



Appeal Decisions

Site visit made on 16 September 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2025

Appeal A Ref: APP/U1105/W/25/3365953

Jackmoor Cottage, Road from Jackmoor Cross to Seychelles House, Upton Pyne, Devon EX5 5HY

- 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 Martin Kolaszynski against the decision of East Devon District Council.
 - The application Ref is 24/1267/FUL.
 - The development proposed is the replacement of existing annex with new annex and remodelling of rear lean-to structure to main house.
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Appeal B Ref: APP/U1105/Y/25/3365308

Jackmoor Cottage, Road from Jackmoor Cross to Seychelles House, Upton Pyne, Devon EX5 5HY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Martin Kolaszynski against the decision of East Devon District Council.
 - The application Ref is 24/1268/LBC.
 - The development proposed is as Appeal A.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As the appeal site comprises a listed building, I have had regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. Although I am aware from another appeal that the Council is in the process of preparing a new Local Plan and the Regulation 19 draft version of the East Devon Local Plan (2020-2042) was published for consultation earlier this year, no policies of this emerging plan have been provided to me as relevant to the appeal scheme.

Main Issue

5. The main issue for both appeals is whether the proposal would preserve the Grade II listed building known as Jackmoor Cottage¹, or its setting, or any of the features of special or historical interest it possesses.

¹ List Entry No: 1317916, dated first listed 25 October 1984

Reasons

6. Jackmoor Cottage (the Cottage) is a small dwelling constructed from whitewashed cob on a stone plinth and has a thatched roof. Whilst indicated to date from the late seventeenth century, the listing also refers to the possibility that the core of the dwelling may have been in place prior to this. The appellant's Heritage Appraisal² similarly concludes that the Cottage was altered and extended from its single cell form not long after it was constructed. Further, more recent, additions, including a two-storey extension and single-storey lean-to, have also enlarged the property whilst doors and windows have been replaced and the internal layout remodelled.
7. Nevertheless, the Cottage is an attractive, small dwelling that represents a good example of the local vernacular. Therefore, the special interest of Jackmoor Cottage, insofar as is relevant to the appeal scheme, relates to its age, use of traditional construction methods and local materials, and its humble size.
8. The Cottage faces towards a garden area which is enclosed by mature trees and hedgerows, and the meandering Jackmoor Brook. It provides a distinctively intimate and largely natural setting to the Cottage which makes a positive contribution to its special interest. In contrast, the appellant's wider landholding on the other side of the brook has an open and more functional character given its use for vehicular access and parking, including a large modern wooden garage, and various vegetable plots.
9. A single-storey annexe, currently used as part study/part storage space, is located alongside the Cottage, adjacent to the mature hedgerow which bounds the lane between Langford Road and Upton Pyne Hill. Having part stone-faced and part rendered blockwork elevations, the annexe's modern appearance contributes little to the special interest of the Cottage. However, its single storey scale, physical separation and siting back and away from the Cottage ensures the annexe is subservient to the heritage asset.
10. The Jackmoor Cross junction, where Bramble Lane meets the aforementioned lane, is located adjacent to the appeal site. These lanes are single width roads which, on the approaches to the Cottage, are closely bounded by roadside hedgerows. However, alongside the appellant's landholding there is a distinct transition from an enclosed lane to a more open area where broad, grassy verges flank both sides of the narrow carriageway. Combined with the positioning of the junction to one end, the contrasting character of this area conveys a sense of arrival. This is accentuated by the visibility of the thatched roof of the Cottage above the hedgerow and set against the backdrop of substantial trees; features and characteristics which enhance the appreciation of the heritage asset.
11. The proposal comprises the demolition of the existing annexe and the construction of a two-storey structure in its place, albeit with a slightly larger footprint and positioned marginally further from the boundary hedge. Given its age and lack of historical connection to the Cottage, the principle of the removal of the existing annexe is acceptable and would result in an enhancement to the setting of the Cottage. Nonetheless, with two storeys, the proposed annexe would be a taller building and have an increased bulk than the existing structure. Notwithstanding its lower ridge height than the Cottage and, noting the alterations made to the proposal during the determination of the planning application, the eaves of the

² Heritage Appraisal and Impact Assessment, prepared by Nils White Conservation and dated November 2023

proposed annexe would not be noticeably lower than those on the historic core of the Cottage. Furthermore, the use of full height glazing on its south west elevation would exaggerate its height. The result would be an insubordinate addition within the setting of a humble and characterful listed building, particularly in the same view of the Cottage's façade from the garden area. Part of its roofscape would also be visible above the hedgerow along the lane, challenging the primacy of the Cottage from this location.

12. While the siting of the proposed annexe retains the separation between the two buildings, an enclosed link between them is proposed. Although indicated to be fully glazed, limited details have been provided of the link, including any structural framework necessary to support the glazing panels. The link's primary use would be as a corridor connecting the living spaces. However, there would little to prevent domestic or personal items being stored within it, thereby compromising the appreciation of the buildings as two separate, detached volumes. Additionally, when the proposed kitchen/diner area and the existing kitchen area of the Cottage are lit, light would seep into the link via the open doorways and the transparency of the glazing would be diminished. Moreover, together with the full height glazing in the proposed annexe, the amount of modern materials within the proposal would be significant, starkly contrasting with the vernacular of the Cottage, resulting in harm to features of special interest it possesses.
13. Little detail is provided regarding the proposed replacement doors and windows, and what effect they would have on the historic fabric. However, as the existing doors and windows are modern, their replacement is, in principle and subject to the submission of further details, acceptable. This is also the case with the demolition and extension works proposed to the single storey lean-to structure. The partial removal of the lean-to would also result in more of the historic fabric of the Cottage being revealed, thereby making a positive contribution to the heritage asset's special interest.
14. Nevertheless, as the proposed annexe would be a significantly larger and more bulky structure than the existing, it would challenge the primacy of the Cottage. Therefore, together with the glazed link between the Cottage and the proposed annexe, the proposal would detract from the importance of a designated heritage asset. Consequently, I conclude that it would not preserve the Grade II listed building, or its setting, or the features of special or historic interest it possesses. It would also conflict with policies D1 and EN9 of the Local Plan³ insofar as they require development to respect the key characteristics and special qualities of the area and also preserve the significance of designated heritage assets.
15. While the decision notice refers to Policy EN8 of the Local Plan, as this relates to the need for an applicant to submit a statement of significance with a planning application involving a heritage asset and such a statement was submitted, Policy EN8 is not determinative in this case.
16. The proposal also fails to satisfy the requirements of the Act. The level of harm in this case would be less than substantial. Taking into account the scale of the proposed annexe and the compromised distinction of the Cottage as a detached form, even with the positive contribution the removal of the existing annexe and part of the lean-to would make to the special interest of the Cottage, the magnitude

³ East Devon Local Plan 2013-2031 (the Local Plan)

of this harm would be towards the upper end of the less than substantial scale. In these circumstances the Framework⁴ states that harm to or loss of the significance of a designated heritage asset requires clear and convincing justification and should be weighed against the public benefits which would be derived from it, including securing its optimum viable use, where appropriate.

17. The proposal would provide additional domestic accommodation for the appellant and their family. However, this would mostly be a private benefit. Some economic benefits would be derived from the construction and renovation works, albeit at a small scale. Little evidence is before me to demonstrate the environmental benefits of the proposal, aside from the proposed annexe being a modern, energy efficient structure.
18. Consequently, whilst some public benefits would be derived from the proposal, the totality of those outlined above do not outweigh the level of harm identified to the special interest of the listed building or the contribution its setting makes to the significance of this heritage asset. Additionally, I have no substantive reason to conclude that the continued residential use of the Cottage is dependent upon the appeal scheme. As such, clear and convincing justification for the less than substantial harm I have identified above has not been demonstrated.
19. I conclude that the proposal would fail to preserve the Grade II listed building known as Jackmoor Cottage, or its setting, or any of the features of special architectural or historic interest it possesses.

Other Matters

20. The Council's engagement and behaviour during the determination of the planning application are not matters for this decision.

Conclusion

21. The proposal is contrary to the development plan as a whole and material considerations, either individually or in combination, do not indicate that it should be determined other than in accordance with it. For the reasons given above and having regard to all relevant matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

Juliet Rogers

INSPECTOR

⁴ National Planning Policy Framework (the Framework)