
Appeal Decision

Site visit made on 9 December 2025

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/Y1138/Y/25/3364636

The Old Dairy, 2 Chapel Street, Morchard Bishop, Devon, EX17 6NP

- 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 Mrs Catherine Smith against the decision of Mid Devon District Council.
 - The application reference is 24/01485/LBC.
 - The works proposed are described as *"Reinstate the full covering over the walkway between the rear kitchen door and the accommodation permitted under 23/00500/LBC and 23/00499/HOUSE."*
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Decision

1. The appeal is allowed. Listed building consent is granted to reinstate the full covering over the walkway between the rear kitchen door and the accommodation permitted under 23/00500/LBC and 23/00499/HOUSE at The Old Dairy, 2 Chapel Street, Morchard Bishop, Devon, EX17 6NP. Consent is granted in accordance with the terms of the application reference 24/01485/LBC and subject to the conditions in the attached Schedule.

Preliminary Matters

2. 2 Chapel Street is a grade II listed building¹ within the Morchard Bishop Conservation Area (CA). In determining this appeal, the provisions of sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.
3. In response to comments made by some neighbouring residents, the appellant's agent has informed me that the proposed structure would be self-supporting and would not encroach onto the walls of any neighbouring property. I have been assured that the correct certificate of ownership accompanied the appeal.

Main Issue

4. The main issue is whether the proposals would preserve Nos. 2-4 Chapel Street, or its setting or any features of architectural or historic interest which it possesses and preserve or enhance the character or appearance of the CA.

Reasons

Planning Policy

5. Whilst the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 are not engaged, policy DM25 (heritage assets) of the Mid Devon Local Plan 2013-2033 (LP) is a material consideration. This policy is broadly consistent

¹ Listed as part of Nos. 2, 3 and 4 Chapel Street. (1 Chapel Street is attached but is listed separately.)

with the provisions of the National Planning Policy Framework (the Framework) relating to the conservation and enhancement of the historic environment.

Significance (heritage interest) of Nos. 2-4 Chapel Street and the CA

6. Nos.2-4 Chapel Street comprise three mid-19th century, two storey cottages². The significance of this listed building is primarily derived from its special architectural and historic qualities. These include the painted rendered³ cob and rubble stone walls, thatched roof, 19th century doors and windows, chimney stacks, original roof timbers, as well as the building's L-shaped plan.
7. Over time, there have been various alterations⁴ and additions to these Devon vernacular cottages. These include a porch, covered walkway⁵ and several outbuildings⁶ of various construction and design, including a 1½ storey building to the side/north of No.4 (ref. 14/00457/FUL). As I saw during my visit, this has resulted in a hotchpotch of ancillary structures attached to or immediately alongside Nos. 2-4 Chapel Street.
8. The CA is centred upon the central historic core of Morchard Bishop. The significance of this designated heritage asset is primarily derived from the contribution made by the numerous grade II listed thatched cob and stone cottages, as well as the impressive circa 15th century grade I listed parish Church of St. Mary. Many of the cottages are small and have been altered and enlarged over time. Nevertheless, individually and collectively, these vernacular buildings, which also exhibit a close-knit pattern of development, make a very pleasing contribution to the character and appearance of this picturesque Devon village.

Impact of the Proposals

9. The proposed works would include the removal of a partially covered walkway between the main accommodation at No.2 and its permitted annex. In its place, a larger, fully covered/enclosed walkway⁷ would be provided to enable safe, dry access between these two areas of living accommodation.
10. I note the concerns of the LPA that the proposed walkway *would be a convoluted form of sprawl that would result in the house being a pushed-together lump of structures rather than individual buildings with their own interest and significance*. If permitted, the proposal would, in effect, close the narrow gap between the external wall of the appellant's cottage and the adjacent ancillary structures.
11. However, there is nothing before me to demonstrate that these ancillary structures contribute to the significance of the listed building. The proposal would be subservient in form, function, scale and appearance to the appellant's cottage and would not involve the loss of any important historic fabric. Moreover, the L-shaped plan of the listed building would still be discernible. Buildings, including listed structures, evolve over time and the proposal would comprise a further evolution in the 'life' of this vernacular cottage. It would not harm its heritage interest, including its setting. As noted within the submitted Schedule of Works, if deemed

² As noted within the list description, the building may date from an earlier period.

³ Some of which comprises an inappropriate cement mix, rather than a lime render.

⁴ Including some 20th century windows.

⁵ Whilst there is evidence that this walkway was previously larger/more enclosed, the exact date is uncertain.

⁶ I understand that the consent/permission approved under refs. 23/00500/LBC and 23/00499/HOUSE, includes the conversion of a single storey outbuilding (garage/store) to No.2 into an annex/additional living space.

⁷ As accepted by the LPA, this would be modest in scale.

necessary/important, the proposed walkway could also be removed at a later date without harming the integrity of this designated heritage asset.

12. Even if closing the gap at the rear of the appellant's cottage somehow harmed the significance of the listed building, this would need to be weighed with any public benefits of the proposal. These include the proposed replacement of some cement render from the facing wall in the listed building with a lime-based render and a limewash finish. This would allow the fabric of this part of the building to 'breathe', helping to address a damp issue that exists within this part of the cottage and reducing the risk of deterioration to important historic wall material. A lime render/lime wash finish would also enhance the integrity and appearance of the listed building. These public benefits weigh in favour of an approval.
13. I also note the LPA's concerns about rainwater discharge/drainage from the thatched roof and moisture build-up within the proposed walkway. However, it is not unusual to find ancillary structures abutting the walls of thatched properties⁸ and details of rainwater discharge/disposal could be made a condition of an approval. In addition, the proposed rooflight would be made to open and a humidistat would be installed so as to limit the risk of any harmful build-up of moisture.
14. The proposed works would not harm the contribution that Nos.2-4 Chapel Street make to the character of the CA⁹. In addition, the LPA accepts that the proposed walkway could not be seen from the public highway or any public right of way. There would be no harm to the significance of the CA
15. I conclude on the main issue that the proposals would preserve Nos. 2-4 Chapel Street, its setting and features of architectural or historic interest which it possesses and preserve the character and appearance of the CA. The proposed works would accord with the objectives of LP policy DM25.

Listed Building Conditions

16. In addition to the 'standard' condition requiring works to commence within a period of three years, for the avoidance of doubt, a condition would be necessary specifying the approved plans and schedule of works. To limit the risk of damp and to avoid damage to important historic fabric of the building, a condition would be necessary to ensure: the removal of the existing cement render and use of lime render and limewash; the installation of the proposed rooflight and humidistat and; the removal/disposal of rainwater run-off.
17. In essence, the other matters/conditions suggested by the LPA would be addressed by the submitted Schedule of Works. Further conditions would therefore comprise unnecessary duplication.

Overall Conclusion

18. Given my findings above and having regard to all other issues raised, I conclude that the appeal should succeed.

Neil Pope

Inspector

⁸ As I also saw during my visit, there are examples of this elsewhere within the CA.

⁹ The proposed works would also preserve the setting of 1 Chapel Street.

SCHEDULE OF CONDITIONS

1. The works hereby permitted shall commence before the expiration of three years from the date of this decision.
2. The works hereby permitted shall be undertaken in accordance with items specified Nos. 1-7 (inclusive) within the Schedule of Works, dated 13th October 2024, and the details shown on the following approved drawings: 1:1,250 scale site location plan; proposed arrangement (drawing no. SK01 Rev C)
3. The covered walkway hereby approved shall not be brought into use until the following works have been undertaken:
 - i) the external cement render on the western wall of the existing walkway, as well as the area surrounding the doors in the southern and northern walls of the walkway, as detailed in the approved Schedule of Works, has been removed and a lime render has been applied to these walls with a limewash finish;
 - ii) the installation of a humidistat and rooflight in the flat roof which is capable of being opened so as to aid ventilation/remove any excess moisture and;
 - iii) a scheme for the removal/disposal of rainwater, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.