



Appeal Decision

Site visit made on 30 April 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/U1105/D/25/3362268

Homedale, Cowley, Devon EX5 5EL

- 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 and Mrs Leeming against the decision of East Devon District Council.
 - The application Ref is 24/2042/FUL.
 - The development proposed is a new single garage with storage, attached to the dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the settings of two Grade II listed buildings, as well as the effect on the wider character and appearance of the area.

Reasons

3. The appeal site is situated immediately adjacent to Forge Cottage, and is also close to St Leonard's Chapel, both of which are Grade II listed buildings. Their significance and special interest as designated heritage assets, in so far as it is relevant to this appeal, is drawn in-part from their attractive appearance and their historic uses which are of relevance to the evolution of the small settlement of Cowley. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the listed buildings.
4. At present, the overall perception is that there is a feeling of space either side of Forge Cottage which does contribute strongly to its setting, and subsequently its significance. It is also notable that the building is easily visible from the junction of St Andrew's Road and Cowley Hill. While the appeal site is situated slightly further from the chapel, the perception of spaciousness in the immediate surroundings also contribute to its significance
5. The proposed development would, in part, involve the construction of a new garage building which would be located very close to the boundary of the property. It is absolutely clear to me that the garage would reduce the existing feeling of spaciousness around Forge Cottage, and significantly, it would largely screen views of the listed building from the aforementioned road junction. By extension the erosion of spaciousness would also result in harm to the setting of the chapel.

6. More generally, the immediate area is characterised by fairly low density development with reasonable gaps between buildings. The proximity of the proposed garage to Forge Cottage would therefore make the surroundings feel more crowded and enclosed.
7. The appellant has set out that an outhouse was previously sited where the proposed garage would be located. I do not have any evidence before me to ascertain what that building would have looked like in terms of its size and overall design. In any event, the outhouse is no longer there, and I can only base my decision on the appearance of the site as it is today.
8. I acknowledge that the appearance of the proposed garage would accord with that of the main dwelling. Furthermore, due to the intended size of the garage building, it would appear as a subservient addition and would not dominate the host dwelling. I also note that a garage block has been constructed close to the road nearby at 1 Chapel Cottage. The siting of the proposed garage at Homedale would therefore not look unusual or incongruous. However, these factors do not alter the harm that I have identified. Indeed, the garage at 1 Chapel Cottage is not directly comparable to the scheme before me given that it is not immediately adjacent to a listed building.
9. In both instances, the harm to the listed buildings would be less than substantial. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.
10. In this instance, the benefits would be wholly private in that the proposal would provide the occupiers of No. 1 with a greater amount of internal space. As such, there are no public benefits that would outweigh the less than substantial harm that I have identified.
11. The proposal would therefore conflict with Strategy 48 and Policies D1, EN8 and EN9 of the East Devon Local Plan 2013 – 2031. Taken together, the relevant aspects of these policies seek to ensure that new development is well designed and that it preserves character and appearance, including the settings of listed buildings.

Conclusion

12. The proposed development would result in harm to the setting of two listed buildings and would also harm the character and appearance of the surroundings more generally. It would therefore conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR