



Appeal Decision

Site visit made on 16 May 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2023

Appeal Ref: APP/Y1138/W/22/3312312

Stockleigh House, Road from The Forge to Little Raddon Cross, Stockleigh Pomeroy EX17 4AT

- 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 Alexandra Brook against the decision of Mid Devon District Council.
 - The application Ref 22/00118/FULL, dated 10 January 2022, was refused by notice dated 27 June 2022.
 - The development is described as 'proposed change of use of the land for the erection of a tennis court'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. As the proposal is within a Conservation Area and relates to the setting of a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues for the appeal are the effect of the proposed development on the character or appearance of the Stockleigh Pomeroy Conservation Area (CA), and on the setting of Stockleigh House, a Grade II listed building.

Reasons

5. The appeal site is located adjacent to Stockleigh House with both falling within the CA. The appeal site is grassed and forms part of a paddock to the south of Stockleigh House and its associated walled garden and swimming pool. The paddock boundaries form the outer extent of the CA. The significance of the CA is largely derived from the grouping of rural and historic buildings in a green rural setting off narrow lanes demonstrating the local history and evolution of the area.

6. Stockleigh House is a Grade II listed building. This former rectory is now a private detached house benefitting from large grounds that include a walled garden to the rear of the property.
7. The paddock within which the appeal site is located, combined with the fields beyond, provide an open aspect to the rear of Stockleigh House with the rear garden forming a clearly defined boundary and transition between the built form and countryside. I find the setting of Stockleigh House to be primarily associated with its immediate garden areas but extending over the appeal site and to the agricultural fields beyond from which the listed building is clearly visible and experienced.
8. The significance of the listed building is derived from its special architectural and historic interest as a former rectory benefitting from a formal approach and set adjacent to fields and the countryside that give the listed building a verdant open backdrop and context. The tennis court would be positioned very close to the rear boundary of Stockleigh House.
9. The proposal would involve the provision of a painted tarmac tennis court surrounded by high black coloured mesh boundary fencing with gates. Gaps in an existing hedge to the west of the site adjacent to a public footpath are proposed to be planted with native woodland trees and shrubs to screen views from the footpath back towards the site.
10. The proposal would result in the loss of part of the paddock, replacing it with a built form that due to its considerable footprint, materials, and position within the open countryside to the immediate rear of Stockleigh House, would introduce a residential built form into the landscape. The hard surface, and size and height of the enclosure outside of the clearly legible rear boundary and outbuildings to the listed building within the CA would appear as a large intrusion and unfavourably contrast with the historic setting of the listed building and the clearly defined existing built form associated with it. Moreover, due to its position and resulting open aspect to the paddock on three sides of the tennis court served by access via an existing field gate, the proposal would not be viewed as forming part of the dwelling, its swimming pool, outbuildings or wider built form.
11. Due to the harsh unsympathetic appearance of the hard surface and fencing and given that it would appear as an alien feature within the paddock not directly associated with Stockleigh House, the proposal would harm the character and appearance of the CA and the setting, and as a result the significance, of the listed building. Whilst harm to the CA is not referenced in the Council's decision notice, I have a statutory duty to assess whether the proposal would preserve or enhance the character or appearance of the CA and all parties have had an opportunity to comment on the matter.
12. The proposal would be viewed and experienced from within the site, by users of the tennis court and from within parts of the curtilage and setting associated with Stockleigh House and the CA. This would particularly be the case from an associated summerhouse/office to the rear of Stockleigh House, from the path outside of the walled garden adjacent to the site, and from the proposed access to the tennis court, paddock and adjoining agricultural fields. As a result of this, the proposal would undermine the historic relationship and significance between the listed building, CA and the adjoining countryside and open fields which make a positive contribution to the area. Further planting to screen the

tennis court would itself introduce an alien feature within the paddock and as a result would not adequately address the harm caused.

13. Subject to the planting of any gaps in the bank to the public footpath roughly to the west of the site, which could be secured via an appropriately worded condition if I were to allow the appeal, the visual impact of the tennis court and dark coloured fencing would be extremely limited, if any. Due to the location of the site to the rear of Stockleigh House, with rising agricultural fields and woodland beyond, the application site has little to no visibility from public areas to the north, east and south of the site. However, the lack of harm from these public viewpoints would not overcome the harm to the significance of the listed building or CA from those closer views from within and immediately adjoining the site.
14. When taking account of the above and having had special regard to sections 66(1) and 72(1) of the Act, I conclude that the proposal would harm the character and appearance of the CA and setting of the Grade II listed Stockleigh House. As a result, it would harm the significance of the CA and listed building, in terms of its setting. The proposed development is therefore contrary to Policies DM1 and DM25 of the Mid Devon Local Plan 2013-2033 (July 2020) (LP). Amongst other things, these policies seek to ensure new development is of a high quality design, positively contributes to local character, and create places that positively contribute to the setting of heritage assets. These policies are consistent with the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character and history and that heritage assets are conserved in a manner appropriate to their significance.
15. In the context of paragraph 202 of the Framework the harm to the significance of the designated heritage assets would be less than substantial and this should be weighed against the public benefits.
16. The limited public benefits in terms of recreational sport for use by the appellant, her friends, family and by people in the village, and provision of some biodiversity gain and native species planting do not outweigh the harm to the significance of the designated heritage assets that I have identified.

Other Matters

17. I have taken into account the other planning permissions for tennis courts cited by the appellant and it not being uncommon for large country houses to benefit from a tennis court. However, I have a duty to consider the appeal on its merits and these other permissions are significantly different to the appeal proposal as they are not located adjacent to a listed building and within a conservation area being of a different character and appearance. As a result, the examples provided are not directly comparable to the proposal before me and these matters do not alter my findings above.
18. I have also considered the evidence regarding the possible presence of a tennis court on the site in the past. The evidence in relation to this is however limited with no clear signs of a previous tennis court visible at the time of my site visit. I therefore give this limited weight in my consideration.
19. I acknowledge that the provision of a tennis court in this location would not result in additional vehicle movements, benefits from a suitable access, would

involve minimal levelling works, would not be at risk from flooding and would be provided with suitable surface water drainage. However, these factors are neutral in my consideration.

Conclusion

20. For the reasons given above I conclude that the proposal conflicts with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal should be dismissed.

C Rose

INSPECTOR