



Appeal Decision

Site visit made on 11 November 2025

by S Sharp BSc(Hons) BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/U1105/W/25/3372790

**Woodhouse Farm Stables, Road from Brimley Cross to Wood Cross,
Hawkchurch, Devon EX13 5UF**

- 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 Christine Joyce and David Joyce against the decision of East Devon District Council.
 - The application reference is 25/0468/FUL.
 - The development proposed is construction of new dwelling to replace mobile home granted under certificate of lawfulness ref. LP5/179/GCG/AL (02/Y0002).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is common ground between the appellants and the Council that there is a lawful use for a dwelling on the appellants' land at Woodhouse Farm Stables. A third party's objection raises a number of issues relating to this matter. However, I have no evidence before me to disagree with the Council and appellants that the existing structure falls within the definition of a caravan, is within the area covered by the Certificate of Lawfulness and its use as a dwelling is as per the Certificate's wording. I have therefore determined the appeal on the basis that there is currently a lawful use of the existing mobile home as a dwelling on land at Woodhouse Farm Stables.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the rural landscape.

Reasons

4. The appeal site sits within rolling open countryside characterised by small to medium sized fields used for grazing, larger areas of woodland and small clusters of buildings. The main part of the site, within which the proposed dwelling would be sited, is part of a larger field, on open, sloping ground, elevated above the nearest buildings and adjacent to a public right of way. The latter follows the course of the hard surfaced access from the public road. Views into the appeal site are afforded from the public right of way through the gappy hedge on the boundary.
5. The existing single storey dwelling is approximately 3.7m in height with a floor area of approximately 40m². In comparison, the proposed dwelling would be 2 storeys in

height, rising to approximately 6 metres above ground level, and would extend to approximately 200m² of floor area.

6. The cylindrical roundhouse form of the proposed dwelling would be reflective of the form of cob dwellings that historically featured in the landscape; I acknowledge that such dwellings were not just restricted to rectangular footprints. However, the elevated siting proposed here, sited away from the cluster of existing buildings on lower ground, in combination with the visibility from the public right of way and the considerable massing of the proposed 2 storey form, would result in significant harm to the character and appearance of the rural landscape. This harmful effect is increased by the extent of glazing proposed on the south facing side of the proposed dwelling which, although affording natural light to permeate into the space, would appear as a rather incongruous feature. This siting, scale and glazing means that the proposal would not read as a vernacular form within the landscape despite the roundhouse footprint and cob construction.
7. The proposals include the planting of a new native species hedgerow on the western boundary of the site, which is currently unmarked. It would not be of a height, even when established, to mitigate the landscape harm resulting from the considerable mass of the building proposed.
8. I therefore find that the proposal, by reasons of its height, massing, design and prominent siting on elevated land, visible from a public right of way, and detached from the existing cluster of buildings, would result in significant harm to the character and appearance of this rural landscape. As such it would conflict with policy H6 - Replacement of Existing Dwellings in the Countryside of the East Devon Local Plan 2013-2031 (EDLP). This policy seeks to ensure that proposed replacement dwellings do not detract from the appearance and character of the landscape. I also find, for the same reasons, that there would be conflict with Strategy 7 - Development in the Countryside, and Policy D1 - Design and Local Distinctiveness of the EDLP. Strategy 7 includes an objective that development will not harm the distinctive landscape, amenity and environmental qualities within which it is proposed to be located, including landform and patterns of settlement. Policy D1 requires, amongst other criteria, that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Other matters

9. The appellants have cited several matters which they consider are clear planning or environmental benefits to be gained from the proposed siting beyond the curtilage of the existing dwelling. The first of these benefits cited is the removal of smoke pollution associated with the heating and hot water mechanism installed in the existing dwelling, and the resultant betterment to the living conditions of the occupiers of the adjoining dwelling at Courtenay Farm. They also cite the benefits derived from the removal of the effects of surface water runoff associated with the existing dwelling's structure. The appellants also state that there are benefits from locating a dwelling further away from the portal framed buildings that can be lawfully used for horsiculture or agricultural uses on their land, the greater distance providing betterment to living conditions. I have had regard to all of these benefits but none of them appear dependent on the scale, design and siting of the proposed development. I therefore collectively afford them very limited weight as considerations in support of the proposal.

10. The appellants also cite paragraph 139 of the National Planning Policy Framework (December 2024) and that considerable weight should be afforded to proposals of outstanding or innovative design which promote high levels of sustainability or help raise the standard of design more generally in an area. This weight in support of a proposed development is dependent on proposals fitting in with the overall form and layout of their surroundings. I have already found that the proposed development would not do this, with harmful consequences to the character and appearance of the rural landscape that surrounds the appeal site and, as a result, conflicts with development plan policies.
11. I have also had regard to the appellants' space requirements relating to care and multi-generational living. Whilst, accommodating these requirements would be a benefit, I have no mechanism to ensure that the dwelling is occupied as described and it is a matter to which I give very limited weight. Furthermore, the proposed development would endure far beyond the period applicable to these circumstances.
12. The appellants have also brought to my attention examples of modern cob buildings within the wider locality that include curved external elevations. These include those referred to as Kepple Gate, Dingle Dell and Clay Cottage. Whilst I have had regard to these developments, with the evidence before me I find that the appeal site's context differs as does the appeal proposal to these examples. I therefore afford very limited weight to the existence of these buildings within the wider locality as a consideration.
13. The Council refers to policies from the emerging East Devon Local Plan 2020-2042 in its decision. These include policy HN06 - Sub-dividing or replacing existing buildings and dwellings, which includes a criterion that the floorspace of any replacement dwelling must not exceed by more than 30% that of the building to be replaced. The proposal would conflict with this criterion, but I attach very limited weight to it and the other policies from this emerging Local Plan as considerations, given the latter's relatively unadvanced pre-examination stage. As such, the fact that the floorspace of the proposal would exceed that of the existing dwelling by more than 30% is not determinative to my findings.
14. Finally, if I had been allowing the appeal, I would have invited comments on the wording of a condition to secure the necessary removal of the existing dwelling so that there would be no net increase in dwellings in this unsustainable, countryside location. The effect of the loss of the existing dwelling on the character and appearance of the surrounding landscape would, despite it being of no architectural merit, be neutral. This is because of its modest scale and siting adjacent to existing buildings. As such, there would be no benefits derived from its loss which could have been afforded weight in the overall balance.

Conclusions

15. I have found that there are benefits derived from the proposed development, but these are afforded very limited weight in the overall planning balance. They do not, for the reasons given above, outweigh the significant harm to the character and appearance of the rural landscape that would result from the proposed development.

16. I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed

S Sharp

INSPECTOR