
Appeal Decision

Site visit made on 9 July 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/U1105/D/25/3365472

1 Causeway Cottages, Carpenters Cottage, Causeway, Beer, Devon EX12 3LF

- 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 McCue against the decision of East Devon District Council.
 - The application Ref is 24/1732/FUL.
 - The development proposed is garden works including replacement of boundary fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is adjacent to a group of Listed Buildings and is situated within the Beer Conservation Area (CA). I am mindful of the statutory duties placed on decision-makers by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) to have special regard to the desirability of preserving listed buildings or their settings, and to preserve or enhance the character or appearance of conservation areas respectively.
3. During my site visit it was apparent that the garden works and the appeal fence were already in place and therefore, the appeal is for retrospective works.
4. I have taken the description in the heading above from the Council's decision notice. This describes the appeal development accurately and more succinctly than the application form.

Main Issue

5. The main issue is the effect of the appeal development on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed buildings, the 'Almshouses', and the extent to which it would preserve or enhance the character or appearance of the Beer Conservation Area.

Reasons

6. The CA covers a substantial area within the historic village of Beer. The village has its origins as a small fishing village, with later success in stone quarrying and lace making. The growth and diversification of industry is also reflected in the built environment, the CA encompassing five areas of development which reflect the growth of the village over time. Its significance is derived from the historic layering of the built environment, including some forty listed buildings dating from the 16th century onwards, and numerous buildings of architectural importance.

7. Area 5 of the CA is centred on the Townsend/Causeway/Long Hill area, the appeal site being located on the northern side of the junction of Townsend, Causeway and New Road, in a prominent corner location. The appeal property is an end terrace, attached to the Grade II listed buildings of the 'Almshouses'. There are further listed buildings to the west and east of the appeal site on Townsend and Causeway, and several properties immediately opposite the appeal site, designated as 'other key buildings and building groups of architectural importance' on map one of the CA character appraisal, which would be classed as non-designated heritage assets. The prevalence of relatively low-level traditional stone boundary walling compliments the historic buildings but allows for an appreciation of their architecture from the street.
8. Given the above, I find the significance of the CA, insofar as it relates to this appeal, to be primarily associated with a significant grouping of historic buildings and stone boundary walling around a prominent junction within the village, with the appeal site at the centre of key views.
9. The 'Almshouses' buildings were listed in May 1967 (Ref:1169608) and were erected by the Estate of Baroness Rolle in circa 1820. The listed buildings have deep overhanging eaves supported on thin iron posts forming a verandah, under which there is significant architectural detail to the fenestration of the principal elevation present. Given the above, I find that the significance of the listed building and its setting, insofar as it relates to this appeal, is derived partly from the quality of its architectural detail, and partly from its historical and social significance within the village.
10. The appeal development has replaced a previous, unstained timber shiplap panel fence. This fence had a curved top profile, the upper section being formed from lattice trelliswork, which rendered it more visually transparent. By contrast, the appeal development is a more contemporary finished oak fence which has a stepped, flat-topped appearance, with vertical posts and individual panels formed from wide horizontal rails with a small gap between, and with vertical support members at regular centres. The structural elements of the fence are obvious from the public realm, as its finished face is orientated inwards to face the garden of the appeal property. From the evidence submitted, the height of the appeal development appears taller than the fence it replaced and has a significantly greater visual presence, partly from its scale and partly from its finish and colour.
11. The appeal development is in a visually important corner location at a u-shaped bend in the main road into and out of the village. As a result, the development is prominent in views for anyone entering or leaving the village, with the appeal fence read against the Grade II 'Almshouses' listed buildings as a backdrop. This would particularly be the case in views up Causeway, where the appeal fence would be highly visible in the setting of the 'Almshouses' listed buildings.
12. The combination of the prominence, height, materials and contemporary design of the fence means that it has an unwarranted presence as a feature in the street scene. This harmfully distracts attention from the traditional architectural qualities of the adjacent listed buildings and other nearby historic built form. It also contrasts harmfully with the more modest stone walling it sits atop, thereby diluting its positive contribution to the CA.

13. My attention has been drawn to other examples of timber boundary fences within the area, including examples at 1 to 4 Causeway, and at 1 Lion Villa. However, I find these example fences do little to reinforce the significance of the CA, rather the opposite. Consequently, they do not provide positive design precedents. I also acknowledge that the appearance of the fencing would weather and could be softened by planting. However, this would take time, and in any event, would not fully address the extent of harm identified.
14. Given the above, I find the appeal development would fail to preserve the setting of the listed buildings and would harm the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
15. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 of the Framework goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
16. Whilst I have found harm to the CA and the setting of the listed building, I would assess this as being less than substantial harm for the purposes of the Framework, with the level of harm being at the lower end of this category. Paragraph 215 of the Framework requires this harm to be weighed against any public benefits of the development. The appellants have stated the development would provide a defensible boundary, aiding in designing out fear of crime and improving privacy and noise levels in the garden. These are primarily private benefits for the appellants, with any public benefit being marginal. I have no convincing evidence otherwise of public benefits that would outweigh the harm I have found to the CA and the setting of the listed buildings which result from the appeal development.
17. Having regard to my duties under the Act, I conclude that the appeal development would fail to preserve the character or appearance of the CA or the setting of the 'Almshouses' as designated heritage assets.
18. It follows therefore, that I find the appeal development is contrary to Policies D1 and EN10 of the East Devon Local Plan (2016) and policy HBE2 of the Beer Neighbourhood Plan (2019). These require, among other things, development to provide high standards of design that respect the distinctive historic or architectural character of the area, to preserve or enhance the appearance and character of the area, to conserve or enhance the significance or setting of heritage assets, and for great weight to be given to the conservation of heritage assets.

Other Matters

19. The appeal site is within the East Devon National Landscape (NL). Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) amended the duty placed on relevant authorities required by the Countryside and Right of Way Act 2000 (CROW Act), requiring decision makers to 'seek to further' the statutory purposes of protected landscapes, of which the NL is one. It requires, as far as is reasonably practical, relevant authorities to seek to avoid harm and to contribute to the conservation and enhancement of the natural beauty, special qualities and key

characteristics of Protected Landscapes. This is reflected in the Framework, which requires great weight to be given to protecting the scenic beauty of NL's.

20. However, due to the location of the appeal development within the centre of the village, within a group of other residential dwellings and with a significant vegetated escarpment adjacent to it, which screens the appeal development from wider landscape views, I judge the appeal development would not have a detrimental effect on the scenic beauty of the wider NL.

Conclusion

21. For the reasons set out above, I conclude that the appeal development would be contrary to the development plan, read as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR