

Appeal Decision

Site visit made on 19 May 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2021

Appeal Ref: APP/P1133/W/21/3267199

2 Brook Cottages, Road From Cross Cottages To Yarner House, Netherton TQ12 4RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs L Joint against Teignbridge District Council.
 - The application Ref 20/01158/FUL, is dated 9 July 2020.
 - The development proposed is conversion and extension of redundant agricultural buildings, removal of mobile home and new vehicular access.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Application for Costs

2. An application for costs was made by Mr and Mrs L Joint against Teignbridge District Council. This application is the subject of a separate decision.

Procedural Matters

3. The Grade II listed building Brookside Cottages is variously referred to in the evidence as the two properties it contains, 1 and 2 Brook Cottages. In the interest of certainty, I have referred to the listed building in my reasoning as it is entered on the National Heritage List for England.
4. The Council failed to give notice of its decision within the prescribed period. An assessment of the proposal's merits is now included within the Council's appeal evidence. I have used this evidence to formulate the main issue of this appeal.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of the Grade II listed Brookside Cottages.

Reasons

6. The appeal site comprises the most part of a blockwork building, a mobile home and mown grassland to the east of a rural lane which runs through this part of the hamlet of Netherton. Directly to the north the site is separated from Brookside Cottages by the rest of the building and an adjacent parking area through which the appeal site is accessed from an opening off the lane.
7. The significance of Brookside Cottages derives mainly from the high quality of its external appearance, which is complemented by its attractive rural setting,

where it nestles into a backdrop of trees, aside a small brook from which I assume it takes its name. The listed building is enjoyed from Cross Hill and also the adjacent lane, which is itself an attractive component of the building's rural setting, with its narrow carriageway enclosed by verdant hedgerows as it curves gently towards Brookside Cottages from the south.

8. The quality of this setting is diminished a little by the parking area and the part of the building to the north of the appeal site. This part of the building has a conspicuous gable end painted in an alien red, and the parking area is large, coarsely finished and accessed through a prominent gap in the lane's boundary hedge. By contrast, the remainder of the building within the appeal site is muted, low profile and largely hidden, and, together with the mobile home, has nothing more than an innocuous role within the setting of Brookside Cottages.
9. The new dwelling would be for the most part similarly low key in its design and siting. However, a new access would be created which would erode the verdant, narrow and enclosed character of the lane. It would also likely open up further views of the parking area and the part of the building north of the site, in addition to the new dwelling, which would present a reasonably tall and strident unembellished wall very close to the lane on land elevated above it.
10. Moreover, the front door of the property, the domestic style windows, and the presence of parked cars and other likely domestic paraphernalia such as bins would present a residential appearance right at the site access despite the intended agricultural design of the conversion. These elements of the proposal would have an urbanising and quite domineering influence deleterious to the rural character of the lane in my opinion.
11. For these reasons, the scheme would lead to less than substantial harm to the setting of Brookside Cottages. The National Planning Policy Framework (the Framework) states that great weight should be attributed to a heritage asset's conservation and any harm falls to be weighed in the balance with the public benefits of the development. As heritage assets are irreplaceable, any harm requires clear and convincing justification.
12. The scheme would reuse an existing structure within a settlement with adequate access to services to provide an adaptable, family sized home. The green roof and the provision of a native species hedgerow and meadow are also of biodiversity value. However, given the scale of the proposal, these amount to public benefits of modest weight. They do not provide a clear and convincing justification for the less than substantial harm to the setting of Brookside Cottages, which attracts considerable weight and importance.
13. Accordingly, the proposal would have an unacceptable effect on the character and appearance of the area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of the Grade II listed Brookside Cottages. It would conflict with the heritage aims of Policy EN5 of the Teignbridge Local Plan 2013-2033 (adopted 2014) and the Framework.

Other Matters

14. The Council has raised concerns about the site's position within a designated area of Undeveloped Coast. However, the site is within the envelope of Netherton, its environs are quite densely sylvan in character, and therefore the undeveloped quality of the coast would not be adversely affected by the

proposal. Moreover, whilst the Council has also questioned the principle of the proposal in this location, and has referred to outstanding requirements for mitigation and enhancement for effects on the Netherton County Wildlife Site, these are matters that I have not had reason to address further.

15. I have been referred to Paragraph 79 of the Framework which seeks to avoid isolated homes in the countryside unless under certain circumstances, including where development would re-use redundant or disused buildings and enhance its immediate setting. However, I also accept the argument that has also been made, and endorsed by relevant case law¹, that the site is within a settlement and is not consequently isolated. As such, it is my opinion that Paragraph 79 does not apply. The scheme would not provide the necessary enhancement to the site's immediate setting even if Paragraph 79 was applicable in any case.

Conclusion

16. Drawing my findings together, the proposal would conflict with the development plan when read as a whole and there are no other considerations, including the Framework, which outweigh this conflict.
17. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610