



Land at Tidcombe Hall, Tiverton

Proof of Evidence of:

Edward Oakley

BA (Hons), MA, PhD. MCifA

In respect of:

Heritage Matters

On behalf of:

Tidcombe Holdings LLP

PINS Ref

APP/Y1138/W/24/3358001

LPA Ref

24/00045/MOUT

Volume I

MAIN TEXT

April 2025

Report Reference

edp8995_r001b

Document Control

DOCUMENT INFORMATION

Client	Tidcombe Holdings LLP
Report Title	Proof of Evidence of Edward Oakley in respect of Heritage Matters – Volume I
Document Reference	edp8995_r001b

VERSION INFORMATION

	Author	Formatted	Peer Review	Proofed by/Date
001_ DRAFT	EOa	GGi	ACr	-
001a_ FINAL DRAFT	EOa	-	-	CRo 040425
001b	EOa	-	-	CRo 080425

DISCLAIMER TEXT

No part of this report may be copied or reproduced by any means without prior written permission from The Environmental Dimension Partnership Ltd. If you have received this report in error, please destroy all copies in your possession or control and notify The Environmental Dimension Partnership Ltd.

This report (including any enclosures and attachments) has been prepared for the exclusive use and benefit of the commissioning party and solely for the purpose for which it is provided. No other party may use, make use of or rely on the contents of the report.

We do not accept any liability if this report is used for an alternative purpose from which it is intended, nor to any third party in respect of this report.

Opinions and information provided in the report are those of The Environmental Dimension Partnership Ltd using due skill, care and diligence in the preparation of the same and no explicit warranty is provided to their accuracy. It should be noted, and it is expressly stated that no independent verification of any of the documents or information supplied to The Environmental Dimension Partnership Ltd has been made.

Contents

Section 1	Preamble	4
Section 2	Appointment, Scope of Evidence and Background Context.....	5
Section 3	Assessment of Effects	10
Section 4	Policy Review and Conclusions	31

Section 1

Preamble

- 1.1 This Proof of Evidence has been prepared by Dr Edward Oakley, an Associate at The Environmental Dimension Partnership Ltd (EDP), an independent multi-disciplinary environmental consultancy with offices in Cirencester, Cardiff and Cheltenham.
- 1.2 I have 20 years of experience in practice as a heritage professional, including over 12 years as a heritage consultant to private and public sector clients throughout England, Wales and Scotland.
- 1.3 My qualifications comprise a BA with honours in Archaeology from the University of Southampton, and an MA (distinction) and PhD from the University of Nottingham. I am a full Member of the Chartered Institute for Archaeologists (CIfA).
- 1.4 My portfolio of project involvements includes the investigation and assessment of standing buildings, settings and historic landscapes, as well as the assessment, evaluation and recording of archaeological sites, monuments and remains on a wide range of development schemes, ranging in scale and complexity from major urban expansions to small-scale schemes for private clients.
- 1.5 As an experienced cultural heritage professional, I have provided evidence to inform and support planning appeals and the determination of planning applications involving designated and non-designated heritage assets.
- 1.6 The evidence that I have prepared and provided for this inquiry is true and is given in accordance with the guidance of my Professional Institute. I confirm the opinions expressed are my true and professional opinions.

Section 2

Appointment, Scope of Evidence and Background Context

MY APPOINTMENT AND INVOLVEMENT IN THE PROJECT

- 2.1 I am appointed by Tidcombe Holdings LLP, (hereafter referred to as ‘the Appellant’), to provide expert witness evidence on heritage matters in respect of the Appeal Proposals at Land at Tidcombe Hall, Tiverton, (hereafter referred to as ‘the Appeal Site’).
- 2.2 I was first approached in relation to the proposals on 21 August 2024 following the refusal of application 24/00045/MOUT by Mid Devon Council (hereafter referred to as ‘the Council’) on 08 August 2024. I have had no previous involvement with the Appeal Site or previous applications on the Appeal Site. Following a review of the application documents and the completion of a site visit with an experienced colleague in October 2024, I accepted instruction to provide expert witness services on behalf of the Appellant.
- 2.3 Following this I prepared the heritage inputs to the appellant’s Statement of Case (SoC), which was submitted in December 2024 (see **SoC1**).
- 2.4 I have visited the Appeal Site, its surroundings and the heritage assets, which are identified by the Council as being affected by the implementation of the Appeal Proposals, on three occasions in October 2024, February 2025 and March 2025 to inform the preparation of my evidence.

BACKGROUND CONTEXT

- 2.5 The Appeal Site forms part of a contingency allocation in the adopted Mid Devon Local Plan 2013–2033 with development governed by policy TIV13. Policy TIV13 states that:
- “A site of 8.4 hectares at Tidcombe Hall is identified as a contingency site for residential development to be released in accordance with Policy S4, subject to the following:*
- a. 100 dwellings with 28% affordable housing;*
 - b. Vehicular access point on to Canal Hill and improvements to Tidcombe Lane northwards from the site;*
 - c. Walking and cycling enhancements and connection to surrounding public rights of way and green infrastructure networks;*
 - d. Design and landscaping which protects the setting of the Grand Western Canal, Tidcombe Hall and Conservation Areas; and*
 - e. Archaeological investigations and appropriate mitigation measures”.*

- 2.6 The outline planning application underpinning the Appeal Proposals (Ref. 24/00045/MOUT) was validated on 08 January 2024, with the development description as set out below:

“Outline for the erection of up to 100 dwellings to include the 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”.

- 2.7 The outline planning application was refused by the Council on 08 August 2024 and with the Decision Notice identifying four Reasons for Refusal (RfR). RfR 2 of the Decision Notice covers heritage matters (see **CD5.26**):

“In the opinion of the Local Planning Authority, the proposed development would result in harm to the character, appearance, setting and significance of the Grand Western Canal Conservation Area and Tidcombe Farm (grade II listed). The proposal would also result in harm to the setting of Tidcombe Hall, a non-designated heritage asset. The less than substantial harm that has been identified is not considered to be outweighed by public benefits of the scheme. On this basis it is considered that the proposal conflicts with the statutory duty to have special regard to preserving or enhancing conservation areas and to the desirability of preserving listed buildings and their settings. The proposal does not accord with Policies S1, S9, DM1 and DM25 of the Mid Devon Local Plan 2013-2033 in respect of heritage assets or government advice in the National Planning Policy Framework”.

- 2.8 On this basis, my Proof of Evidence focuses on the matters raised in RfR 2, in terms of the alleged impact of the Appeal Proposals on the significance of the following designated and non-designated heritage assets identified by the Council:

- Grand Western Canal Conservation Area;
- Tidcombe Farmhouse (Grade II listed); and
- Tidcombe Hall (non-designated heritage asset).

- 2.9 The locations of the Appeal Site and the heritage assets, which are identified as being affected by the Appeal Proposals are identified on **Proof Plan E01**.

- 2.10 My assessment of the Appeal Proposals' impact(s) on the significance of these designated and non-designated heritage assets and their conformity with the current planning policy framework is detailed in **Sections 3** and **4** of my Proof of Evidence.

The Council's Statement of Case

- 2.11 The Council's SoC (**SoC2**) reiterates the RfRs (including RfR 2) in identifying the heritage assets it alleges would be affected by the Appeal Proposals' implementation:

“In the opinion of the Local Planning Authority, the proposed development would result in harm to the character, appearance, setting and significance of the Grand Western Canal Conservation Area and Tidcombe Farm (grade II listed). The proposal would also result in harm to the setting of Tidcombe Hall, a non-designated heritage asset. The less than

substantial harm that has been identified is not considered to be outweighed by public benefits of the scheme. On this basis it is considered that the proposal conflicts with the statutory duty to have special regard to preserving or enhancing conservation areas and to the desirability of preserving listed buildings and their settings. The proposal does not accord with Policies S1, S9, DM1 and DM25 of the Mid Devon Local Plan 2013-2033 in respect of heritage assets or government advice in the National Planning Policy Framework."

- 2.12 The Council's RfR 3 refers to landscape impacts and harm to the character and appearance of the area, presenting its case on landscape matters in Section 4 of the SoC. This section cites heritage guidance and identifies impacts on the conservation area in landscape terms. This matter will be addressed by Ms Lancaster for the Appellant.
- 2.13 The Council's heritage case is presented in Section 5 of the SoC. Paragraph 5.1 identifies the heritage assets affected, comprising the Grade II listed Tidcombe Farmhouse, the Grand Western Canal Conservation Area and Tidcombe Hall. The Case is outlined in paragraphs 5.2 to 5.11 of the SoC.
- 2.14 The Council states at 5.5 that the Appeal Proposals would cause "*less than substantial harm*" to the Grade II listed Tidcombe Farmhouse at the "*middle section*" of the scale, as:
- "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 considered in the scale of lower, middle and upper, the harm is considered to lie in the middle section of this scale."*
- 2.15 In relation to the Grand Western Canal Conservation Area, the Council's SoC at 5.7 states that:
- "The proposed development would result in both direct and indirect impacts to the Grand Western Canal Conservation Area. The impacts are either impacts on the setting of the heritage asset or impacts that affect the experience of the asset and the ability to appreciate its significance. 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 regards to the NPPF would be less than substantial and if we consider there to be a scale or spectrum, the harm is considered to lie in 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 these assets."*
- 2.16 In that regard, the Council concludes that the harm it believes the Appeal Proposals would cause to the conservation area to be at the 'low' end of 'less than substantial harm' and with that impact derived from the 'urbanising' effect of development both directly and also indirectly through changes within its setting.

- 2.17 In relation to Tidcombe Hall (a non-designated heritage asset), the Council's SoC at 5.8 states the following:

"The significance of Tidcombe Hall is predominantly derived from its 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 will 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 the conservation area. 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."

- 2.18 In commenting on the TIV13 allocation policy, the SoC notes at paragraph 5.9 that:

"Policy TIV13 contemplated development of part of the appeal site and the adjacent field to the west, with a total amount of up to 100 dwellings. Therefore the TIV13 policy contemplates a lower density of development which would allow for the potential to create a landscape buffer around sensitive designated heritage assets, namely Tidcombe Farmhouse, the Grand Western Canal Conservation Area and the Non Designated Heritage Asset Tidcombe Hall. The appeal proposal introduces the entire quantum of development contemplated by TIV13 onto approximately half of the TIV13 site area, and moreover the most sensitive parts of the TIV13 site area adjoining designated and undesignated heritage assets. Therefore resulting in built development being located in areas of land best used for buffers to heritage assets. The result being that the appeal proposal would result in an intrusive urban form of development that is harmful to the setting and significance of the heritage assets."

- 2.19 From this, it is clear that the Council considers that the Appeal Proposals are located on the most sensitive parts of the TIV13 site concerning to heritage assets. However, based on the information contained with the Local Plan in relation to TIV13 policy, the only stipulation on development of the Appeal Site is that it is subject to *"Design and landscaping which protects the setting of the Grand Western Canal, Tidcombe Hall and Conservation Areas"*. It does not state the nature, extent or disposition of the landscaping and neither does it stipulate that any such landscaping should completely mitigate every effect.
- 2.20 The Council states that the public benefits of the Appeal Proposals would not outweigh the identified harms to designated heritage assets.
- 2.21 I will return to these heritage assets and consider whether and to what extent the implementation of the Appeal Proposals could bring forward and deliver benefits to their significance in **Section 3** of my Proof of Evidence.

INTERIM SUMMARY

2.22 It is clear that the key issues identified in respect of heritage matters, which will be addressed in my evidence, are as follows:

1. The effects of the Appeal Proposals on the following heritage assets:
 - The Grand Western Canal Conservation Area;
 - The Grade II listed Tidcombe Farmhouse; and
 - The non-designated Tidcombe Hall;
2. The resultant harm, and enhancements (where relevant) that are required to be considered in the planning balance; and
3. Whether the public benefits of the Appeal Proposals would outweigh any harm that would be caused to heritage assets.

2.23 In terms of the third issue, i.e. whether or not the public benefits of the Appeal Proposals outweigh any harm to heritage assets; this Proof of Evidence will set out the identified harms to heritage assets, as well as any identified benefits or enhancements to each heritage asset; which constitute public benefits in terms of paragraph 020 of the Historic Environment Planning Policy Guidance (**CD4.10**).

2.24 However, my evidence will not explore or undertake the National Planning Policy Framework (NPPF) paragraph 215 balance, which includes consideration of wider public benefits beyond heritage benefits. Acknowledging that it is the role of the decision-maker, not heritage experts, to undertake the relevant paragraph 215 balance in respect of designated heritage assets, this matter will be addressed in the evidence of Mr Kendrick concerning planning matters.

Section 3 Assessment of Effects

- 3.1 This section of my evidence will discuss the main heritage issues, which have been identified in **Section 2**, i.e. focussing on the effects of the Appeal Proposals on the heritage assets' setting or physical form and any resultant impacts on their significance.

METHODOLOGY

- 3.2 My evidence has been prepared in line with current best practice professional guidance by a full Member of ClfA, with which EDP is also a Registered Organisation. This is set out in detail in **Appendix E01**.
- 3.3 The following paragraphs of my Proof therefore applies this guidance to the identification and assessment of potential impacts upon the identified heritage assets. Representative photographs are presented in **Appendix E07**.

THE EFFECTS OF THE APPEAL PROPOSALS ON HERITAGE ASSETS

Grand Western Canal Conservation Area

- 3.4 The Grand Western Canal Conservation Area is an extensive conservation area that extends for a distance of approximately 18km along the Grand Western Canal within the jurisdiction of Mid Devon District Council (MDDC).
- 3.5 The Grand Western Canal Conservation Area was first designated in 1994, although the Conservation Area Appraisal and Management Plan (CAAMP; **CD4.5**) was not adopted by MDDC until November 2024. It includes the course of the canal itself, as well as other buildings and structures associated with the canal along its length.
- 3.6 The Grand Western Canal Conservation Area (identified and designated by the Council) extends to include parts of the Appeal Site. These comprise:
- Tidcombe Hall, grounds and the area between it and the canal (outside the site) to the north; and
 - Part of the field to the east of Tidcombe Hall to the south of the canal.

Character and Appearance

- 3.7 The character and appearance of the Grand Western Canal Conservation Area is set out within the CAAMP on page 6. This summarises its special interest as follows:

“The historic and architectural special interest of the Grand Western Canal Conservation Area is mainly derived from its historic importance as an early form of transportation within the industrial era. The canal has a notable body of historic buildings, this largely being that

of the surviving bridges, as well as other buildings and structures associated to the canal along its length."

3.8 It also states on page 6 that:

"The layout of the canal and the historic buildings constructed along its length, constructed by the engineer John Rennie, has undergone little change over time. Much of the route of the canal passes through the rural landscape, it connects smaller settlements such as Sampford Peverell and Halberton to Tiverton and the canal would have not only physically influenced the development of these places but also socially, being a large employer. At its height, the canal connected Tiverton to Taunton.

There are buildings of a much earlier date within the Conservation Area, including a Scheduled Monument, these heritage assets are a significant contribution to the Grand Western Canal Conservation Area, its character and special historic interest. The Grand Western Canal and its industrial legacy is evidenced by the surviving examples of limekilns and its historic relationship to the settlements it passes and terminates within. Many of the historic buildings in these places are built from materials transported along its length and despite its closure to commercial traffic the canal continues to have an important relationship to this area of Mid Devon. The Conservation Area has distinct zones and there are variations in the historic character of each one. This variation is a result of the differing phases of development of the canal and the different character of each area. The Conservation Area status of the Grand Western Canal is intended to preserve the special architectural or historic interest of these areas."

3.9 The CAAMP then adds on page 22:

"The historic and architectural special interest of the Grand Western Canal Conservation Area is derived from its development as an early form of transportation and the subsequent commercial use of the canal, which brought about economic growth and development to Devon.

The economy of the early settlement and this area of Devon was heavily dependent on agriculture, and this remains visible today. The extent of the early settlement is still clearly defined with a concentration of historic buildings within Tiverton, the surrounding rural area and landmarks such as the castle.

The Industrial Revolution had a profound effect, this notably being the construction of the Grand Western Canal, and the industrialisation of the countryside which brought large social and economic change to previously isolated rural areas. The canal was envisioned to fuel trade and growth however by the late nineteenth century with the coming of the railway this was short-lived. With the construction of the canal other features such as the limekilns constructed along its length shows the effect it brought when in use and the goods it carried. The trade of lime and stone from the Canonsleigh area took on an importance tied to the commercial viability of the canal, as other goods was later transported by rail. The canal found purpose briefly in the harvesting of water lilies after closure of the eastern length by the railway company and later for recreation which continues to the present day. The rural setting of the canal makes a highly beneficial contribution to the Conservation Area's special interest and allows for its historic significance to be appreciated.

There is historic and architectural quality to the Conservation Area's buildings and spaces, which contribute to a sense of place. There is clear evidence of important phases of development for the canal and its relationship to the surrounding landscape and settlements."

- 3.10 The full extent of the Grand Western Canal Conservation Area in comparison with the Appeal Site is shown in **Proof Plan E02**. Given the size and extent of the Grand Western Canal Conservation Area, the CAAMP identifies four character areas, determined by historical development, land use, appearance and building typology. The Appeal Site lies within Character Area 1 – 'Tiverton Basin', which in fact covers the area not only of Tiverton Basin, but the entire stretch to Halberton to the east.

- 3.11 The CAAMP describes this 'character area' on page 24 as:

"Character Area One represents the western portion of the Conservation Area within Tiverton and its immediate environs. The Tithe Map of 1842 shows that construction of the canal to Tiverton was complete, with several buildings and limekilns built. There is otherwise sparse development along the canal and views across the open countryside would have been appreciable, including towards prominent buildings such as Tidcombe Rectory, also known as Tidcombe Hall. Today the canal has seen significant development along its length within Tiverton."

- 3.12 It identifies the wharf in Tiverton as being an area of activity and thus indicating the importance of the canal and the industry it supported. It notes the canal is closely associated with limekilns and surviving canal workers' dwellings. It then notes that the canal traverses through a clearly defined area of residential development, with modern development visible in elevated positions. It then goes on to note on page 25 the nature of the historic route through the landscape:

"The canal as a historic route through the rural landscape provides opportunities for views across the landscape. Tidcombe Hall is a prominent building that has historically been appreciable from the canal and the views across the surrounding agricultural land provides a strong visual relationship."

- 3.13 In relation to its setting, the CAAMP identifies various elements that contribute to its special architectural or historic interest:

- *"The setting of the Conservation Area is a contributor to its significance, allowing for the Grand Western Canal Conservation Area to be understood and appreciated.*
- *To the southeast of the canal from Tiverton, views across the agrarian landscape can be appreciated and this includes views of Tidcombe Hall and the neighbouring fields, a prominent building historically located in an isolated position. The pastoral character of the setting of the Conservation Area can also be appreciated from Warnicombe Lane to the south, which is of an elevated position. To the north of Tidcombe Hall and to the west, the area has altered from a rural undeveloped landscape to residential, thus the open landscape character to the east and south remains an important link to the rural setting of the Conservation Area.*

- *Where urban development has expanded into the countryside, this has a detrimental effect. There are further areas where the setting has been urbanised including the significant change to Sampford Peverell in recent decades, with extensive and prominent residential development adjacent to the canal. Much of the rural character of the setting of the Conservation Area has been lost here. There is little architectural quality to much of the development which can be prominently viewed from within the Conservation Area, such as by Buckland Bridge."*

3.14 This commentary on the setting in the CAAMP overplays the contribution that the rural landscape makes to the significance of the Grand Western Canal Conservation Area in itself. It also notes the modern urban developments within its setting as detrimental, whereas the 'rural' surroundings of the canal as positive. The rural surroundings provide a pleasant experience, and instead it is my judgement that this relates to modern amenity uses of canal users rather than the historic and architectural interest of the canal. It must be borne in mind that the canal, as with most canals in the country, was first and foremost an economic endeavour as a transport route, to transport goods to and from industry and to fuel growth. This is stated within the CAAMP itself as noted in paragraphs 3.7 to 3.9 above.

3.15 There was no consideration of the aesthetic or 'picturesque' in the conception of the canal, which are modern values projected onto the past. Indeed, the growth and success of Tiverton could be said to be partially due to the success of the canal, which in turn led to the expansion of the suburbs, and in turn has led to the changes within the setting over the past 200 years. This effect on the growth of Tiverton is recognised in the CAAMP itself on page 22 where it refers to the subsequent commercial use of the canal:

"The historic and architectural special interest of the Grand Western Canal Conservation Area is derived from its development as an early form of transportation and the subsequent commercial use of the canal, which brought about economic growth and development to Devon."

3.16 As such, it is over-selective to dismiss the very factors of growth, which the canal contributed to as 'detrimental' and describe the agrarian landscape as 'positive' simply because it provides pleasing context to the canal.

3.17 In terms of its setting, the Grand Western Canal Conservation Area is chiefly experienced from the towpath on the northern side of the canal, which, other than travelling on the water, provides the best location from which to understand and appreciate its character and appearance. In relation to the Grand Western Canal Conservation Area my position is as follows:

- I would agree with the findings of the CAAMP that the canal's special architectural and historic interest arises from it being an early 19th century mode of long-distance transport from Tiverton to Taunton, which represents part of an industrial development of the area;
- I would agree that the conservation area's long and linear form, encompasses the canal and the associated structures and features, which have functional or historical associations with the canal; and

- The conservation area's setting is composed of a mix of urban and rural character, which has been constantly evolving over the last 200 years with no direct bearing on the architectural and historic interests of the canal. Whilst it provides a pleasant environment from which to experience the canal, this is more related to amenity users rather than the significance of the canal itself. The experience of such setting is mixed as some aspects and views out from the canal are more open than others due to varying degrees of vegetation.

3.18 In terms of the specific contribution, which is made by the Appeal Site to the conservation area, this can be broken down into its separate elements and discussed in turn:

1. Tidcombe Hall;
2. Its formal grounds;
3. The north-eastern field parcel; and
4. The southern field parcel.

Tidcombe Hall

3.19 Tidcombe Hall originated as Tidcombe Rectory and is recorded on the Tithe Map and in earlier mapping in relation to the canal. According to the Devon Historic Environment Record (HER), Tidcombe Hall (MDV59601) is an early 19th century house said to be on the site of St Lawrence's chapel. It is recorded as being heavily altered in the 20th century.

3.20 Tidcombe Hall consists of four floors terraced into the north facing slope – with the lower ground floor being exposed on the northern elevation and the main entrance on the ground floor to the south. It is composed of a main five bay block, with service wing to the west and mid-19th century attached stable block (upper floor rebuilt in the mid-20th century). Outbuildings are located around a small yard to the west, which originated from the re-routing of Tidcombe Lane in 1815 and was rebuilt/reconfigured in the mid-19th century.

3.21 The CAAMP describes Tidcombe Hall as making a positive contribution to the Grand Western Canal Conservation Area, noting that:

“Tidcombe Hall is a large house to the south of the Grand Western Canal, historic maps show it is on the site of St. Lawrence's Chapel. It is a prominent building and makes an important contribution to the architectural and historic special interest of the Conservation Area. The building is highly distinctive within the rural landscape.”

3.22 In that regard, the CAAMP identifies a key view (View 2 in the CAAMP) encompassing Tidcombe Hall. It notes this view as:

“Adjacent to Tidcombe Bridge and Tidcombe Hall, views in an easterly direction across the rural landscape are appreciable. Tidcombe Hall is a prominent building set within the rural landscape and views are appreciable across the undeveloped setting of the Conservation Area, providing the travelling observer with an experience of the changing historic character (View 2).”

3.23 The CAAMP provides the observation that:

“The small bend of the canal by Tidcombe Bridge is due to the then owner of Tidcombe Rectory, and also the adjacent agricultural land, not allowing a route through their land for the canal.”

3.24 Helen Harris, in her history of Grand Western Canal, notes that permission from the Bishop of Exeter had to be sought to build within 100 yards of Tidcombe Rectory. If the Rectory had to be demolished, the company would offer to replace it (Harris 1973, 39), which sounds like more of a reasonable land transaction than a demand.

3.25 Regardless of any ‘demands’ from the Bishop, other factors, such as topography, are more likely to influence the course of the canal. Tidcombe Hall sits on a rise above the bend in the canal and it is likely that engineering works such as locks or a cutting would have been required to cut straight through the direct line through the house. Instead, the canal follows the natural 300ft contour as it meanders around the hall (see **Proof Plan E05**) and indeed such large meanders similarly define the canal as it passes around Halberton for example (see **Proof Plan E02**).

3.26 Despite not being associated with the canal (other than potentially influencing its course), its role as a prominent landmark, which overlooks the canal is considered to make a positive contribution to the character and appearance of the conservation area. Views across the open paddocks from the canal towpath best represent this experience, as recognised within View 2 from the Grand Western Canal Conservation Area.

3.27 However, its current derelict and dilapidated state is rather poor, with broken and boarded up windows, the loss of the veranda, the fire escape on the northern elevation, loss of chimney stack, and damaged stucco. As such, in its currently dilapidated condition, the building is considered to make a negative contribution to the conservation area and in fact actively detracts from its special interest.

3.28 Other than View 2 from the canal towpath, Tidcombe Hall is best experienced and appreciated from within its own grounds, otherwise, there is very little experience of the hall from within the Grand Western Canal Conservation Area beyond these areas, including from within the field parcel to the east where the hall is all but screened from view.

Tidcombe Hall Grounds

3.29 This relates to the former grounds of Tidcombe Hall, defined by the walled garden enclosure, driveway approach, outbuildings, former lawns and planted boundaries.

3.30 The CAAMP does not discuss the contribution of the grounds of Tidcombe Hall, or its access, but does offer the following observation on page 30:

“Tidcombe Hall includes a large boundary wall of brick with supporting buttresses. This wall can be appreciated from along the towpath. Much of the boundary to the towpath is that of mature trees and hedgerows which reinforces the rural character of the Conservation Area.”

- 3.31 This identifies that the contribution made by the grounds to the Grand Western Canal Conservation Area lies within the appearance of the boundary walling within the views of the towpath itself. This statement also demonstrates that much of the southern bank of the canal is formed by trees and hedgerows, which contributes to its 'rural character'.
- 3.32 The grounds are located around the hall on all sides. The approach to the hall is through the 'formal' entrance with gate piers and iron gates flanked by stone walling – the northern stone walling on the roadside is in disrepair. Another gated entrance lies a short distance to the north, giving access to the yard. The short 'driveway' leads to a turning circle in front of the southern elevation of the house, with lawns extending to the south to the well vegetated boundary. The driveway also leads onto a tarmac parking area to the south-east of the hall, which has lighting columns and evidently relates to the former use of the hall as a hospice. Further to the south-east is a well-treed area. To the north-west of the hall is another grass area, which was formerly orchards.
- 3.33 A lawn is located to the rear (north) of the hall, bounded by a mixture of stone and brick boundary walling. To the north-east is a series of garden enclosures defined by hedges, again bounded by the wall on the northern and eastern sides, and hedging on the south. In the centre is a disused ornamental pond.
- 3.34 The northern wall of the walled garden is a feature in the views from the canal towpath and is clearly associated with Tidcombe Hall. It makes a positive contribution to the conservation area in that regard. There is all but no appreciation of the former garden areas from outside the grounds and they make only a neutral contribution to the character and appearance of the conservation area.
- 3.35 The roadside access, comprising both the formal driveway access marked by the gate piers, and the service access to the yard, along with the outbuilding, which readily fronts the road, all make a positive contribution to the character and appearance of the conservation area as they are readily appreciable aspects of the grounds of Tidcombe Hall, even if the wall to the north of the formal entrance is clearly in need of repair.

The North Eastern Field Parcel

- 3.36 The northern part of this field is within the conservation area (see **Proof Plan E01**), with the remainder being within its setting. This has the character of an agricultural field, with nothing about it to suggest it has any heightened special architectural or historic interest to set it apart from many other of the dozens of agricultural fields, which are present along the approximately 18km length of the canal. Indeed, due to the substantive tree planting on the canal's southern bank, there is little appreciation of it compared to some of the other fields such as that to the east.
- 3.37 In terms of the reason for parts of this field's inclusion within the adopted boundary of the conservation area, the CAAMP notes simply that:

"The small bend of the canal by Tidcombe Bridge is due to the then owner of Tidcombe Rectory, and also the adjacent agricultural land, not allowing a route through their land for the canal."

3.38 From this commentary, it is assumed that the “*adjacent agricultural land*” refers to the fields to the east of Tidcombe Hall and that there was a link with the hall that influenced the course of the canal. There is nothing tangible in this supposed link.

3.39 Indeed, it is noted that the consultation draft of the CAAMP (**CD4.6**), which was prepared by Mr Muston in his capacity as MDDC Conservation Officer, clearly recommended the removal of this land from the conservation area:

“The existing conservation area boundary takes in Tidcombe Hall and part of the fields to the east. Tidcombe Hall is a building of sufficient architectural and historic interest to be included within the Conservation Area, however the area of agricultural land to the east is not of sufficient architectural or historic interest. This area of land currently included within the boundary is to be reduced, to the southern edge of the canal and its embankment.”

3.40 However, this proposed revision to the Grand Western Canal Conservation Area’s boundary, which was based around the Conservation Officer’s recommendation that the field in the north-eastern part of the Appeal Site is not of sufficient interest to be included in the designation; was not followed in the adopted version of the CAAMP.

3.41 The Conservation Officer’s clear identification of a lack of special architectural and historic interest for this land is supported by archival sources, where neither the Tithe Map apportionment of 1842 (**Proof Plan E03**) nor a conveyance of 1815 between Reverend William Rayer and the Canal Company of part of the Glebe Lands (**Appendix E03**) show this land parcel to be associated with Tidcombe Hall.

3.42 Given the lack of special historic and architectural interest embodied in this field, this part of the Appeal Site makes a neutral contribution to the character and appearance of the conservation area.

3.43 Moreover, the heavily treed southern bank of the canal limits the experience of this parcel from the canal side itself, to one of just a general sense of ‘openness’ through the glimpses through the trees.

The Southern Field Parcel

3.44 This parcel lies entirely outside the Grand Western Canal Conservation Area but does lie within its setting, as it forms part of the surroundings in which the asset is experienced. This field forms part of the wider agricultural surroundings of the canal within which its character and experience can be experienced or appreciated.

3.45 Notwithstanding this, the non-descript field is not readily appreciated from the tow path of the canal itself and as such, it does not provide a compelling or notable aspect of its agricultural setting. Nor does it actively contribute to any understanding of its special architectural and historic interest in itself.

3.46 As such, this parcel is considered to be no more than incidental in the setting of the canal and makes no contribution to the significance of the Great Western Canal Conservation Area.

Assessment

3.47 The proposals for the Appeal Site are in outline form only, with all matters reserved except for access. However, they are supported by a number of plans and documents, which have been used to inform and underpin my assessment:

- Illustrative Layout (Clifton Emery Design ref:230301 L 02 02 J July 2024);
- Statement of Intent (Clifton Emery Design Land at Tidcombe Hall 230301 R02 February 2025); and
- Transport Assessment, Proposed Access Plan (Ref: 0759.PHL_102.Rev B, awp 17 November 2023).

3.48 My identification and assessment of the nature and magnitude of impacts on the character, appearance and setting of the Grand Western Canal Conservation Area is therefore set out in the following paragraphs.

Tidcombe Hall and Grounds

3.49 The principal elements of the Appeal Proposals, which could affect Tidcombe Hall and grounds are as follows:

1. The proposed vehicular access;
2. The retention and conversion of the hall; and
3. New residential development within its grounds.

3.50 In relation to the access (the only element of detail), this is shown in Appendix A of the Transport Assessment (**CD5.13**). This shows the formal historic access as being retained and used as a pedestrian access. A new vehicular access would utilise the former yard entrance to the north and this would involve the widening of the opening for the provision of the new roadway. This would involve the removal of some of the flanking walling and some internal walling to the yard area. The southern wall would be reconstructed and realigned to reflect the character of the existing arrangement.

3.51 Other changes involve the provision of a footway for a short distance on the eastern side of the road and an uncontrolled crossing to the south (close to the Grand Western Canal Conservation Area boundary).

3.52 It is assessed that the widening of the secondary access and the removal of walling would result in some loss of significance through the alteration in character of the historical entrances to the hall from Tidcombe Lane and loss of the internal stone wall within the Appeal Site. This change would necessarily be very small and localised in consideration of the very large size of the conservation area and the relative contribution of the area affected, representing the lowest end of 'less than substantial' harm.

3.53 Being an outline application, there are no fixed proposals for the conversion of the hall. However, a 'Statement of Intent' (**Appendix A of Planning Proof**) has been prepared to show

how the hall and its grounds could be converted. It is proposed within the Planning Evidence prepared by Mr Kendrick that a condition could be placed on the application to ensure that reserved matters applications proceed in accordance with this, subject to detail and further work.

- 3.54 This proposes various beneficial works to the hall including the removal of some of the later and most altered elements, such as the lift and plant room from the west, the fire escape from the northern elevation, the external ramps and railings to the south and the modern single-storey extension to the south. It also proposes the restoration of the portico and conversion of the outbuildings for residential uses.
- 3.55 As a principle, the retention and refurbishment of the hall would arrest its ongoing decline and result in improvements to its current condition, resulting in a benefit to the conservation area. Although illustrative, the document demonstrates how the detail of the proposals could come forward to offer further enhancement to the outwards appearance of the hall and outbuildings and how they would be improved by these alterations.
- 3.56 Overall, the document demonstrates how the implementation of the Appeal Proposals could secure the future of the hall in a manner representing its 'Optimum Viable Use', which as per paragraph 215 of the NPPF (2024) should be recognised as a public benefit of the proposals and a relevant consideration in terms of the guidance, which is set out in the Planning Practice Guidance (PPG; paragraph: 016 Reference ID: 18a-016-20190723).
- 3.57 Furthermore, the approval and then implementation of the Appeal Proposals would improve the external appearance of the hall within the views from the towpath, which would remain unrestricted, and therefore represent a wider enhancement to the conservation area.
- 3.58 Turning to the development proposals in the grounds of the hall, these are again illustrated in the Statement of Intent and the Illustrative Layout. They set out principles for the use and design of this area together with the retention/reflection of some of the key elements of its grounds, including:
- Sensitive access road design including restored entrance and arrival space – reflective of the current driveway circle;
 - Retention and improved management/maintenance of the majority of current trees;
 - New buildings of up to two storeys in height to be restricted to the eastern half of the walled garden away from the hall and screened so that there is all but no experience of the hall itself; and
 - Use of western part of the walled garden, closest to the hall, for community food growing and orchard tree planting with retention of the pond.
- 3.59 It is possible that the roofs of the new dwellings could be visible above the wall of the walled garden in the views of Tidcombe Hall from the canal towpath. Notwithstanding this, it is considered that these views would remain unaffected as the key elements of the view, representing the view of Tidcombe Hall across the paddocks, would remain unobstructed and the proposals would be well contained within the enclosed area of the hall's grounds.

3.60 Given the application of the design principles identified above, it is my judgement that this demonstrates that the grounds of Tidcombe Hall could be developed in a manner which preserves (i.e. does not harm) the character and appearance of the conservation area.

3.61 This position is in line with Conservation Officer's comments of 04 May 2020 (**CD4.7**), which were provided for an earlier planning application in 2020 (Ref 20/011074/MOUT). In that case it was clearly stated that:

"I am in agreement that:

- the new build and other proposed development to the east of the house within its curtilage can be sited and designed to have a neutral impact on the conservation area, (which should include the retention and rebuilding where appropriate of the northern boundary wall to the house),*
- the buildings to the west could be converted (subject to detail) without harm".*

3.62 The new access road would run to the south of the hall, passing across the current car parking area and into the eastern field, puncturing the eastern boundary. Given the current baseline of the current access, car park and associated former lighting, the road in itself would cause no harm to the conservation area. Likewise, puncturing the eastern boundary would only result in a small loss of significance through the alteration in the clear demarcation between the designed grounds of the hall and the wider agricultural landscape. This change would necessarily be very small in consideration of the very large size of the conservation area and the relative contribution of the area affected, representing the lowest end of 'less than substantial' harm.

Northern Eastern Parcel

3.63 The north-eastern land parcel is located partially within the conservation area. The Appeal Proposals here comprise the creation of public open space comprising wildflower planting, native hedgerow planting, native scrub species and a Sustainable Drainage System as well as the retention and enhancement of the hedgerows. A small part of the access road crosses the south-western corner of the north-eastern field within the Grand Western Canal Conservation Area otherwise, due to the Grand Western Canal Conservation Area not covering the entire field, the majority lies outside its boundary and instead within its setting (**Proof Plan E07**).

3.64 The approval and implementation of the Appeal Proposals would take the field out of agricultural cultivation but would otherwise retain its open character. As such, the general openness as expressed in the albeit limited experience from the canal towpath would remain. There would be some small change through the introduction of the road with associated lighting, however, given the current screening and limited experience of this area, this very minor change to the Grand Western Canal Conservation Area and its setting is not considered to amount to harm to its significance, as the key character of the canal, towpath and views up towards Tidcombe Hall would remain unchanged.

- 3.65 As such, it is assessed that the approval and implementation of the aspects of the Appeal Proposals focused on the north-eastern field would result in 'no harm' to the character and appearance of the conservation area.

Southern Field Parcel

- 3.66 The southern field parcel lies entirely outside the boundary and (instead) within the setting of the of the Grand Western Canal Conservation Area, where it makes a neutral contribution to this large and extensive asset.
- 3.67 The implementation of the Appeal Proposals would focus the majority of the proposed residential development into this parcel, which would be located behind an enhanced hedgerow with additional tree planting. This would typically screen the development from the canal towpath and Tidcombe Hall, although it may be possible to achieve glimpses in the winter months, as demonstrated in evidence of my colleague Ms Lancaster.
- 3.68 Nevertheless, in view of the fact that: (a) none of the features which contribute to the Grand Western Canal Conservation Area's character and appearance would be lost; and (b) there would be just a very limited visual experience due to the provision of landscape mitigation, it is my judgement that this would result in 'no harm' to the conservation area.

Traffic Measures

- 3.69 The Transport Assessment details measures of a Traffic Regulation Order (TRO), which aims to close Tidcombe Lane to general traffic between the proposed Appeal Site access and the Marina Way junction. This section of Tidcombe Lane would still remain open for pedestrians, cyclists, buses, emergency vehicles and refuse vehicles.
- 3.70 This whole section of road subject to the TRO, including the stretch which lies along the north-eastern bank, lies within the boundary of the conservation area.
- 3.71 According to the Officer Report (**CD5.24**), the TRO would remove around 110 existing daily trips from passing over Tidcombe Bridge. Furthermore, the Officer Report notes that:
- "The Highway Authority response to this application is set out in full above. It is noted that they accept the estimated trip rates. Furthermore, they consider that the proposed TRO to restrict traffic across Tidcombe Bridge would remove around 110 existing daily trips and prevent their anticipated increase to 2000 daily trips over the bridge by 2032, arising from vehicles cutting through to the new A361 junction via the Tiverton EUE."*
- 3.72 In other words, not only does the proposed TRO remove existing and potential traffic from the Grand Western Canal Conservation Area but it would also remove traffic associated with the Tiverton Urban Expansion. This reduction in vehicular traffic along Tidcombe Lane and Tidcombe Bridge would result in an enhanced experience and enjoyment of the conservation area. This is considered to be a direct enhancement to this heritage asset.

Summary Position in Respect of the Conservation Area

- 3.73 When coming to an overall conclusion in terms of impacts to the conservation area, the following factors should be considered:

- The overall size of the conservation area, at approximately 18km long in comparison to the relative size and significance of the areas affected. Paragraph 220 of the NPPF makes it quite clear that such effects should be measure against the conservation area as a whole and not those areas which would be subject to change:
- *“Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”*
- The elements which directly contribute to its special architectural or historic interest represented within the c.18km along the canal would remain unchanged;
- The historic role of Tidcombe Hall in relation to the canal would remain unchanged;
- The key view of Tidcombe Hall and its boundary walling looking south from the canal towpath would remain;
- The relative openness of the field adjacent to the canal in the north-eastern part of the site and the limited role this plays would remain unchanged; and
- The best and most representative parts of the vast agricultural setting of the canal would remain unchanged.

3.74 Based on the above, it is my professional opinion that the implementation of the Appeal Proposals will have the following effects:

- Direct ‘less than substantial harm’ through the formation of the proposed access, this harm lies at the very lowest end of the scale;
- No harm through the development of the grounds of Tidcombe Hall;
- No harm through the proposals in the north-eastern parcel;
- No harm through development of the southern parcel;
- Direct enhancement through the retention and refurbishment of Tidcombe Hall, securing its Optimum Viable Use, and securing its grounds in a good condition in perpetuity, including the walling of the walled garden areas; and
- Direct enhancement through the implementation of the TRO.

3.75 In conclusion, it is my opinion that the Appeal Proposals represent the very lowest end of ‘less than substantial harm’ to the Grand Western Canal Conservation Area, which as per paragraph 215 of the NPPF, will need to be weighed against the public benefits, which in heritage terms are detailed above and in wider terms are dealt with by my colleague Mr Kendrick.

Tidcombe Farmhouse

- 3.76 The Grade II listed Tidcombe Farmhouse (NHLE 1384974) lies adjacent to the Appeal Site's eastern boundary. It was first listed in the year 2000 and the listing citation identifies the building as:

"Farmhouse. Probably C16. Rendered stone rubble; steep asbestos slate roof; 2 brick lateral stacks at rear, brick end stack on left. PLAN: overall T-shaped plan including early C19 rear stair wing plus later service wing rebuilt late C20. Original house is part of the 5-room range at the front. The original probable hall is the second room from the left, the left-hand room also part of the original house. Right of the hall is a cross passage leading to stair hall and right of the passage are 2 more rooms, the room on the right being a later addition, originally unheated. EXTERIOR: 2 storeys. Overall 6-window range with 2 doorways, each doorway central to a 3-window range. Late C20 3-light casements in old openings. INTERIOR: retains 6 of the principal rafters and most of the purlins of the original jointed-cruck roof structure with no sign of smoke-blackening. The roof structure at the right-hand end of the house is much later, probably C18 with lapped collars. The best feature of the house is a fine quality oak ceiling structure with triple-ovolo moulded crossbeam and similar moulded perimeter beams as cornices and with bead-moulded joists between. There are 2 original fireplaces but these are partly blocked. Later features of interest include: 2 x C18 2-panel doors flanking the entrance hall, some similar doors to cupboard in 2nd chamber from right; several C18 planked doors at the left-hand end of the house, one with studded nails behind the strap hinges; a large fireplace in the left-hand room; some early C19 6-panel doors with inner beads to the panels, an L-plan bench built in by the window of the left-hand room and an open-well staircase with stick balusters. Most of the rooms have old plaster ceilings and old wall surfaces. Like many early Devon farmhouses, Little Tidcombe Farmhouse has a modest external appearance but internally retains evidence of an important earlier status as is proven by the very high quality of its hall ceiling."

- 3.77 The listing citation is relatively extensive, providing good detail of the exterior and interior of the house, which contributes to its architectural interest. Evidently the building is multi-phased, with high quality features on the interior from the 18th to early 19th centuries.
- 3.78 The listed building is oriented east–west and pertinent aspects of note are that the main original range is at the front (the south) with an early 19th century stair wing to rear (north) along with a rebuilt late 20th century service wing, also to the north, showing that the building has been extended on this side.
- 3.79 This arrangement and development are shown well on historic maps, with the First Edition Ordnance Survey map (**Proof Plan E04**) showing a long, linear arrangement with smaller range to the rear, whilst current aerial photographs show a double gabled projection to the north. Planning records indicate the grant of Listed Building Consent for a two-storey rear extension in 2004 (04/01354/LBC), which, along with the 'late 20th century' northern service wing, means much of the northern elevation is relatively modern, with little appreciation of the architectural interest of the farm.

- 3.80 Nevertheless, it is evident that the significance of the building is primarily held within the architectural and historic interest of its fabric, being representative of a Devon farmhouse of some historical status with evidence of good quality features from the 18th century onwards. Its archaeological interest lies within the phasing of the building, whilst some artistic interest is held within the high-quality features on the interior.
- 3.81 The building also derives significance from its setting. It is currently set within its own curtilage comprising gardens to the south frontage, along with more modern and commercial farm buildings, including B8 storage, arranged to its east and south-east. To the north is a small paddock. The whole curtilage is well enclosed by mature trees along its boundaries, particularly to the west where there is a large belt of conifers, which serves to enclose it from the adjacent agricultural fields and provide a strong degree of screening and containment.
- 3.82 Due to the mature vegetation that defines its surrounding enclosure, the farmhouse can be experienced from only a few areas of the adjoining farmland. From the north and north-west the farmhouse can be experienced in views from the field adjacent to the canal, along with the towpath, although views are restricted here to glimpses of the modern extensions on the north of the farmhouse with little appreciation of its significance.
- 3.83 To the west, from within the Appeal Site, there is all but no experience or appreciation of the farmhouse due to the boundary planting to its west, other than the exception of the northern tip, where again the relatively modern northern elevation of the farmhouse can be observed. This field does not respect the historical arrangement, as the 1890 Ordnance Survey Map shows woodland in part of this field, and it was a longed live feature into the 20th century (**Proof Plans E04 and E05**).
- 3.84 This former woodland would historically have (at least) limited visibility of the farmhouse from the north and illustrates that the current character of this field does not reflect the historic position.
- 3.85 There is no appreciation of the farmhouse from the parcels to its south due to heavy evergreen planting around its grounds, and the field parcels to the east were not accessed.
- 3.86 Insofar as the asset's setting makes up the smaller portion of its overall significance as a Grade II listed farmhouse, the aspects which make positive contributions to that significance are as follows:
- Its curtilage garden areas to the south and north of the farmhouse by representing its historically associated curtilage from which its significance can be best appreciated;
 - Basic contribution made to the historical interest of the farmhouse by the surrounding farmland;
 - Specifically, the best contribution made by this is in areas to the north of the farmhouse, including from within the north-eastern parcel of the Appeal Site and the northern part of the of the southern parcel. Considering the significance of the farmhouse as a whole, along with other factors in its setting which make a positive contribution, this is necessarily only a very small contribution.

- 3.87 The impact of the appeal proposals, which can only be ‘indirect’ and expressed in terms of the contribution which the Grade II listed farmhouse’s setting makes to its significance in view of the asset’s location beyond the Appeal Site’s boundary; will be identified and assessed in the following paragraphs of my evidence.

Assessment

- 3.88 The Appeal Proposals would: (1) introduce built form into the field parcel to the west of the farmhouse; (2) but the field to the north would form part of the public open space that the development will deliver.
- 3.89 As far as (2) is concerned, the creation of this public open space would preserve the views and openness from this part of the Appeal Site and the glimpses of the farmhouse from the towpath on the north side of the canal. As such, this element would cause ‘no harm’ to the significance of the farmhouse.
- 3.90 With respect to (1), the introduction of built form on to the land to the west would remove the associated agricultural field, albeit this only makes a minimal contribution due to the current limited experience of the farmhouse from these areas.
- 3.91 The illustrative masterplan indicates the provision of additional planting along the eastern boundary adjacent to the farmhouse, as well as retaining the north-eastern tip of the Appeal Site free of development with the opportunity for Orchard Planting – reflective of the asset’s historic setting. These elements of the appeal proposals would ensure that the introduction of built form would have a minimal effect on the appreciation of the significance of the farmhouse.
- 3.92 As a result, my assessment is that there would be ‘less than substantial’ harm caused to the significance of the farmhouse. This can only be at the lowest end of the scale because:
- a. The principal contributors to the significance of the farm, i.e. the architectural, historic, archaeological and artistic interest of the physical form and fabric would remain wholly unchanged;
 - b. The aspects of its setting that make the greatest contribution to its significance, i.e. the northern and southern gardens; would remain wholly unchanged;
 - c. The views from the historically associated farmland to the north would remain; and
 - d. Only part of the remaining, smaller amount of its significance represented by its surrounding farmland would be lost, and that in an area which cannot be readily appreciated in association with the farmhouse. This lack of visual association would be further strengthened by additional planting.
- 3.93 Further consideration will be afforded to this loss of significance (‘harm’) in terms of the Appeal Site’s role in the contingency allocation in the adopted Local Plan in **Section 4** of my evidence.

Tidcombe Hall (Non-designated Heritage Asset)

- 3.94 Tidcombe Hall was listed at Grade II in 1972, but subsequently removed from the list following an English Heritage recommendation in 1999 (**Appendix E04**). Their recommendation includes the original listing citation, which reads as:

“Early C19 with later alterations. Probably originally parsonage. 2storey and attic. 5 window front, stucco. Ground floor has French casements and 5-bay Tuscan loggia, 3 casement dormers. 3 window later addition.”

- 3.95 The recommendation from English Heritage further identifies Tidcombe Hall as being a large early 19th century house, reputedly on the site of an earlier house with a re-used doorframe within the cellar. It notes that:

“When listed in 1972 Tidcombe Hall had a Tuscan loggia across its south front, which was probably added later in the C19 or early in the C20. The interior of the house was also altered at about this time and has a Jacobethan style staircase as well as other internal features of this period, including chimneypieces, arches and stained glass. It would not have been a strong candidate for listing even at that time, with all these late C19/early C20 alterations. Tidcombe Hall was acquired by Marie Curie Cancer Care in the 1960s. The loggia at the front was removed at sometime between 1980 [aerial photograph] and 1988. In about 1989/90 Tidecombe [sic] Hall underwent major alterations, outbuildings to the SW were rebuilt as a new wing and the interior was extensively refurbished. The first floor rooms have been subdivided, and while the ground floor has to some extent reverted to its circa 1900 form there are modern fire doors, and there is a considerable amount of restoration work on the ground floor. Bearing in mind that because of the late C19/early C20 alterations, Tidcombe hall when it was listed in 1972, would have been a fairly marginal listing, and now that it has been recently extensively altered much of the character of the early C19 house has been lost. Tidcombe Hall has been too altered to justify remaining on the list, and it is recommended that the appeal is upheld”.

- 3.96 A detailed history of the house and grounds along with its current appearance is set out in a 2018 Statement of Significance (Passmore 2018 **CD4.8**) and it includes an historic building appraisal and Statement of Significance. This should be referred to for details, but pertinent points are discussed below.
- 3.97 Tidcombe Hall probably dates to around 1800 and was constructed as a rectory by the Rev. William Reyer. It remained a rectory until 1896. Within the cellar of the building is a reset 15th-century door frame. No masonry or other architectural features pre-dating the current building have been identified, and it seems likely that any earlier buildings on the site of the hall were completely demolished when the current structure was built. The garden and landscape around the house do, however, contain possible evidence that may relate to an earlier structure. These include terracing of the footprint of Tidcombe Hall along with the cob elements of the garden boundary walls.

3.98 In terms of Tidcombe Hall's significance as a heritage asset in itself, the report considers that:

“The house has architectural value (and historical illustrative value) relating to its design (massing and patterns of fenestration), plan form, and historic fixtures and fittings. This includes the evidence for its historic development, in particular the alterations of c. 1915-1925, and the probably contemporary alterations to the attached stable block. However, the more recent, later 20th-century history diminishes this value through the removal of historic features such as the loggia and chimney stack, and the reorganisation of the interior, in particular the service wing and upper floor of the stable block. The ground floor south extension to the service wing is also detrimental in this respect, as it obscures the relationship of the two primary wings. The fixtures and fittings are standard for the period(s) and do not give the property any artistic value.”

3.99 The report then concludes with the following:

“In conclusion, the significance of Tidcombe Hall is drawn from its architectural, evidential and historical values, as well as its setting. These contribute towards this significance at low levels. Tidcombe Hall is therefore considered to be a (non-designated) heritage asset of low significance, that is an asset of local importance, with low heritage values that has been compromised by poor preservation and which in part lacks contextual associations.”

3.100 I concur with this statement, other than translating into NPPF terms that the significance of Tidcombe Hall is held within the architectural and historical interest manifest within its fabric, with little artistic or archaeological interests. Some significance is also drawn from its setting, which is also part of the conservation area and represents its ‘formal’ grounds, as discussed in paragraphs 3.29 to 3.33 (above).

3.101 The formal gardens are now a shadow of their historical form, as described in sales particulars (e.g. **Appendix E05**) and indicated on the First Edition Ordnance Survey map (**Proof Plan E04**) and the hall itself is only fully appreciated in the areas to its north and south. The hall itself is screened from the areas to the east of the grounds by overgrown shrub planting and trees. Some elements of the historic gardens remain, which do make a positive contribution to the significance of the hall:

- Lawned areas to the north and south;
- Driveway approach to turning circle on the southern elevation to the hall;
- The gate piers and gateway;
- The outbuildings to the west;
- The large garden boundary wall;
- The formal ornamental pond (now much overgrown and silted); and
- The area of historic planting to the south-east of the hall.

- 3.102 In terms of its wider setting, one contributor for this is the view of the rear (northern) elevation from the canal, which provides the best experience from outside the grounds to appreciate its significance.
- 3.103 To the south of Tidcombe Hall and grounds, and also located outside the conservation area, is an agricultural field, which historically, according to the Tithe Map and sales particulars (1896, 1915 and 1925) was held in hand directly by Tidcombe Hall. This currently is an agricultural field in arable production and lies beyond the treed southern boundary of the grounds of the hall itself. In spite of the tree coverage, it still provides a striking view of the southern frontage of the hall in winter months.
- 3.104 However, there is every possibility that this agricultural field was, at one time, parkland associated with Tidcombe Hall. The plot is noted as 'Culver Park' and as meadow on the Tithe apportionment. Furthermore, sales particulars of 1896 (**Appendix E05**) note this field as being known as 'Culver Park' and, in addition, identifies it as:
- "adjoining the front lawn of the residence from which it is separated by a sunk fence".*
- 3.105 Sunk fences (the same as 'ha-has') were commonly used for the creation of a barrier for the containment of livestock, which also allowed for an uninterrupted view of the landscape beyond. The 1896 sales particulars also include a photograph of the southern frontage, which looks to be taken from this meadow (**Appendix E06**). It should also be noted that on the 1890 Ordnance Survey Map (**Proof Plan E04**) there are no trees on the southern boundary.
- 3.106 This evidence provides strong reason to believe that there was a designed view from the southern frontage of Tidcombe Hall, which provided an uninterrupted view across the lawn and meadow beyond, with the field itself incorporated as parkland. As such, this field makes a positive contribution to its significance.
- 3.107 As noted on the Tithe Map and earlier canal conveyance, the parcels within the north-east and south-east of the Appeal Site were not originally associated with the hall, albeit they came to be at a later date in the mid-late 19th century. There is very limited experience of the hall from these areas due to the planting within the grounds of the hall itself. As such, these areas make no contribution to the significance of the hall.

Assessment

- 3.108 In line with the approach taken to the wider conservation area (see above), the Appeal Proposals seek to redevelop the hall and its grounds in a sensitive manner. These measures are clearly indicated in the Statement of Intent (**Appendix A of Planning Proof**) and discussed above at paragraphs 3.50–3.55 (which should be referred to).
- 3.109 In this respect, being an outline application, there are no fixed proposals for the residential conversion of the hall. However, the Statement of Intent (**Appendix A of Planning Proof**) has been prepared to show how the hall and its grounds could be converted.

- 3.110 This proposes various beneficial aspects to the hall including removal of some of the later and most altered elements of the hall such as the lift and plant room on the west, the fire escape from the northern elevation, the external ramps and railings to the south, and the modern single storey extension to the south. It also proposes the restoration of the portico and conversion of the outbuildings for residential uses.
- 3.111 The retention and refurbishment of the hall would arrest its ongoing decline and result in improvements to its current condition, resulting in a benefit to it as a non-designated heritage asset. Although illustrative, the Statement of Intent demonstrates how the detail of the proposals could come forward to offer further enhancement to the outwards appearance of the hall and outbuildings, and how they would be improved by the proposed alterations.
- 3.112 Overall, the Statement of Intent demonstrates how the proposals could secure the future of the hall in a manner representing its Optimum Viable Use.
- 3.113 In terms of Tidcombe Hall's setting, measures included within the Appeal Proposals for the associated grounds are explored in paragraphs 3.55–3.58 (above) in relation to the conservation area. Given those measures outlined above and in the Statement of Intent, my professional judgement is that the grounds of the hall could be developed in a manner, which would cause no harm to its significance as a non-designated heritage asset.
- 3.114 In terms of its wider surroundings, it is concluded that the Appeal Proposals would cause no harm to the hall as there would be effective screening of the development proposals to the south-east and with little change on incidental agricultural land.

CONSIDERATION OF HARM AND BENEFITS TO DESIGNATED HERITAGE ASSETS

Heritage Harms

- 3.115 It is agreed by all parties to this Inquiry that the 'harm' which the implementation of the Appeal Proposals would generate to relevant designated heritage assets is no greater than 'less than substantial harm' in terms of the NPPF.
- 3.116 Accordingly, for the purposes of the NPPF paragraph 215 planning balance, the less than substantial harm to each designated heritage asset should be weighed against the public benefits of the Appeal Proposals by the decision-maker.
- 3.117 My evidence has made clear that I consider that the Appeal Proposals would result in less than substantial harm to the significance of two designated heritage assets. A summary of my position in relation to the Council's position:

Table EDP 3.1: Summary Position on Harm

Asset	Council's Position	My Position
Grand Western Canal Conservation Area	Less than Substantial Harm ('low section')	Less than Substantial Harm (very lowest end)

Asset	Council's Position	My Position
Tidcombe Farm	Less than Substantial Harm ('middle section')	Less than Substantial Harm (lowest end)
Tidcombe Hall	'Harm'	No Harm/Enhancement

3.118 The 'less than substantial harm' to the two designated heritage assets therefore has to be weighed against the public benefits as per paragraph 216 of the NPPF, which would be brought forward and delivered by the Appeal Proposals' implementation.

Heritage Benefits/Enhancements

3.119 My evidence also makes clear that the implementation of the Appeal Proposals would result in a series of heritage benefits or enhancements to the significance of one designated heritage asset and one non-designated heritage asset; i.e.:

1. The Grand Western Canal Conservation Area; and
2. Tidcombe Hall.

3.120 There is no hierarchy or relative grading of 'heritage benefits' articulated in the NPPF, as there is in the case of heritage harms (i.e. substantial harm or less than substantial harm). As a result, my professional judgement is that securing the Optimum Viable Use of Tidcombe Hall for residential purposes represents a direct benefit to the Grand Western Canal Conservation Area and Tidcombe Hall itself.

3.121 In addition, my professional judgement is that the proposed removal of the majority of vehicular traffic from Tidcombe Lane and bridge would also represent a direct benefit to the Grand Western Canal Conservation Area.

3.122 The heritage benefits/enhancements that have been identified for the heritage assets above constitute 'public benefits' in terms of paragraph 215 of the NPPF.

The Balance of Harm and Benefits

3.123 In respect of a finding of 'less than substantial harm' to a designated heritage asset, paragraph 215 of the NPPF makes it clear that such harmful development can be acceptable, if the public benefits that it would bring forward are of sufficient weight to outweigh the less than substantial harm generated by its implementation.

Section 4

Policy Review and Conclusions

- 4.1 My evidence addresses heritage matters for the appellant, and specifically the impact of the Appeal Proposals on heritage assets, both within the Appeal Site and in its wider environs. In that regard, it responds to and then addresses RfR 2 of the Council's decision to refuse outline planning permission for the erection of up to 100 dwellings to include the 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.
- 4.2 This RfR sets out the following:
- "In the opinion of the Local Planning Authority, the proposed development would result in harm to the character, appearance, setting and significance of the Grand Western Canal Conservation Area and Tidcombe Farm (grade II listed). The proposal would also result in harm to the setting of Tidcombe Hall, a non-designated heritage asset. The less than substantial harm that has been identified is not considered to be outweighed by public benefits of the scheme. On this basis it is considered that the proposal conflicts with the statutory duty to have special regard to preserving or enhancing conservation areas and to the desirability of preserving listed buildings and their settings. The proposal does not accord with Policies S1, S9, DM1 and DM25 of the Mid Devon Local Plan 2013-2033 in respect of heritage assets or government advice in the National Planning Policy Framework".*
- 4.3 In addition, in the Council's SoC also identifies that the proposals would be contrary to the TIV13 allocation policy.
- 4.4 In this section, I consider the policy implications of the identified harms and benefits to designated heritage assets set out in **Section 3**, as well as the Appeal Proposals' concordance with relevant historic environment policy at a local and national level in more general terms. Detail of the relevant policies is contained within **Appendix E02**.

POLICY REVIEW

- 4.5 It is my professional judgement that the implementation of the Appeal Proposals would result in less than substantial harm to the Grand Western Canal Conservation Area and the Tidcombe Farmhouse Grade II listed building.
- 4.6 As they are both 'designated' heritage assets this harm engages paragraph 215 of the NPPF along with part 'd' of Policy DM25 of the local plan.
- 4.7 In this respect, whilst it is recognised and accepted that the Appeal Proposals would give rise to 'harm' in respect of two out of the three heritage assets identified by the Council as being affected and cited in RfR 3 of its SoC, it is still of course correct to conclude that the acceptability of those effects and that harm is a matter for the decision-maker to decide

upon and nothing in legislation, case law or planning policy (nationally or locally) proscribes the outline application's approval and the grant of planning permission.

- 4.8 As far as legislation and case law is concerned, even the “*strong presumption against*” the grant of planning permission in the Forge Field judgement is still accepted in the same judgement as not being an “*irrebuttable*” presumption and one where factors of sufficient weight to do so can outweigh it. In a similar way, the Barnwell Manor judgement requires a decision maker to apply “*considerable importance and weight*” to the desirability of preserving a listed building and its setting, but it again still does not preclude development that would cause harm. It is true to say that the strong presumption may tilt the balance against the approval of harmful proposals, but it still remains a matter for the decision maker to weigh and then determine.
- 4.9 Paragraph 212 of the NPPF (2024) identifies that ‘great weight’ should be given to the desirability of conserving designated assets and qualities that the weight afforded should be proportionate to the significance of the asset or assets.
- 4.10 Even so, it remains the case that paragraph 215 of the NPPF (2024) and Policy DM25 of the Local Plan both advise the decision maker to weigh the ‘less than substantial harm’ against the public benefits that the Appeal Proposals would bring forward and deliver, mindful of the ‘special regard’ duty set out in s66(1) of the *Planning (Listed Building and Conservation Areas) Act 1990*. Hence, in and of itself the finding of less than substantial harm to two designated heritage assets does not necessarily proscribe or preclude the grant of planning permission.
- 4.11 Moreover, the Appeal Proposals would deliver heritage benefits to the relevant heritage assets by securing the Optimum Viable Use of Tidcombe Hall and its contribution to the Grand Western Canal Conservation Area (as per paragraph 215 of the NPPF and paragraph: 016 Reference ID: 18a-016-20190723 of the PPG) and removal of traffic from Tidcombe Lane. These should be considered as heritage benefits within the paragraph 215 balance.
- 4.12 In addition to these heritage benefits, the wider public benefits should also be taken into account within the balancing exercise in paragraph 215 of the NPPF and Policy DM25 of the Local Plan Review. It is for my colleague, Mr. Kendrick (covering planning matters on behalf of the appellant) to detail the wider public benefits of the Appeal Proposals. Neither of these two policies countenances against the grant of planning permission in this case so long as the benefits of doing so are of sufficient weight.
- 4.13 In coming to the determination of the Appeal Proposals, in delivering heritage benefits it is my opinion that paragraph 210 of the NPPF should also be engaged in this instance, in that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.
- 4.14 In terms of Policies S1 and S9 of the Local Plan Review, it is noted that proposals are required to ‘preserve and enhance’ the historic environment. It is my belief that this is not complaint with legislation or the NPPF as: a) there is no requirement to enhance; and b) there is no indication of any balance in the event that the ‘enhancement’ requirement is not met. The policies also conflict with the Council’s own Policy DM25, which allows for a balance

of heritage harms against benefits of the proposals. Notwithstanding this, should a positive balance in relation to paragraph 215 and Policy DM25 be achieved, then these policies will be satisfied.

4.15 Policy DM1 of the Local Plan relates to high quality of design. However, it should be noted that the proposals are submitted only in outline and that matters of design can be considered at reserved matters stage. It is my judgement that detailed design of the proposals could be secured in a manner that satisfactorily address this policy.

4.16 Turning to policy TIV13, it is the Council's contention in their SoC that:

"Policy TIV13 contemplated development of part of the appeal site and the adjacent field to the west, with a total amount of up to 100 dwellings. Therefore the TIV13 policy contemplates a lower density of development which would allow for the potential to create a landscape buffer around sensitive designated heritage assets, namely Tidcombe Farmhouse, the Grand Western Canal Conservation Area and the Non Designated Heritage Asset Tidcombe Hall. The appeal proposal introduces the entire quantum of development contemplated by TIV13 onto approximately half of the TIV13 site area, and moreover the most sensitive parts of the TIV13 site area adjoining designated and undesignated heritage assets. Therefore resulting in built development being located in areas of land best used for buffers to heritage assets. The result being that the appeal proposal would result in an intrusive urban form of development that is harmful to the setting and significance of the heritage assets."

4.17 It is worth considering the relative contribution of the whole TIV13 allocation to the conservation area. The parcel to the south of Tidcombe Hall lies outside the Appeal Site but lies directly to the south of the conservation area, represented here by Tidcombe Hall and its grounds. The parcel gains heightened interest in consideration of the historic links to Tidcombe Hall (see paragraphs 3.104–3.107 above), the evidence of the former designed views across from the southern frontage and its possible use as designed parkland. As such, this parcel is considered to make a positive contribution to the conservation area and is the part of its setting where there is evidence for a designed view rather than incidental experiences.

4.18 It is my professional opinion that the development proposals are not located in the most sensitive parts of the of the TIV13 allocation in relation to the designated heritage assets. The evidence presented above shows how the western field of the allocation was likely part of a designed view south from Tidcombe Hall, potentially as part of its parkland, which raises the sensitivity of this part of the TIV13 allocation in relation to the setting of the hall and conservation area.

4.19 In any event, Policy TIV13 of the Local Plan is entirely silent on the need to address the setting of Tidcombe Farmhouse, and instead it only mentions the Grand Western Canal, the conservation area and Tidcombe Hall (within the conservation area).

4.20 Whilst I cannot assess any alternative proposals as there are none before me, based on policy and legislation, it is clear to me that the principle of the removal of both agricultural fields of the TIV13 allocation to built form would involve a level of harm to either the Grand Western Canal Conservation Area, Tidcombe Farm or Tidcombe Hall, and that would have

been part of the consideration when deciding to allocate the site. In the absence of Tidcombe Farm in the policy it is arguable that the Appeal Proposals are more policy compliant by only developing the eastern field.

- 4.21 In addition, the Council's supporting documents for the adopted Local Plan includes a Sustainability Appraisal (January 2015 **CD8.4**) and an Historic Environment Appraisal of Proposed Allocations (December 2016 **CD4.9**). The Sustainability Appraisal identifies that the TIV13 site would have a minor negative impact in relation to the historic environment. The Historic Environment Assessment of the allocation site also recognises the heritage impact by giving the Appeal Site an Amber rating.
- 4.22 As such, it is quite clear that such minor impacts as have been identified within this Proof of Evidence have previously been accepted by the Council and found sound by an Inspector in the adoption of the Appeal Site as a contingency allocation.
- 4.23 Accordingly, it is concluded that, subject to the application of the paragraph 215 planning balance within the NPPF in respect of the identified less than substantial harms and the identified public benefits, with regard to historic environment matters overall, there are no matters that could prevent the Appeal Proposals from proceeding.



CARDIFF
02921 671900

CHELTENHAM
01242 903110

CIRENCESTER
01285 740427

info@edp-uk.co.uk
www.edp-uk.co.uk

The Environmental Dimension Partnership Ltd. Registered as a Limited Company in England and Wales. Company No. 09102431. Registered Office: Quarry Barn, Elkstone Studios, Elkstone, Gloucestershire GL53 9PQ



**URBAN
DESIGN
GROUP** REGISTERED PRACTICE



**Landscape
Institute**
Registered practice