
Appeal Decisions

Site visit made on 7 September 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal A: APP/U1105/W/21/3275834

Crabhayne Farm, Axmouth, Devon EX12 4BW

- 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 Chris and Natalie Shrubbs and Bucklar against the decision of East Devon District Council.
 - The application Ref 21/0031/FUL, dated 5 January 2021, was refused by notice dated 20 April 2021.
 - The development proposed is described as a single storey extension to the rear (south east) of existing dwelling to accommodate an indoor swimming pool.
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Appeal B: APP/U1105/Y/21/3275837

Crabhayne Farm, Axmouth, Devon EX12 4BW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Chris and Natalie Shrubbs and Bucklar against the decision of East Devon District Council.
 - The application Ref 21/0032/LBC, dated 5 January 2021, was refused by notice dated 20 April 2021.
 - The works proposed are described as a single storey extension to the rear (south east) of existing dwelling to accommodate an indoor swimming pool.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme but they address separate applications for planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, to avoid duplication I have dealt with the Appeals together, except where otherwise indicated.

Main Issue

4. The main issue is whether the scheme would preserve a Grade II listed building or any features of special architectural or historic interest which it possesses.

Reasons

5. Crabhayne Farm is a Grade II listed building. In this regard the Act sets out the desirability of preserving the special interest of listed buildings, whilst the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
6. Insofar as it is relevant to these appeals, the special interest and significance of the listed building resides in the C16th origin of its core, which underwent sideways extension during the C19th, its vernacular character, including construction in local stone, and its surviving historic detailing and fabric.
7. The building underwent substantial further extension and modifications during the late 1980s, involving a combination of unauthorised and later approved alterations. On account of the harm identified at the time, the appellant argues that the building now lacks the special interest necessary to justify its listing.
8. As the power to de-list a building is not transferred to Inspectors, resolution of this matter ultimately lies outside the scope of the appeals. I have however considered the reasons presented. In this regard the list description is brief, and, as is typical, extends little further than the front elevation. Insofar as a C16 rendered stone house is described, this remains clearly identifiable despite its extension to the rear. Noted features such as windows have, with only one exception, undergone unsympathetic alteration and replacement. Such features would however be capable of beneficial change in the course of future renewal. Major internal alterations also occurred, though contemporary comments from English Heritage appear to indicate that most of the fabric affected was not original or of great significance. The same comments make no suggestion that the building should be de-listed. The above being so, I find that despite the occurrence of unsympathetic change, there is no substantive justification for removal of the building from the list. Therefore, whilst it remains open for the appellant to separately pursue this matter with Historic England outside the appeal process, I have not considered it any further.
9. The scheme seeks to add a large single storey extension to the gable end of the 1980s wing to the rear of the historic core. The proposed extension would not therefore have any direct physical impact on historic fabric. It would nonetheless be attached to and form part of the building viewed and considered as a whole. In this regard the extensions added in the 1980s are constructed from materials matching those of the historic parts of the building to which they are attached, and employ similar pitched roof forms. Each therefore achieves a reasonable level of visual integration. The appeal scheme adopts a different design approach.
10. Indeed, the wide footprint and substantial floor area of the proposed extension, its boxy form, timber cladding, modern roof construction and pattern of openings would not respond to, integrate, or harmonise with that or those of the rest of the building in any way. The extent of difference would be such that the extension would appear wholly alien in context. Even considered alone, the 'contemporary' design would not hold any obvious merit. The proposed extension would as such appear acutely incongruous.
11. The harm caused would be accentuated by the significant size and projection of the proposed extension beyond the sides of the gable end to which it would be attached. This would in turn mean that it would be visible from the front of the

building. Consequently, the extension would intrude upon appreciation of the significance of both the front and rear elevations of the historic core.

12. In cumulative terms the extension would alter the balance between historic and modern, tipping it in favour of the latter. That said, the design, form and layout of the extension would be so distinctly lacking in integration that it would in any case relate very poorly to all parts of the existing building, both historic and modern.
13. The proposed extension would thus fail to preserve the special interest of the listed building, contrary to the expectations of the Act. The harm caused to the significance of the listed building would be less than substantial, and such harm attracts great weight. In accordance with paragraph 202 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.
14. The appellant has not identified any public benefits, and the extension would indeed solely serve the private benefit of the occupants of the dwelling. Insofar as its construction would generate building work, the benefits to the broader economy would be negligible. As such, the harm that would be caused by the proposed works would not be outweighed by public benefits. This indicates that the appeal should be dismissed.
15. For the reasons outlined above I conclude that the scheme would fail to preserve the special architectural and historic interest of the listed building. In relation to Appeal A, and insofar as it is relevant to Appeal B, the scheme would therefore conflict with Policy EN9 of the East Devon Local Plan 2013-2031, which generally reiterates heritage policy set out within the Framework, and with which the scheme would otherwise conflict. With regard to both Appeals the scheme would fail to satisfy the requirements of the Act.

Other Matters

16. The site is located within the East Devon Area of Outstanding Natural Beauty (the AONB), within which there is a duty to have regard to the purpose of conserving and enhancing the natural beauty. As the scheme would involve works with little exposure beyond their immediate setting, and none within the surrounding landscape, the natural beauty of the AONB would be conserved.

Conclusion

17. The scheme would cause unacceptable harm to a designated heritage asset, and, in relation to Appeal A, conflict arises with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR