



Appeal Decision

Site visit made on 4 February 2025

by **Tom Bristow BA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/U1105/D/24/3349359

Ratclyffe House, Aunk, Clyst Hydon, Cullompton EX15 2NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (the '1990 Act') against a refusal to grant planning permission.
 - The appeal is made by Alison Beresford against the decision of East Devon District Council.
 - The application is ref. 23/1890/FUL.
 - The development proposed is described in the application form as 'replacement main drive lights'.
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Decision

1. The appeal is dismissed.

Preliminary matters

Heritage assets

2. Ratclyffe, also referred to as Ratclyffe House, is a sprawling grade II listed building.¹ Beyond a service range to its north is a separately listed coach house now in a poor state of repair.² Beyond the coach house, which appears to be within the same ownership as Ratclyffe, is parcel of land in separate ownership hosting various structures including barns and a mobile home. The coach house and Ratclyffe are presently accessed via a narrow track by that parcel of land.
3. The track spurs initially eastwards off the apparently unnamed road running through Aunk, an historic agricultural hamlet set in staunchly rural surroundings between Clyst Hydon and Talaton. The track joins the road by Ratclyffe Lodge, the name of that property suggesting that it may have originated as a gatehouse associated with a formerly extensive estate. The track was evidently historically a secondary access to Ratclyffe as it leads to functional elements of the property and is largely occluded from view by virtue of trees and mature landscaping.
4. The principal driveway to Ratclyffe is instead to the south-west or west of the house. That wider driveway arcs gently around landscaped gardens, passing by occasional mature trees, and is partly framed by estate fencing. The driveway declines in level from Ratclyffe to join the unnamed road running through Aunk by a crossroad, the westwards spur of which heads towards Great Aunke Manor.³ The driveway gate and its piers, again within the same ownership as Ratclyffe, are

¹ List entry no. 1098166.

² List entry no. 1309828.

³ List entry no. 1098165.

separately listed.⁴ At the time of my site visit the gate was in a poor condition, locked, and it appeared that the driveway had not been used for quite some time.

Statutory and policy context

5. Application ref. 23/1890/FUL is in relation to planning permission, as opposed to listed building consent. I have therefore approached the appeal in the context of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. That requires that I have special regard to the desirability of preserving listed buildings, their settings, or any features of special architectural or historic interest which they possess.
6. Reflecting that heritage assets are an irreplaceable resource, paragraph 212 of the National Planning Policy Framework ('NPPF') sets out how great weight should be given to their conservation relative to their importance. Policy EN9 of the East Devon Local Plan 2013-2031 (adopted 28 January 2016) is similar. In broader terms Local Plan policy D1 aims to ensure that any development integrates appropriately with its surroundings. Each proposal must be determined in line with the development plan unless material considerations indicate otherwise.⁵

The nature of the scheme

7. The application form describes the scheme as for 'replacement main drive lights', the intended locations of which are shown on plan no. '23.03 SP 02a'. I am told that 'there is evidence through older photographs (now lost) and cabling that there was once lighting along the driveway...'.⁶ That is not, however, evidence. I cannot reach a view as to how what is now proposed would compare to that which existed (visually or as to the implications of any trenching for cables or posts). The appellant's Tree Survey of 6 December 2023 refers to trenches having recently been laid, which is noted as having resulted in some root disturbance. There is, moreover, nothing to substantiate that lighting present along the driveway previously was historic, or benefitted from permission (if required).
8. In part on the basis that the proposal is for replacement lighting, the appellant argues that the proposal would not entail development. That argument is also made on the basis that the installation of lamp posts bolted onto a pre-formed base would not be work carried out by a builder with reference to the provisions of section 55(1A)(d) of the 1990 Act. In my view, however, the installation of lamp posts would fairly be described as 'normally undertaken by persons carrying on business as a builder'. Moreover, in this instance the bases to which 4 lamp posts would be bolted and associated trenching were not existing but created, or improved, for the purposes of the scheme.
9. Notwithstanding any case law on the matter of what constitutes development in planning terms, section 55(1A)(d) of the 1990 Act is beneath section 55(1) which is that development 'means the carrying out of building, engineering, mining or other operations in, on, over or under land...'. Therefore whether or not someone carries on business as a builder is a subsequent consideration, the laying of trenches and

⁴ List entry no. 1098167, noting that the piers are referred to in the list entry as 'round-headed' and therefore refer to the ironwork around the gate rather than to the stone wall to which they are affixed.

⁵ Section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended.

⁶ Statement of case on behalf of the appellant, paragraph 1.5.

bases for lighting upstands reflecting engineering operations. In any eventuality, there is an appeal before me.

The nature of the dispute

10. The Council's decision notice refers principally to what they contend to be the incompatibility of the design of proposed lanterns and the origins and aesthetic of Ratclyffe. Nonetheless that objection is set in a wider context, namely that the proposal would, in the Council's view, result in 'incongruous and unsympathetic additions to the driveway which would be harmful to the setting....'.
11. The officer report associated with application ref. 23/1890/FUL sets out that there is no in principle objection to the 2 pillar lights proposed by the listed gate to illuminate the entrance for safety and access reasons, albeit that 'further information and justification should be provided in order to fully assess the impact of the proposed lighting to the driveway'.
12. The officer report further refers to the conservation officer's comments of 22 May 2024, which again focus on the design of the 4 posts and lanterns, observing that in their view insufficient consideration has been given to their visual impact, including in respect of illumination. There appears to be no reference to whether listed building consent would be needed.⁷

Main issue

13. The main issue is the effect of the proposal in respect of historic significance.

Reasons

Special interest and significance

14. The list entry aptly describes Ratclyffe as a 'small mansion'. Whilst there is very little evidence before me as to its history including in conjunction with its surroundings, for a rural Devonian context it is a grand building. It was evidently designed as a conscious display of affluence. In its understated, unornamented, and largely symmetrical aesthetic, Ratclyffe appears classically Georgian. It bears no resemblance to a rural vernacular, nor incorporates lively architectural detailing increasingly prevalent through the Victorian era. The list entry indicates that Ratclyffe traces its origins in its present form to around 1830, towards the end of the Georgian era. Nonetheless, as a general rule, there was a time lag between historic architectural trends emerging in an urban context and their reflection in more distant rural areas.
15. The list entry notes that 'the main block faces east'. Whilst that might be the case from the perspective of its occupants, Ratclyffe was evidently designed to be approached and experienced via the sweeping driveway to the south-west and west. Walking upwards from the listed gate, Ratclyffe is an imposing form by virtue of its scale and being set higher in the landform. Part way along the driveway there are uninterrupted views of Ratclyffe against the skyline as trees become sparser to make way for the House. The listed building's principal entrance faces square west across landscaped grounds dotted with occasional mature trees, land to the east being more enclosed. The nearby road is slightly sunken relative plot boundary of

⁷ Noting the provisions of section 1(5) of the Listed Building and Conservation Areas Act 1990 as amended.

Ratclyffe, the embankment beside it being occupied by apparently self-seeded vegetation and trees of varying degrees of maturity.

16. As noted above, Ratclyffe falls within an area of a staunchly rural and historic character. Its surroundings are principally a gently undulating patchwork of relatively good-sized fields cut by established hedgerows and lanes. There is no discernible settlement form to Aunk, which comprises a loose scattering of a handful of buildings and farms. The nearest settlements of Clyst Hydon and Talaton are themselves small, having grown up successively around the crossroads of historic routes passing through them. The surroundings to the listed building are therefore not only relatively tranquil, but also inherently dark. That little illumination which exists appears to relate to the loose scattering of buildings here and to individuals' activities (including drivers, walkers or those engaged in agriculture). The appellant notes that 'it is extremely dark in this rural area'.
17. Insofar as relevant to this appeal, the significance of the listed building therefore derives principally from its imposing form, understated Georgian aesthetic and how it was designed to be a conscious display of affluence and architectural refinement in the landscape. The surroundings in which it is experienced contribute in no small measure towards significance, enabling an appreciation of Ratclyffe in the context of the rural, tranquil and naturally dark environment in which it originated. In turn those attributes reflect broader trends in physical form, notably architectural tastes.

The proposal

18. In total 6 lights would be introduced. There would be 2 at the gateposts and 4 lamp posts and lanterns equidistant from one another flanking the driveway. Gatepost lamps would be 0.403m high, mounted 0.9m above ground level atop the wall either side of the gate. Lamp posts and lanterns would instead reach 2.7m high to the top of the lantern, as shown on plan nos. '23.30 SP 01' and '23.30 SP 02a'. Lighting is proposed to be in accordance with Bat Conservation Trust guidance,⁸ operation in that respect capable of being secured via condition (were the scheme acceptable as a whole).

The effect of the proposal

19. In respect of the 4 lamp posts and lanterns, the appellant has sourced what they consider to be items sympathetic to the special architectural or historic interest of Ratclyffe. I am told that they were 'bought from a private seller and sold as 'Georgian style' lighting previously standing in a London Park'. As above, Ratclyffe is late Georgian. There was some architectural continuity between the Georgian and Victorian eras. The appellant draws my attention to a lantern said to be of around 1830 installed at the Pavilion Gardens in Brighton which is similarly detailed as those proposed to be installed here. The appellant is also of the view that the scheme would enhance the grandeur of Ratclyffe, which would not be altogether inconsistent with how the listed building was originally conceived of.
20. That said, in my view, the 4 lamp posts and lanterns are more of a Victorian than Georgian design. They have relatively intricate or ornate detailing reminiscent of late nineteenth century urban gas or sewer lamps (if not the degree of florid detailing that characterised later Victorian ornamentation). As above, historically

⁸ Guidance Note 08/18 'Bats and Artificial Lighting in the UK'.

design trends tended to influence rural areas later than urban areas. There is no clear logic to the comparison between rural Devon and urban Brighton. The Royal Pavilion at Brighton is unique. In my view the design of the 4 lamp posts and lanterns would clash with the consciously plainer design of Ratclyffe. That would result in a confusing juxtaposition, making understanding what is historic and what is not complex and to the detriment of authenticity and significance.

21. In respect of the particular nature of and context to Ratclyffe, there is no evidence before me of how the proposed 4 lamp posts and lanterns would relate to the design of any historic external lighting formerly present at the listed building or nearby. As above the evidence before me in respect of the history to Ratclyffe is very limited, and there is no indication as to what lighting existed previously or that which would be historically accurate. Gas in urban areas became commonplace in the early nineteenth century, albeit its provision was principally an urban phenomenon. Similarly electrification began towards the end of the nineteenth century again in urban areas, reaching certain rural parts of the country only through the course of the twentieth century.
22. Consistent with those trends, external illumination during the Georgian era in rural areas was principally by way of portable lanterns running on solid or liquid fuel, used when needed as opposed to provision by way of permanent fixtures. The 4 lamp posts and lanterns would be anachronistic in that context. Even were lighting to operate intermittently, illumination here would interfere with the consciously designed approach to Ratclyffe, which relies instead on the form and location of the House in the landscape. The 4 lanterns proposed are not designed to provide directional light and would be set relatively high above the driveway. They would, inevitably, entail light spill. That again would interfere with an historically authentic setting relative to the prevailing darkness hereabouts. Such illumination would naturally draw the eye, detracting from the integrity of the historic approach to the property.
23. The statement of case on behalf of the appellant sets out that the proposed lights 'would not affect the ability to appreciate Ratclyffe House or its setting from any public vantage point'. Nevertheless it appeared to me that the proposed lamp posts and lanterns would be fleetingly visible from the unnamed road by the gate to the driveway and from certain vantage points as that road heads away to the south-east. Moreover public visibility and historic significance, whilst often overlapping to some extent, are different concepts. Consequently the scheme cannot be described other than as harmful to special interest and significance.

Consideration

24. It is for the decision-taker, having established that harm would result, to gauge its extent. Notwithstanding the reasoning above, the proposal would affect a small part of the setting of the listed building. The proposal would not be altogether inconsistent with how the listed was originally conceived of, the surrounding area is not entirely devoid of nighttime illumination, and the operation of the lanterns could be controlled via condition (in respect of levels of illumination, warmth and duration). Consequently it is fair to categorise the harm that would result as 'less than substantial' with reference to NPPF paragraph 212 (and furthermore towards the lower end of a spectrum within that categorisation).

25. Both Local Plan policy EN9 and NPPF paragraph 215 set out that, in such circumstances, any harm should be weighed against the public benefits of the proposal (including securing the optimum viable use of a designated heritage asset). That is a balance to which I now turn, noting also that NPPF paragraph 213 sets out how any harm to, or loss of, the significance of a designated heritage asset should require 'clear and convincing justification'.

The planning balance

26. The appellant's motivation for installing lighting is understandable. As above, the surrounding area is naturally dark (particularly around the listed gate by virtue of its enclosure by embankments, tree canopies and vegetation). The proposal is supported by an individual who attended the property in that context. Increased visibility around the driveway and its road access would be beneficial in terms of wayfinding, and potentially in respect of safety. That may be particularly so for those with specific mobility or visibility needs. Illumination also increases a sense of security. Those benefits of the scheme may fairly be accorded some weight in terms of maintaining the optimum viable use of Ratclyffe, it being a truism that historic buildings need to evolve somewhat relative to modern expectations.

27. That said, there is no robust evidence before me of incidents arising here previously on account of lack of illumination including in respect of road safety. There is no evidence that the property would fall out of use in the absence of the scheme. There is also no evidence that security is a particular concern here. More significantly there is no indication that similar benefits could not be achieved by other, less harmful, means. In other words achieving comparable benefits is not dependent on allowing the appeal. Furthermore, even were the scheme acceptable in respect of its effects on trees and habitats and in all other regards, that would be neutral in my assessment of the proposal rather than carrying weight in favour of it.

Conclusion

28. The proposal would fail to preserve significance, and there are neither public benefits nor other considerations sufficient to provide clear and convincing justification for allowing the appeal relative to the harm that would result. I therefore conclude that the proposal conflicts with the clear expectations of statute and with relevant provisions of Local Plan policies EN9 and D1 and of NPPF paragraph 215. Having taken account of the development plan as a whole along with all other relevant material considerations, I therefore conclude that the appeal should be dismissed.

Tom Bristow
INSPECTOR