



Appeal Decision

Site visit made on 9 October 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 October 2024

Appeal Ref: APP/U1105/W/24/3342434

Coxes farm, Sidmouth Road, Clyst St Mary, Devon EX5 1DN

- 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 Michael Stevens of Stevens Rentals against the decision of East Devon District Council.
 - The application Ref is 23/1670/FUL.
 - The development proposed is two storey house, 2 bed house with parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - The effect of the proposed dwelling on the character and appearance of the area, including its effect on the significance of the grade II listed building known as Coxe's Dairy or Farmhouse¹,
 - Whether the site is suitably located for the proposed dwelling, and
 - Whether the proposed dwelling would provide satisfactory living conditions for future occupiers.

Reasons

Character and appearance

3. The appeal site is a small empty plot that forms part of an historic farmstead. The adjacent farmhouse is a grade II listed building. The existing building that is directly alongside the site is referred to as a converted outbuilding and considered to be listed by virtue of its relationship with the farmhouse. It is now used as two dwellings. The appeal site was formally occupied by a small garage building that was attached to the converted outbuilding.
4. The farmstead stands at the end of a no-through road. A high evergreen hedge separates it from the adjacent A road, and as a result it is highly contained at the end of the lane, with the primary view of the site upon approach from the west. In terms of broader context, the level of activity and noise associated with the adjacent A road is a notable factor, as is the significant built form of the adjacent business park. However, to the south and east the site is close to a broad area of undeveloped countryside.

¹ List Entry Number 1164717

5. 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.
6. The farmhouse dates from the early 17th century. Its significance is derived in part from its functional vernacular form and low scale, and further value is found in its historic cross passage floor plan and other elements noted in the list description. From the lane the simple appearance of its long rear elevation with the projecting rearward turret that houses a newel staircase is of aesthetic value. Along with the converted outbuilding, a sense of the former agrarian function of the farmstead is retained and is a characteristic that contributes to the building's significance.
7. The proposed building would occupy all the remaining space between the converted outbuilding and the lane. As a consequence, and owing to the irregular shape of the site, it would be curved at its north end. This would create a rather complex form that is not represented accurately on the proposed drawings which show a straight eaves across the east elevation, whereas if built to the proposed footprint and roof plan the eaves would rise considerably at the northern end. This complex shape would be at odds with the simple and more functional forms of the existing historic buildings and would therefore not help it to fit into the site context.
8. There is nothing before me to explain this design rational, or how the proposed building would respect the historic significance of the site, and the proposal therefore falls well short of providing the clear and convincing justification required by paragraph 206 of the National Planning Policy Framework (Framework).
9. Unlike the previous garage structure and the previously approved scheme, the proposed building would extend out to the same eaves and ridge height as the existing building. It would become a prominent element of this end of the lane and would largely obscure the view of the farmhouse. Its contrived form and assertive scale would mean it would not hold an appropriately subservient relationship with the existing building. The way it would obscure views of the farmhouse from the lane would also cause considerable harm to the significance of this listed building.
10. Obscuring the view of the historic farmhouse from the lane would also have a broader adverse impact on the character and appearance of the area.
11. In terms of the 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.
12. The proposal would deliver a dwelling, which in the context of the Council's housing land supply position and Government's objective to significantly boost the supply of housing should attract a reasonable degree of weight. This is however tempered by the modest scale of the scheme.
13. The previous derelict building has been removed and the proposal would cause considerable harm to the significance of the listed building. It cannot therefore be considered an enhancement.

14. In the context of paragraph 205 of the Framework which states that great weight should be given to the conservation of a heritage asset, the public benefit of delivering a single dwelling is not sufficient to outweigh the identified harm. The proposal would harm the character and appearance of the area and would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building. This finding accords with Policies EN8 and EN9 of the East Devon Local Plan 2013 to 2031 (EDLP), which set out the Council's approach to protecting its heritage assets.

Location

15. Although close to Clyst St Mary, the appeal site is outside of a settlement. Strategy 7 of the EDLP establishes that development in such locations will only be permitted where it accords with a specific local or neighbourhood plan policy that explicitly permits such development and where it would not cause harm. The site is within the area of the Bishops Clyst Neighbourhood Plan 2014-2031 (NP). This does not provide any policy that explicitly permits the proposed development.
16. The appeal site is outside Clyst St Mary. It is not at the edge of the village, although it is alongside other development and could not be described as in a countryside location in an ordinary sense. However, the Council's Policies seek to direct new residential development to settlements that have a range of services that can meet the needs of the occupiers of new dwellings. Clyst St Mary provides some local services. It is identified in Strategy 27 of the EDLP as a sustainable location for new housing. Access by foot between the site and the core of the village would not be attractive to most on a day to day basis as lengths of the route are without footpaths or street lights. It is therefore likely that new occupiers would be reliant on a car to meet day to day needs.
17. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. I note that large areas of nearby land are proposed for development, however this has not yet come forward. The proposal does not accord with the Council's strategy for locating new housing development, and there is no exceptional or particular circumstance related to the proposal that justify setting the development plan position aside. The site would therefore not be suitably located for a new dwelling.

Living conditions

18. The dwelling would not have a garden. No reason is given for this, and the two recently developed dwellings adjacent to the site have small private gardens. Furthermore, the primary outlook from the living room would be towards the side of the parking area which would need to hold 6 cars for the three dwellings. These would fill the whole area and would not provide an attractive outlook.
19. Policy D1 of the EDLP states that new development should provide for the occupants of future residential properties with respect to access to open space. Policy BiCO7 of the NP states that new housing should include provision for private outdoor amenity space. The lack of provision means that the proposal would be contrary to both Policies and for the reasons given the proposal would not provide a satisfactory living environment for its occupants.

Other Matters

20. The Council advises that it can demonstrate a 4.5-year housing land supply. Paragraphs 77 and 226 of the Framework establish that for those Local Planning Authorities that have an emerging local plan that has reached the Regulation 18 stage a 4-year supply needs to be demonstrated. This is the case for the Council. Additionally, an exception is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusal. Footnote 7 establishes that this includes designated heritage assets, and for the reasons given I have found that the proposal would not accord with the approach set out in chapter 16 of the Framework. For these reasons paragraph 11 d) is not engaged.
21. The appeal site is close to the European habitat designations of the Exe Estuary and Pebblebed Heaths. The Council states that a financial contribution has been secured to mitigate the recreational impacts that arise from the provision of new dwellings. However, as I am dismissing the appeal for other reasons, this impact would not occur and does not therefore need to be considered further.

Conclusion

22. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the proposal is unacceptable and the appeal should be dismissed.

A Tucker

INSPECTOR