
Appeal Decision

Site visit made on 25 July 2022

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

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal Ref: APP/P1133/W/22/3294355

Rosemary Cottage, Gabwell Hill, Stokeinteignhead, Devon 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 N Kirwin against the decision of Teignbridge District Council.
 - The application Ref 21/00646/FUL, dated 17 March 2021, was refused by notice dated 24 September 2021.
 - The development proposed is described as retention of existing building for use as a holiday letting unit.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The building subject of this appeal has already been built and has been in place since at least 2020. At that time retrospective planning permission for both its construction as an agricultural building, and conversion to a garden room, was refused, as was a related appeal (the previous appeal). The current scheme involves the same building, together with a shelter also shown on the plans and already in place. Contrast between the schemes subject of the current and previous appeals is limited to the different use now described, and the more tightly defined site boundary shown on the submitted plans. Consequently, a number of extant features which directly relate to the building are now excluded. This includes the access path across the front and side, the fencing which partly encloses it, and a lamp post with lantern.
3. If this appeal was allowed planning permission would be granted only to retain those features for which retrospective permission has been sought. This would not therefore include features now excluded from the site boundary. It would also not include features otherwise at variance with the plans. In this regard the submitted elevations do not accurately show the building as it currently exists. This is given differences in the configuration of openings. For sake of certainty, I have assessed the scheme on the basis of the submitted plans.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, including whether the scheme preserves the setting of a Grade II listed building.

Reasons

5. Rosemary Cottage is located at the street fronting end of a long rectangular strip of land. Its recently formalised domestic curtilage is limited to a relatively compact area immediately to its rear and side. The rest of the land is a agricultural field. Given a reasonably steep fall and then rise in ground levels towards the west the field is exposed within its broader landscape setting, and visible within long views from the west. The surrounding landscape itself predominantly consists of attractive rolling open countryside, which has furthermore been identified by the Council as an Area of Great Landscape Value.
6. The building has been built on the eastern edge of the field, north of the garage which serves Rosemary Cottage. As was the case at the time of the previous appeal, a further ribbon of buildings of varied shape, size, type and apparent use lies directly towards the north, only one of which is shown on the plans. The status of these buildings is unclear.
7. Within views of the site it is apparent that the building subject of the appeal is located on the edge of a large field. Though not physically 'isolated', only a loose sense of association exists between it and established development at the frontage. This is further confirmed in closer proximity. The building appears strongly domestic in character, whether or not also taking into account the existence of the path, fence and lantern. That and the above being so, the development is perceived to intrude on its open agricultural setting, and for this reason appears incongruous in context. The fact that other scattered buildings occur within the broader landscape does not alter this impression. The scheme as such has an adverse effect on the character of the surrounding landscape.
8. The site boundary directly adjoins the defined curtilage of Rosemary Cottage. Whilst the parties disagree over whether the application thus implies an extension of the curtilage, allowing the appeal would clearly regularise a change in use of the site. Whether or not the site thereafter formed part of the curtilage of Rosemary Cottage, or a separate plot in similar use, the harm identified above would be much the same.
9. Rosemary Cottage is a Grade II listed building, and thus a designated heritage asset. Whilst the Planning (Listed Buildings and Conservation Area) Act 1990 (the Act) sets out the desirability of preserving listed buildings, paragraph 199 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets.
10. Insofar as it is relevant to this appeal the special interest and significance of the listed building resides in its C17th-C18th date and rural vernacular character, featuring render and a thatched roof. These attributes are appreciable from both the front and rear.
11. The rear elevation of the cottage faces directly into the field, and the boundary between is fairly low, lightweight and open. A strong physical and visual relationship thus exists between. Given that the cottage fronts the strip of land containing the field this relationship may be of historic origin. It otherwise provides the immediate context within which the significance of the listed building as an expression of the historic rural vernacular, is appreciated.

12. I have already found that the development is both intrusive and incongruous in landscape terms, and this is appreciable from within the rest of the field. It is likewise appreciable from the rear of the cottage. Given that this detracts from the rural quality of the surroundings within which the significance of the listed building is appreciated, the development fails to preserve its setting, contrary to the expectations of the Act.
13. The harm caused to the significance of the listed building is less than substantial. Such harm attracts considerable importance and weight. In accordance with paragraph 202 of the Framework it is necessary to balance this harm against the public benefits of the scheme.
14. On this occasion the development has been advanced as providing tourist accommodation of benefit to the rural economy. Policy EC11 of the Teignbridge Local Plan 2013-2033 (the LP) has been further identified as providing in principle support. The development does not however meet the criteria of Policy EC11, particularly insofar as its wholly unauthorised background disqualifies it from being properly considered as an 'appropriate conversion'. Both for a similar reason, and in view of my findings above, it also fails to find support from Policy EC3 of the LP which promotes rural employment. Though the development nonetheless serves an economic use, the benefits of this to the broader rural economy can be considered to be no more than very limited in scale. I therefore attach very limited weight to these benefits. As such the public benefits of the scheme do not outweigh the harm that it causes.
15. For the reasons outlined above I conclude that the development both harms the character and appearance of the area and fails to preserve the setting of the Grade II listed building. It therefore conflicts with Policy EN2A of the LP which seeks to secure development which protects and enhances the area's landscape, Policy ENV5 of the LP which seeks to protect and enhance the area's heritage, and more broadly conflicts with Policy S22 of the LP which limits development in the countryside, partly in the interests of landscape quality and management.

Conclusion

16. For the reasons set out above the effects of the development on the character and appearance of the area, including the setting of a listed building, are unacceptable, giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR