dwellings themselves. As is commonplace along Gabwell Hill, the rear boundary to Rosemary Cottage is adjoined by agricultural land. The generally open, manicured quality to its frontage carries around to the rear of the dwelling with a lawned garden, contained by a low hit-and-miss timber fence defining the boundary between the garden and field.
7. The appeal building sits amongst a cluster of other largely timber buildings which are in a variety of uses, including one identified as a garage. It is positioned beyond the defined curtilage of the dwelling within the field and its principal elevation looks out onto the wider agricultural landscape. Three other structures exist beyond the appeal building, extending along the western boundary of the field, although the nature of their use is unclear.
8. The rural setting of Rosemary Cottage has already been eroded to an extent through the enlargement and opening up of the curtilage, and encroachment of a number of buildings in close proximity thereto. Whilst well-tended and pleasant, the setting and transition between house and adjoining agricultural land lacks a softness with a notable absence of hedging and trees. Due to this and despite some slight variations in topography, the listed building and appeal building have a direct visual relationship.
9. The appeal building has been enclosed to the front to provide a domestic elevation with contemporary window and door fittings. It has a hard landscaped area around it, timber fence enclosure and some domestic furniture, including a lighting column. The hard, sleek quality to the finished building and the manicured nature of its surroundings are visually jarring with their semi-rural context and in the visual setting of the traditional cottage. Collectively, the building and associated domestic furniture, including covered BBQ area, add to visual clutter and degree of urbanisation within the setting.
10. For the above reasons, the scheme fails to preserve the character and appearance of the site and its immediate surroundings. Though the building may have been agricultural prior to the recent changes, there is little remaining resemblance to one now. The extension of a domestic use into the agricultural field also visually alters the form and pattern of the settlement, resulting in an abrupt and irregular transition between it and the adjoining undeveloped land.
11. For the reasons above, the scheme is harmful to the setting of the listed building and is also harmful to the character and appearance of the site, surroundings and AGLV. It therefore conflicts with, in particular, Policies EN2A and ENV5 of the Teignbridge Local Plan (adopted 2014) (Local Plan).
12. The proposal would result in harm to the setting, and thus, the significance of the heritage asset which in terms of the National Planning Policy Framework (the Framework), would be considered 'less than substantial' (paragraph 196). This harm should be weighed against the public benefits of the proposal. The public benefits of the scheme would result from the enhanced enjoyment of the host dwelling and its surroundings, for both the current and future occupants. However, the weight attributable to such a minor benefit is limited.

### *Location of development*

13. The appeal proposal is to retain a domestic building proximate to an existing dwelling. It is not within a main settlement identified in Local Plan Policy S22 or within a village listed in Policy S21. The appeal site therefore lies within the open countryside for the purposes of assessment against the Local Plan. It is not, however, 'isolated' in the context of the Braintree case<sup>1</sup> and does not involve the creation of a new dwelling. For these reasons, the Framework's presumption against isolated homes is not applicable.
14. Local Plan Policy S22 seeks to strictly manage development in the open countryside and only permits a limited range of developments to protect the landscape, settlement hierarchy and rural economy. The range of permissible developments includes affordable housing, agricultural development and infrastructure schemes. One other supportable form of development is the alterations and extensions to existing dwellings (S22(e)).
15. Whilst the development is for a standalone building outside of the curtilage of the dwelling, the effect of the scheme would be to further extend the curtilage and for the building to be restricted by condition to an ancillary use. In this sense, it would be an alteration to the defined extent of garden associated with an existing dwelling and would not strictly conflict with the Policy in principle.
16. However, the Policy also sets out that in assessing proposals within the countryside, particular account will be given to the distinctive characteristics and qualities of the Landscape Character Area. As such, my findings above in relation to the impact on the main issues also bring the proposal into conflict with this particular Policy. The suggested condition to limit the use of the building to ancillary purposes, such a condition would not make acceptable a development which is otherwise unacceptable for the reasons as set out.

### **Other Matters**

17. Though the Council cites a lack of justification for an agricultural building, the proposal before me is for the retention of a garden room, covered BBQ area and associated change of use. The need for, or lawfulness of, an agricultural building is not a matter for this appeal. Similarly, whilst reference is made to the building, its original purpose and that it may have replaced a swimming pool, none of these factors alter that the scheme is for the retention of an altered building which results in a harmful additional degree of urbanisation and domesticity on the area and setting of the heritage asset. Harm to the significance of heritage assets is a matter that attracts great weight.

### **Conclusion**

18. The proposal conflicts with the Development Plan, read as a whole. Neither the public benefits nor matters raised by the appellant amount to considerations of sufficient materiality to outweigh the identified harm.
19. For the reasons set out, the appeal is dismissed.

*Hollie Nicholls*

INSPECTOR

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<sup>1</sup> Braintree DC v SSCLG, Greyread Ltd & Granville Devs Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610