



Appeal Decision

Site visit made on 16 January 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/Q1153/W/23/3326151

Collaven Manor Hotel, Road from Pigs Leg Cross to the Highwayman Inn, Sourton, Devon EX20 4HH

- 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 Jack Nethercott of Prime Oak against the decision of West Devon Borough Council.
 - The application Ref 0100/23/FUL, dated 11 January 2023, was refused by notice dated 5 May 2023.
 - The development proposed is described in the application as "erection of oak framed home office, gym and occasional family & friends' accommodation annexe outbuilding".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the application, the appellant agreed with the Council to change the description of development to remove reference to annex accommodation. I have therefore considered the appeal on the basis that the development proposed is "oak framed home office and gym building". This reflects the Council's decision notice and the description of development in the appellant's appeal form.
3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.

Main Issues

4. The main issues are the effect of the proposed development on (i) the setting of nearby listed buildings; (ii) the character and appearance of the area, with particular regard to mature trees; and (iii) carbon emissions.

Reasons

Setting of listed buildings

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) 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.

6. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
7. The heritage assets relating to this appeal are the Grade II listed Gate Piers approximately 70m east north east of Collaven Manor and Collaven Manor. The significance of these buildings derives from their early 17th century origins as a small manor house. Collaven Manor and its curtilage buildings are set within picturesque gardens and paddocks. The buildings are constructed from a variety of materials including granite, brick and render. These materials make a positive contribution to their significance as listed buildings and setting within the wider grounds.
8. There is no dispute between the main parties that the Coach House is curtilage listed. The Council says that this building was likely to have been constructed in the early 20th century and reflects the lifestyle of the occupants at that point in time. I find no reason to disagree.
9. In this respect, the Council is concerned that it has not been demonstrated why the proposal could not be accommodated in nearby listed buildings that are in need of optimum viable uses. However, the relevant policies and tests set out in the Framework do not specify any sequential requirement to first use alternative sites. Additionally, although the future state of repair of the Coach House is not known, the appellant says that it remains useful for low level storage. At my visit, I observed such storage uses.
10. The Planning Practice Guidance says that the optimum viable use may not necessarily be the most economically viable one. In that context, I have no evidence that this could not be its optimum viable use. Furthermore, even if costly, there is no substantive evidence that demonstrates proportionate repairs could not be carried out in the future. In any case, the proposals do not include any works to the Coach House.
11. The proposed oak framed, timber clad, glazed and slate roofed building would be sited in very close proximity to the rear of the Coach House and a small brick and stone building. Being of a single storey construction and set amongst existing buildings, the proposal would not be eminently visible from the listed Gate Piers, Collaven Manor or wider swathes of countryside. However, it would nevertheless consume a large proportion of the space between the existing outbuildings, albeit to their side and rear. Despite the appellant's consideration of the proposed location, including optimising views to the west, the proposal would have a disruptive and incongruous effect on the existing historic layout of built form.
12. Furthermore, although timber and slate would not be atypical of a rural setting, the choice of proposed materials would not be reflective of those used in Collaven Manor and its curtilage listed buildings. Whilst the proposed materials would visually set the building apart from those surrounding it, in these particular circumstances, the building would appear out of place. This would not add to the overall quality of the area as promoted within the Framework.

Consequently, the proposal would not sustain or enhance the experience of the heritage asset within its setting.

13. As such, the proposal would be harmful to the setting of listed buildings, and thereby the significance of the designated heritage assets. This harm would be less than substantial. Therefore, in accordance with paragraph 208 of the Framework, that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
14. Whilst the proposal would avoid using business space within Collaven Manor, the benefits also relate to an increase in living accommodation to meet the appellant's personal preferences. Moreover, I have been provided with no substantive evidence that the existing business would fail if internal space within the main property were to be used for an office or gym. There would however be some limited benefits to the local economy during the construction phase, though these would be tempered by the small scale of the development proposed. Accordingly, the limited public benefits arising from the proposal would not offset the harm identified above, which must be given considerable importance and weight.
15. Therefore, I conclude on this main issue that the proposal would fail to sustain or enhance the setting, thereby the significance of the designated heritage assets. Consequently, the proposed development would conflict with policies DEV20 and DEV21 of the Plymouth & South West Devon Joint Local Plan 2014-2034, March 2019 (JLP) which, together in this respect, seek to have proper regard to the pattern of local development in terms of character, setting, layout, materials, local distinctiveness and historic value. Furthermore, it would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

Trees

16. There are mature trees in close proximity to the proposed building and the identified soakaway. These trees make a significant and positive contribution to the character and appearance of the area. The Council says that the development is partly within an area that would normally be considered to be a root protection zone. Even if an alternative location for the soakaway could conceivably be progressed, I have been provided with no assessment of the possible effects of the development on trees and their root systems.
17. As such, I cannot be certain that the proposed building or its soakaway would not have any harmful effects on mature trees. Additionally, it is simply not known whether measures could be incorporated to protect trees during the course of the proposed development as advocated within Policy EH5 of the Bridstowe & Sourton Neighbourhood Development Plan 2016-2034 (NDP). Had I been minded to allow the appeal, given these uncertainties, it would not have been appropriate to attempt to deal with this matter using conditions.
18. For these reasons, I conclude on this main issue that the proposal would harm the character and appearance of the area, with particular regard to mature trees. As such, it would conflict with Policy DEV28 of the JLP and Policy EH5 of the NDP, which, collectively in this respect seek to avoid the loss of trees.

Carbon emissions

19. The Council is concerned that a need for a new building has not been demonstrated with its associated use of new materials and carbon footprint. Policy DEV32 of the JLP seeks to identify opportunities to minimise the use of natural resources in development. These include the reuse or recycling of materials in construction and making best use of existing buildings. This is expanded upon in the Council's JLP Supplementary Planning Document and its Climate Emergency Planning Statement. The latter prioritises the reuse of buildings. However, the policy does not specify any sequential requirement to first use an existing building or demonstrate a need for new buildings.
20. The appellant says that the building materials would be sustainably sourced. They add that traditional carpentry methods would rely less on power tools and allow for easy dismantling and reuse. Additionally, it is claimed that the proposal would be cheaper to heat than the existing house and more cost effective to maintain, due to the proposed materials. Whilst the desire to reuse existing buildings is acknowledged, in the absence of any substantive or compelling evidence from the Council to the contrary, the proposal would be likely to deliver low carbon development.
21. Therefore, I conclude on this main issue that the proposed development would not have a harmful effect on carbon emissions. As such, the development would accord with Policy DEV32 of the JLP. There would also be no conflict with the Framework where it says that local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply.

Other Matters

22. The appellant highlights that there is a lack of objection from stakeholders. However, this would not be a reason in itself to allow inappropriate development.
23. I have paid regard to the appellant's comments in respect of the processing of the application. However, these have no bearing on my decision which is based on the planning merits of the proposal.

Planning Balance and Conclusion

24. Bringing together my conclusions on the main issues I have found that the proposal would not have a harmful effect on carbon emissions. However, this does not outweigh the harm I have found to the conflict with the development plan in respect of the historic environment and character and appearance of the area.
25. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development fails to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR

