



Appeal Decision

Site visit made on 3 February 2025

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2025

Appeal Ref: APP/U1105/W/24/3347765

Northcombe Farm, Salcombe Regis, Devon, EX10 0JQ.

- 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 Eccles against the decision of East Devon District Council (the LPA).
 - The application reference is 23/2523/FUL.
 - The development proposed is an annexe (conversion of redundant rural building).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the East Devon National Landscape (NL)¹ and a Coastal Preservation Area (CPA). It also lies within the Salcombe Regis Conservation Area² (CA) and within the settings of several listed buildings³, including the grade II listed Northcombe Farm⁴. In addition, the site is within 10 km of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and within the defined East Devon Pebblebed Heaths Contribution Zone (CZ). The site is in a very sensitive location.
3. I have treated the application/appeal site as being the area shown edged in red on the 1:1,250 scale 'location plan' (drawing ref. 8721-LP).

Main Issues

4. The five main issues are: firstly, whether the relationship between the appeal site and Northcombe Farmhouse is such that, in planning policy terms, the proposed development should reasonably be treated as an annexe; secondly, the effect upon the significance of designated heritage assets⁵; thirdly, the effect upon the character and appearance of the area, including the NL; fourthly, the effect upon the living conditions of neighbouring residents, with particular regard to overlooking and; fifthly, the likely effect upon biodiversity within the SAC.

Reasons

Planning Policy

5. The development plan includes the East Devon Local Plan 2013 to 2031 (LP) and the Neighbourhood Plan for the Sid Valley (NP). My attention has been drawn to

¹ The provisions of section 85 of the Countryside and Rights of Way Act 2000 (as amended) are engaged.

² The provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

³ The provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

⁴ Listed as Northcombe Farmhouse. To avoid confusion, I shall refer to the appellant's dwelling as Northcombe Farmhouse.

⁵ In particular, the CA and the settings of Northcombe Farmhouse and the grade II* listed Church of St Mary and St Peter. The LPA has calculated that this church is approximately 50 metres to the west of the appeal site.

numerous strategies and policies. The most important policies to the determination of this appeal are: LP Strategies 7 (development in the countryside), 44 (CPA), 46 (landscape conservation and AONBs), 47 (nature conservation), LP policies D3 (trees), D8 (re-use of rural buildings), EN8 (heritage assets) and NP policy 1 (development principles).

First Main Issue – Relationship of the Appeal Site to Northcombe Farmhouse

6. The appeal site includes a redundant agricultural building (former pig shed) that is in a state of disrepair⁶. This blockwork structure is situated at the southern end of the appeal site and on the opposite side of Dunscombe Lane to the appellant's house and main garden⁷. Access is via a driveway and former farm track⁸ which rises in a southerly direction away from the road.
7. Adjoining the appeal site building is a smaller, former agricultural building. I understand that this has been used as a store and gym in connection with the use of the appellant's house for about 10 years⁹ and was re-roofed about 7 years ago. At the northern end of the appeal site and immediately adjacent to Dunscombe Lane, is a small office and separate garage/car port¹⁰.
8. My attention has not been drawn to any development plan policy that specifically relates to annexes. Where, as in this instance, such development is intended to provide accommodation for dependant relatives, it can provide a social benefit. In particular, such accommodation enables families to have convenient access to their relatives and the ability to provide greater care by having them live alongside. It also allows relatives to retain a degree of independent living and can sometimes release larger sized/under-occupied dwellings into the housing market. Such accommodation can also contribute to the achievement of balanced communities.
9. In my experience, annexes, especially those, as in this instance, which are intended for use by elderly relatives, are usually very closely related to a main house. This either takes the form of an extension or a separate building alongside. In this case, the proposed annexe would be located quite a distance away from the main house. It would also be on the opposite side of the road and accessed via a driveway/track that has a challenging gradient for elderly residents. Whilst the appellant's relatives may be fit and healthy, I find it a surprising choice of location in which to seek to accommodate two nonagenarians¹¹.
10. The LPA has calculated that the proposed annex would have a net internal floorspace of about 98m². The submitted plans show a two bedroom unit of accommodation, with a lounge and dining area, an ensuite and a separate bathroom. This would comprise a generous-sized annexe¹². As no kitchen area is proposed, it is reasonable to assume that the occupiers of this annex would either have their meals brought to them or regularly make their way down and back-up the driveway/track to and from Northcombe Farmhouse. There are doubts in my mind as to the practicalities of this, especially during periods of inclement weather.

⁶ Amongst other things, the roof has been removed.

⁷ The appellant has calculated that the appeal building is about 75 metres away from Northcombe Farmhouse.

⁸ The appellant has informed me that "Northcombe Farm has not been a proper farm for over 40 years".

⁹ The LPA has informed me that no planning application was made for a change of use and the lawful use remains agricultural.

¹⁰ In 2017, permission was allowed on appeal (ref. APP/U1105/D/17/3180169) for a garage and rebuilding of a storage shed on this part of the site. A revision to this approved scheme was granted in 2018 (ref. 17/2785/FUL).

¹¹ I note that in time, the proposal would be occupied by the appellant, with other family members then residing in the main house.

¹² I note from the LPA officer's report, that under the National Space Standards, the proposed internal space would be equivalent to 3 or 4 bed unit or a 5 or 6 person home.

11. In all likelihood, the development, if permitted, would, after a short period of time, result in pressure to provide a kitchen as part of the proposed annexe. In this regard, I note the observation within the LPA's officer's report that there would be adequate space to provide such a facility and which would require no further planning permission.
12. In my opinion, the absence of a kitchen from this proposed annexe is the only meaningful facility to distinguish the proposal from being considered, in planning policy terms, as a separate, self-contained dwelling. Therefore, even if the annexe was initially tied to Northcombe Farmhouse, circumstances could change¹³. Given the very attractive rural location of the appeal site (where housing is likely to be much sought after), it would be difficult for the LPA to resist pressure to remove any such encumbrance.
13. I conclude on the first main issue that the relationship between the appeal site and Northcombe Farmhouse is such that, in planning policy terms, the proposed development should not reasonably be treated as an annexe. However, this would not in itself be adequate justification for withholding permission.

Second Main Issue – Designated Heritage Assets

14. The CA includes much of the settlement of Salcombe Regis and some of the surrounding countryside, including parts of the steeply sloping valley sides. The significance of this designated heritage asset is primarily derived from its special architectural and historic qualities. These include the contribution made by the various listed buildings, including boundary walls.
15. I note from the LPA's Conservation Area Appraisal, that important features within the CA include the Church of St. Mary and St. Peter (a Significant Landmark) and the group of trees growing immediately to the east of the appeal site. The appeal site is not identified as a detracting feature within the CA. I consider that the southern part of the appeal site, which retains a rural character, makes a small, positive contribution to the significance of the CA.
16. The heritage interest (significance) of the circa 17th century Northcombe Farmhouse is primarily derived from its special architectural and historic qualities. These include its rubble stone walls, thatched roof and porch, stone mullioned windows and 19th century casement windows. The setting of this grade II listed vernacular building includes parts of the settlement of Salcombe Regis and the surrounding countryside. Over time, there have been some changes within this setting. This includes the above noted office and garage/car port.
17. Whilst not a thing of beauty, the remains of the appeal site building and the land immediately to the west, form an integral part of the longstanding rural surrounds to Northcombe Farmhouse. This (southern) part of the appeal site assists in affording an appreciation and understanding of the historic association between this former farmhouse and the surrounding countryside. It makes a small, positive contribution to the significance of this designated heritage asset.
18. The significance of the Church of St. Mary and St. Peter, which dates from the Norman period, is also primarily derived from its special architectural and historic qualities. These include its Perpendicular west tower with battlements, late-

¹³ It is by no means certain that the intended occupants would reside within the new unit of accommodation.

medieval two-storey structure (possibly a priest's dwelling) west of the northern aisle, chancel, windows, a host of internal features and its role as a place of worship within this part of rural east Devon.

19. The setting of this grade II* listed church includes the settlement of Salcombe Regis and much of the surrounding countryside. There have also been changes within the setting of this designated heritage asset over time, including the growth of the settlement. Notwithstanding some recent vegetation clearance to the east of the appeal site, the southern part of the site is perceived as an integral part of the steeply sloping wooded hillside/countryside that lies to the east of the church. It assists in affording an appreciation and understanding of the historic role of the church as a place for religious worship and quiet contemplation within this rural area. The southern part of the appeal site makes a small, positive contribution to the significance of this designated heritage asset.
20. The proposed development would be seen from Northcombe Farmhouse, the churchyard to the Church of St. Mary and St. Peter, some views of the church from the south east, as well as from some other parts of the CA. Seeing a development does not in itself amount to a harmful impact and the appellant's architect has given thoughtful consideration to minimising the visual impact of development. In this regard, the low height of the appeal building would be maintained and the proposed use of horizontal timber cladding on the external walls and a standing seam zinc roof would have a recessive appearance.
21. However, the proposed development would introduce a new residential unit onto the southern part of the appeal site and, in so doing, would markedly change the character of this part of the site. The activity/comings-and-goings associated with the proposed residential use would be very different to the long-standing use of the land/building and together with the proposed patio doors, light spill and inevitable domestic paraphernalia, the agricultural/rural character of the site would be lost. This would detract from the settings and significance of the CA, Northcombe Farmhouse and the Church of St. Mary and St. Peter. I disagree with the LPA's assessment that the proposal would have a neutral impact.
22. During my visit, I noted that some vegetation clearance had recently taken place on the valley side above the appeal site building. However, given the proximity and height of some of the trees growing on this part of the valley side, I share the concerns of the LPA that residents of the proposed accommodation could perceive these to be a risk/nuisance¹⁴. In future, residents could apply pressure on the LPA to have these trees removed, which would be difficult to resist. The proposal would therefore also be likely to diminish an important feature within the CA.
23. In respect of the setting of the Church of St. Mary and St. Peter, the impact of the development would also be very evident in views of the church tower to the south east and from parts of the churchyard. From here, the proposed residential accommodation would occupy a prominent position and contrast awkwardly with the rural character of the valley side. It would intrude into the setting of the church and distract from an appreciation of a particularly important building that is of more than special interest.
24. In the context of the National Planning Policy Framework (the Framework), the proposed development would result in less than substantial harm to the

¹⁴ Tree/branch failure, overshadowing and tree debris.

significance of the CA, Northcombe Farmhouse and the Church of St. Mary and St. Peter. However, less than substantial harm to the significance of designated heritage assets does not amount to a less than substantial planning objection. Great weight should be given to an asset's conservation and the more important the asset, the greater the weight should be. I attach considerable weight to the harm to the significance of these three designated heritage assets, especially to the Church of St. Mary and St. Peter.

25. I am required to weigh this less than substantial harm with any public benefits of the proposal. In this regard, I have already noted above that dependent relatives annexes can provide social benefits and release other homes into the housing market. The proposed development would also provide some very limited support to the construction industry and the proposed solar panels and air source heat pump would help to reduce the dependency on fossil-fuels. However, the totality of these public benefits falls very short of outweighing the harm to the settings and significance of the designated heritage assets that I have found above.
26. I conclude on the second main issue that the proposed development would result in unacceptable harm to the significance of the CA, Northcombe Farmhouse and the Church of St. Mary and St. Peter and would conflict with the provisions of LP policy EN8. This weighs heavily against an approval.

Third Main Issue – Character and Appearance

27. Salcombe Regis and the surrounding countryside contribute much to the scenic beauty of the area. Although the appeal site is closely related to the settlement, the rural character of the southern part of the site has more in common with the countryside than the village itself. It forms part of the steeply sloping wooded valley side, which assists in creating a very attractive landscape setting to the settlement. I have not been provided with any relevant extracts from the East Devon AONB Management Plan and the special qualities of this NL have not been identified to me. Nevertheless, having seen the appeal site and its surroundings, I consider that the southern part of the site forms part of the area's rural charm¹⁵.
28. I have found above, in respect the second main issue, that the proposed development would result in a change in character of the southern part of the appeal site and be likely to result in future pressure to remove some trees. This change in character would have the effect of extending residential development into the countryside that surrounds Salcombe Regis and eroding the area's rural charm. This would be accentuated by the future loss of some neighbouring trees from this wooded hillside. As set out within the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty within NL's.
29. The proposed use of timber cladding on the external walls would offer some limited enhancement to the building's appearance. Nevertheless, from parts of the public realm this new residential accommodation would appear as an unexpected addition to the wooded hillside that would contrast awkwardly with the unspoilt natural qualities of the area. The proposal would detract from the landscape setting of the village and the natural beauty of this part of the NL.
30. Whilst I concur with the LPA's assessment that the proposal would not conflict with the objectives of LP Strategy 44 for protecting the undeveloped/open status of the

¹⁵ It is not unusual to find the remains of agricultural buildings within the NL and over time, some of these blend into the landscape.

CPA, I conclude on the fourth main issue that the proposed development would harm the character and appearance of the area and be at odds with the objectives of LP Strategies 7 and 46, LP policies D3 and D8.1 and NP policy 1. This also weighs heavily against granting planning permission.

Fourth Main Issue – Living Conditions

31. As I noted during my visit, the appeal site building occupies an elevated position in respect of a number of neighbouring dwellings to the north and west. From some of the proposed doors and windows in the west facing elevation of the building and the likely garden space alongside, there would be the potential for some views towards these neighbouring dwellings and their gardens.
32. However, there is already some overlooking of these properties and the windows and doors to the proposed habitable rooms would not be so close as to result in any significant loss of privacy for neighbouring residents or make those living alongside feel uncomfortable using their garden spaces. In all likelihood, occupiers of the proposed accommodation would be taking advantage of the views towards the church and the opposite side of this attractive valley rather than attempting to peer down into their neighbours properties.
33. I conclude on the fourth main issue that the proposed development would not harm the living conditions of neighbouring residents.

Fifth Main Issue – Biodiversity/SAC

34. Following research undertaken by Natural England and others, it is now widely recognised that new residential development, alone or in combination with other plans and projects¹⁶, within the CZ would be likely to have an adverse impact upon the integrity of the SAC through increased recreational use/pressure. In line with Strategy 47 of the LP, such developments may be permitted where such adverse impacts could be mitigated by way of financial contributions¹⁷ towards the cost of measures such as access management within the SAC. An appropriate mechanism for securing such contributions would be via a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended).
35. Although I have only been provided with limited information, I understand that a residential annexe would be exempt from a requirement to make a financial contribution towards the costs of mitigation within the SAC. However, given my findings in respect of the first main issue above, I concur with the LPA's assessment that for the purposes of assessing the impact upon the SAC, the proposal should be treated as a dwelling.
36. I understand that the qualifying features for the SAC comprise Northern Atlantic wet heaths, wet heathland, European dry heaths and Southern damselfly. The conservation objectives for the SAC include maintaining or restoring the integrity of the SAC and ensuring it contributes to achieving Favourable Conservation Status of its qualifying features.
37. In my opinion, the likely recreational impacts/pressure arising from a dwelling on the appeal site would, in combination with other plans and projects within the CZ, have a significant adverse effect upon the qualifying features of the SAC and

¹⁶ Including other schemes of residential development.

¹⁷ In the Pebblebed Heaths only area, I understand that a contribution of £196.81 per dwelling is sought by the LPA.

undermine the conservation objectives for this protected area. There is no evidence before me to indicate otherwise and it has not been demonstrated, beyond all reasonable scientific doubt, that the development, in combination with other plans and projects, would not have an adverse effect on the integrity of the SAC. A financial contribution towards the costs of mitigation in the SAC would therefore be necessary. However, there is no mechanism in place to secure this.

38. I conclude on the fifth main issue that the proposal would harm biodiversity within the SAC and conflict with the provisions of Strategy 47 of the LP. Whilst this weighs against an approval, my decision does not turn on this issue.

Other Matters

39. I note the LPA's concern regarding the absence of technical information on the structural stability of the building. I understand that the appellant is surveyor and has satisfied himself that the remains of the appeal building are capable of being incorporated into the proposed residential accommodation. If this could not be achieved then together with the new roof structure, which comprises significant new works, the proposal would almost certainly fall outside the remit of a conversion. I have determined the appeal on the basis of it being a conversion.
40. The appellant has drawn my attention to an annex that was approved by the LPA at Cutlers Hill House, Higher Greenway Lane, Sidmouth. Whilst there is only very limited information before me in respect of this other development, it does not lie within the CA or within the settings of the above noted listed buildings. This is an important material difference to the proposal before me and this other case does not set a precedent that I must follow.
41. The appeal site is about 3.2km from Sidmouth and a bus service operates along the A3052. However, the nature¹⁸ and gradient of the roads leading to and from the main road and the town are such that most trips¹⁹ by occupiers of the appeal building would be made by motor vehicle. Whilst there is some merit therefore in the LPA's case that the proposal would increase the need to travel by car and be at odds with the thrust of LP Strategy 5B and policy TC2, the Framework, amongst other things, is broadly supportive of the re-use of redundant rural buildings.

Planning Balance/Overall Conclusion

42. Notwithstanding the Town Council's support for the proposal and my findings in respect of the fourth main issue, the impact upon the significance of designated heritage assets and the character and appearance of the area tips the planning balance firmly against granting planning permission. Having regard to all other matters raised, I conclude that the appeal should not succeed.

Neil Pope

Inspector

¹⁸ Narrow, unlit country lanes.

¹⁹ Such as those required to access shopping and healthcare facilities.