



Appeal Decision

Site visit made on 16 December 2024

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Appeal Ref: APP/Q1153/W/24/3338144

Old Stables, Rumleigh House, Road from Lower Rum, Rumleigh, Bere Alston, Devon, PL20 7HN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Messrs Coppen and Lovie against West Devon Borough Council.
 - The application reference is 3407/23/FUL.
 - The development proposed is the partial re-building, alteration (including works of demolition) and conversion of an existing building to form two-bedroom holiday let accommodation with parking, amenity space and associated drainage works.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal site lies within the settings of several¹ grade II listed buildings². It also lies within the Tamar Valley National Landscape³ (NL) and the East Cornwall and West Devon Mining Landscape World Heritage Site (WHS).
3. There is disagreement between the main parties as to whether or not the Old Stables is a curtilage listed building to Rumleigh House. If I find in the Council's favour, a separate application for listed building consent may be necessary⁴. However, this would not prohibit me from determining the appeal.
4. The Council has informed me that had it determined the application it would have refused planning permission for the following reasons:
 1. *It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal requires a countryside location. The site is poorly related to nearby settlements and is not served by a satisfactory and safe pedestrian connection to local services and amenities. As such, visitors to the proposed holiday accommodation would rely heavily on private vehicles. As such the proposal is considered to be unsustainable development, in conflict with policies SO6, SPT1, SPT2, TTV1, TTV26, and DEV15 of the Plymouth & South West Devon Joint Local Plan (2014- 2034) as well as paragraphs 7, 11, and 12 of the National Planning Policy Framework.*
 2. *It has not been evidenced to the satisfaction of the Local Planning*

¹ Rumleigh House, Rumleigh Farmhouse and two former farm buildings alongside Rumleigh Farmhouse.

² The provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

³ The provisions of section 85 of the Countryside and Rights of Way Act 2000 (as amended) are engaged.

⁴ If the building has no special interest or does not contribute to the special interest of Rumleigh House, consent is unlikely to be required. It is also open to the parties to approach Historic England to review/revise the list entry.

Authority that the proposed tourist accommodation responds to an identified local need, and the development is therefore contrary to policy DEV15.7 of the Plymouth and South West Devon Joint Local Plan (2014-2034).

3. *The proposal is not supported by a Sustainable Travel Plan to adequately demonstrate that the traffic impacts of the development have been considered and mitigated, contrary to policy DEV15(8) and DEV29 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), and paragraph 104 of the National Planning Policy Framework.*
4. *The proposed alterations by way of design, form, fenestration pattern, and detailing fails to reinforce the character and appearance of the curtilage listed barn and would have an adverse impact on the site, setting of the listed buildings, and landscape character of the surrounding area, contrary to the provisions of the Policies DEV10, DEV20, DEV21, DEV22, DEV23, and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), Tamar Valley AONB Management Plan (2019 – 2024), and the Traditional Farm Buildings and their re-use (Barn Guide).*
5. *In the absence of a completed and signed Unilateral Undertaking to secure a scheme of mitigation to manage the additional recreational pressures upon the Plymouth South (sic) and Estuaries European Marine Site (comprising the Plymouth South (sic) and Estuaries SAC and the Tamar Estuaries Complex SPA), the proposal is contrary to policies SPT12, SPT14, DEV26 and DEL1 of the Plymouth and South West Devon Joint Local Plan (2014- 2034).*

Main Issues

5. The five main issues are: firstly, whether the building that is the subject of this appeal is curtilage listed; secondly, whether the site is a suitable location for the proposed holiday accommodation, having particular regard to national⁵ and local⁶ planning policies for housing within the countryside; thirdly, the likely effect upon the significance of various designated heritage assets⁷; fourthly, the effect upon the character and appearance of the area, including the Tamar Valley NL and; fifthly, the likely effect upon nature conservation interests within the SAC and SPA.

Reasons

Planning Policy

6. My attention has been drawn to numerous development plan policies. I consider that the most important policies to the determination of this appeal are: LP policies TTV26 (development in the countryside), DEV15 (supporting the rural economy), DEV21 (historic environment), DEV23 (landscape character), DEV26 (biodiversity) and; NP policies E1 (environment), E2 (biodiversity) and H5 (rural development).

⁵ The National Planning Policy Framework (the Framework), December 2024.

⁶ The development plan, which includes the Plymouth & South West Devon Joint Local Plan 2014-2034 (LP) and the Bere Peninsula Neighbourhood Plan 2018 (NP).

⁷ Rumleigh House, Rumleigh Farmhouse and the two listed former farm buildings, as well as the WHS.

7. Whilst not planning policy, I also note the provisions of the Tamar Valley AONB Management Plan 2019-2024 (TVMP) and the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan (WHSMP).

First Main Issue – Curtilage Listed

8. Rumleigh House is a large, mid-18th century country house with early and mid-19th century and early 20th century additions. The walls of the original house are brick, which is notable as an early use of such material in Devon, with slate hanging at the side and front. The rear walls are rubble stone and the roof is asbestos slate. A walled garden runs to the north east of the house. I note from the appellants' Heritage Statement (HS), that in 1820 Rumleigh House was described by a local poet as a "*genteel mansion*".
9. Curtilage is determined on a case-by-case basis, having regard to the relevant facts. It is not necessarily defined by its size and does not have to be a small geographic area. In the case of large rural or country houses, the curtilage could be quite extensive. The Courts⁸ have set out relevant factors to consider when deciding whether or not a structure lies within the curtilage of a listed building and thereby statutorily protected. These comprise: a) the physical layout of the listed building and the structure; b) ownership, past and present; c) use or function, past and present. This is recognised by Historic England⁹.
10. The appeal building is a 19th century structure with its rear (western) wall forming part of the north-eastern garden¹⁰ wall to Rumleigh House. I understand that this structure was formerly the stables to Rumleigh House. A carriage house at the southern end of the stables collapsed as a result of storm damage during the early 20th century and was not reinstated. The physical layout of this country house, including its garden areas and various ancillary outbuildings¹¹, imitates grander houses¹² of the mid-18th century whilst also reflecting the requirements of previous owners. The appeal building has a close physical relationship to Rumleigh House, being visible from the house and throughout the walled garden. The above indicates to me that the appeal building should be treated as a curtilage listed structure¹³.
11. The appeal building was built to help meet the needs of the occupiers of Rumleigh House at that time and these buildings are in the same ownership today. I understand that when the house was listed in January 1987, the appeal building was held on a separate title to Rumleigh House and was owned by a separate party¹⁴. At that time, this former stable building was not in ancillary use to Rumleigh House and formed part of the commercial premises to a fruit and flower business¹⁵. This tends to support the appellants' case that the former stables are not curtilage listed. However, for much of its history, including when constructed, the appeal building has been within the same

⁸ Attorney-General ex rel Sutcliffe and Others v Calderdale Borough Council [1983] JPL 310

⁹ Historic England Advice Note 10 'Listed Buildings and Curtilage' 2018.

¹⁰ There are separate areas of garden to the south and south west of the listed house.

¹¹ The appellants HS refers to the appeal building as an ancillary structure to Rumleigh House.

¹² I understand that there is a designed view from the drive to Rumleigh House from Gawton and Rumleigh Lodge, which includes the appeal building as an integral element in the grouping of structures associated with the house.

¹³ I also note from an example given in the case of Skerritts of Nottingham v Secretary of State for the Environment and Transport and the Regions [1999], that it was held that the curtilage of a principal manor house was likely to include stables and other outbuildings.

¹⁴ I note the judgments in Watts v Secretary of State for the Environment [1991] JPL 718 and R v Camden LBC ex p Bellamy [1992] JPL 255, which indicate that the curtilage should be taken to that which existed at the time of listing, but contradicted in Sumption & Sumption v LB Greenwich & Rokos [2007] EWHC 2776 (Admin).

¹⁵ I understand that at that time it was used as a cold store for the storage of bulbs.

ownership as the house that it was intended to serve. For much of its 'life' the building has been used for purposes subordinate to and dependent upon the use of the grade II listed Rumleigh House. This indicates to me that it should be treated as curtilage listed.

12. I note from the HS that the appeal building was constructed to provide accommodation for carriages and carriage horses that were kept/used by previous owners of Rumleigh House. Whilst it ceased to be used for stables many years ago and, what appears to be a rather brief period in its history, had an intervening use as part of a fruit and flower business¹⁶ the building's close functional association/relationship to Rumleigh House remains. This also indicates to me that the appeal building should be treated as curtilage listed.
13. On the basis of the evidence before me, I consider that the appeal building should be treated as a curtilage listed building. That said, the above exercise is somewhat academic as the provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are already engaged by virtue of setting. Moreover, having found the appeal building to be curtilage listed, this does not mean that it is listed in its own right.

Second Main Issue – Location of New Housing

14. The appeal site lies within the countryside, outside of any recognisable settlement and away from main services. As is typical for many rural areas, the site is accessed via narrow country lanes that are lacking in footways and is poorly related to public transport services. The proposal would increase the need to travel by private motor vehicle. This is not a location where national and local planning policies generally encourage new housing.
15. However, the Framework allows for the re-use of redundant or disused buildings within the countryside where development would enhance its immediate setting. LP policy TTV26.1 allows development that would protect or enhance the character of historic assets and their settings, and NP policy H5 is supportive of the re-use of rural buildings where, amongst other things, the building concerned would not require substantial rebuilding or extension. I shall address the impact of the proposal upon the immediate setting, the character of historic assets (including their settings) and the extent of proposed rebuilding works as part of the third and fourth main issues.
16. The proposal would secure the re-use¹⁷ of a redundant/disused building, which I have found to be curtilage listed and which, by virtue of its age and long-standing associations with Rumleigh House, should be considered as an historic asset of some significance. In principle, and subject to my findings in respect of the third and fourth main issues, the proposed development would not undermine established planning policies regarding the location of new housing, including the LPA's spatial strategy or settlement policies¹⁸.

¹⁶ Given the uses of the appeal building, namely non-agricultural, I agree with the appellants that the LPA's Traditional Farm Buildings and Their Re-Use (Barn Guide)' is not determinative to the outcome of this appeal.

¹⁷ I note from the report by the appellants' consulting engineer that notwithstanding an existing concrete buttress there are no structural matters that would preclude the building from being successfully converted.

¹⁸ I have determined this appeal on its own merits. However, the LPA's decisions to grant planning permission for the conversion of buildings at the neighbouring Rumleigh Farm for holiday accommodation and for use as a wedding venue (refs. 8359/2005/TAV & 2723/21/FUL), as well as change of use to a holiday let at Lower Rumleigh (ref. 01825/2011), indicate that increasing the need to travel can be an accepted consequence of schemes of conversion within this part of rural West Devon.

Third Main Issue – Effect Upon the Significance of Designated Heritage Assets

Rumleigh House

17. The heritage interest (significance) of this grade II listed building is primarily derived from its special architectural and historic qualities. These include its original brick walls, slate hanging, unusual layout, windows/window arrangement, chimney stacks, internal features, walled garden, as well as its role as a large/country house within this part of west Devon and associations with some notable former residents.
18. Over time, there have been some alterations to the garden wall and some of the ancillary curtilage buildings, as well as changes within its extensive setting. In so far as the appeal site, these alterations include the loss of the carriage house previously attached to the southern end of the stable (weatherboarding now exists across the southern gable end), a mono-pitched addition at the northern end, the construction of a concrete buttress, the use of modern profiled roof sheeting, concrete block masonry in some of the former openings and a concrete slab floor.
19. The architectural qualities of this former stable are somewhat limited and make no positive contribution to the significance of Rumleigh House. However, the appeal building's former use as a stable to this country house comprises part of the overall designed ensemble of Rumleigh House and makes a small contribution to the historic interest/significance of this grade II listed building. Changes within the setting to this listed house include the holiday accommodation and wedding venue permitted at Rumleigh Farm.
20. The proposed development would include the demolition of part of the modern lean-to section at the northern end of the stable and rebuilding the southern section, which was previously the carriage house, in materials to match the stable. The blocked-up door and windows in the eastern elevation would be re-opened and three conservation style rooflights inserted into the stable roof. Two parking spaces would be provided on the northern side of building.
21. The rebuilding of the southern section of the building would occupy the 'footprint' of the former carriage house and would be designed with full height windows to mimic the tall, wide openings of the former carriage house. Although these rebuilding works could, in the context of development plan policies, be perceived as significant or substantial works, they would reflect the historic character of a country house stables. As noted within the appellants' HS, this rebuilding work would return the balance and integrity of the building and reflect its original function within the Rumleigh House estate.
22. The proposed use of small-pane casement windows and half-glazed small-pane doors in the stable and the exterior staircase (giving access to the roof) would also help return the historic character of the building. Planning conditions could be attached to an approval to ensure that appropriate external materials were used, including timber framed windows and doors.
23. The removal of part of the modern lean-to the northern end of the building would enhance the character and appearance of the stable and proposed use would secure a long term future for the building and avoid it falling into further disrepair and eventual collapse. The proposed development would help

preserve the historic interest of Rumleigh House as a country house and enhance its setting.

Settings of Rumleigh Farmhouse and the two separately listed former farmbuildings

24. The significance of Rumleigh Farmhouse, which dates from the 16th century, is primarily derived from its special architectural and historic qualities. These include its rendered rubble walls, chimney stacks, pre-20th century windows, porch, original 3-room-and-through-passage plan and its historic associations with agricultural activities within this part of west Devon. This designated heritage asset also has an extensive setting. This includes the appeal site, which is situated on higher land approximately 150 metres to the south west.
25. The significance of the grade II listed 19th century former farm buildings immediately alongside Rumleigh Farmhouse is also primarily derived from their special architectural and historic qualities. These include their rubble stone walls and past association with agricultural activities within this part of west Devon. As noted above, these buildings are no longer in agricultural use.
26. There have been numerous changes within the settings of these three grade II listed buildings over time. These include the permitted holiday units and wedding venue (including associated car parking area), as well as the collapse of the former carriage house on the appeal site. The upper part (mainly the roof) of the stable on the appeal can be seen from this group of buildings. As a traditional rural building, the existing stable on the appeal site makes a very minor contribution to understanding and appreciating the historic significance of this group of listed buildings. However, the deteriorating condition of the stable and its modern roof material is a very minor detracting element within the settings of this group.
27. The proposed sympathetic restoration of the stable, including the proposed rebuilding works, would restore the integrity of this building, secure its long term future and, in so doing, result in a minor positive enhancement to the settings of the listed group of buildings at Rumleigh Farm.

WHS

28. This designated heritage covers a vast area (approximately 19,500 ha) and encompasses the 18th and early 19th century metalliferous mining features (mainly related to copper and tin mining) that can be found across much of Cornwall and parts of West Devon. The Statement of Outstanding Universal Value (OUV) includes reference to the remains of mines, engine houses, smallholdings, ports, harbours and industries allied to mining. These act as a prominent reminder of the contribution Cornwall and west Devon made to the Industrial Revolution.
29. The WHSMP is aimed at ensuring this internationally significant mining landscape is cared for, understood and celebrated. I understand that the appeal site lies within Area A10 – The Tamar Valley Mining District with Tavistock. The attributes of this part of the WHS include great houses, estates and gardens. However, there is no evidence before me to indicate that Rumleigh House and its estate, and in particular, the appeal site has any past association or significance with mining or mine activity. The appeal site makes a neutral contribution to the significance of the WHS.

30. The proposed development would not detract from an appreciation or understanding of the OUV or significance of this designated heritage asset and there would be no conflict with the WHSMP.

Conclusion on Heritage Assets

31. The proposed development would preserve the historic interest of Rumleigh House and enhance its setting. It would result in a minor enhancement to the settings of the group of listed buildings at Rumleigh Farm and would have a neutral effect upon the OUV and significance of the WHS. The proposal would accord with the provisions of the Framework aimed at conserving and enhancing the historic environment, as well as the provisions of LP policy DEV21 and the relevant provisions of NP policy E1.

Fourth Main Issue – Character and Appearance

32. The appeal site lies within an attractive rural area which is bisected by various public rights of way. This includes footpath 28 which runs to the south west and north east of the appeal site. The special landscape qualities of this nationally important landscape include a relatively unspoilt valley and water landscape, with high visual quality and a remarkable heritage.
33. The proposed development would be readily visible from footpath 28 and would also be seen in some limited and more distant views from footpath 27, which runs from the drive from Gawton and Rumleigh Lodge further south. However, seeing a development is not in itself harmful and the proposed development would be in a part of the countryside that already includes some holiday accommodation and a wedding venue business.
34. The proposed works would restore a traditional building that is an integral part of the Rumleigh House estate and which contributes to the significance of this designated heritage asset. The proposed re-use of this building would avoid it falling into further disrepair and decay and become an unsightly feature within the landscape. The sympathetic works of rebuilding and restoration would restore the integrity of the building and, in so doing, provide a small enhancement to the rural scene. The extent of the proposed rebuilding works and the very modest sized domestic curtilage would not harmfully erode the natural or scenic qualities of the area or offend the objective of LP policy TTV26 or the relevant provisions of NP policies E1 and H5. There would also be no conflict with the TVMP.
35. The proposed development would not harm the character or appearance of the area or any of the special qualities of the Tamar Valley National Landscape.

Fifth Main Issue – Nature Conservation Interests

36. The appeal site lies within the 12.3km Zone of Influence where new residential development would be likely to have a recreational impact upon the Tamar European Marine Site, in particular the Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA¹⁹.
37. I consider that the appeal scheme, in combination with other development proposals (plans/projects) within the Zone of Influence, could increase

¹⁹ I note that the Habitats Regulations Assessment of the LP concluded that the recreational impacts from new residential development, either alone or in combination with other plans or projects, would impact upon the integrity of the SAC and SPA. This is now widely accepted in determining planning applications and appeals.

recreational pressures within the SAC and SPA and, without mitigation, would have an adverse effect upon nature conservation interests²⁰ within these protected areas. This is accepted by the appellants' agent, who has calculated that a financial contribution²¹ of £435.89 would be made (via an agreement under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended)) to help fund the cost of necessary mitigation.

38. As set out above, one of the LPA's putative reasons for refusal was the absence of a unilateral undertaking to secure the necessary mitigation for the SPA and SAC. Both national and development plan policies recognise the importance of conserving and enhancing the natural environment. I consider that an undertaking under the provisions of s106 of the Town and Country Planning Act 1990 (as amended) would be the most appropriate mechanism for securing a contribution towards mitigating the likely recreational impacts of the proposed development.
39. I note that the appellants were intending to provide such an undertaking in support of their appeal. However, their agent has informed me that the LPA has not provided a copy of its "Framework Agreement" for securing such an undertaking. Instead, the appellants consider that the LPA's suggested planning condition, requiring a signed section 106 unilateral undertaking prior to the commencement of development would address this matter. In support, my attention has been drawn to Planning Practice Guidance (PPG) which, amongst other things, advises that whilst no payment of money can be required when granting planning permission it may be possible to use a negatively worded condition to prohibit development until a specified action, for example, entering into a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure.
40. However, the PPG also advises that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. Ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. It encourages the parties to finalise the planning obligation or other agreement in a timely manner and is important in the interests of maintaining transparency.
41. The circumstances of this case are not exceptional²² as to justify the use of a negatively worded condition requiring a planning obligation to be entered into before the development commences. There is no clear evidence that without such a condition the delivery of the development would otherwise be at serious risk. In the absence of a completed planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended) there is no suitable mechanism in place to secure the mitigation necessary to protect the integrity of the SAC and SPA. As a consequence, the proposed development

²⁰ These include salt meadows, estuaries, large shallow inlets and bays, mudflats, sandflats, reefs and sandbanks.

²¹ I understand that Natural England has agreed that mitigation from recreational disturbance caused by in combinations plans within the SAC and SPA can be met by contributions to a Strategic Management Plan.

²² For example, it has not been argued that the proposal is enabling development or would deliver any unusual or major social, economic or environmental benefits. Moreover, it is not unusual for appellants to submit unilateral undertakings without relying on local planning authorities to provide a pro forma or 'framework agreement'.

would adversely affect nature conservation interests within these protected areas. There would be conflict with LP policy DEV26 and NP policy E2.

Other Matters

42. The proposed development would help to support the construction industry. Occupiers of the building, by spending money within the local area, would also help support the rural economy. The proposal would accord with the overall objective of LP policy DEV15. This adds some limited weight to the argument for granting planning permission.

Overall Conclusion

43. My findings in respect of the first four main issues and the 'other matters' above do not overcome or outweigh the harm to nature conservation interests that I have identified within the fifth main issue. Whilst the proposal would accord with some aspects of the development plan and the Framework, achieving sustainable development, which is central to national and local planning policies, includes protecting and enhancing the natural environment. In the absence of a suitable mechanism that safeguards the natural environment the proposal would be at odds with the overall objectives of national and local planning policies. The appeal should not therefore succeed.

Neil Pope

Inspector