



Appeal Decision

Site visit made on 4 December 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/P1133/D/24/3352650

Embercombe Cottage, Road from Glebe Cottage to Holden Cross, Higher Ashton, Devon EX6 7QT

- 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 Miss Emma Regan against the decision of Teignbridge District Council.
 - The application Ref is 24/00796/HOU.
 - The development proposed is for a timber shed and workshop.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Subsequent to the decision made by the Council on the application to which this appeal relates, the Government published the revised National Planning Policy Framework (the Framework) on 12 December 2024. I consider that there have been no major changes relevant to the main issue in this appeal. It will therefore not prejudice any party by making my recommendation with regard to the revised Framework. Where specific paragraphs have been identified by the parties, I have referenced the updated numbering where appropriate.
4. There is some confusion regarding the name of the appeal site. The application form, appeal form and Council's decision notice refer to the appeal site as Embercombe Cottage. Therefore, my recommendation, and the banner above, also reflects this, with the neighbouring property being known as The Annexe.
5. The Appellant has made reference to highway safety concerns from the Council. However, I could not see any reference to these within the Council's Officer Report, and they do not form part of the reasons for refusal. As such, this does not form part of my recommendation.

Main Issue

6. The main issue is the effect of the proposed development on the setting of the Grade II listed Embercombe Cottage.

Reasons for the Recommendation

7. Embercombe Cottage is a thatched-roof cottage situated close to the front of its curtilage, with the main part of the building sitting perpendicular to the road. Immediately adjacent to the cottage is an area of hardstanding, which adjoins the road. The proposal seeks permission for a detached shed to be placed within the area of hardstanding, which would incorporate a carport, and would be used for the storage of firewood, tools and other household items.
8. Embercombe Cottage is a Grade II listed building¹ which appears to be of a traditional cob construction with a thatched roof. Not all of the building is included in the listing description, with the right-angled section set further back in the plot being a later addition. From the limited evidence provided, and from my site visit, the significance of the cottage appears to derive from its positive visual contribution to the area, together with its heritage value as a traditionally constructed cob dwelling.
9. The proposed development would be positioned within the setting of Embercombe Cottage. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest. The Framework defines the term “Setting of a heritage asset” as being, amongst other things, the surroundings in which a heritage asset is experienced.
10. The setting of the appeal site is formed through its proximity to the road and the area of hardstanding next to the building, as well as its relationship to the verdant backdrop of fields and trees. The Annex, which neighbours the appeal site, also contributes to the setting of the appeal site. While the Annex is seen within the same context as Embercombe Cottage, there is visual separation through the boundary treatments between them.
11. The proposed shed would introduce a large structure in the open space to the side of the cottage. Although there would still be a gap between the proposal and the cottage, it would be highly visible from the road, which is where the listed building is viewed from. I consider that the scale of the proposal in terms of its footprint, height and overall massing would overwhelm the modest proportions of the host listed building. Its siting so close to the listed building would add to the harm and over dominance of the proposed structure in relation to the scale and proportions of the listed building.
12. The shed would have a lower ridge height than the host, and I acknowledge that the roof pitch has been reduced to reflect the roof pitch of the cottage. That being said, I have not been provided with any detailed comparison of the proposal and the cottage in terms of their comparative heights and how it would sit within the same context. Based on my site visit observations and on the evidence before me, I find that the proposed development in terms of its siting, dimensions, scale and massing as well as its appearance would fail to protect the setting of this designated heritage asset.
13. Given the above, the proposal would be harmful to the setting of Embercombe Cottage. The Framework is clear that great weight should be given to the asset's conservation. Due to the scale of the proposal and given that it would only affect the setting of the building and would not alter its built form, the level of harm to the

¹ List Entry Number 1097851

significance of the heritage asset would be less than substantial. Having regard to the approach set out in paragraph 215 of the Framework, where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

14. The Appellant has advanced that the shed would be used for tools and general household storage that would otherwise clutter the hardstanding and the overhang to be used for firewood. While I understand there is a need to store tools for the ongoing maintenance of the house and gardens, it has not been justified to me that the hardstanding to the front is the most appropriate place for it. Consequently, I give that matter only limited weight. Furthermore, whilst it is maintained that the proposal would allow for some limited additional wildlife habitat, I do not consider that such a benefit would outweigh the identified harm to the setting of the listed cottage.
15. Accordingly, I conclude that the proposal would fail to preserve the setting of the listed building. The proposal would fail to accord with those sections of the Framework which concern conserving and enhancing the historic environment, and would conflict with Policy EN5 of the Teignbridge Local Plan (2013-2033) which seeks to ensure proposals conserve and enhance heritage assets and their setting.
16. It is noted that the Council have also cited Policy EN17 of the Submission Local Plan (2020-2040) within their reasons for refusal. Further information provided by the Council has confirmed that the Submission Local Plan has yet to be adopted. Consequently, whilst the proposal would conflict with this emerging policy, I have only accorded it limited weight in my recommendation regarding this appeal.

Other Matters

17. The Appellant has mentioned that there are other similar sheds adjacent to thatched cottages in the area, however these have not been identified to me. During my site visit I could not see any nearby. As such, this has had limited bearing on my recommendation.
18. I acknowledge the Appellant's frustration with the Council's communication and the way in which it handled the planning application. However, in this regard such matters do not impact on the planning merits of the proposal and consequently are not matters that are for my consideration in relation to this appeal.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet INSPECTOR