



Appeal Decisions

Site visit made on 29 April 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal A Ref: APP/P1133/W/24/3352984

Cross Park Farm, Road Past Welwyn Farm to Heath Cross, Heath Cross, Whitestone, Devon EX4 2HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Darren Gorrett against Teignbridge District Council.
- The application Ref is 24/01201/VAR.
- The application sought planning permission for office building and associated works without complying with a condition attached to planning permission Ref 19/01872/FUL, dated 07.04.2020.
- The condition in dispute is No 2 which states that: *The works hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:*

Received on 25 September 2019:

Planning Statement

Drawing Number 190042.GORRETT.04PP (Floor Plan – Proposed)

Received on 2 March 2000:

Drawing Number 190042.GORRETT.06PP C (Block Plan and Cross Sections)

Drawing Number 672/01 (Landscape Plan)

Drawing Number 672/02 (Landscape Plan)

Drawing Number 672/03 (Landscape Plan)

Received 16 March 2020:

Drawing Number 190042.GORRETT/05PP B (Site Location and Elevations)

- The reason given for the condition is:
In order to ensure compliance with the approved drawings.

Appeal B Ref: APP/P1133/W/24/3352983

Cross Park Farm, Road Past Welwyn Farm to Heath Cross, Heath Cross, Whitestone, Devon EX4 2HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Darren Gorrett against Teignbridge District Council.
- The application Ref is 24/01202/FUL.
- The development proposed is plant room in association with approved office (19/01872/FUL).

Decisions

Appeal A:

1. The appeal is allowed and planning permission is granted for office building and associated works at Cross Park Farm, Road Past Welwyn Farm to Heath Cross, Heath Cross, Whitestone, Devon EX4 2HN in accordance with the application Ref 24/01201/VAR, without compliance with condition numbers 2, 4, 5 and 6 previously imposed on planning permission Ref 19/01872/FUL dated 07.04.2020 and subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: 190042.GORRETT.21.BR.D Proposed Site Plan, 19.00.42.GORRETT.ELEVATIONS Proposed Elevations, 190042.GORRETT.123 Proposed Ground Floor Plan, and 190042.GORRETT.120. Proposed Lower Ground Floor Plan.
- 2) The building hereby approved shall be used for office use (Use Class B1(a)) only as described in the Planning Statement (received 25 September 2019 in relation to application 19/01872/FUL) in association with Cross Park Farm and for no other purpose including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification. The building hereby approved shall not be used as a separate business.

Appeal B:

2. The appeal is allowed and planning permission is granted for plant room in association with approved office (19/01872/FUL) at Cross Park Farm, Road Past Welwyn Farm to Heath Cross, Heath Cross, Whitestone, Devon EX4 2HN in accordance with the terms of the application, Ref 24/01202/FUL, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: 19.00.42.GORRETT.122 Elevations and 190042.GORRETT.121 A General Arrangement.

Applications for costs

3. Applications for costs in relation to both Appeal A and Appeal B were made by Mr Darrren Gorrett against the decision of Teignbridge District Council. These applications are the subject of a separate Decision.

Procedural Matters

4. Appeal A concerns an application to vary the plans condition (condition number 2) to planning permission 19/01872/FUL (the original consent) to reflect the development as constructed on site. The main changes relate to the position of the building and the appearance of the external elevations. Appeal B concerns an application for planning permission to retain a plant room and boundary wall. I have considered each appeal on its individual merits. However, as they raise similar issues, I have combined both decisions into a single decision letter.
5. In relation to Appeal A, the Council considers that the building as constructed contains all the attributes of residential accommodation rather than an office. As a result, the Council state that if permission was granted, this would change the description of development and that as the changes to the position and appearance of the building cannot be made via a Section 73 application, it could not determine the application with an application for full planning permission required. Furthermore, the Council state that the proposal is in breach of Condition number 6 to the original consent as landscaping had not been implemented.
6. At the time of my site visit, and although only a moment in time, the internal layout closely reflected the photographs in the Council's Statement of Case. However,

parts of the Lower Ground Floor were in use by people working at desks with the break-out area in use as an office. While I note the presence of ovens and an island to the originally approved conference room; bar area within the approved break-out area; swimming pool and gym to approved office 3; and a bathroom in place of the approved lower ground store, given the use as offices at the time of my visit, and combined with the lack of bedrooms or other clear signs of people living permanently within the building or on the site, I cannot conclude that the building is in residential use.

7. While it may not be common to have a swimming pool, gym, bath, bar and full kitchen in this size of office, considerable office floor space remains, and I see no reason why these facilities could not be used in association with the wider use of the building as an office. Furthermore, I find no reason why fitted cupboards could not be used in association with an office use or why individual offices could not benefit from en-suite facilities and hung pictures. I have therefore determined the appeal on the basis of the building being used as office accommodation. Any change from this would be a matter between the Council and the appellant.
8. At the time of my site visit the footprint and external appearance of the buildings forming part of both appeals broadly reflect what has been built. While I note that the floor plans before me do not reflect the building as laid out at the time of my and the Council's site visits, this does not prohibit me from determining the appeal on the basis of its use as an office and on the basis of the plans before me. The differences in the internal layout being a matter between the Council and the appellant. I will therefore determine the appeal on the basis of the submitted plans.
9. At the time of my site visit, landscaping had been provided to the office building. While this does not reflect the landscaping approved under Condition number 6 to the original consent, the condition does not go to the heart of the permission. As such, this does not prevent me from determining Appeal A.
10. The Council has resolved that, had the appeal against non-determination in relation to Appeal B not been made, it would have refused planning permission due to the siting, scale and external materials to the plant room and siting and scale of the wall resulting in an adverse impact on the character and appearance of the area and setting of the Grade II Listed Chants Cottage.

Main Issues

11. In light of the preliminary matters above, the main issues for both appeals are:
 - the effect on the character and appearance of the area; and,
 - whether the developments preserve the setting of the Grade II Listed Chants Cottage.

Reasons

12. The appeal sites lie within the Exeter Culm Slopes Landscape Character Area and an Area of Great Landscape Value with the wider area characterised by agricultural fields. The sites are outside of any identified settlement within the countryside. To the west is the Grade II Listed Building of Chants Cottage¹.

¹ List Entry Number 1216263

13. The plant room and boundary wall the subject of Appeal B, are located to the east of the building the subject of Appeal A. I am advised that a wall constructed and extending to the boundary wall towards the road was granted on appeal².

Character and Appearance

14. The appeal sites form part of a wider group of development on the hilltop. Adjacent and to the east is a large commercial building, other associated commercial buildings and a large hardstanding/servicing area used for parking and turning.
15. The Landscape Character Assessment for the area states, amongst other things, that proposals should conserve and enhance the rural character of the area and its historic lanes through sensitive siting of new built development and enhancement of hedgerows and woodland.
16. From the access road to the north of the site, due to the presence of buildings, boundary walling and gates, and due to their flat-roof design, with the exception of glimpsed views through the access to the commercial buildings, the developments are generally screened from public view. However, from the access to the commercial buildings the developments are viewed in association with the surrounding commercial buildings and yard and retain views out across the valley. As such, the developments do not appear harmful or out of place in the immediate context and adequately conserve the area's rural character.
17. Although the appeal sites are visible on approach from the south, such views are limited and generally screened by hedges and trees. Where visible, the office building, plant room and wall are viewed at a distance and in association with the adjacent commercial buildings and yard. As a result and given the approval of similar development under the original consent, they do not detract from the rural character of the wider area or its historic lanes.
18. The building as originally granted was of a very similar scale and appearance but located further to the south of the site. By reason of the relocation of the building further to the north, and by reason of its flat-roof design, it would be slightly less noticeable in views from the south. It is noteworthy in this regard that the Council expressed a similar view prior to the submission of the planning application.
19. In light of this and given that the developments do not significantly alter the appearance of the building, I find no harm from the position of the office building, plant room or the external alterations. While I acknowledge that the development would result in two plant rooms, I find no harm from this with the building the subject of Appeal B clearly in use as a plant room at the time of my site visit.
20. I acknowledge that the boundary wall is significant in length and height and clearly visible from within the grounds associated with the office building. Nonetheless, given the commercial context of the sites that the wall divides, given the wall granted planning permission as part of the recent appeal referenced above, and given that there is a bank and some planting to the side of the wall, I find no harm from the internal wall when viewed from inside or outside of the site.
21. I note that the original consent was granted subject to the provision of landscaping, particularly to the southern and western boundaries of the office building. At the

² APP/P1133/W/24/3338008

time of my site visit, planting had been provided to the southern boundary in particular softening any wider views with extensive planting separating the site from Chants Cottage to the west.

22. It follows from the above that the developments would not harm the character and appearance of the area. As such, they comply with Policies S1, S2, EN2A of the Teignbridge Local Plan 2013-2033 (May 2014) (LP), and Policy EN4 of the emerging Teignbridge Local Plan 2020-2040 (March 2024) (ELP). These state, amongst other things, that proposals will maintain or enhance the character and appearance of affected landscapes and streetscenes, be of a high quality design, be sympathetic to and help to conserve and enhance the natural landscape, character and scenic quality.

Setting of Listed Building

23. Chants Cottage is a late C17/early C18 cottage. The listing focuses on its layout and appearance. Its significance in relation to the appeals is its historic architectural appearance and detailing and as an example of a rural cottage of its time.
24. Chants Cottage is located to the west of the appeal sites with its main elevation facing south towards Dartmoor. The Cottage sits in reasonably sized grounds and despite being separated from the appeal sites by considerable boundary and road planting and a large open area such that there is barely any intervisibility between the two, by reason of its close location the appeal sites fall within the setting of the listed building. However, given that the appeal sites comprise modern development, they have a neutral effect on its setting and significance.
25. Due to the position of the office building adjacent to commercial buildings in fairly close proximity to its originally consented position, its flat roof design and presence of considerable boundary planting, the developments do not harm the setting of the listed building. Furthermore, given the position and height of the plant room and wall to the eastern side of the office building, they will be screened from the west by the office building. As a result, and despite the plant building having a rendered finish, the developments have a neutral effect on and preserve the listed building, its significance and setting.
26. It therefore follows that both developments would preserve the setting of the Grade II Listed Chants Cottage. I have given special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. As such, the developments are not be contrary to LP Policy EN5 or ELP Policy EN17. Amongst other things, these seek to protect and enhance an area's heritage, positively respond to the character and distinctiveness of the area, and conserve or, where appropriate, enhance or better reveal the significance of heritage assets and their settings.

Other Considerations

27. I have had regard to the office building being separated from the adjacent commercial buildings by the high boundary wall. Nonetheless, there is a pedestrian access between the sites providing a suitable link without the need to use the public highway. In light of this, I see no reason why the office use cannot be operated in association with the adjacent commercial business.

28. While the wall forming part of Appeal B slightly narrows the space between the office and adjacent commercial buildings, sufficient space remains for the safe manoeuvring of vehicles.

Conditions

29. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As a result, the conditions in relation to Appeal A have been amended from the conditions on the original planning permission to reflect the subsequent discharge of some of the conditions and the implementation of the consent.
30. I have had regard to the tests in the National Planning Policy Framework in relation to conditions. Given that the works related to both appeals have been implemented, there is no need for the standard time limit conditions.
31. In the interests of certainty, with regard to Appeal A I have imposed the standard condition to confirm the approved plans. I have also re-imposed original condition number 3 restricting the use of the building to an office due to the location of the development. I have however amended the wording of the condition slightly to more clearly reference the original Planning Statement.
32. Given that the works have been implemented with the building in use, there is no need for previous condition numbers 4 and 5 to Appeal A seeking the removal of stone boulders before first use of the building or in relation to reporting any contamination during construction. Given my findings above in relation to Appeal A having a suitable appearance with additional landscaping provided on site, there is no need for original condition number 6 related to implementing the previous landscaping scheme.
33. In respect of Appeal B, given that the works have been implemented, there is only a need for the standard condition confirming the approved plans.

Conclusion

34. For the reasons given above I conclude that both appeals should succeed. I will grant a new planning permission in relation to Appeal A without the disputed condition but substituting with the amended condition and restating those undisputed conditions that are still subsisting and capable of taking effect.

C Rose

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/P1133/W/24/3352984	Mr Darren Gorrett
Appeal B	APP/P1133/W/24/3352983	Mr Darren Gorrett