



Appeal Decision

Site visit made on 29 September 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16.10.2025

Appeal Ref: APP/U1105/D/25/3368947

The Cottage, 9 Withycombe House, Hillcrest Gardens, Exmouth, Devon EX8 4FF

- 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 Robert Davis against the decision of East Devon District Council.
 - The application Ref is 25/0162/FUL.
 - The development proposed is to retain wooden boundary fence.
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Decision

1. The appeal is allowed and planning permission is granted to retain wooden boundary fence at The Cottage, 9 Withycombe House, Hillcrest Gardens, Exmouth, Devon EX8 4FF in accordance with the terms of the application, Ref 25/0162/FUL, subject to the following condition:

- 1) The development hereby permitted shall be carried out in accordance with drawings: Location Plan; Site Plan; Block Plan; East Elevation; West Elevation.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the application form. However as 'retrospective application' is not an act of development, I have removed this element.
3. The Council assessed the development as a retrospective application. During my site visit, I observed a development which appeared the same as that shown on the application plans. I have therefore also assessed the development on the basis that it is a retrospective proposal.

Main Issue

4. The main issue is the effect of the development on the setting of the Grade II listed Withycombe House.

Reasons

5. The appeal site is part of the Grade II listed Withycombe House (formerly known as Hillcrest School) which was a former 'Gothic revival' villa dating back to the mid 19th century and has since been sub-divided into a number of residential units.
6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have

special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

7. Moreover, 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.
8. The significance and special interest of Withycombe House derives, in part, from its architectural execution, historic fabric and origins as a 'Gothic revival' villa. In respect of its setting, modern residential development has occurred around the heritage asset limiting how the asset is experienced. However, parklands to the south, including Withycombe Brook Valley, form a setting which provides the ability to appreciate the significance, by allowing the full southern aspect of the asset to be experienced in a verdant landscape.
9. Whilst the residential units that now form part of the heritage asset benefit from individual garden areas that are delineated by estate style metal fences, a number of boundaries also consist of mature and often tall planting. Nevertheless, I observed that this boundary planting despite appearing tall and solid, does not hinder views over and through the garden areas and continues to allow an appreciation of the significance of the heritage asset.
10. The fencing the subject of this appeal is modest in height, separated from the heritage asset by laurel hedging, and due to trellis across the top section has limited solidity. Moreover, the black colour provides a suitable transition with the existing estate style fencing. Consequently, when seen in conjunction with existing boundary treatments, landscaping, both built and planted, as well as other domestic garden features and paraphernalia, the fence's overall size and substance leads it to have a limited presence within the setting of the heritage asset. Furthermore, the materials are not so unusual or uncharacteristic that they fail to preserve the setting or otherwise reduce the ability to appreciate the significance of the heritage asset.
11. Consequently, I find that the fencing has a neutral impact on the setting of the Grade II listed Withycombe House. The development accords with policies EN8 and EN9 of the East Devon Local Plan 2013 to 2031, and Policy EB1 of the Exmouth Neighbourhood Plan 2018-2031. These policies seek, amongst other matters, to ensure development conserves heritage assets. Furthermore, the proposal would accord with policies HE01 and HE02 of the emerging East Devon Local Plan 2020-2042 which similarly seek, amongst other matters, to conserve the significance of heritage assets.

Conditions

12. As the development has been commenced, a time limit condition is not required. However, a plans condition is required to provide certainty.

Conclusion

13. For the reasons given above the appeal should be allowed.

S Harrington

INSPECTOR