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# Appeal Decision

Site visit made on 16 July 2024

**by A Tucker BA (Hons) IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 August 2024**

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**Appeal Ref: APP/Y1110/D/24/3336849**

**1 Chudleigh Road, Exeter, Devon EX2 8TS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Jason Rees against the decision of Exeter City Council.
  - The application Ref is 23/1102/FUL.
  - The development proposed is temporary planning permission for retention of storage container.
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## Decision

1. The appeal is allowed, and planning permission is granted for storage container at 1 Chudleigh Road, Exeter, Devon EX2 8TS in accordance with the terms of the application, Ref 23/1102/FUL, and the plans submitted with it, subject to the following condition:
  - 1) The development hereby permitted shall be for a limited period of three years from the date of this decision. The building hereby permitted shall be removed and the land restored to its former condition on or before the expiration of this period.

## Preliminary Matters

2. The development has already taken place. Therefore, I am considering the proposal retrospectively.

## Main Issues

3. The effect of the proposal upon the significance of the surrounding listed buildings<sup>1</sup>, and whether it would preserve or enhance the character or appearance of the Alphington Conservation Area (ACA).

## Reasons

4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

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<sup>1</sup> Cartwheels, List Entry Number: 1306373  
Rectory Barn, List Entry Number: 1306247  
Church of St Michael, List Entry: 1103980

5. The storage container stands in the curtilage of 1 Chudleigh Road, which is a grade II listed former farmhouse also known as Cartwheels. Cartwheels has a simple linear form and occupies a small linear plot that is parallel to the road. It is prominent from Chudleigh Road. The grade II listed Rectory Barn is located immediately to the north of the storage container. It also has a simple linear form that aligns with Cartwheels. The simple vernacular form of both buildings and their prominent siting at the centre of the village and relative to the Church are significant contributors to their special interest.
6. To the northeast stands the prominent grade II\* listed Church of St Michael. The Church dates from the late 15<sup>th</sup> century. Its prominent position at the core of the historic settlement, and ancillary features including the lych gate and substantial cob and stone wall to its southern boundary, are characteristics of its setting that contribute to its special interest.
7. The buildings stand within the ACA, which covers the primary historic area of the original village. This developed around the junction of several roads that provided important links into Exeter and is dominated by the red stone Church. Here most buildings are tightly orientated along the street edge with a mix of styles including cottages, former farmhouses and more formal Georgian and Regency buildings. Unusually high boundary walls are a local detail that is noted in the submissions. These are all characteristics that contribute to the significance of the ACA.
8. The container is unseen from Chudleigh Road. From within the small yard to the north of Cartwheels it is prominent, however this appears to be a space that does not contribute meaningfully to the special interest of the listed building.
9. From the rear it can be glimpsed from the far end of Rectory Drive but is of limited visibility until one moves further west, close to the rear of Cartwheels. From here it is seen alongside Rectory Barn, however it is still only glimpsed in part over the height of the wall that forms the east boundary of the yard. Its modern materials and form appear out of place when viewed from here, where it is seen in line with the two listed buildings, and thus the container causes some harm to the significance of both buildings. However, this is no more than modest, given its limited prominence, unobtrusive colour, and the harmful existing impact of modern fences and garages nearby to the east.
10. The container is tucked in between these buildings and is not easily seen in the context of the Church. It is not possible to view the container from the Church grounds; I am satisfied that it does not harm the special interest of this highly graded building.
11. In terms of the ACA, a modest level of harm arises from its siting in the context of the views along Rectory Drive, where it is seen between the two listed buildings.
12. In terms of the National Planning Policy Framework (Framework) the harm would be less than substantial but would nevertheless be of considerable importance and weight. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
13. The container is used for the storage of materials and equipment related to the repair of Cartwheels. At my visit I was able to satisfy myself that this was the

case, as the container was fitted out with shelving and used for storing various tools. Most of the land associated with Cartwheels is at the front of the building and open; there is little enclosed space that could be used for secure storage. On this basis I am satisfied that I can reasonably conclude that the container aids the repair of the listed building, which is a conservation related public benefit, and there is no obvious less harmful alternative. This attracts sufficient weight to outweigh the identified harm, especially as the grant of planning permission would be temporary which appears entirely appropriate for a temporary building that is needed for a temporary period.

14. In summary, the modest level of harm would be outweighed by public benefits, even when I consider Paragraph 205 of the Framework which states that great weight should be given to the conservation of a heritage asset. In reaching this conclusion I have had special regard to the preservation of the listed buildings and their setting, and the need to preserve the character and appearance of the ACA, in accordance with the LBCA; and Policy CP17 of the Exeter City Council Core Strategy 2012 and Saved Policy C2 of the Exeter Local Plan First Review 1995-2011 (LP), which together seek to ensure that development is well designed and decision making accords with the LBCA.
15. The Council referred to Policy DG4 of the LP in its decision, which appears unrelated to the proposal, so this Policy has not been determinative.

### **Conditions**

16. I have imposed a single condition to ensure that the container is only permitted for a fixed period, as it is only justified on that basis. This is in accordance with the Planning Practice Guidance<sup>2</sup>.

### **Conclusion**

17. For the reasons given above the appeal should be allowed.

*A Tucker*

INSPECTOR

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<sup>2</sup> Paragraph: 014 Reference ID: 21a-014-20140306