



Appeal Decision

Site visit made on 20 May 2025

by **J Evans BA(Hons) AssocRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/U1105/D/25/3363627

Knoll Cottage, Broadway, Town Lane, Woodbury EX5 1NJ

- 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 Steve Congreve Property Services against the decision of East Devon District Council.
 - The application Ref is 24/2153/FUL.
 - The development proposed is the construction of boundary fencing, a railway sleeper wall and a wood store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal before me has taken place. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.
3. Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use. The description of the development on the original application form refers to a number of matters relating to the background to the appeal proposal which do not fall within the meaning of development as described in Section 55 of the Act. Further, the description on the decision notice and on the appeal form refer to the appeal proposal as retrospective and as a replacement, which again is not necessary having regard to Section 55 of the Act. As a result, I have revised the description of the development to better reflect the proposal before me.

Main Issue

4. The main issue is the effects of the proposal upon the character and appearance of the area and on heritage assets, having particular regard to the effects upon the significance of the grade II listed building known as Knoll Cottage.

Reasons

5. Knoll Cottage, the appeal property, is a grade II listed building¹, which is an early C19 detached dwelling situated to the south eastern edge of the village of Woodbury. The property fronts towards the busy B3179 to the south.

¹ List Entry Number: 1104173

6. Whilst I have limited information before me, both the appellant and the Council have explained that the appeal property has been enclosed to the B3179, on either side of the appeal property's more formalised brick boundary wall enclosure and gateway entrance, since the early C21 by what has been described as feather board fencing that was vertically boarded. As I understand it, the fencing was to the eastern side set on top of a natural Devon bank and to the west was positioned stepped slightly behind and above a low-level brick wall.
7. Whilst I acknowledge these previous enclosures to the garden areas of the property fronting towards the B3179, the appeal proposal before me is markedly different to what I understand previously existed, the proposed boundary enclosure is laid horizontally, and the enclosure to the eastern side is positioned forward of the Devon bank closer to the B3179.
8. It is also noted that since the decision was issued that the fencing has been painted dark brown. I also understand the height of the fencing has been reduced and I am aware that the appellant has planted climbing roses and suggested other potential landscaping works.
9. However, whilst the above could help to mitigate the effects of the appeal proposal to some extent, they do not fully resolve the concerns I have. It is my view that the positioning of the enclosure to the eastern side of Knoll Cottage forward of the Devon wall, and its overall height and visual appreciation from the adjacent public highway when passing represents a dominate and incongruous feature that could not be resolved through landscaping and external finishes. The concerns I have are exacerbated by the horizontal laying and the width of the boarding which elongates and increases the presence of the enclosure.
10. With regard to the enclosure to the western side of Knoll Cottage, whilst this is set back behind the line of the low-level brick wall, I am still not convinced that the horizontal characteristics of the boarding and its size assimilates well with the surroundings, and that of the setting of Knoll Cottage. It is noted that the properties directly to the west and opposite to the south, have enclosures that are vertical in character and their finishes are of a more natural, rather than dark brown, appearance. To me, these are more sympathetic boundary enclosures, and the appeal proposal appears markedly different and at odds with these.
11. As a final point, it is acknowledged that the Council in their Householder Application Report have explained that they do not have concerns with regard to what is referred to on the plans as 'railway sleeper wall and wood store (proposed)' which runs perpendicular to the southern boundary of Knoll Cottage. Due to the low level nature of this element of the proposal and that it is set away from the B3179 and is not unduly prominent, I agree.
12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires that special regard is given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. These statutory requirements are reinforced through Policies EN8 and EN9 of the Adopted East Devon Local Plan 2013-2031 (the LP).
13. Paragraph 212 of the National Planning Policy Framework 2024 (the Framework) says when considering the impact of a proposed development on the significance of a heritage asset (including a listed building), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight

should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.

14. For the reasons I have set out, the appeal proposal would be harmful to the character and appearance of the area. The appeal proposal also fails to preserve the setting of Knoll Cottage, a grade II listed building. This harm would be less than substantial as defined by the Framework and therefore should be weighed against any public benefits of the proposal. However, due to the scale and nature of the proposal, any public benefits that would arise would be limited and would not be sufficient to outweigh the clear harm that I have identified.
15. Consequently, I find that the appeal proposal would conflict with Policies D1, EN8 and EN9 of the LP and Sections 12 and 16 of the Framework, which amongst other matters seek to ensure that development is of a high quality design that is locally distinctive, respects the key characteristics and special qualities of the area and preserves a listed building or its setting or any features of special architectural or historic interest which it possesses.

Other matters

16. In reaching my decision I have had regard to other boundary enclosures in the area, however none of these examples lead me to reach a different view on the effects of the proposed development.
17. I am also aware of the busy nature of the B3179 and the benefits that would arise regarding the use of the appeal property and garden areas as a consequence of the boundary enclosures. I also understand the functional reasons for the enclosures as set out by the appellant in their appeal statement. These are personal benefits and justifications, which whilst I acknowledge, do not lead me to reach a different conclusion. They do not outweigh the harm I have identified above.

Conclusions

18. The appeal proposal would have a detrimental effect on the character and appearance of the area and the setting of the grade II listed building Knoll Cottage.
19. As a result of these negative effects, the proposal is in my view unacceptable, and contrary to the development plan, when read as a whole. There are no material considerations that would justify a decision contrary to the provisions of the development plan, in this case.
20. For all of the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR