

Summary Built Heritage Proof of Evidence

Tidcombe Hall, Tidcombe Lane, Tiverton, Devon EX16 4EJ

Town and Country Planning Act

Tidcombe Hall, Tidcombe Lane, Tiverton, Devon EX16 4EJ

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PLANNING INSPECTORATE REFERENCE:

APP/Y1138/W/24/3358001

Mid Devon District Council Reference:

24/00045/MOUT

1. INTRODUCTION

- 1.1 This Proof of Evidence has been prepared on behalf of Mid Devon District Council by Mr Muston in relation to the appeal by Tidcombe Holdings LLP (the appellant) against the decision of Mid Devon District Council (MDDC) to refuse to grant outline planning permission for up to 100 dwellings (all matters reserved other than access) (LPA Ref: 24/00045/MOUT, PINS Ref: APP/Y1138/W/24/3358001).
- 1.2 This summary and the main Proof of Evidence addresses the Heritage considerations relevant to the appeal and should be read in conjunction with the evidenced prepared by Mr Antony Peter Asbury, which undertakes the planning balance exercise.

Qualifications

- 1.3 I am a Conservation Officer at Mid Devon District Council. I hold a Bachelor's (Hons) degree in Ancient, Classical and Medieval Studies (University of Winchester), and a Master's degree (MSc) in the Conservation of Historic Buildings (University of Bath).
- 1.4 I have worked as a heritage consultant and Conservation Officer for the public sector across the UK. I have over five years' experience working within the public sector and I have extensive experience of heritage issues arising from development in both urban and rural settings.
- 1.5 I am aware that my duty is to the Inquiry, irrespective of by whom I am instructed. The evidence which I have prepared and provided for this appeal, PINS reference: APP/Y1138/W/24/3358001, in this Proof of Evidence is true and I confirm that the opinions expressed are my true and professional opinions. I have visited the appeal site in preparation of this statement.

Applicant's Proposal

- 1.6 This proof of evidence relates to the appeal by Tidcombe Holdings LLP against the refusal of Mid Devon District Council to grant planning permission for the Outline application with the following description:

Outline application (Planning Ref: 24/00045/MOUT) for the erection of up to 100 dwellings to include conversion of Tidcombe Hall and outbuildings, provision of community growing area, public open space, associated infrastructure, ancillary works and access with all other matters reserved.

2. Legislation, Planning Policies and Guidance

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination must be in accordance with the Development Plan unless materials considerations indicate otherwise.
- 2.2 The Mid Devon Local Plan 2013-2033 (adopted 2020) includes saved policies relating to heritage assets, this being Policy DM25.
- 2.3 The Planning (Listed Buildings and Conservation Areas Act (1990) and the relevant parts are set out within the Proof of Evidence, this being:
- Sections 66(1) and 72(1).

- 2.4 The National Planning Policy Framework (NPPF) and the Planning Practice Guidance set out the Government's planning policies, and how they are expected to be applied.
- 2.5 Historic England has published several advice notes relevant to decision-making and the historic environment, this includes:
- Historic Environment Good Practice Advice Note 2: Decision-Taking in the Historic Environment, 2015.
 - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets, 2017.
 - Historic England Advice Note 12: Statements of Heritage Significance, 2019.
- 2.6 The Grand Western Canal Conservation Area Appraisal and Management Plan was adopted Dec 2024.

3. Methodological approach used in this proof of evidence

- 3.1 The impacts of the proposed development upon the significance of the heritage assets are both direct and indirect by reason of part of the appeal site lying within the Grand Western Canal Conservation Area and part without. As such, there are two relevant pieces of guidance that have been consulted.
- 3.2 With regards to direct impacts, these have been assessed using 'Historic England Advice Note 12: Statements of Heritage Significance' and the impact of the proposals on the following attributes:
- Archaeological interest;
 - Architectural and artistic interest; and
 - Historic interest.
- 3.3 The assessment of the impact on the Conservation Area has also had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 3.4 With regards to indirect impacts, the Historic England guidance document 'Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets' (2017) sets out a methodology for assessing harm to the setting of heritage assets as part of the planning process, comprising a five-step process that applies proportionally to complex or more straightforward cases as follows:
- Step One: identifies which heritage assets and their settings are affected;
 - Step Two: assesses whether, how and to what degree these settings make a contribution to the significance of the heritage assets;
 - Step Three: assesses the effects of the proposed development on that significance;
 - Step Four: explores ways to minimise harm;
 - Step Five: is the making and documenting of the decision.
- 3.5 Steps One to Three of this assessment process have been used to determine the impact of the proposed development on the setting and significance of designated and non-designated heritage assets which will be affected by the proposed development.

4.0 Assessment of Heritage Assets Affected

4.1 As identified within Reason for refusal 2, the designated heritage assets identified as being affected by the proposed development are:

- Grade II listed, Tidcombe Farmhouse (List Entry ID: 1384974);
- The Grand Western Canal Conservation Area; and
- Tidcombe Hall (Non-Designated Heritage Asset).

4.2 The significance and the special interest of the heritage assets affected by the proposed development is described. Following this, the contribution made by setting to the significance of the heritage assets is assessed.

4.3 The assessment of the heritage assets and their setting is evidenced by and makes reference to the historic environment record including cartographic evidence and the Tithe Apportionments, with copies of the Tithe Map and Apportionments within the Appendix.

5.0 Assessing the effect of the proposed development on the setting and significance of the heritage assets

5.1 Within this section an assessment of the specific effects of the proposed development on attributes of setting is provided in order to establish the degree, if any, of harm caused. This approach broadly equates to Step 3 of the advice on assessing impacts on setting provided in the guidance from Historic England, *The Setting of Heritage Assets* (2017).

5.2 The impacts I have identified are either visual impacts on the setting of the heritage asset, impacts removing an important characteristic, or impacts that affect people's experience of the asset and the ability to appreciate its significance. In arriving to any conclusions about the impact that the proposed development would have on the heritage assets, their significance and setting, I have had regard to the relevant legal provisions, statutory duties, and local and national heritage policy and guidance.

5.3 The heritage assets and the effect of the proposed development upon their significance is assessed in the following order:

- Grade II listed, Tidcombe Farmhouse (List Entry ID: 1384974);
- The Grand Western Canal Conservation Area; and
- Tidcombe Hall (Non-Designated Heritage Asset).

5.4 The table below shows the resulting levels of harm to the significance of the heritage assets.

Heritage Asset	Impact identified
Tidcombe Farmhouse (Grade II, NHLE: 1384974)	Medium level of less than substantial harm
The Grand Western Canal Conservation Area	Low level of less than substantial harm
Tidcombe Hall (Non-designated heritage asset)	Harm to the significance of the Non-designated heritage asset

6.0 Summary and Conclusions

- 6.1 The evidence prepared relates to the effect the proposed development will have on the significance of the identified heritage assets including the contribution to significance made by their settings. The following heritage assets have been assessed with harm identified to their significance:
- Grade II Listed, Tidcombe Farmhouse (List entry ID: 1384974);
 - The Grand Western Canal Conservation Area; and
 - Tidcombe Hall (Non-Designated Heritage Asset).
- 6.2 The significance of Tidcombe Farmhouse derives from its special architectural and historic interest, as an early rural farmhouse. Tidcombe Farmhouse is a fine example of a historic farmhouse and farmstead within Devon, within the rural landscape. In its current state, the appeal site proves part of an appropriate agrarian setting for the designated heritage asset, Tidcombe Farmhouse, which contributes to the ability of people to appreciate and understand its significance. The proposed development would impact the rural setting of Tidcombe Farmhouse and would consequently erode our appreciation of the functional and historic relationship between the appeal site and the asset. The extent of the proposed development is considered to invariably result in harm and this harm is found in the principle of this form of development. The harm to the designated heritage asset would be less than substantial as referred to in the NPPF, and therefore Paragraph 215 would apply. If we consider this in the scale of lower, middle and upper, I consider the harm lies in the middle section of this scale.
- 6.3 The significance of the Grand Western Canal Conservation Area derives from its special architectural and historic interest. Architecturally, the conservation area contains a rich variety of building types and ages illustrating the development of the area, whilst contributing aesthetically to the variety of building materials, styles, scale design and detailing. The Grand Western Canal is a nineteenth-century structure and the surviving historic building stock within the area contributes to an understanding of the development of the canal and the historic land use in response to social changes over time. The setting of the conservation area makes a positive contribution to its significance by reinforcing its prevailing character, allowing the asset to be appreciated within its context, and providing important views of the heritage asset from within and outside of the conservation area.
- 6.4 The proposed development would result in harm to the character and appearance of the conservation area and also harm to its significance through change in its setting. The proposed development would result in prominent built form of a distinctly urban character which would detract from and adversely impact the ability to appreciate and understand the significance of the conservation area and the character and appearance of the conservation area. The harm with regard to the NPPF would be 'less than substantial' and if we consider there to be a scale or spectrum, I suggest the harm lies within the low section of this scale. While the harm is agreed to be classified as 'less than substantial', the NPPF makes it clear that 'great weight' should be given to the conservation of the asset.
- 6.5 The significance of Tidcombe Hall is predominantly derived from its architectural, archaeological and architectural interest as a large nineteenth-century house. The setting of the heritage asset is found to positively contribute to the experience and understanding of the asset's significance. The appeal site includes Tidcombe Hall, its grounds and the fields adjacent to the asset. The proposed development would compete with and detract from the sense of prominence and visual dominance of Tidcombe Hall, reducing the ability to

appreciate the heritage asset within its historic context, and have a detrimental visual impact on the views of the heritage asset from within, and outside of, the conservation area and its historic grounds. The proposed development would fail to preserve the significance of the heritage asset due to change in its setting. The extent and layout of the proposed development also represents significant missed opportunities to enhance the Grand Western Canal Conservation Area and Tidcombe Hall. The harm to the Non-Designated Heritage Asset would engage Paragraph 216 of the NPPF.