



Appeal Decision

Site visit made on 19 April 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2022

Appeal Ref: APP/P1133/W/21/3284048

Chants Cottage, Heath Cross, Whitestone EX4 2HN

- 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 Leon Palmer and Mrs Jess Palmer-Christie against the decision of Teignbridge District Council.
 - The application Ref 21/00694/FUL, dated 22 March 2021, was refused by notice dated 14 September 2021.
 - The development proposed is use of land for glamping comprising six cabins, two utility buildings and pitching area for tents with associated access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit, the proposed access and parking area had been provided on site and therefore the development being applied for appears to have commenced.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the landscape; and
 - Whether the proposal would preserve the setting of Chants Cottage, which is a Grade II listed building.

Reasons

Character and Appearance

4. The Teignbridge District Landscape Character Assessment 2009 (amended 2010 and 2014) characterises the Exeter Culm Slopes as a steeply rolling elevated landform with panoramic views west to Dartmoor, describing much of the landscape as being high quality with an elevated, tranquil and largely unspoilt character. This is acknowledged in the appellant's Planning Statement which advises that the site benefits from impressive, open landscape views across to Dartmoor.
5. The appeal site and its environs exhibit the characteristics of the Exeter Culm Slopes character. The appeal site is also located in an Area of Great Landscape Value (AGLV).

6. Occupying a prominent ridgeline position, the site is located amongst attractive countryside with a strong agricultural identity and a dispersed settlement pattern of farmsteads. The landscape is still of a high quality and generally unspoilt despite the development of the site next door which has buildings of an agricultural scale. The provision of cabins, utility buildings, tents and parked vehicles on the appeal site, by virtue of their size, design and appearance would not be consistent with agricultural development in the area. They would appear as discordant features at odds with the landscape character of the area. This would erode the high quality and largely unspoilt character I have identified.
7. Views of the site from the north are limited by the established trees and planting along the boundary of the site with the road. In addition, much of the proposed development would be located largely on the land which slopes southwards from the road.
8. However, this southward facing slope is visible from distant locations including along Heath Lane. From here, the cabins, tents and parked vehicles on the appeal site would be highly visible. This visual clutter on a prominent hillside would moderately harm the visual amenity of the landscape and the way in which it is experienced.
9. The scheme has been designed to limit the amount of infrastructure required by proposing the parking area at the entrance, using existing pathways and building on stilts to avoid the need for intrusive ground works. The proposed materials for the glamping units are high quality and the utility buildings would incorporate a turf roof. The buildings would be sited having regard to the gradient of the land and existing trees and hedges.
10. Notwithstanding this, the non-agricultural uses proposed would still appear discordant in this landscape for the reasons given. The appeal scheme includes the provision of landscaping but this cannot be relied upon in case it fails. In any event, it would be intended for the site to operate all year round and there would be times of the year when the existing trees and hedges and those proposed as part of the appeal scheme, would not be sufficient to adequately screen the development. The addition of development on this prominent ridgeline in combination with the relatively large scale development on the site next door would further urbanise the character and appearance of the area.
11. The appellant argues that agricultural land benefits from permitted development rights which would allow much larger and visually intrusive buildings to be provided on the land. However, I have not been provided with details of such a scheme nor an indication that there is a reasonable likelihood that it would occur. I am not persuaded that this represents a true fallback position and I afford this limited weight.
12. Notwithstanding that Policies S22 and EC11 of the Teignbridge Local Plan 2013-2033 adopted May 2014 (LP) permit new tourism proposals in the countryside, I conclude that the proposed development would harm the character and appearance of the area and in particular the valued landscape character of the AGLV. As such the proposal would conflict with Policies S1, S2 and ENV2A of the LP and paragraph 174 of the National Planning Policy Framework (the Framework) insofar as they seek to conserve and enhance the qualities, character and distinctiveness of the landscape and, in particular, the AGLV.

Listed Building

13. Chants Cottage is a Grade II listed thatch dwelling. As such, section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I 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.
14. The setting of a listed building is the surroundings in which it is experienced. Insofar as it relates to this appeal, Chants Cottage is an example of a modest, farmworkers cottage in a local vernacular style borne out of the rural landscape within which it is experienced and intrinsically linked. The cottage has a particularly important historical and functional relationship with the agricultural land surrounding it. The appellant's Heritage and Landscape Statement identifies that it was most likely built to house agricultural labourers farming fields which were situated away from the main farmstead. This isolated rural setting therefore contributes to the building's architectural and historic significance because it helps explain why the building was constructed where it was, and in the style adopted.
15. It is the rear of the building that is closest to the road which passes along the northern boundary of the site. From the road, only the proposed access and parking would be visible. Neither would not harmfully affect the way in which the listed building is experienced from here due to its location away from the listed building and the established planting along the roadside boundary.
16. From Heath Lane, the views of the principal elevation of the listed building would be uninterrupted, given its location on the ridgeline. Nevertheless, the provision of several non-agricultural buildings and uses on the lower land surrounding the listed building would diminish the isolated agricultural setting of the cottage when viewed from a south easterly direction, resulting in moderate harm to the significance of Chants Cottage. The proposal is therefore contrary to Policy EN5 of the LP which seeks to protect and enhance the area's heritage.

Heritage Planning Balance

17. The harm I have identified to the setting of the listed building would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 202 of the Framework requires that the harm I have identified should be weighed against the public benefits of the proposal.
18. The appellant has drawn my attention to the economic benefits of the proposal to the local economy in terms of guests using local shops and services and the employment opportunities for local people both during construction and operation. These are all public benefits which would arise from the operation of the appeal scheme. However, given the relatively modest scale of the proposal and in the absence of evidence to contrary, I consider these public benefits would be relatively limited and carry modest weight overall.
19. The proposal would also provide an income for the occupiers of the listed building to assist with its upkeep. I have not been provided with details of any particular works which are required, the costs associated with undertaking them nor a mechanism to secure them and therefore I give this limited weight.

20. I note the wider ecological and biodiversity benefits put forward by the appellant and that the proposed use would incentivise a high standard of maintenance for the site. I have given these modest weight as the Framework encourages improvements to biodiversity.
21. I have given great weight to the assets conservation as set out in paragraph 199 of the Framework. In this context, I find that the moderate harm to the setting of the Grade II listed building that would arise from the proposal which is a matter of considerable weight and importance, would not be outweighed by its modest public benefits. Accordingly, there would be conflict with paragraph 200 of the Framework as the harm to the designated heritage asset would not have clear and convincing justification. This is not a material consideration which suggests the proposal should be determined otherwise than in accordance with the development plan.

Other Matters

22. I have considered other matters raised by interested parties including, but not limited to, highway safety and living conditions but given that I have identified harm in respect of the main issues, these are not matters on which my decision turns.
23. The appellant has drawn my attention to emerging policies in the draft Local Plan Review 2020-2040 which the Council have consulted on, but a proposed submission document has yet to be published. The draft Local Plan is therefore at an early stage of preparation and has not been subject to examination. As such, and having regard to Paragraph 48 of the Framework, the plan and its emerging policies have very little weight in this case.

Conclusion

24. The proposal would fail to preserve the setting of the listed building. There are no other considerations or public benefits that would outweigh this, let alone the totality of the harm I have identified. Accordingly, the appeal is dismissed.

Alison Fish

INSPECTOR