



Appeal Decision

Site visit made on 17 January 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 09 March 2023

Appeal Ref: APP/P1133/W/22/3298977

Middlepark Yard Caravan, Lane Past Park Corner, Teigngrace, TQ12 6QP

- 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 J Sanders against the decision of Teignbridge District Council.
 - The application Ref 21/02121/FUL, dated 9 September 2021, was refused by notice dated 10 March 2022.
 - The development proposed is replacement of residential mobile home with a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

- a) The effect of the proposal on the character and appearance of the area, including the Grade II listed registered park and garden (RP&G) of Stover Park, the setting of the grade II* listed building known as Stover House, and the existing trees at the site, and
- b) Whether the proposal would sterilise the underlying mineral resource.

Reasons

Character and appearance

2. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to 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.
3. The appeal site is within a woodland that forms part of the historic Stover Park estate. The wooded area is currently occupied by an ad-hoc collection of structures, including a few static caravans. The erection of the proposed dwelling would require the clearing of an area of the woodland, in a manner that would allow the dwelling to face out to the west over the adjacent field.
4. The field rises gently away from the site to the west. It is edged by a belt of mature woodland that encloses the more open land that extends up to Stover House. The area between the site and Stover House is broad and expansive. Despite its current use as a school and the various items of school paraphernalia that are dotted across the landscape, it retains the appearance of a planned historic estate, with isolated specimen trees and a parkland character.

5. This field forms part of the open landscape of Stover Park. The RP&G includes the appeal site and the area of the quarry to the south as well as an extensive area of land that spreads beyond the principal buildings associated with Stover House to include the area that now forms Stover Country Park.
6. Given the location of the site within the RP&G and its orientation towards the principal buildings of the estate, it is surprising that the supporting evidence to demonstrate an understanding of the significance of the historic asset, its setting, and how it has informed the proposal, is so limited. It is suggested that the area of the appeal site is not within the setting of the listed building. It is unclear how such a conclusion has been reached, particularly as the association of the site with the wider setting of the building is directly implied by virtue of it being within the RP&G.
7. The proposed dwelling would be distant from Stover House and direct sight of the proposal from the House is likely to be difficult and partly obscured by the small copse to the west of the site and other intervening vegetation. However, it does not automatically follow that a lack of direct views between a heritage asset and a development site means that there would be no harm. Indeed, Historic England guidance¹ makes it clear that setting can be more broadly defined as the surroundings within which an asset is experienced, and in its consultation response it clarifies that the landscape design would be viewed from afar as well as from within the landscape itself.
8. At my site visit I found that there is a spatial interrelationship between the site and Stover House. Historic England refer to Stover House as an austere Palladian villa built in ashlar granite between 1776 and 1780. It was designed to enjoy an open prospect to the southeast, over the open land and in the direction of the appeal site. Its siting and its interrelationship with its surrounding parkland, of which it is the centrepiece, is a highly important component of its setting that contributes to its special interest. From across this area the formal southeast elevation of the house can be seen with its large porte-cochere that was added to the building in 1830. Even if a direct view of the appeal site is not possible from the house, it was clear at my visit that the house can be viewed from several places close to the appeal site and in the intervening open area between the two.
9. The proposed dwelling would occupy an open position within the existing wooded area following the felling of several trees. Its southwest elevation would be broad with large areas of glazing and a projecting gable. It would broadly align with the outer edge of the adjacent woodland, with only a short portion of land between its southwest elevation and the edge of the plot. There is nothing to suggest that this boundary would be meaningfully enclosed. The appellant suggests that a landscaping scheme could be developed and secured by condition if the appeal is allowed. However, given that the dwelling has been designed to face out over the field and that the space between the building and the field is modest, a landscaping scheme could not fully address the harmful visual impact of the building.
10. As a result, the proposal would introduce a significant built presence to the adjacent open areas of parkland owing to the siting, orientation, scale and design of the building. Its impact would be exacerbated by its prominent

¹ Historic England The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

design, and would be much more visually intrusive than the low scale and temporary appearance of the existing buildings, harming the appearance of this part of the HP&G. It would be seen across the large area of land to the west of the site that extends up to Stover House. It would appear incongruous in what is otherwise an open and largely undeveloped area of the estate that provides a broad parkland setting to the southeast aspect of the house.

11. In its consultation response Historic England advises that the HP&G is included in the heritage at risk register for reasons that include multiple ownership of the estate which has resulted in a lack of joined up management. Consequently, many of the key features are now in poor condition and many internal and external views have been lost because of development and encroaching vegetation. I have identified that the proposed development would harm the character of the HP&G. It would lead to its further fragmentation and a reduction in its overall integrity as a single heritage asset.
12. Furthermore, historic maps infer that the area of the appeal site was once open, and it would appear to be the case that the site lies on an area that once provided a designed view of the house upon approach from the eastern driveway. The erection of the dwelling would therefore prevent the reinstatement of a component of the original landscape design and can thus be considered to cause harm to the long term conservation of the HP&G and the potential for its future enhancement.
13. The proposal would see many trees felled to make a clearing within the existing woodland to allow for the erection of the dwelling. The submitted Arboricultural Impact Assessment (AIA) acknowledges that there would be a high impact to the woodland. I accept however that these trees are a landscape feature that has developed more recently and is not part of the planned historic landscape. Therefore, whilst the loss of the number of trees proposed would be regrettable, I am not satisfied that this is a matter that should weigh heavily against the proposal.
14. I have found that the proposal would have a significant adverse impact on the character and appearance of the HP&G and the setting of the listed building, including the historic integrity of the estate and its future conservation. In terms of the National Planning Policy Framework (the Framework) the harms identified would be less than substantial. Paragraph 202 of the Framework establishes that any harm to a designated heritage asset should be weighed against the public benefits of the proposal.
15. The proposal would secure the replacement of a static caravan with a substantial family dwelling that would deliver a significantly improved residential environment for its occupants. Whilst this would improve the quality of housing stock in the area, this is largely a private benefit that would be to the advantage of the future occupants of the dwelling. I therefore give this matter little weight.
16. Paragraph 189 of the Framework states that heritage assets are an irreplaceable resource and paragraph 199 establishes that great weight should be given to the conservation of a heritage asset. I am not satisfied that the benefit suggested would be sufficient to outweigh the degree of harm identified.

17. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm aspects of the setting of the listed building that contribute to its special interest. It would also harm the character and appearance of the HP&G, its historic integrity, and its future conservation. It would be contrary to Policies S22, S2, EN5 and EN12 of the Teignbridge Local Plan 2013-2033 (TLP). Together these Policies seek to ensure that development proposals respond to the characteristics of a site, integrate with the existing environment, provide attractive landscapes, and protect and enhance heritage assets.

Minerals

18. The appeal site is within a large mineral safeguarding area (MSA) for ball clay, which is of international importance as an industrial material. It is only found in small parts of Devon and Dorset. The appeal site is adjacent to the Stover Ball Clay Quarry, which is operational and benefits from a permission to 2042.
19. The dwelling would replace a caravan, which benefits from a certificate of lawfulness for its use as a dwelling. It is suggested that the proposal is a one for one replacement. I accept that this is the case in terms of a residential unit at the site. However, a dwelling constructed with a high degree of permanence and requiring significant investment is entirely different from a caravan that could be removed from the site in its entirety with ease. Furthermore, the footprint of the building would be much greater than that of the caravan.
20. Policy M2 of the Devon Minerals Plan: 2011-2033 (DMP) sets out criteria that development would need to comply with to be acceptable within a MSA. There is nothing before me to suggest that the proposal could be considered acceptable in the context of criterion (a) or (b). With regard to the other three criterion, the proposal would not be temporary, is not justified because of an overriding strategic need, and cannot be considered exempt development. The proposal would not therefore comply with Policy M2, which seeks to ensure that mineral resources are protected from sterilisation by non-mineral development.
21. Further observations are before me relating to the impact of the adjacent quarry on the living conditions of the future occupiers of the proposed dwelling. It is suggested that the proposal would increase the likelihood of residents experiencing potential adverse effects from noise and dust, with the potential risk that this may constrain the operation of the quarry. The proposed dwelling is however no closer to the quarry than the existing caravan. Although larger, it would constitute a one for one replacement of an existing unit of permanent residential accommodation. I therefore find that the proposal would not increase the likelihood of residents experiencing adverse effects of noise and dust arising from the adjacent mineral workings.

Conclusion

22. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh that conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR