



Appeal Decision

Site visit made on 1 July 2025

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/U1105/W/24/3358074

Clapperentale Farm, Escot Park, Ottery St Mary, Devon EX11 1LU

- 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 Sir and Mrs John and Lucy Kennaway against the decision of East Devon District Council.
 - The application Ref is 23/0939/FUL.
 - The development proposed is demolition of barn and construction of new dwelling, following the grant of Class Q Prior Approval (21/3273/PDQ).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024 the Government published its revised National Planning Policy Framework (the Framework). Although this was after the date that the Council made its decision, the appeal timetable allowed for the main parties to provide any relevant comments.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area including its effect on the historic landscape of Escot Park and the significance of the grade II listed building known as Escot, and
 - Whether the design would accord with Paragraphs 84 e) and 139 b) of the Framework.

Reasons

Character, appearance and heritage

4. The appeal site is located on the Escot Estate. This centres on Escot, which is a Grade II listed building¹. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker 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.

¹ List Entry Number: 1162785

5. Escot is a large country house that dates from 1838. It replaced a late 17th century house that was destroyed by fire. It occupies an elevated position, with three formal elevations that face out over gardens and wider areas of parkland.
6. It holds a commanding position over the surrounding landscape. This would have been a deliberate design choice so that those visiting the estate and approaching the house would have done so through a managed and designed parkland setting. It is suggested that it was associated with the original house and is largely unchanged from the first edition ordnance survey maps. It is referred to by Pevsner as a 'fine C18 park with lake'.
7. Therefore, although not a designated heritage asset, the parkland landscape that surrounds Escot, which is in the English Landscape Style, is a key component of its setting that contributes to its significance as a fine country house with its constituent parts. The extent that it contributes to the building's significance is not limited to the areas where there is a direct view. Areas of the parkland that form part of the wider experience of the estate that include more distant driveways, rides and routes through the landscape, or distant buildings such as lodges, are components of the designed landscape associated with the house, and thus also contribute to its historic significance.
8. With reference to the area mapped on the Devon Historic Environment Record (DHER), the appeal site is just beyond the edge of Escot Park. However, buildings such as cottages and lodges stand further to the east and outside the mapped area. These are also likely to relate to the historic estate, which suggests that the associated area could be larger.
9. The parkland area is not included within the East Devon List of Heritage Assets (EDLHA), which includes a list of undesignated heritage assets. However, the designed historic landscape has clear heritage value. It is identified on the DHER and the extent that it contributes to the significance of the main house is not diminished by its omission from the EDLHA.
10. The appeal site is to the northeast of Escot with an area of open parkland between. It is close to a small cluster of buildings that include a farmhouse, farm buildings and estate cottages. The existing barn at the appeal site is a modest linear building that is set down at a lower level than the cottages to the east. It is most visible from the west as the land falls away gently in this direction with limited intervening vegetation. This area of the park has a tranquil character, with gently undulating pasture interspersed with specimen trees and blocks of woodland.
11. A Public Right of Way (PRoW) passes to the south of the existing barn. This continues west across the open landscape and to the rising land beyond. This allows for a comprehensive set of views towards the site across the estate's parkland landscape. From here Escot is visible and the existing building is seen behind the two prominent oaks with the cottages beyond visible on higher ground. The west facing cottage is orientated to face out over this landscape. It is an attractive 19th century building and contributes to the character and appearance of the landscaped parkland and thus to the historic significance of Escot.
12. The existing barn has limited historic or architectural value. It has a modest and functional form that is reflective of its use and whilst it does not necessarily appear out of place in its agrarian landscape, its plain materials and low mono-pitched roof are at odds with the finer grain of the traditional cottages to the rear.

13. Strategy 7 of the East Devon Local Plan 2013 to 2031 (LP) provides an in-principle objection to the erection of a new dwelling on the site, as it is outside the built-up area boundaries and outside of site specific allocations. There is no specific Local or Neighbourhood Plan policy that would explicitly permit such development. Prior approval was given for the conversion of the existing barn into a dwelling. This is relied upon by the appellant and accepted by the Council as a fallback position. The prior approval lapsed on 9 February 2025. I am satisfied that it should still attract reasonable weight however, as it was a fully worked up scheme and it was a principle that was recently established. Therefore, a comparison between its impact and the impact of the appeal proposal is necessary.
14. The prior approval scheme is a straightforward conversion of the building, with new openings limited to those necessary for the building to function as a dwelling to be inserted into its metal cladding. Thus, the appearance of the building would be little altered. Its environs would change through the introduction of a domestic use, including the area of garden to the west of the building which would no doubt develop a typical domestic character over time with planting and items such as garden furniture and children's play equipment. The scheme would therefore result in some harm to the character and appearance of the landscape.
15. The proposed dwelling would replace the existing barn. It would occupy a slightly shorter footprint and would be shifted slightly north of the existing barn to move it away from the PRow. Its ground floor would have a similar linear and flat roofed form albeit with a much greater area of the façades given over to glazing. A first floor would be introduced. This would be at a different angle to the floor below, to face out between the oaks at its north end.
16. The proposal would have a much greater visual impact than the existing barn, even if it was converted through a different scheme that included greater areas of glazing. Its cranked first floor would see a significant vertical increase to built form at the site. It would push itself into the area between the oaks, with full height glazing that would draw the eye, especially at night, and a flat fascia and plinth that would give it an inelegant and assertive appearance. Further visual harm would arise from the first-floor balcony, where domestic paraphernalia would be prominent to view and add further clutter to the view from the west.
17. The proposal would largely obscure the pleasant existing views of the cottages behind when viewed from the west, and where the two would be seen together they would not be well related. The proposed dwelling would appear to sit rather awkwardly in front of the west facing cottage, and its bulky modern form would be entirely at odds with its traditional form and grain.
18. From the higher ground to the east alongside the cottages the existing building can be glimpsed at a low level, but the trees and rising level of the parkland beyond form the main part of the view. Although the proposed building would be pushed further north, its first floor would be more prominent when viewed from the east and would detract from the pleasant view of the wider landscape.
19. The proposed dwelling would occupy a larger curtilage and include a large parking area. It is suggested that this would provide a better parking solution than the prior approval scheme, however the plans show the retained hardstanding which could be used for parking, and there is no reason to believe that parking would spill onto the adjacent track that forms the PRow. The plans also suggest an expansive

area of garden to the west of the dwelling. Building further north could benefit the trees that are growing close to the existing building's southern edge. However, the landscaping details are limited, and there is nothing to show how proposed landscaping would manage the impact of the additional curtilage or help the building to better relate to its parkland context.

20. A landscaping scheme could be secured by condition, however for a proposal of this nature within a sensitive historic landscape, a carefully considered scheme should be integral to the design. Furthermore, the prominence of the two oaks and their value as individual parkland trees would likely be lessened by a landscaping scheme that would seek to reduce the proposal's visual impact by adding understorey planting and new trees.
21. A group of buildings stand nearby to the south of the site. Some of these are taller than the proposed building. However, they do not face out towards the open areas of parkland or towards the site, and are contained by a belt of mature vegetation, such that they are not prominent to view from the open areas to the west. They do not therefore set a precedent for a prominent building at the appeal site.
22. The harm that would arise from the proposal would be experienced over a wide area to the west. The building would be prominent and assertive, particularly where its first floor would push out between the oaks. Its bold contemporary form would appear out of place in the historic landscape and would detract from its tranquil character. The landscape harm would be considerable and much more significant than the harm that would arise if the existing building were converted as per the prior approval. It would also erode the wider setting of Escot.
23. The harm would be low level. In terms of the Framework, it would be less than substantial but would nevertheless be of considerable importance and weight. Paragraph 215 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
24. The proposal would deliver a new dwelling, which in the context of the Council's housing land supply position and Government's objective to significantly boost the supply of housing should attract a reasonable degree of weight.
25. Biodiversity enhancements are put forward as betterment, and it is suggested that the proposal would be more energy efficient than the prior approval scheme. Given the relatively modest scale of the proposal this can only attract limited weight.
26. The existing building does not contribute to the character and appearance of the area. The proposal would secure its removal, which is a benefit, however this would only be achieved by replacing it with the proposed dwelling and I have found that the proposal would be more harmful than converting the existing building. This does not therefore constitute a public benefit.
27. Paragraph 212 of the Framework states that great weight should be given to the conservation of a heritage asset. In this context the public benefits are not sufficient to outweigh the harm.
28. In summary, the proposal would harm the character and appearance of the area and, with regard to the statutory duty outlined in the LBCA, would harm an aspect of the listed building's setting that contributes to its significance. It would be contrary to Strategy 7 and Policy D1 of the LP and Policy NP2 of the

Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill 2017 – 2031. Together these seek to ensure that new development is well designed to respect key characteristics of the locality including landscape character and conserves heritage assets and their settings.

29. The appellants suggest that Policy H6 of the LP is relevant. This appears to relate to the replacement of an existing dwelling, but the proposal would not be for the replacement of a dwelling as the existing barn has not been converted. This Policy has not therefore been determinative.

Framework paragraphs 84 e) and 139 b)

30. Paragraph 84 seeks to avoid the development of isolated homes in the countryside unless one or more of a list of circumstances apply. Although the dwelling would be close to other buildings, it would be remote from a settlement.
31. Part e) of Paragraph 84 is one of the most demanding paragraphs in the Framework. For it to apply the proposal would need to be of exceptional quality. To establish this, two tests are set out. Firstly, it would need to be truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas.
32. The appellants refer to materials typically associated with agricultural buildings and buildings in the area more generally. It is suggested that these are strengths of the proposal. However, I find that the materials proposed would not be unusual for a modern building.
33. The building would broadly reflect the form of the existing building, at least at ground floor level; however, the existing building is of no particular value, and the principle of designing a new building to reflect the form, scale and materiality of a modern agricultural building is questionable. It is suggested that the simple form of the building and its minimal bolt on elements would ensure that it seamlessly integrates with its environment. However, I find that its square-edged form, that is without relief or anything that could break up its massing or lessen its visual impact, would be at odds with its naturalistic landscape setting. Cladding areas of the upper wall in timber and the potential for this to give the upper storey a softer and more lightweight appearance would be undermined by framing the timber in a ribbon of dark metal cladding.
34. Offsetting the first floor is interesting and as an overall approach has the potential to create a unique building, however a reverse living arrangement where the bedrooms are on the ground floor is not particularly novel. It is suggested that the first-floor alignment is taken from the nearby barn to the south but given the distance between the buildings this is unlikely to be something that would be easily understood on site. It seems that the proposal to offset the first floor would largely result from an attempt to try to reduce the building's mass. It would have the opposite effect as the building would step out into the space between the oaks and be more prominent in the wider landscape than the existing barn.
35. Furthermore, the drawings do not demonstrate that this element of the design has been thoroughly considered. The straddling arrangement would create a poor position for the balcony which would be mainly accessed from a bedroom rather than the living area, and the full height windows that would serve the ground floor snug and the adjacent patio would be significantly shaded by the overhang as it

would be to the southwest of this area. This arrangement would have the potential to create an oppressive outlook.

36. Internally the two floors would connect by a regular dog leg stair. This would be aligned with the ground floor layout in a conventional manner, but at first floor would appear ill fitting, and would create some awkward spaces that would be difficult to utilise. The opportunity to connect the floors creatively so that the bold relationship between the floors is expressed inside the building is missed. Therefore, whilst the building would be interesting to occupy with attractive views of the surrounding landscape, it would have some design deficiencies that would mean it would not create an outstanding living environment.
37. For these reasons I am unable to conclude that the proposal would be truly outstanding, reflecting the highest standards in architecture, or would help to raise standards of design more generally in rural areas.
38. Additionally, Paragraph 84 e) establishes that to be of exceptional quality the design would need to significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. I have found that the proposal would have a harmful impact on the wider character and appearance of the area for the reasons already given.
39. In summary, the proposal would not therefore satisfy the tests set out at Paragraph 84 e). Paragraph 139 b) states that significant weight should be given to outstanding or innovative designs. For the reasons already given, the proposal would be neither.

Other Matters

40. The Council advises that it has 2.97 years of housing land supply. Paragraph 11 d) of the Framework would ordinarily be engaged as the Council is unable to demonstrate a five-year supply of deliverable housing sites. An exception to this is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes designated heritage assets. I have found that the proposal would harm the special interest of the listed building as a result of the harmful impact it would have on an aspect of its setting that contributes to its significance. It would not therefore accord with the Framework, and Paragraph 11 d) would not be engaged.
41. The appellants suggests that they could exercise their permitted development rights and erect fences up to 2 metres in height to restrict views of the site. Although this is a possibility it seems like an unrealistic suggestion; and in any case the rising land to the west and east, direct line of sight towards the site across the right of way, and scale of the proposed building would mean that it would have little impact on restricting views of the proposal.
42. The appeal site is close to the European habitat designations of the Exe Estuary and Pebblebed Heaths. The Council states that a financial contribution has been secured to mitigate the recreational impacts that arise from the provision of new dwellings. However, as I am dismissing the appeal for other reasons, this impact would not occur and does not therefore need to be considered further.

Conclusion

43. The proposal would be contrary to the development plan and there are no other material considerations, including the provisions of Paragraphs 84 e) and 139 b) of the Framework, that outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

A Tucker

INSPECTOR