



---

## 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: 14<sup>th</sup> March 2025

---

**Appeal Ref: APP/U1105/Y/24/3351417**

**Podburys Cottage, Higher Way, Harpford, Devon EX10 0NJ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended against a refusal to grant listed building consent.
  - The appeal is made by Mel Ziziros against the decision of East Devon District Council.
  - The application is ref. 22/1813/LBC.
  - The works are described on the application form as 'a part two storey, part single storey extension with detached garage with office above and retrospective approval for the widening of the existing vehicular access to the boundary wall'.<sup>1</sup>
- 

### Decision

1. The appeal is dismissed in respect of the proposed extension to Podburys Cottage, Higher Way, Harpford, Devon EX10 0NJ, but allowed insofar as it relates to the widening of access and repairs to boundary walls by Hayne Hill and Higher Way, as described in the banner heading above, and in the latter respect alone listed building consent is granted in accordance with the terms of application ref. 22/1813/LBC and the plans submitted with it.

### Preliminary matters

#### *Statutory context*

2. Podburys Cottage is grade II listed.<sup>2</sup> Application ref. 22/1813/LBC is in relation to listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the 'LBCA'). LBCA section 7 restricts 'any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised...'. LBCA section 1(5) defines listed buildings as, in summary, the buildings themselves along with any object or structure fixed to the building or within its curtilage since before 1 July 1948.
3. LBCA section 16(2) requires that I have 'special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses'. The National Planning Policy Framework (7 February 2025, the 'NPPF') contains a definition of setting as the 'surroundings in which a heritage asset is experienced...'. Nonetheless the curtilage of a listed building, land otherwise associated with a listed building, and the setting of a listed building are not encompassed by LBCA sections 1(5) or 7. Paragraph 20 of Historic

---

<sup>1</sup> Alternatively, as in the appeal form: 'construction of a two storey side extension, construction of a detached garage with office space above, retrospective approvals for both the widening of the existing vehicular access to the boundary wall and a greenhouse and reparations to a retaining wall'.

<sup>2</sup> List entry no. 1141406.

England's Advice Note 16 succinctly explains the inter-relationship between listed building consent and planning permission.<sup>3</sup>

4. Application ref. 22/1813/LBC for listed building consent went hand-in-hand with application ref. 22/1812/FUL for planning permission. I am told that the eligibility period for appealing the Council's refusal of the latter application, via decision notice dated 8 March 2024 as in respect of their decision notice in relation to application ref. 22/1813/LBC for the same reasons, has expired.
5. There are various other listed buildings at Harpford. Although centrally within the Village next to the grade II\* listed Church of St. Gregory on the other side of Higher Way which hereabouts becomes Hayne Hill and which are together the main route through the Village, Podburys Cottage is within the East Devon National Landscape or Area of Outstanding Natural Beauty (the 'AONB').<sup>4</sup>

#### *Policy context*

6. Reflecting that heritage assets are an irreplaceable resource, NPPF paragraph 212 sets out how great weight should be given to their conservation relative to their importance. Proposals for planning permission must be determined in line with the development plan unless material considerations indicate otherwise.<sup>5</sup>
7. In summary, strategy 48 and policy D1 of the East Devon Local Plan, adopted 28 January 2016, seek to ensure that all development integrates appropriately with local distinctiveness. Similarly, also in brief and amongst other things, policies HQD1 and EP1 of the Newton Poppleford and Harpford Parish Council Neighbourhood Plan, made as part of the development plan on 9 June 2021, seek to ensure that development has suitable regard to heritage assets, local distinctiveness, to the AONB and the natural environment.<sup>6</sup>

#### *The scheme*

8. The scheme has been revised during the time it was with the Council. Plans, drawings or illustrations at Appendix E to the statement of case on behalf of the appellant represent an earlier iteration of the scheme. Plans or drawings at Appendix F to the statement of case on behalf of the appellant represent the current scheme upon which the Council reached a decision.
9. There are 4 principal elements to the scheme. Chief amongst them is a proposed extension beyond an eastern side elevation of the listed building. That would entail the removal of an existing single storey addition and an outbuilding or outbuildings

---

<sup>3</sup> 'Some proposals (particularly for internal works affecting special interest) will only need LBC [listed building consent]; some proposals, such as a new freestanding building in the garden, will only need planning permission. Some, however, will need both, for example material external works, such as works which would affect the external appearance of a listed building.'

<sup>4</sup> In relation to which the duty under Section 85 of the Countryside and Rights of Way Act 2000 as amended applies, namely to 'seek to further the purpose of conserving and enhancing the natural beauty of areas of outstanding natural beauty'.

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

<sup>6</sup> Neighbourhood Plan policy H3, cited in the Council's decision notices, in my view does not apply to the development proposed, notwithstanding that the appeal site and Harpford are outside the built up area boundary for Newton Poppleford. On a plain reading that policy is concerned with development of new dwellings.

thereabouts.<sup>7</sup> Whilst the single storey addition is modern, there is some ambiguity as to the age of outbuildings intended to be demolished, their representing an amalgam of building of different eras. The extension is described in the appeal form as 2 storey, albeit referred to in the statement of case on behalf of the appellant as 1.5 storey (visually it seems on account of the deep-eaved, half-hipped, or jerkinhead roof form proposed).

10. The vehicular entrance between stone boundary walls demarcating the plot's boundary with Hayne Hill or Higher Way has been widened and boundary walls there have been repaired. In line with LBCA section 1(5), on account of their age, listed building consent would be needed for their alteration. Paragraph 6.4.9 of the Appellant's Design, Access, Planning & Heritage Statement ('DAPHS') explains that repair works to those walls used 'traditional materials and construction techniques in a like for like manner. While the craftsmen were on site and works were being carried out, the opportunity was taken to widen the entrance...'.<sup>8</sup> DAPHS figures 6.10 and 6.11 show the site entrance before and after those works.
11. The elevations of the proposed detached garage are shown on plan no. PL160 A, those of the greenhouse on plan no. PL200. The former is not built, a greenhouse is. Whilst I have no reason to doubt that the current greenhouse replaced a poor quality modern predecessor, there is no evidence before me as to what existed previously. Moreover, with reference to paragraphs 2 and 3 above, the erection of a garage and greenhouse do not, on the evidence before me, represent works affecting the listed building itself.

*The dispute between the Council and appellant (the 'main parties')*

12. LBCA section 22 enables me to allow or dismiss an appeal in respect of listed building consent, to reverse or vary any part of the authority's decision, and to deal with the application as if made to me in the first instance. Nevertheless, and although referring to 'the proposal' broadly, the Council's decision notice in respect of application ref. 22/1813/LBC refers specifically to the construction of the extension and garage. The associated officer report sets out that 'there is no objection to the proposed works to the access or the erection of the greenhouse'.
13. Noting the points made in paragraphs 2, 3 and 11 of this decision, the appellant welcomes 'any observations that the Inspector may be able to provide on the acceptability of these [all] works'. Whilst I note the points made by the appellant regarding the way in which the scheme has been handled by the Council, even if the garage and conservatory were acceptable in heritage terms that would not carry weight in favour of allowing the appeal. My decision is necessarily confined to the statutory remit under section 20 of the LBCA.

**Main issue**

14. The main issue is the effect of the works in respect of historic significance.

---

<sup>7</sup> As shown on plan PL10 A in particular. The outbuildings are described in section 3.1 of the statement of case on behalf of the appellant as 'the ruinous remains of some of the former farm outbuildings', the larger of the two intended to be replaced by the proposed garage.

<sup>8</sup> LBCA section 8(3) relating to works executed without listed building consent and their retention.

## Reasons

### *Special interest and significance*

15. Podburys Cottage is a detached 2 storey property set within a spacious plot central to the small historic village of Harpford. It is orientated on an east-west axis. Its western side elevation is hard up against the carriageway of Hayne Hill facing a stone boundary wall demarcating the churchyard. The DAPHS notes that the Church contains a Norman font and some fourteenth century fabric, attesting to a long continuity of settlement here.
16. The list entry describes the Cottage as originating in the seventeenth century, albeit with major modernisations in the eighteenth and nineteenth centuries. It is a truism that historic buildings need to evolve somewhat to remain in optimum viable use, and are best preserved in that manner. That said historic significance may not solely be embodied in the original form of a listed building; changes over time may authentically reflect historic forces.
17. The listed building is, principally, of plastered cob beneath a thatched roof, set on stone or brick. Although larger than it once was,<sup>9</sup> honestly reflecting a humble rural Devonian vernacular and the structural limitations of historic construction, the property remains modest and intimate. Historic craftsmanship and intimacy are also reflected in the boundary walls to its plot. North to south, the listed building is only one room deep; all ground floor rooms have only windows facing south.
18. The list entry aptly refers to the Cottage as 'terraced into the hillside'. The land rises significantly to the north and north-east such that the land beyond in those directions is level with, or higher than, the ground floor of the listed building. That differential is accounted for in part by the structure of the listed building itself. Between the eastern element of the Cottage and neighbouring land there is also substantial retaining wall. That retaining wall, now in a deteriorated state, allows for the plot of neighbouring Little Cott to be broadly level.
19. The twentieth century single storey addition to the listed building interconnects with what are said to be remnants of former farm buildings. There is some evidence of historic change to the dwelling itself. The Tithe Map of 1840 shows the existence of a northern wing which is no longer present. The Ordnance Survey map of 1888 also shows a more extensive collection of farm buildings to the south-east of the listed building.
20. Summarising that history, the listed building originated in connection with agriculture, as did Harpford. Its materials and form also reflect what could be worked and wrought from the land by hand. Historically the listed building expanded, likely commensurate with the growing buoyancy of agricultural associated with a growing urban population, and thereafter reduced in size (again likely as agricultural units tended to increase in size to achieve efficiencies of scale).

---

<sup>9</sup> An eastern two storey element of the property being set on brick dating it as later than the western element of the property sat on stone.

21. Nonetheless, the DAPHS accurately notes that ‘the relatively unchanged appearance of Podburys Cottage and the surrounding buildings contribute to the local character and distinctiveness of the area’. In materials, construction and scale Podburys Cottage is similar to, and from certain vantage points visible in conjunction with, Little Thatch, Pump Cottage and Court Place Cottage nearby. Rubblestone walls enclosing plots are also characteristic hereabouts.
22. Insofar as relevant to this appeal, the special interest and significance of the listed building lies principally in its materials, form and its relationship to its immediate and wider surroundings. Those characteristics honestly reflect the origins of Podburys Cottage and Harpford, along with the evolution of both over time. In turn those characteristics represent historic forces in physical form, aiding an understanding of history in the present.

*The effect of the proposed extension*

23. The existing single storey addition to the listed building is modern and of no architectural merit. Outbuildings to be demolished, whilst older, are of no clear historic significance in themselves or in terms of reflecting the former agricultural context in which the listed building emerged and evolved.
24. I saw that the outbuildings are essentially functional buildings and, in the case of that nearer the dwelling, appear to have been altered hodgepodge over many years. Outbuildings are also in a poor state of repair, having outlived their original function and in the absence of routine maintenance. The scheme has been met with some support on the basis that the current state of outbuildings makes them detracting features in terms of orderliness.
25. I acknowledge that the appellant is of the view that the extension has a degree of subservience to the historic elements of the listed building. The proposed extension might be described as appearing 1.5 storeys high. The ridgeline would be marginally lower than that of the listed building. I accept that, on account of changing ground levels here, existing ground floor rooms are single aspect. Extending the property to the east would also both maintain the east-west axis to it, and be consistent with its evolution historically.
26. The extension would make use of an existing doorway at ground floor level and window above to integrate with the existing layout of the building, entailing little appreciable effect to historic fabric. Modern architecture and historic design are not necessarily inimical, and distinguishing between the two may be an appropriate approach to understanding that which is historic relative to that which is not.
27. Whilst modern in terms of materials and simplicity of design, the scheme takes certain design cues from its surroundings (notably deep eaves and the jerkinhead element of the roof). On account of the proposed extension being away from the carriageway, and given the intervening form of the listed building, boundary walls and established planting, the extension would only be partially visible from various public vantage points.
28. Nonetheless, the proposed extension would clearly diverge in other respects from certain characteristics of the listed building to the detriment of special interest and significance. The extension would be substantial relative to the humble or modest

character of the listed building at present. Relatively, a considerable amount of additional floorspace would be created. Part of the proposed extension would, moreover, step forward of the line of the principal elevation of the listed building by some 2.5 metres.<sup>10</sup> In scale and prominence the proposed extension would be far more visually significant than the existing low level dilapidated outbuildings here.

29. Whilst I acknowledge that various options for extensions have been considered with limited meaningful input from the Council, the roof form proposed is relatively complex and would diverge markedly from the simplicity of the existing property and that which typifies such vernacular buildings.<sup>11</sup> Moreover neither the proportions nor level of the proposed windows would be consistent with those of the listed building as it stands.<sup>12</sup>
30. As a combination of those factors, in my view the proposed extension would jar with historic interest and the character and appearance of the existing building. The scale, and what might be described as the complexity of the design, would sit awkwardly relative to the humble, simple and intimate form of the listed building (which contributes to special interest and significance and are characteristics shared with other historic buildings nearby). That effect cannot rationally be described other than as harmful.

#### *Works to boundary walls*

31. There is no dispute that the supporting plans accurately reflect the nature of alterations undertaken to the plot's boundary walls, noting in particular that plan nos. SKB-04 and SKB-05 are photographs of the wall as it stands. Although the width of the access has been increased, that is to a very modest extent, some 1.1m. That has not meaningfully affected historic integrity.
32. Moreover any reduction in a sense of enclosure has, in my view, been offset by the works themselves shorting up the walls and making good existing defects (ensuring the remainder of the wall endures). Based on my site visit observations, I agree with the position of both main parties that works have been undertaken in a sympathetic and like-for like manner. As such those works preserve significance.

#### *Consideration*

33. It is for the decision-taker, having established that harm would result, to gauge its extent. As in paragraphs 23 to 27 above there are various moderating factors in respect of the design of the extension. As such it is fair to describe the harm that would result as 'less than substantial' with reference to NPPF paragraph 212 (tending towards the lower end of a spectrum within that categorisation).
34. NPPF paragraph 215 sets out that, in such circumstances, any harm should be weighed against the public benefits of the scheme, including securing optimum viable use. 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'.

---

<sup>10</sup> As shown on plan no. PL130 A in particular.

<sup>11</sup> As shown on plan no. PL115 A in particular.

<sup>12</sup> Plan no. PL125 A.

### *The heritage balance*

35. Seeking to provide for additional floorspace, an additional bathroom or en-suite, and improved connectivity with the garden is entirely understandable. The scheme would also enable the layout of the property to be improved, the appellant contending that the existing layout, particularly the kitchen, 'does not meet modern living standards'. The extension may in those respects be seen as beneficial in respect of maintaining the listed building in optimum viable use.
36. The appellant further contends that for the Council to have dismissed 'the need for additional space based on personal judgement of the home's existing functionality overlooks the realities of contemporary living'. I acknowledge that there is now evidently a 'matter of urgency' in respect of repairing the retaining wall referred to in paragraph 18 of this decision. Several extensions, contended by the appellant to be similar to that which is proposed here, have also been brought to my attention.<sup>13</sup>
37. In my view it is, however, rational to consider the need for additional space and alterations to a property insofar as that may count in favour of a scheme. The corollary of that is, however, that many individuals accept quirks and compromises as inherent in living in a property with a rich and complex history. There is no evidence that Podburys Cottage would fall out of use without the proposed extension, nor that some additional floorspace and layout rationalisation could not be achieved by an alternative, and less harmful, approach.
38. There is limited evidence before me in respect of proposals approved elsewhere referenced above. There is no indication of the scale or nature of the existing listed building to which they relate, nor in respect of the design of the relevant scheme. The exception to that is that DAPHS figures 5.3 and 5.4 shows Stone Cottage as existing and the extension as approved. That extension, however, is more modest in scale and less complex in design than the proposed extension before me. I also note that Stone Cottage is shown as having a single first floor window, compared to 4 present in the southern elevation of Podburys Cottage (suggesting different considerations were at play in respect of living conditions).
39. I do not attribute more than negligible weight to the demolition of existing outbuildings; whilst they are in poor condition they are less substantial and visually significant than the proposed extension would be. In many rural areas it is also commonplace for remnants of former outbuildings to exist incidentally, rather than being in any sense detracting from historic significance. Similarly there is no indication as to where any liability for remedial action in respect of the retaining wall lies, nor that repairing it is necessarily contingent on the scheme before me.
40. Works undertaken to the boundary wall carry no weight in favour of allowing the appeal overall; they are clearly independent of other elements of the proposal. By virtue of the nature of the scheme and its relationship to its surroundings, particularly that the site is nestled within the changing topography central to the Village, the scheme would be acceptable in landscape terms (including with reference to Neighbourhood Plan policy HQD1).

---

<sup>13</sup> At no. 3 Pikes Cottage, Colaton Raleigh (ref. 17/1709/LBC), at Stone Cottage, Whimble (ref. 16/2044/LBC), at Cookshayes Farm, Northleigh Colyton (ref. 20/2663/LBC) and at Dirks Garden, Axminster (ref. 23/1637/LBC).

### **Other matters**

41. The regime of control in respect of works to listed buildings, and appeal processes, inevitably identify what is harmful rather than what might be acceptable. Nevertheless my aim through the reasoning above is that this decision enables reflection on what might be contextually appropriate here. Whilst I note that the appellant is aggrieved at the Council's handling of application refs. 22/1813/LBC and 22/1812/FUL, and clearly the Council could have done more to engage with the appellant more effectively and efficiently, my decision relates to the merits of the scheme as opposed to its administration.

### **Conclusion**

42. Other than in respect of works already undertaken in respect of site access and boundary walls to the plot of Podburys Cottage by Hayne Hill and Higher Way, inherent in my reasoning above is that the public benefits of the proposed extension do not represent clear and convincing justification for allowing it. Instead that element of the scheme would be contrary to the clear expectations of statute, and relevant elements of the NPPF and of development plan policies as set out above.
43. I therefore conclude that the appeal should be dismissed in respect of the proposed extension, but allowed insofar as in respect of the retention of works in respect of widening of access and repairs to boundary walls (as described in paragraph 1 above). Given my reasoning in paragraph 31 of this decision, it is unnecessary to impose conditions in that latter respect.

*Tom Bristow*

INSPECTOR