



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: 02 June 2025

Appeal Ref: APP/Y1138/D/25/3363400

Cobble Lodge, Stockleigh English, CREDITON EX17 4DD

- 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 Ken Richards against the decision of Mid Devon District Council.
 - The application Ref is 24/01560/HOUSE.
 - The development proposed is Proposed erection of a single storey front and side extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ken Richards against Mid Devon District Council and this is the subject of a separate Decision.

Preliminary Matter

3. I have used the description of the appeal proposal as taken from the application form and the appeal form.

Main Issue

4. The main issue is the effects of the appeal proposal on the character and appearance of the area and on heritage assets, namely the Stockleigh English Conservation Area (the CA).

Reasons

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. These statutory requirements are reinforced through Policy DM25 of the Adopted Mid Devon Local Plan 2013-2033 (the LP).
6. 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 conservation areas), 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.

7. The appeal building is located on the south-eastern edge of the attractive rural hamlet of Stockleigh English. At its core, the hamlet includes the Grade II* listed building of St Mary's Church, and the Grade II listed buildings of St Mary's Cottage and Stockleigh Court. The grouping of buildings within the hamlet, including the appeal property, alongside the surrounding rural landscape fall within the CA boundary. In my view, the special qualities and significance of the CA is drawn from its characteristics of a relatively unspoilt traditional rural hamlet, including the listed buildings referenced above and the wider grouping of traditional buildings, and their associated architectural and historic qualities.
8. It is understood that the appeal building was originally converted to a residential use in the mid 1980's alongside other former farm buildings to the west, which from the information before me, were previously used in association with Stockleigh Court.
9. Whilst the appeal building may have lost some of the original characteristics of a simple functional traditional agricultural building as a consequence of the C20 conversion and adaptation works alongside more recent alterations, in my view the adaptive re-use of the building has been executed in a reasonably successful manner, and its traditional use and function with the surrounding buildings still remains in part evident. It therefore represents a building of value in character and appearance terms and also contributes positively to the special qualities and significance of the CA.
10. The appeal proposal would introduce building form forward of the established linear building line on the eastern elevation of the appeal property. In my view, this elevation, which presents towards the attractive views across the surrounding rural landscape, is the elevation that contributes the most to the positive character and appearance of the appeal building. By building forward of this established building line in the manner as proposed, the characteristics of this key elevation would change to the detriment of its positive attributes, which as I have set out above, are associated with its traditional functional layout and appearance, and on this key elevation the simple linear building line.
11. I not only have concerns with the broad principle of extending forward on this elevation, but also the style of introducing two gable features next to each other, that would interrupt the building's roofline. At present there are three gable features sitting relatively flush with the elevation that break the roofline in a dispersed manner across the eastern elevation of the building. The introduction of the double gabled feature that would project further forward of the building line would not follow the pattern of the elevation and would add a degree of complexity that at present does not exist, it would appear odd and out of place as a result.
12. In reaching my conclusions above, I acknowledge that the property is relatively well screened from the public highway, with public views limited to short breaks in the established hedgerow through gateway entrances, the appeal property's driveway or occasional views above the hedgerow of the appeal property's roofline. The proposed development would also be positioned at the furthest point away from the highway. Nonetheless views are possible and the linear building form of the appeal building on this elevation is evident alongside the current detail of the roof. The

development proposed would therefore be noticeable from the highway, and for the reasons I have set out above, would harm the appearance of the building.

13. Even so, limited or lack of visibility from public vantage points is not a compelling reason to support development that would otherwise be harmful. The planning system seeks to protect both the appearance and character of the area and buildings of value. Further, the requirement to preserve or enhance the character or appearance of the CA remains even where proposals would not be prominent.
14. For the above reasons, the appeal proposal would be harmful to the character and appearance of the appeal building and the wider area. The appeal proposal also fails to preserve or enhance the character and appearance of the CA. 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, any public benefits that would arise from what is a householder proposal 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 DM1, DM11, DM25, S9 and S14 of the LP and Sections 12 and 16 of the Framework, which amongst other matters seek to ensure that development respects the local character of an area through its scale, setting and high-quality design, and preserves or enhances the character or appearance of the CA.

Other matters

16. The appellant has set out in their submissions that the appeal property retains permitted development rights and there is the potential that some of the works subject to this appeal could be undertaken to the appeal property through permitted development rights as a potential fallback option. For this fallback option to be afforded significant weight I must be satisfied that there is a realistic possibility of it being implemented in the event that this appeal is dismissed. However, I have not been provided with a degree of certainty that such works could be undertaken through permitted development rights, such as through the provision of a lawful development certificate. Without this, I can not give these arguments any significant weight in reaching my decision.
17. As a final point, having regard to the aforementioned listed buildings within the hamlet, it has not been suggested in the decision notice or any of the correspondence I have received that the proposals would have any effect upon these listed buildings. Nonetheless, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires me to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. In this case, from all that I observed during my site visit, I agree that there will be no effects upon the listed buildings within the hamlet as a consequence of the proposals.

Conclusions

18. The appeal proposal would have a detrimental effect on the character and appearance of the area and that of the wider CA.
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