
7th April 2025

Tidcombe Hall, Tiverton

**Landscape
Evidence of Wendy
Lancaster PGDipLA
PGDipUD CMLI
FRSA**

Appeal between Tidcombe Holdings LLP
and Mid Devon District Council

Volume 1: Text

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Section 1: Introduction

Witness and Qualifications

- 1.1. My name is Wendy Lancaster, I am a co-owner and Technical Director at Tyler Grange Group Ltd, and I specialise in landscape and visual planning issues associated with development.
- 1.2. I hold an honours degree and post graduate diploma in Landscape Architecture from the University of Gloucestershire. I hold a second post graduate diploma in Urban Design from the University of Westminster. I have been a Chartered Member of the Landscape Institute (LI) since 2006 and a Fellow since September 2024. I have been a Registered Practitioner in Urban Design with the Urban Design Group since 2010 and was elected a Fellow of the Royal Society of the Arts in 2016 for my contributions to the development of the understanding and review of Green Belt.
- 1.3. I have over 20 years' experience in Landscape Planning, having started my career at Bidwells (formerly Carpenter Planning) in Norwich and Cambridge, where I undertook landscape planning and masterplanning work for large-scale strategic greenfield and brownfield sites as part of a multi-disciplinary practice. I spent six years as an independent consultant as Director of Landmark Landscape Planning, providing sub-consultancy to a number of prominent landscape practices, as well as consultancy on both LVIA and Green Belt review methodology, and masterplanning and urban design. I was asked to join Barton Willmore, one of my former clients, in 2006 and became an Associate in the Landscape Planning team where I provided specialist landscape planning advice on strategic and often highly sensitive greenfield and brownfield sites, including a number of large scale greenfield residential developments and Green Belt sites. I remained with Barton Willmore until early 2021 when I was offered the opportunity to join Tyler Grange to take over the operation of the Landscape Planning team where I am now a co-owner and Technical Director.
- 1.4. I have provided specialist LVIA and Green Belt Review methodology advice and training to public bodies and private companies in relation to LVIA and Green Belt, have been part of a small-scale working group to provide Green Belt advice to the coalition Government in 2014 and was one of the authors of the Landscape Institute's position paper on Green Belt. I spent a tenure of three years as a judge for the Landscape Institute awards in the category of Strategic Landscape Planning and appear as a speaker at Landscape Institute events on landscape planning matters.
- 1.5. I have been appointed by a variety of clients in different sectors to provide professional landscape, visual and Green Belt advice and expert witness in relation to a variety of projects, including major housing-led allocations, commercial and energy schemes. I have spent the entirety of my career to-date involved in the assessment of landscape and visual effects in relation to residential, commercial and energy uses with particular speciality in sensitive and designated landscapes, including National Landscapes.

Instruction

- 1.6. Tyler Grange was instructed in October 2024 to provide landscape and visual expert witness service in relation to the Appeal Site and the Appeal Scheme. Previous landscape and visual assessment work was undertaken by Tapestry, and reference is made to their work within this Proof.



Statement of Truth

- 1.7. The evidence I have prepared here represents my professional opinion on the aspects of landscape and visual impact assessment and responds to the Council's Reasons for Refusal. I believe the facts stated in this evidence are true, accurate and have been prepared in accordance with the guidance of my professional institution (the Landscape Institute), irrespective of by whom I am instructed.



Section 2: Site Context and Planning History

Appeal Site and Context

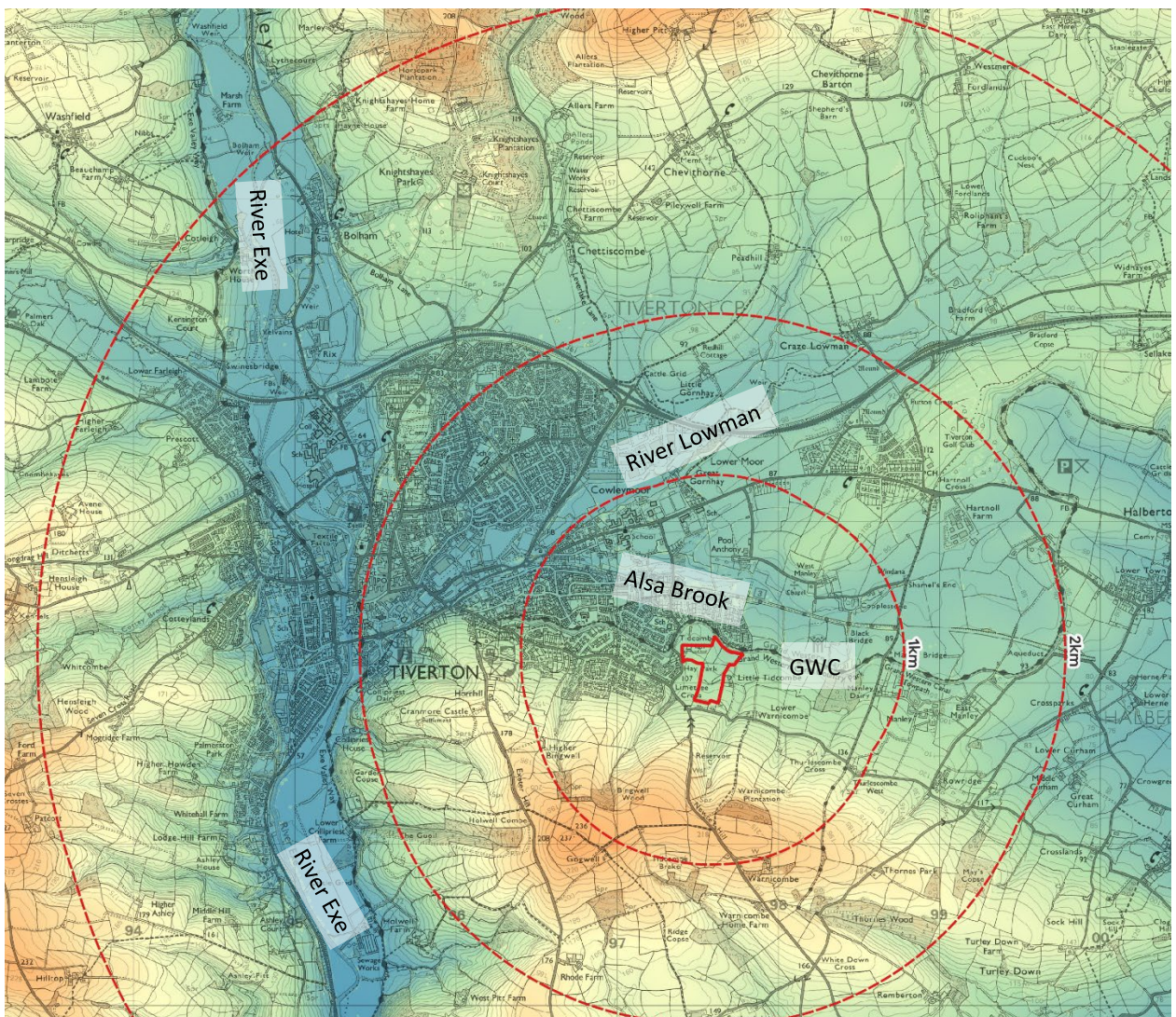
- 2.1. The Appeal Site comprises two agricultural fields to the east and south-east of Tidcombe Hall, as well as the Hall, its walled garden and some of the grounds to the south, totalling 7.09ha (see Insert TG1 below). It forms part of the wider TIV13 allocated contingency site within the Mid Devon Local Plan (MDLP) (CD1.1). The eastern part of the northern boundary is formed by the Grand Western Canal (GWC) and its associated planting, and the western part is defined by the northern garden boundary of the Hall and its walled garden. The western boundary is partially formed by the edge of the grounds of Tidcombe Hall and partially by an existing field boundary to the south, beyond which is the remainder of TIV13. The eastern boundary is marked by field boundaries and the southern boundary by the rear boundaries of the properties on Warnicombe Lane.



Insert TG 1: Site Context (Extract from Volume 2 Appendix 1 Plan TG1)



- 2.2. The edge of Tiverton is situated immediately to the west of the northern part of the Appeal Site, with the main field separated from Tidcombe Lane and the existing built edge of the settlement by an intervening field, which also forms part of TIV13. The GWC passes through Tiverton to the west of the Site, with housing to the north and south as far as Tidcombe Bridge, where housing becomes restricted to the northern side of the GWC, with Tidcombe Hall and associated fields to the south.
- 2.3. Tidcombe Lane extends along the western edge of TIV13, bordered by existing residential development to the west, becoming Newte's Hill where it extends up the steep ground to the south. Warnicombe Lane extends east from Tidcombe Lane / Newte's Hill to the south of the Site with properties on the northern edge of Warnicombe Lane separating the Lane from the site boundary.
- 2.4. Tiverton is situated either side of the valley of the River Exe, extending east along the valley floor of the River Lowman and the Alsa Brook, which form a wide and comparatively area of low-lying ground. Development has historically extended north-east across the gentle ridge north-east of the junction of the rivers, and east along the GWC to the south of what was a railway line.

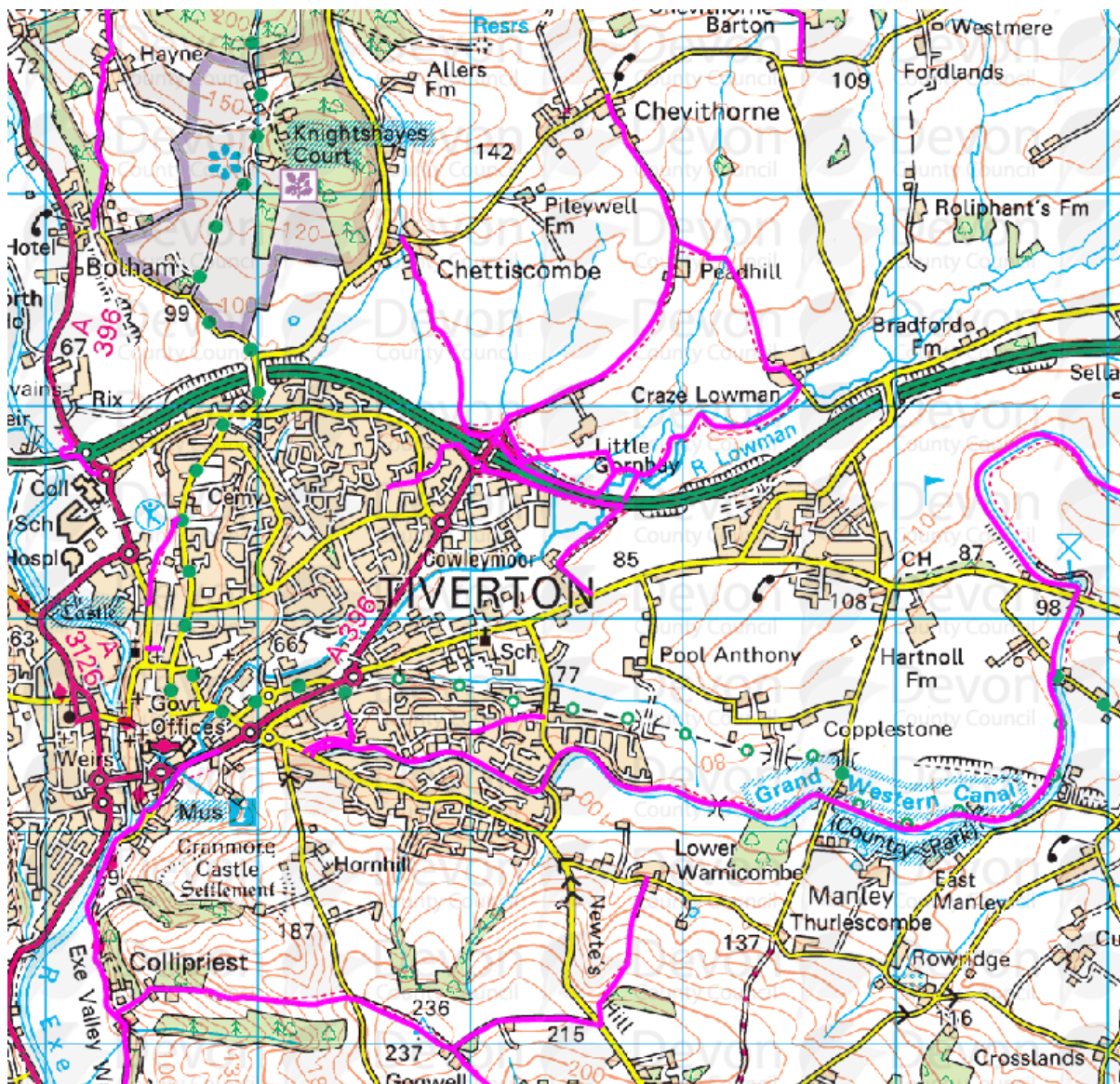


Insert TG 2: Topography of the Appeal Site and Surroundings (Extract from TG Volume 2 Appendix 1 Plan TG2)





- 2.8. There are a number of Public Rights of Way (PRoW) in the area, primarily comprising routes extending down the higher ground on the northern and southern edges of the valley. The GWC Towpath is a Long Distance Trail which extends along the route of the canal to the centre of Tiverton. There are few other PRoW within the valley floor with a small network extending between Craze Lowman and Chettiscombe, and connecting Warnicombe Lane to the Exe Valley Way south of Tiverton (see Insert TG 4 below).



Insert TG 4: Extract from the Devon Rights of Way Map

Designations

- 2.9. The Appeal Site is not covered by any landscape designations, nor is it in the setting of any landscape designations. Knightshayes Registered Park and Garden is situated c. 3km to the north-west, on the high ground to the north of Tiverton (see Insert TG 4 above and TG Volume 2 Appendix 1 Plan TG3).
- 2.10. The northern part of the Site, comprising Tidcombe Hall and its walled garden, and the north-eastern field, are situated within the GWC Conservation Area (CA). The GWCCA is a heritage asset, and effects on its setting are dealt with by Dr Oakley in the Heritage evidence; however, its presence does factor into the



understanding of the value of the landscape and the area of the canal and its towpath are a receptor in their own right. The GWC Conservation Area Appraisal and Management Plan (CAAMP) (CD4.5) identifies a number of important views across the adjacent landscape, including View 2 which faces towards the Site.



Insert TG 5: Location of the Appeal Site in Relation to the GWCCA and Other Heritage Assets (Tapestry LVIA CD5.7 page 8)

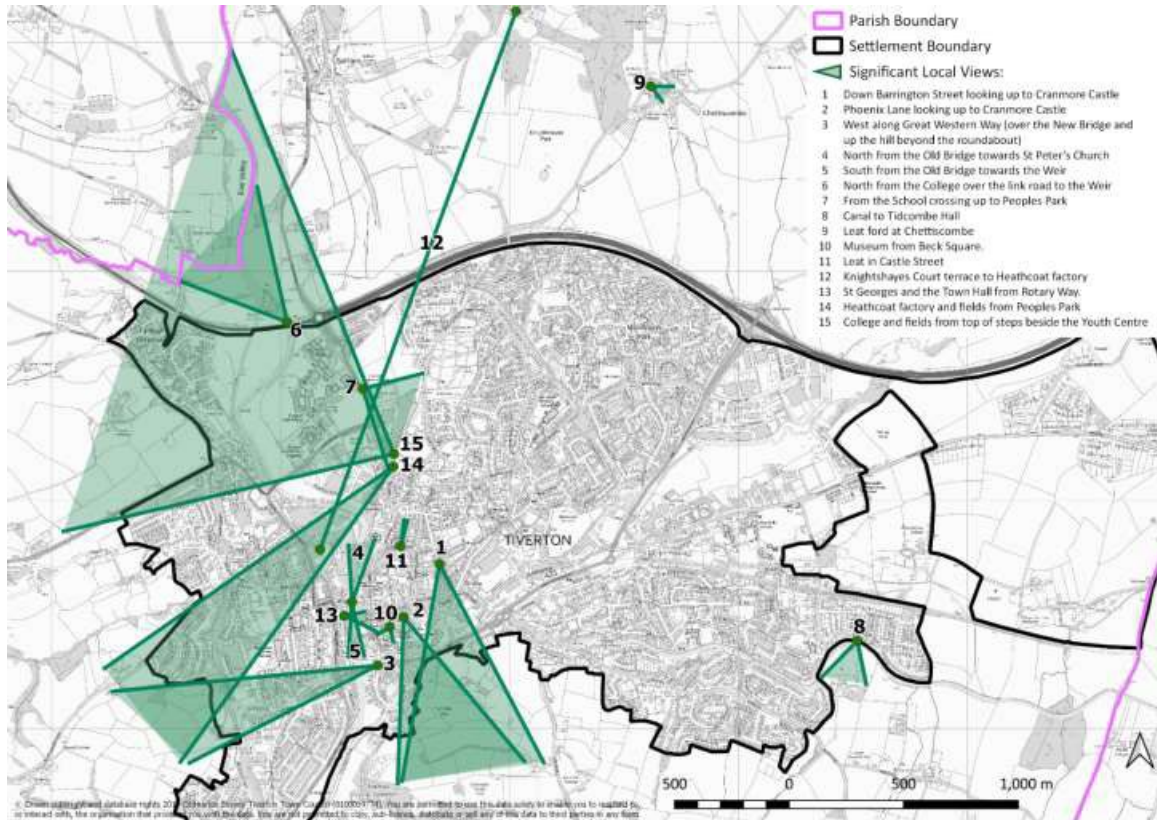
- 2.11. The route of the GWC forms part of a Site of Special Scientific Interest (SSSI) and a Local Nature Reserve (LNR) but these are not covered by the Appeal Site. They are not landscape receptors but they, like the GWCCA, factor into the understanding of the value of the landscape.
- 2.12. To the north-east of the Appeal Site, to the north of the GWC, is the GWC Country Park, an area of publicly accessible land between the canal and the TIV1-5 allocations on the eastern edge of Tiverton.

Locally Significant Views Identified within the Tidcombe Neighbourhood Plan 2020-2033 Referendum Version Incorporating Examiner's Modifications (2022) (CD1.4)

- 2.13. Policy T11 of the Tiverton Neighbourhood Plan (TNP) refers to 'Locally Significant Views' (CD1.4 page 72), describing them as important for tradition, memory and sense of place, as well as for visitors. It goes on to state that "*prominent views created by the natural topography are a defining characteristic of the area*". Paragraph 7.19 states that "*Development should take advantage of and complement existing buildings, landscape and topography and should preserve views and sight-lines to and from current built-up areas*".



- 2.14. Paragraph 7.20 sets out a number of views that have been identified in consultation with the community, with view 7 comprising a view from the canal to Tidcombe Hall (although marked as view 8 on Insert TG6 below). Paragraph 15 on page 77 refers to the National Trust study of views from Knightshayes Park and Gardens, entitled 'The Setting of Knightshayes Park and Garden: A Historic Landscape Assessment' (CD3.7). This document is addressed later in this Section.



Insert TG 6: Figure 7.5 of the TNP (CD1.4) Showing Identified Views

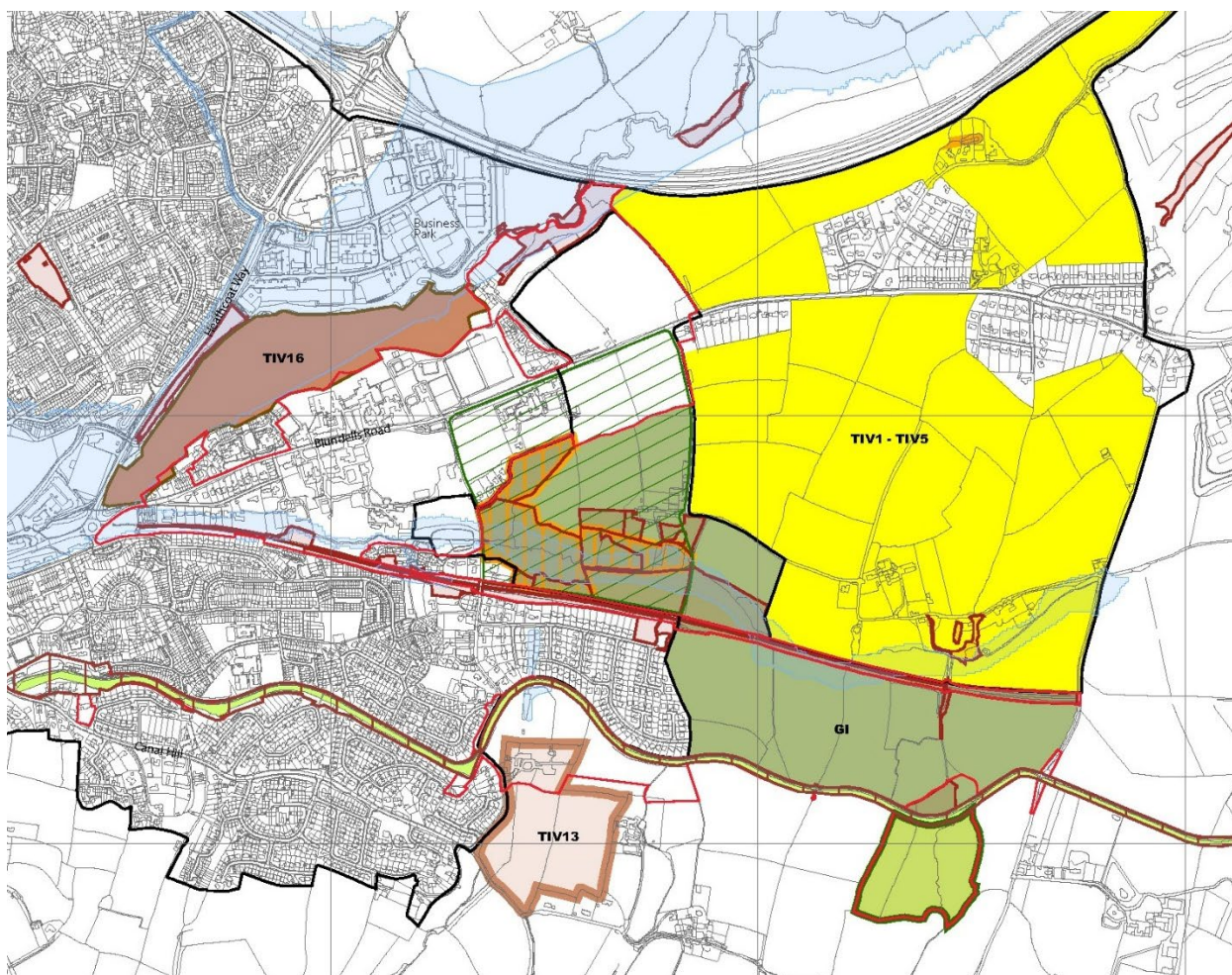
- 2.15. Policy T11 part B states that “development proposals are required to ensure that they do not have a significantly detrimental effect on i) the 15 significant views listed in Figure 7.5 and shown on the Policies Map; and ii) the views set out in *The Setting of Knightshayes Park and Garden: A Historic Landscape Assessment*.”
- 2.16. The TNP and its policies are not cited within the RfR.

Planning History and Context

TIV13 and the Housing Allocations

- 2.17. The Appeal Site forms part of land allocated as a contingency housing site, TIV13. This allocation includes the area of the Appeal Site, as well as the field to the south of Tidcombe Hall, between the Appeal Site and Tidcombe Lane. Evidence relating to the allocation of the contingency site is set out in evidence base in Section 7: of this Proof. The Appeal Site excludes the western field of the TIV13 allocation.





Insert TG 7:Contingency Housing Site TIV13 with the Eastern Urban Extension (TIV1-5) (Extract from MDDP Policies Map CD1.1)

- 2.18. Land to the north of the former railway line is allocated as part of TIV1-5, also known as the Tiverton Eastern Urban Expansion, a major urban extension which leapfrogs the designated ecological sites on the existing eastern edge of Tiverton, extending the urban edge c. 1.5km east as far as Manley Lane. This consolidates the eastern expansion of Tidcombe due to the constraining topography and road infrastructure to the west, north and south.

The 179 House Application

- 2.19. An application was submitted in 2020 for up to 179 dwellings (reference 20/01174/MOUT), including the conversion of the Hall and outbuildings to dwellings, a shop and café, with allotments and other open space. The site included land to the east of the Appeal Site, between the GWC and Warnicombe Lane, excluding Little Tidcombe Farmhouse and its grounds, totalling 12.08ha.
- 2.20. The application was subject to pre-app discussions. It was refused in June 2021 for reasons that included those relating to landscape and views.





Insert TG 8: The Earlier 179 Scheme

2.21. The proposed scheme was reduced to exclude the land outside of TIV13.



Section 3: The Application and the Appeal Scheme

The Planning Application

- 3.1. The Planning Application for the erection of 100 dwellings, including the conversion of Tidcombe Hall and its outbuildings, community growing area, public open space and associated infrastructure was validated in January 2024, and was accompanied by a Landscape and Visual Impact Assessment (LVIA) (CD5.7) produced by Tapestry in November 2023 (the Tapestry LVIA).

The Appeal Scheme, Its Evolution and Benefits

- 3.2. The Appeal Scheme is set out on the Illustrative Masterplan (CD5.20b) (see Insert TG9 below).

The Appeal Scheme



Insert TG 9: Appeal Scheme Illustrative Masterplan (CD5.20b)



- 3.3. The Appeal Scheme comprises the restoration of Tidcombe Hall and the restoration and conversion of its outbuildings to the west. A small courtyard development of houses is to be established within the existing walled garden, with the main body of the housing in the field to the west of Little Tidcombe Farm, in the eastern part of TIV13. The orientation of the main housing site is designed to respond to the contours and create south facing buildings that may benefit from solar gain.



Insert TG 10: Illustration Demonstrating Restoration of Hall and Its Grounds, and the Construction of New Housing in the Walled Garden

- 3.4. Details of the intentions for the Hall and its outbuildings are set out in the Statement of Intent – Tidcombe Hall (Appendix A of the Planning Proof) produced by Clifton Emery to provide guidance as to the context of a future Reserved Matters application for the Hall and its outbuildings. It sets out a number of principles for the design and landscaping for the proposals. These included the following:

- Existing trees to be retained and enhanced;
- Existing gateway and drive retained for pedestrian and cycle access;
- Restored entrance and arrival space to reflect historic design;
- Retain / reinstate cobbles where possible;
- Retention of Monks Way as a pedestrian route;
- Brick or stone boundary treatments with space for climbing plants;
- Buildings up to two storeys in height;
- Community facilities to the east of the Hall to include community growing area; and



- New boundary hedgerow along wall to screen proposed car parking.

3.5. A further series of architectural principles were set out, including the reinstatement of removed features and the removal of modern extensions as well as features relating to its more recent use as a care home, including external lift and fire escape.



Insert TG 11: Modelling Showing the Restored Northern Facade of Tidcombe Hall



Insert TG 12: Cross Section Showing Southern Facade of Tidcombe Hall and New Housing in Walled Garden

3.6. Access into the Site will be via the currently stopped up gateway to the south of the outbuildings, west of the Hall. This will be widened to allow two-way traffic with walls in the same style and reusing the existing stone. The existing gateway will be retained as a pedestrian entrance and the public realm improved to encourage pedestrian use of Tidcombe Lane.





Insert TG 13: Existing Blocked Up Entrance to Be Reopened and Widened to Provide Vehicular Access



Insert TG 14: View from Tidcombe Bridge Showing Stopped Up Entrance with Red Barriers





Insert TG 15: View Towards Reopened Gateway from Tidcombe Bridge



Insert TG 16: Existing Gateway from Tidcombe Lane





Insert TG 17: Reopened Vehicular Access with Retained Gateway Beyond for Pedestrian Access

Soft Landscaping Scheme

3.7. A high-level landscape strategy was set out on the Illustrative Masterplan (CD5.20b), demonstrating the types of planting proposed throughout the Appeal Scheme. The main elements of the planting are as follows:

- The retention and enhancement of the existing trees and hedgerows within the Site, subject to tree survey.
- A new parkland landscape in the north-eastern field, which is situated within the Conservation Area and immediately abuts the GWC. This will comprise a mix of meadow planting, paved and mown paths, drainage systems and native trees.
- The planting to the south of the Hall will be enhanced to replace trees lost due to disease and dangerous condition.
- The restoration of the entry space to Tidcombe Hall with areas of community orchard and food growing areas. These refer back to the historic orchards in the area, including within the Site, and which are highlighted as a lost feature in the published Landscape Character Assessment (see Section 8: below).
- New ecological planting and open space on the southern edge of the Site, adjacent to the properties on Warnicombe Lane. This will form part of the connected green infrastructure of the Site as well as visual mitigation for views from Warnicombe Lane and the adjacent properties.
- New planting and SuDS along the eastern boundary, forming part of the integrated green blue infrastructure strategy as well as visual mitigation to Little Tidcombe Farm.



Evolution of the Scheme

3.8. The Illustrative Masterplan has been derived from input from a wider consultant team, including heritage, landscape, heritage and arboriculture. The overarching constraints and opportunities are set out on page 9 onwards of the DAS (CD5.6 page 9). The main points include:

- Utilise an existing access point into the Hall, widened to allow two-way movement.
- Implement a Traffic Regulation Order (TRO) to reduce vehicular access along Tidcombe Lane and improve the environment for pedestrians and cyclists.
- Creation of a multi-functional series of SuDS features, including swales, rain gardens, detention basin and attenuation pond with habitat creation and enhancement.
- Retain and enhance existing trees, hedgerows and woodlands and create new areas of planting.
- Incorporate existing and proposed features into an integrated green blue infrastructure network to deliver BNG.
- Maintain dark corridors for bats and other nocturnal species.
- Avoid important trees and mitigate impacts on tree roots.
- Respect and enhance the setting of Tidcombe Hall and the GWC, including the maintenance of view corridors.
- Mitigate views to and from Little Tidcombe Farmhouse.

3.9. Page 17 sets out the main drivers to the masterplan design:

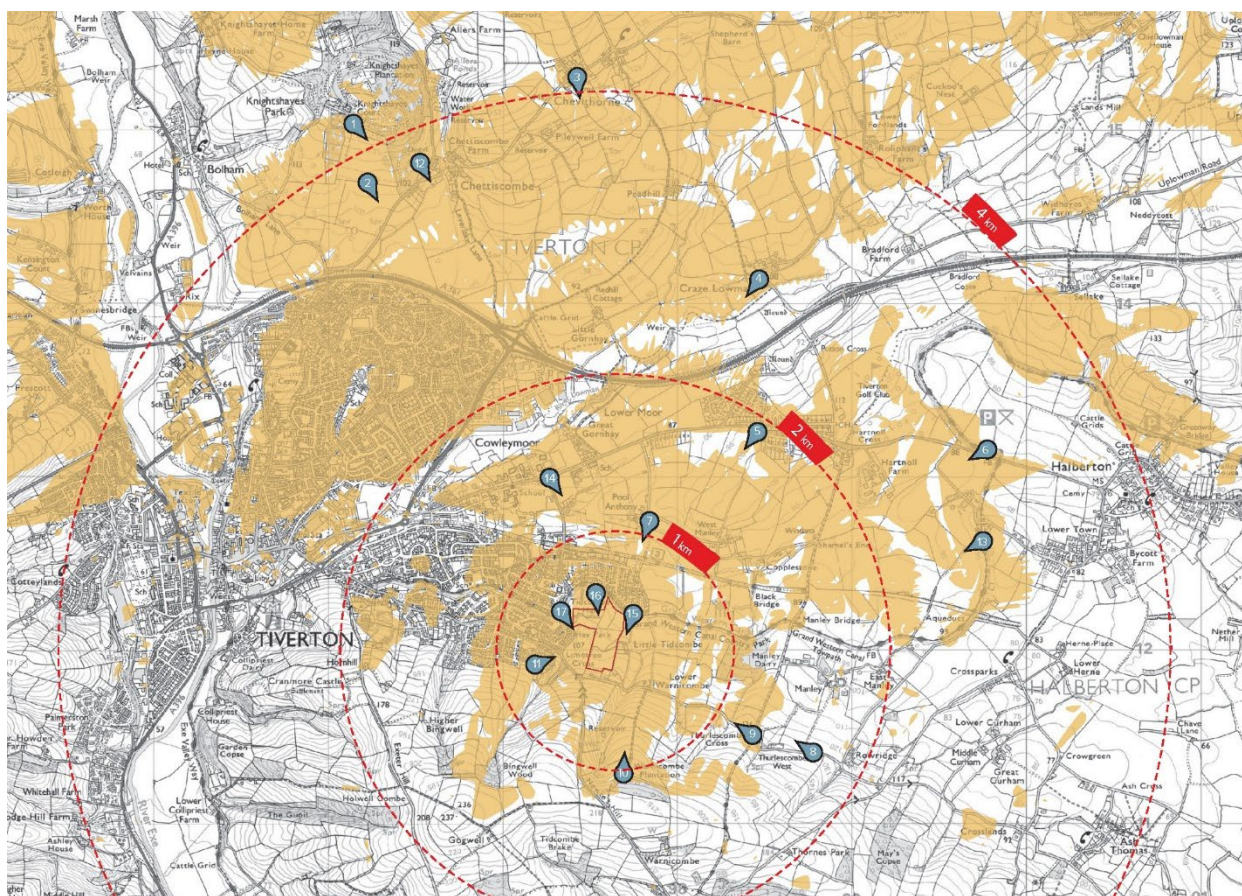
- Create a canal park on the northern most part of the site adjacent to the GWC;
- Enhance the setting of Tidcombe Hall and restore the Hall and its outbuildings;
- Creation of landscape breaks to reduce impact on views;
- Create a series of interconnected green infrastructure spaces;
- Seek opportunities for new native tree and shrub planting that will also provide ecological mitigation;
- Provide a positive relationship to the existing development, and create development that is sensitive to the context and setting;
- Create a distinctive and attractive sense of place;
- Create safe and secure pedestrian and cycle connections;
- Create communal orchards.



Section 4: The LVIA and the Independent Reviews

The Tapestry LVIA

- 4.1. The Tapestry LVIA (CD5.7) identified a number of visual receptors, identified through the use of Zone of Theoretical Visibility (ZTV) mapping and liaison with the Council. Thirty viewpoints were initially identified with 13 then scoped out, leaving 17 remaining viewpoints, although the LVIA notes that “*some of the viewpoints do not have visibility of the site, but due to the sensitivity of the viewpoint location they have nonetheless been included for completeness*”, such as views from Knightshayes Park and Garden. It is possible to see that the ZTV is primarily focussed towards the north due to the topography.



Insert TG 18: Extract from Tapestry LVIA ZTV Mapping and viewpoints (CD5.7 Figure 4.4 Page 32)

- 4.2. The LVIA identified a number of landscape receptors, including the character of the Site, local townscape character and published character areas, as well as assessing effects on some non-landscape designations, such as the Grand Western Canal Conservation Area (GWCCA) and the Grand Western Canal Local Nature Reserve (GWCLNR). The LVIA also incorrectly assessed effects on the value of the Site and its setting, which are themselves elements within the assessment of effects.
- 4.3. In section 4.10 (CD5.7 page 31), the Tapestry LVIA included a quote from the EIA Screening Response from the earlier application for 179 dwellings (20/01174/MOUT) which noted that, although no EIA would be



required, an LVIA would be “essential to understand the visual impact of the proposed development and this should take into account the masterplan area of the Tiverton Eastern Urban Extension to the north east of this site as well as any views from the listed National Trust property Knightshayes”. It further noted that views from the GWCCA would also need to be considered “in relevant professional reports”.

The LVIA Reviews

- 4.4. A number of reviews have been undertaken on the Tapestry LVIA (CD5.7) (see Table 1 below). The main issues raised are summarised below with more detail in Volume 2 Appendix 10. A comparison of the findings of the assessments is set out in Section 10: below.

Table 1: Dates and authors of LVIA and Reviews

Core Doc Reference	Date	Author	Title
CD5.7	November 2023	Tapestry	Landscape and Visual Impact Assessment
CD3.1	June 2024	Cornwall Ecological Consultants (CEC)	Independent Landscape Review
CD3.3	January 2025 (not seen until after Appeal process started)	Novell Tullett	Assessment of Submitted Landscape Proposals

- 4.5. A summary of the issues raised by each and a response are set out in Appendix 10 in Volume 2. The main issues were as follows:

- The Tapestry LVIA and both reviews incorrectly include the assessment of effects on heritage and ecological assets as landscape assets. Although the presence of both contributes to the understanding of landscape value, setting of heritage assets is a separate issue and addressed by Dr Oakley. This was perpetuated in both reviews.
- The Tapestry LVIA assessed the value of the Site and wider landscape as separate landscape receptors in addition to the Site and wider landscape themselves. Value forms part of the assessment of importance of effects so this comprises double counting. This was perpetuated in both reviews.
- The original LVIA included assessment of effects on landscape features in addition to the character of the Site itself, resulting in double counting. This was perpetuated in both reviews.
- The CEC Review identified high levels of effects on views from receptors where the ZTV demonstrated no effect and it is Common Ground that there will be no effects, including visitors to Chevithorne War Memorial and Craze Lowman.
- Both the CEC and NT Reviews identified additional receptors on the northern side of the valley.
- The LVIA and both reviews assessed effects on viewpoints and are therefore not compliant with the GLVIA3 which advocates assessment of effects on receptor groups.
- The LVIA included an assessment of effects on the townscape of Tiverton as beneficial and NT suggested that these effects be scoped out as a result.



- Both the CEC and NT reviews raise concern with the Site being on the far side of Tidcombe Lane and the GWC, ignoring the fact that the Appeal Site falls within an allocated contingency site.

The Novell Tullett Council Feedback

- 4.6. An earlier LVIA was undertaken by Tapestry on the refused 179 dwelling scheme and an earlier review undertaken by Novell Tullett. As part of that review, the Council's witness was asked to provide commentary on the 179 dwelling Application Scheme (Volume 2 Appendix 8) with the witness's response being generally positive regarding the design. The principles of the Appeal Scheme are carried through from the larger scheme and therefore the comments should apply equally.
- 4.7. The email, sent in June 2021 requested *"whether in your professional view, based on the application before us, the development is acceptable in terms of landscape and visual impact or would you support a reason for refusal on those grounds"*.
- 4.8. Ms Fowles responded the following day stating that *"landscape and visual impact [sic] are damaging locally"* before going on to refer to heritage and 'other' reasons that would contribute to the RfR. Ms Fowles' concerns are summarised as follows:
- *"The structure of the edge of the town here is clear cut and breaking the existing Tiverton edge structure would create a precedent for further development leak into the countryside"*.
 - *"The impact on countryside locally is detrimental and visually intrusive from local lanes and well known and well used footpaths"*. The evidence does not support the assertion of the Appeal Scheme being visually intrusive from footpaths and overstates the effect on local lanes, effects on which have been shown to be extremely localised.
 - Although acknowledging that *"impact on wider landscape is less severe"*, Ms Fowles states that *"the impact on Knightshayes is potentially much worse than [Tapestry] have described"* due to the undertaking of the visual assessment when trees were in full leaf. This latter ignores the findings of the LVIA, Ms Fowles' own assessment, and the response by Historic England (see Section 5: below).
- 4.9. Ms Fowles' remaining concerns relate to the setting of heritage assets, which is not the subject of LVIA and is dealt with by Dr Oakley in the Heritage evidence.
- 4.10. Ms Fowles concluded that her primary concern was *"breaking the edge of the existing townscape structure and subsuming a historic country villa into what is effectively a housing estate"*. It is notable that Ms Fowles raises here concerns relating to the impacts on the townscape of Tiverton yet criticises the Tapestry LVIA for included townscape as a receptor when the resulting effects were assessed as minor positive due to the quality of that townscape in this area.
- 4.11. Ms Fowles started her response to the Planning Officer with the following positive commentary on the scheme of the 179-house scheme:
- "The scheme has been designed to try and mitigate the effect on the towpath, and to benefit nature conservation and landscape resources to the scheme, **which I think have been designed carefully and with a lot of thought.** It would also provide **relevant community and new facilities that will be of benefit and will help create a place that is embedded into the heritage environment of the walled garden in particular**"*.



Section 5: The Committee Report and Consultee Comments

- 5.1. No landscape consultee responses were included in the Committee Report (CR) (CD5.24) nor submitted, and this is agreed as Common Ground (Landscape Statement of Common Ground paragraph 2.6). Responses were received from the Tree Officer, Historic England and the Grand Western Canal Advisory Committee (GWCAC).

MDDC Tree Officer

- 5.2. The Mid Devon District Council (MDDC) Tree Officer identified in their January 2024 response (CD5.24 page 9) that *“the trees on site vary from high quality to trees of such condition that they cannot be realistically be retained”* and that *“trees of high or moderate quality should be retained and incorporated into the layout design of a site”*. They went on to highlight that the works *“will require the removal of a number of individual trees and trees within groups and whole groups of trees along with sections of hedges too”*, going on to state that *“however, some removal [sic] are required due to tree condition”* and that *“the majority of the trees are viewed as poor quality or trees with serious, irremediable, structural defect, such that their early loss is expected due to collapse”*. Four trees, tree groups and hedges that were identified of moderate quality also require removal, and the Tree Officer stated that *“the loss of these trees will have a visible impact on the local amenity value as the majority of these trees are located by the main access point and proposed new junction of Tidcombe Lane”*.
- 5.3. In their July response (CD5.24 page 10), the Tree Officer reiterate their two main previous concerns from the January response, being the loss of four tree, tree groups and hedges of moderate quality to be removed, and the crossing of the RPAs of two category A tree by the proposed access road. Since their earlier response, three of the trees, semimature beech trees, have been highlighted for removal due to damage being caused to the retaining wall, as well as three limes due to their condition. The Tree Officer concluded that *“as a result, the concerns raised have been largely resolved”* but that any mitigation planting plan should address the losses, which could be dealt with through condition. The Tree Officer also highlighted that the loss of some sections of hedgerow would require mitigation through reintroducing or restocking hedgerows, although these were referred to as having a *“low level of impact”*. Concerns relating to the RPAs of the trees were allayed through the rerouting of the access road.

Historic England

- 5.4. In their January 2024 response (CD5.24 page 11), Historic England referenced their earlier detailed response to the refused 179-dwelling scheme (20/1174/MOUT) with the current advice relating to the setting of Knightshayes Court and gardens. The response noted that the *“western part of the site has already been allocated as a contingency housing site (TIV 13)”*.
- 5.5. Historic England referenced distant views towards Tidcombe Hall from Knightshayes Park as *“being easily identifiable as a small but distinctive white building standing within a green space”* going on to state that *“given the intervening distance it forms a very small feature within those views and currently appears to be surrounded by a considerable amount of tree cover”*. They conclude that, *“presuming the majority of hedgerows and trees in the application site are going to be retained in the scheme (as per the indicative layout) and that development will not be in the field to the immediate south of Tidcombe Hall [the western part of TIV13], then it is debatable how much of the housing would actually be visible”*. The response also



refers to the “*potentially most significant Knightshayes viewpoints of Church Path (View 12 within the LVIA)*” and the lack of visualisations to fully understand impacts upon the view.

- 5.6. Subsequent to the January response, further information was submitted to Heritage England, including further details of the location of the Site within Viewpoint 12. In their July 2024 response (CD5.34 Page 11), Historic England thanked the Council for the additional information and stated that there was “*likely to be some visibility from the viewpoint of the proposed development*” going on to state that “*however, there is extensive tree cover screening the lower portion of the site*”. The response referenced the proposed planting within the Illustrative Masterplan (CD5.20b) stating that “*although Tidcombe Hall and the development site maybe visible in some distant views from Knightshayes park, this would form quite a small addition into those expansive views*”. They went on to recommend the use of “*subservient materials as well as suitably designed landscaping and green infrastructure, which could assist in breaking up the development in these longer-range views*”.

Grand Western Canal Advisory Committee

- 5.7. The GWCAC stated in their January response (CD5.24 page 12) that “*the proposed Development [sic] will have a negative effect on the Grand Western Canal’s Conservation Area; removing part of the southern rural view from the towpath by extending the residential part of Tiverton, east from Tidcombe Lane*”. It goes on to concede that “*admittedly, the reduction in the number of houses proposed allows them to be built slightly further from the Canal but the greenfield vista to the south of the Conservation Area will be adversely affected*”. The GWCAC also refers to the loss of “*Tidcombe Hall’s setting in the landscape...as it will be overwhelmed by the new housing*”.

MDDC Conservation Officer

- 5.8. The MDDC Conservation Officer included within their February 2024 response (CD5.24 page 22) that “*the proposed development would result in the urbanisation of the site and Tidcombe Farmhouse would be experienced as being upon the edge of a new urban development*”. They went on to address the GWCCA, referring to “*the historically open rural landscape positively contributes to the character and appearance of the Conservation Area, its setting and rural character*”. The Conservation Officer acknowledged that “*the northern part of the site, within the Conservation Area, is planned as parkland however this would result in a fundamental change in land use and character*” before going on to refer to the proposed “*area of courtyard housing*” which “*would be visible from the towpath of the Canal as would the majority of the site*”.
- 5.9. The Conservation Officer also made reference to views from Knightshayes Court and garden, including from the Church Path, “*however the site is considered to make a limited contribution to the setting of the asset*”.
- 5.10. In their February 2024 response, the Conservation Officer reiterated the harm to the character and appearance of the Conservation Area “*as it would remove positive elements of the Conservation Area and its street scene*” including “*the potential removal of mature trees which are present at the existing entrance, that make a positive contribution to the verdant appearance and rural character of the Grand Western Canal; Conservation Area*”. They also made reference to the proposed access which would “*have an adverse impact upon the character and appearance of the Conservation Area, being urbanising in effect which is contrary to the prevailing rural character of Tidcombe Lane*”.
- 5.11. In their July 2025 response, the Conservation Officer again references views of the Site and Tidcombe Hall which “*can be appreciated from the towpath of the canal and its wider setting, including from Warnicombe Lane*”.



The Committee Report

- 5.12. The Committee Report (CR) (CD5.24) identified that the site is *“located in relatively close proximity to existing residential development at the edge of town”* and that Tidcombe Hall sits *“right at the edge of Tiverton and originally would have been located in the countryside”*. They went on to state that *“the boundary of the town is delineated by the canal and Tidcombe Lane which provide a clear divide from the developed edge of the town and the countryside beyond”*.
- 5.13. Paragraph 4.5 included the conclusions from the CEC review of the LVIA (CD3.1 paragraphs 1.3 to 1.8). In paragraph 4.6, the CR (CD5.24 paragraph 4.6) highlighted that *“various concerns are raised with the methodology undertaken including the use of out of date images (taken in November 2018 and February 2019), omission of some viewpoints and lack of consideration for seasonable variation in leaf cover”*. Further concerns were raised in regard to the assessment, which were felt to be *“lower than expected”*.
- 5.14. In paragraph 4.8, the CR raised concerns in relation to the proposed vehicular access from Tidcombe Lane, which would include the widening of the existing access, re-alignment of the stone retaining walls and provision of footways. The CR concludes that *“the design, siting and layout of the proposed access would result in harm to the visual amenity and character of the street scene”*.
- 5.15. The CR concludes in paragraph 4.13 that *“it is considered that the development by virtue of its siting and scale is inappropriate in this landscape setting”*.



Section 6: The Reason for Refusal and the Case Against the Appellant

- 6.1. A refusal was issued on 23rd September 2024 with the Decision Notice (CD5.26) setting out four Reasons for Refusal (RfR). There is no clear landscape RfR with heritage, landscape, townscape and character issues being conflated throughout RfR 1-3.
- 6.2. RfR1 states inter-alia that (my emphasis) *“The application site is located outside the settlement boundary of Tiverton and within the countryside. Policy S14 of the Mid Devon Local Plan 2013-2033 **requires development outside settlement limits to preserve and where possible enhance the character, appearance and biodiversity of the countryside** while promoting sustainable diversification of the rural economy. The scale and nature of the proposed residential development would not be permitted in accordance with criteria a) of Policy S14. The proposed also conflicts with the remaining criteria of Policy S14. The site partly falls within the area of land identified as a contingency site by Policy TIV13....”*
- 6.3. RfR2 refers mainly to heritage issues, stating that *“the proposed development would result in the harm to the **character, appearance, setting and significance of the Grand Western Canal Conservation Area and Tidcombe Farm (Grade II listed)**. The proposed would also result in harm to the setting of Tidcombe Hall, a non-designated heritage asset”*.
- 6.4. RfR3 also refers to character and appearance, stating that *“the proposed development, including the provision of the proposed access, is **likely to result in harm to the character and appearance of the area**. The scale and siting of the development is considered to be inappropriate in this landscape setting... On this basis it is considered that the proposal would fail to preserve the character and appearance of the countryside...”*.

The Council's Case

- 6.5. The Council's Statement of Case (SoC2) was received in February 2025 with 'Impact to the Landscape Character and Visual Amenity of the Area' addressed in section 4. However, this section referred mainly to the setting of heritage assets which are dealt with by Dr Oakley in the Heritage Evidence.
- 6.6. It is important to understand the separation between landscape and visual setting and heritage setting, which are not the same and should not be conflated, as is the case in the Council's Statement of Case. Heritage assets can add to the value of a landscape, as set out in the criteria in TGN 02/21. Landscape and views can contribute to the understanding of heritage setting but it is not the role of the Landscape Architect to describe or assess heritage setting.
- 6.7. In paragraph 4.3, the Council asserts that the GWC and Tidcombe Lane form the current edge to, and contain, the built edge of Tiverton, referring to them as the *“clearly defined edge”*. This ignores the allocation of TIV13 as a contingency housing site, which would necessitate the crossing of Tidcombe Lane. It also ignores that the Eastern Urban Extension leapfrogs far more defensible boundaries to the north of the GWC.
- 6.8. The following paragraphs make reference to the heritage assets and their setting, including the non-designated Tidcombe Hall, the Grade II Listed Tidcombe Farmhouse and the GWCCA. These are not matters for the Landscape evidence and are addressed by Dr Oakley in the Heritage evidence.



- 6.9. In paragraph 4.5, the Statement of Case describes the land of the Site rising towards the south, stating that the higher ground in the southern part of the Site means that *“the visibility of the upper quadrant of the land within the Appeal site is more pronounced when seen from the GWCCA”* going on to state that *“whereas the western land has a closer relationship to the development edge at Tidcombe Lane and is also less likely to impact on the setting of Little Tidcombe Farmhouse”*. This ignores that the western field of TIV13, excluded from the Appeal Site, is higher and more apparent in views than the Appeal Site, as well as appearing directly behind or in front of Tidcombe Hall in cross valley views and those from the higher ground to the south, as can be seen on the AVRs in Volume 2 Appendix 3.
- 6.10. In paragraph 4.6, the Council asserts that *“While [heritage] setting is not defined, the landscape impact is tied up with the concept of setting, since landscape, or open space, generally comprises a large part of what constitutes setting”*. It then goes on to quote the NPPF in relation to setting which describes setting as *“the surroundings in which a heritage asset is experienced”*. Landscape setting does form part of the understanding of heritage setting, but this is a matter for the Heritage evidence.
- 6.11. Paragraph 4.7 asserts that the overlaying of the setting of a number of heritage assets adds weight to the sensitivity and value of the landscape. It is agreed that heritage can form part of the understanding of landscape value as set out within TGN 02/21 and increases the value of the local landscape in this case, but it is important to not conflate heritage and landscape setting.
- 6.12. Paragraphs 4.7 onwards make reference to views from the GWCCA, including View 2 as identified in the GWC CAAMP (SoC2 page 52 and 54). Views from the canal are again described later in paragraph 4.10 as well as the importance of the well-vegetated setting to the canal.
- 6.13. In paragraph 4.12, the Council acknowledges that the Appeal Site, as well as the land to the west, which includes land south of Tidcombe Hall, is allocated as a contingency site for housing. In paragraph 4.13, the Council quotes the allocation for TIV13 which states that TIV13 is subject to constraints that make it *“less suitable than the sites allocated in the Local Plan, including landscape and highways constraints which need to be mitigated”*. It is important that TIV13 states that the allocation is ‘less suitable’ not ‘unsuitable’ and that impacts would need to be mitigated, not that they cannot be mitigated. More information regarding this is set out in the evidence base below.
- 6.14. In paragraphs 4.16-4.18, the Council criticises the location of the 100 dwellings in the eastern portion of the allocation, stating that spreading it across the whole of the allocation would have resulted in more opportunities to mitigate heritage impacts and that the Appeal Scheme concentrates the houses into the *“most visible and sensitive part of TIV13”*. This is contrary to the findings of this Proof of Evidence which demonstrates that the western field is more prominent in views due to its higher elevation and less vegetation character, often appearing immediately behind or in front of Tidcombe Hall within views. It then goes on to state that the *“linear landscape structure is insufficient to provide a suitable setting to Little Tidcombe Farmhouse especially”*.
- 6.15. In paragraph 4.18, the Council appears to criticise the allocation itself, stating that the scheme will appear as an outlier, *“sprawling into the countryside rather than reading as a natural and properly contained extension to the existing settlement”*.
- 6.16. The Council’s case concludes in paragraph 4.20 that the Appeal Scheme will cause *“serious harm to landscape and heritage assets and the setting of the town”*. It goes on to state that a *“better scheme”* is possible, which would be at lower densities across the whole of TIV13 and utilising what the Council describes as *“the least sensitive parts”*.



Scope and Structure of Evidence

- 6.17. In terms of the structure of my evidence, I refer to the Tapestry LVIA (CD5.7), as well as my own assessment of the Appeal Site and its context and respond to the reasons for refusal and disputed matters set out within the Statements of Case and the agreed Landscape SoCG.
- 6.18. I have summarised the main matters as being:
- Impacts upon local landscape character including on the GWC;
 - Impacts upon visual receptors in the area, including those from the GWC; and
 - Impacts upon the townscape and setting of Tiverton.
- 6.19. I will also establish my reasoning for how the proposed development complies with the relevant landscape policies and provide an overall conclusion.
- 6.20. In respect of the wider policy context and overall planning balance, I defer to the evidence and expertise of Mr Kendrick. In respect of heritage and the setting of heritage assets, I defer to the evidence and expertise of Dr Oakley.
- 6.21. Within my evidence, where appropriate, I refer to published best practice guidance for considering landscape and visual matters. This comprises:
- Guidance for Landscape and Visual Impact Assessment, third edition (GLVIA3), LI and IEMA, 2013 (CD3.3);
 - Technical Guidance Note 2024-01: Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third Edition (CD3.4);
 - Technical Guidance Note 06/19: Visual Representation of Development Proposals (CD3.5);
 - Technical Guidance Note 02/21: Assessing Landscape Value Outside National Designations, LI, 2021 (CD3.6).



Section 7: Evidence Base

- 7.1. The following evidence base documents are of relevance (the character assessments are dealt with separately in the following section):
- SHLAA Site Assessments 2014 (CD8.16);
 - Local Plan Review: Public Consultation Sustainability Appraisal (January 2015) (CD8.4);
 - Local Plan Review: Proposed Submission Consultation (Incorporating Proposed Modifications) Sustainability Appraisal Update (January 2017) (CD8.5);
 - Grand Western Canal Conservation Area Appraisal and Management Plan (GWC CAAMP) (November 2024) (CD4.5);
 - The Setting of Knightshayes Park and Garden: A Historic Landscape Assessment (2007) (CD3.7); and
 - Tiverton Design Code (2020) (CD3.8).

SHLAA Site Assessments 2013 and 2014 (CD8.16)

- 7.2. The Site was identified in the 2013 and 2014 SHLAA under the site reference 'Site 10' and allocation reference 'AL/TIV/21'. (CD8.16 page 32). Site 10 is broadly the same area as that included in the allocated contingency site TIV13. It was identified in Appendix 2 of the SHLAA Mid Devon Final Report 2013 (summary CD8.16 page 33) and was identified as being suitable, available and achievable with a minimum yield of 151 houses and a maximum of 252. Under the heading of 'constraints to development or reasons for exclusion', these were listed as *"Canal, listed building and access"*. Under the heading of 'comments', the SHLAA notes that the yield was reduced (to 125) and the delivery pushed back in date. Landscape and townscape, including separation, were not listed as reasons for exclusion.
- 7.3. A more detailed assessment of AL/TIV/21 was included on page 38 of the 2013 SHLAA under the heading of 'sites for consideration by the Panel: Schedule 1' and on page 32 of the 2014 SHLAA under the heading of 'Sites for consideration by the Panel: Initial Preferred Sites Working List (Town sites)'.
- 7.4. The 2014 SHLAA included the 2013 assessment. On page 34, under the heading of 'Impact on Landscape Character', the SHLAA identifies that Site 10 is situated within the 'Lowland Plains' landscape character area, which is *"typified as being an open, low lying flat landscape which is agriculturally prosperous"*. In relation to potential impacts, the SHLAA sets out the following:
- "There is a potential, but localised impact on character as the site is reasonably well contained within the landscape. There would be some impact arising from development, though this would be against the backdrop of the existing built environment to the west."***
- 7.5. On page 33, the SHLAA sets out the 'potential policy criteria' for a site allocation, which includes that it be a contingency site for 100 dwellings with two vehicular access points off Canal Hill and improvements to Tidcombe Lane, with *"design and landscaping which protects the setting of the Grand Western Canal and Tidcombe Hall"*. It goes on to note that Site 10 was considered deliverable in the 2013 SHLAA but that the yield was reduced to a maximum of 125 dwellings to protect the setting of the hall and the canal.



- 7.6. Under the heading of 'Compatibility', the SHLAA notes that *"Development would be better suited on the southern part of the site as it would not be within the flood plain and away from the Grand Western Canal Conservation Area"*.

Local Plan Review: Public Consultation Sustainability Appraisal (January 2015) (CD8.4)

- 7.7. The Sustainability Appraisal (SA) 2015 set out a series of Sustainability Objectives, with Objective A) relating to *"The protection of the natural environment"*. Objective A) covered *"habitats and biodiversity; flora and fauna; protected species; landscape; geodiversity"* and so related to more than just landscape issues. Objective B) related to the *"protection and promotion of a quality built environment"*. Objective B covered *"heritage assets, including listed buildings, conservation areas, scheduled ancient monuments, registered parks and gardens, locally listed assets, archaeology; design and quality of development"*. A scoring system from -3 to +3 was given to each site against each objective.
- 7.8. In paragraph 4.58, the SA states that eight sites were allocated in Tiverton, *"excluding two contingency sites at Tidcombe Hall and Wynnard's Mead"*. In paragraph 4.61, the SA states that *"Tidcombe Hall is reasonably well contained in the landscape but has a potential localised impact on landscape character, the setting of Tidcombe Hall and the Grand Western Canal"*.
- 7.9. In paragraph 4.64, the SA notes that one of the options for Tiverton was to *"continue with the current strategy expanding Tiverton to the east"* and that although this was not the preferred option in the public consultation, no other options were identified *"due to topographical issues to the south, west and north of the town, and flooding issues along the River Lowman and River Exe"*.
- 7.10. TIV13 is identified as a preferred site (contingency) with an assessment of -1 against Sustainability Objective A).
- 7.11. Page 45 of the SA includes a comparison table of the identified housing sites, with TIV13 listed as 'a Preferred Site (Contingency)' rather than an 'Alternative Site'. Effects on Sustainability Objective A) are identified as being -1 and on Objective B) as -1/?. -1 is defined within the methodology as having a *"minor negative impact in contributing to the objective"*.
- 7.12. It is notable that TIV1-5, TIV6 and TIV14 are also assessed as having effects of -1 on Sustainability Objective A and therefore the Appeal Site was assessed as having similar effects on the objectives relating to landscape and built form.

Local Plan Review: Proposed Submission Consultation (Incorporating Proposed Modifications) Sustainability Appraisal Update (January 2017) (CD8.5)

- 7.13. Page 59 of the Sustainability Appraisal Update (SAU) set out potential 'Reasonable Alternatives' to TIV13 and the proposed response. The proposal to delete the allocation as it would breach the defined settlement edge at Tidcombe Lane was rejected because it would lead to the loss of housing land that was needed to deliver housing numbers. A proposal was also set out to increase the amount of housing in TIV13 to 200 but this was rejected due to increased adverse effects, including on objectives A) and B), arising from the reduction in the ability to provide sufficient mitigation. No changes were proposed to TIV13 as a result of the SAU.
- 7.14. In the summary table on page 61, effects in relation to the proposed policy submission was -1 in relation to objective A) and -1/? In relation to objective B).



Grand Western Canal Conservation Area Appraisal and Management Plan (GWC CAAMP) (November 2024) (CD4.5)

- 7.15. The GWC CAAMP sets out in its first paragraph that:

“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.”

- 7.16. The above relates to its heritage importance rather than its landscape importance which is derived from its value as a place to visit. The CAAMP, however, gives information that may contribute towards the understanding of the canal and its surroundings as a landscape asset.

- 7.17. Section 4.2 of the CAAMP identifies a number of character areas, with the northern part of the Site falling into Character Area 1: Tiverton Basin which is described as the area of the canal within Tiverton and its environs. Section 4.2.1 references the canal as appearing on the 1842 Tithe Map, *“views across the open countryside would have been appreciable, including towards prominent buildings such as Tidcombe Rectory, also known as Tidcombe Hall”*.

- 7.18. The CAAMP highlights the importance of the unpaved nature of the towpath and the mature trees along it, highlighting the built context of the western end of the canal: *“the land rises around the canal to the south, with modern development visible, with many dwellings in an elevated position”*.

- 7.19. The CAAMP highlights the views from the towpath, including towards Tidcombe Hall:

“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.” (CD4.5 page 25)

- 7.20. It continues on page 28 to refer again to views to Tidcombe Hall:

“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.” (CD4.5 page 28)

- 7.21. Section 4.4 sets out what the CAAMP describes as ‘Key Views’. View 2 is of relevance to the Appeal Site, although the image used in the document does not reflect the description, being in a different direction. View 2 is described 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.” (CD4.5 page 54)





Insert TG 19: View South West Towards Tidcombe Bridge from Towpath North-West of Tidcombe Hall

- 7.22. Page 60 of the CAAMP sets out further discussion of the views from the towpath, with the following of relevance to the Appeal Site:

“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.”

- 7.23. Section 6.2 of the CAAMP refers to managing future change, where it is clear that development within the GWCCA and its setting are not precluded but that development should use high quality materials that reflect those used in existing buildings, respect the scale of neighbouring buildings, respect key / important views and reflect the existing development pattern.

The Setting of Knightshayes Park and Garden: A Historic Landscape Assessment (2007) (CD3.7)

- 7.24. The Setting of Knightshayes Park includes a section on visual envelope on page 35 onwards. It refers specifically to views from “the emerging Church Path”, stating that it “commands a view of Chettiscombe in the foreground, and a wider view south-east over the eastern edge of Tiverton to the skyline at Warnicombe



and beyond towards Sampford Peverell". This is a view, therefore, that is characterised by settlement, including the eastern edge of Tiverton.

- 7.25. Figure 2.4 of the Setting document identifies *"Key Views to and From Knightshayes"* with view 2 from the Church Path broadly relating to Viewpoint 22 in this Proof, and view 5 from the Chapel broadly relating to Viewpoint 12 of this Proof. View 15 and 16 broadly relate to Viewpoints 1 and 2 of this Proof, effects on which have been scoped out as Common Ground. Viewpoint 12 was addressed specifically by Heritage England who concluded in their consultee response that the Appeal Scheme *"would form quite a small addition"* in to the *"expansive views"*.
- 7.26. In its conclusion, the Setting document states that *"the design of the registered landscape is unusual but by no means unique, in the extent to which it makes a feature of the nearby town as well as pastoral landscape"*, views which *"remain a significant part of the visual experience to this day"*. This sets out that views from the Park are designed to take into the surrounding townscape of Tiverton.

Tiverton Neighbourhood Plan Design Codes (2020) (CD3.8)

- 7.27. Chapter 3 includes an analysis of the local context including the settlement pattern and urban form (CD3.8 section 3.1). The plans on page 19 demonstrate the eastern expansion of Tidcombe, spreading east along the Lowman Valley and on the southern side of the GWC.
- 7.28. Section 3.8 addresses the different character within the town, with the areas to the north and west of the Appeal Site falling within the area defined as 1960s-1970s residential. These are described on page 41 as being *"heavily characterised by cul-de-sacs and demi-detached houses"*. Although the densities shown on Figure 42 on page 33 are comparatively low, it can be seen on aerial mapping that the buildings occupy large proportions of the plots with little space for vegetation within the built form. This results in their increased visibility within views across the valley.



Section 8: Landscape and Visual Baseline

Landscape Character

Published Landscape Character Assessments

- 8.1. This Proof focusses upon local landscape character assessments as they give a greater level of detail than the National Character Areas (NCAs), which give a good baseline but via which local variations in character and specific features can be lost. Effects on NCAs are not included in the Tapestry LVIA or either of the reviews. A summary of these is included in Volume 2 Appendix 9.
- 8.2. The relevant Landscape Character Assessments are:
- Devon Landscape Character Assessment (CD3.9);
 - Mid Devon Landscape Character Assessment (2011) (CD3.10); and
 - Mid Devon Town and Village Character Assessment (2012) (CD3.11).

Degree to Which Local Landscape Character and the Site Reflects the Published Assessments

- 8.3. The published assessments refer primarily to the managed arable landscape with views ranging from being enclosed by hedgerows to long ranging to and from the higher ground. Estates and manor houses and their relationship to the wider landscape through designed views.
- 8.4. The local landscape is characterised by the valley with the higher ground to the west, north and south forming a backdrop to views. Tiverton is apparent in views on the rising ground to the north. The eastern edge of Tiverton, particularly between the River Lowman and Alsa Brook is less densely developed, with pockets of commercial development around Blundell's Road, and residential development to the east, which are being consolidated into the emerging Tiverton Eastern Urban Extension. The combination of the remaining agricultural landscape in the valley, with hedgerow trees and areas of woodland planting, as well as planting along the former railway and GWC result in the impression of a mosaic of settlement and vegetation. Away from the main town, frequent farmsteads and individual properties are apparent in the surrounding countryside, softened by trees.
- 8.5. Buildings such as Tidcombe Hall and Little Tidcombe Farmhouse, which are rendered white, are visually distinct in the landscape, often seen in the context of the existing built form of Tiverton. Tidcombe Hall is apparent from the GWC towpath set beyond the area of pasture to its north.
- 8.6. Orchards are not apparent in the landscape, reflecting the published character assessments that refer to their loss and their disappearance from historic OS mapping.

Landscape Receptors

- 8.7. The landscape assessment will focus on the following receptors:



- Character of the Site;
- Wider landscape setting of Tiverton; and
- The GWC, broadly corresponding with the GWCCA.

8.8. The other receptors identified as 'landscape receptors' within the Tapestry LVIA, including Tidcombe Hall and Little Tidcombe Farmhouse, are excluded as these do not comprise landscape receptors. The value of the Appeal Site and its setting are also excluded as landscape receptors in their own right as they form part of the assessment of the sensitivity of the Appeal Site and Wider Setting and thus feed into the assessment of effects.

Visual Context and Baseline

- 8.9. The Site is situated on rising land on the southern side of the valley of the River Lowman, which together with its tributaries, including the Alsa Brook, create a broad and generally flat area of ground extending east from Tiverton where the Lowman meets the Exe. Land rises steeply to the north, west and south of Tiverton, with the more level valley extending to the east. Ground rises gently to the south of the Alsa Brook and the disused railway line as far as Warnicombe Lane south of the Site before rising more steeply up to Newte's Hill. The GWC is situated on the rising land to the north of the Site.
- 8.10. The topography results in views across the valley from the north, including from the area of Knightshayes Park and the countryside to the north. Views from the west are more contained by the existing residential development within Tiverton, with views primarily being from Tidcombe Lane and Newte's Hill to the immediate west of the Site.
- 8.11. The ZTV plan (Volume 2 Appendix 1 Plan TG5) demonstrates the area from which the Appeal Scheme may be visible based on DSM data which takes into account built form and significant vegetation. It is possible to see the ZTV is focussed towards the immediate south of the site, land to the north and north-west on the opposite side of the Lowman valley with some visibility within the valley to the north-east in the area that will be occupied by development in TIV1-5. There is a limited area of theoretical visibility to the north-west of Tiverton but, at these distances, any development visible would be a negligible element within the view and would not change the visual experience. Hence views from the western side of the Exe Valley were scoped out in the earliest stages of the project.
- 8.12. Views towards the Site are generally from the immediate vicinity, from the GWC towpath to the north, Tidcombe Lane and Newte's Hill to the west and south-west, and from a short stretch of Warnicombe Lane to the south. The Appeal Site does appear in views from across the valley, including from the grounds of Knightshayes Park, where it forms a minor element within the view, seen in the context of the existing settlement of Tiverton. In these views, the allocated land in TIV1-5 is apparent on the rising ground beyond Tidcombe Hall and often unsoftened by vegetation.
- 8.13. Due to its elevated location on the more steeply rising ground, views from Newte's Hill and Warnicombe Lane are possible, filtered by the intervening vegetation and buildings. From here, views across the Site, Tidcombe Hall and the GWC are possible, framed by existing residential development in Tiverton to the west and north.
- 8.14. Views towards Tidcombe Hall are possible from the GWC towpath where it is closest to the north-eastern corner of Site as far as Tidcombe Bridge where it is separated from the Site by the intervening built form.
- 8.15. Views from the northern side of the valley from the area of Chevithorne and Craze Lowman are possible, with limited views from the areas of Knightshayes Park.



- 8.16. A series of viewpoints have been included as part of this assessment within this Proof. These include the visual receptor groups included within the original Tapestry LVIA, as well as further viewpoints identified by CEC in their Independent Review, and two further views identified by Novell Tullett in the Statement of Common Ground. It is important to note that the GLVIA3 advocates the assessment of effects on visual receptors, not on views. There are occurrences within the Tapestry LVIA and the subsequent CEC and Novell Tullett reviews, where multiple viewpoints and therefore multiple effects are ascribed to a single receptor group. This Proof undertakes assessment on receptor groups, indicating which viewpoints relate to them.
- 8.17. The photos illustrating these are included in Volume 2 Appendix 2, although these should not be taken as a substitute for visiting the areas in person. The photographs were taken during winter months when there was least leaf cover. Summer photography is included within the Tapestry LVIA (CD5.7 pages 33 onwards). A series of Accurate Visual Representations (AVRs) have also been produced, and these are included in Volume 2 Appendix 3.

Visual Receptors

- 8.18. The following viewpoints and visual receptors were identified during the above process, noting where views have been scoped out through mutual agreement with the Council's team:

- **Visitors to Knightshayes Court and its grounds – Viewpoint 1, 2, 12 and 22:**

Views across to the Appeal Site are possible from the location of Viewpoint 12, known as the Church Path, where it is possible to see Tidcombe Hall as one of a series of distinctive pale rendered buildings on the eastern edge of Tiverton, which is seen as rising up the high ground to the right of the view. Commercial and comparatively larger scale residential development is visible on the valley floor in the middle ground, with the properties along Warnicombe Lane on the southern edge of the Site. The Appeal Site forms a small element of the view, heavily filtered by intervening vegetation. A similar view is also possible from the location of Viewpoint 22, from where it is possible to see Tidcombe Hall as a pale building set in vegetated grounds. In both of these views, the western part of TIV13, which is not proposed for development as part of the Appeal Scheme, is the most visible with negligible vegetation to soften it. By comparison, the Appeal Site is well softened by vegetation within and around it. There are no views towards the Site from the main designed viewpoint in front of Knightshayes Court, from where the Appeal Site is screened by the woodland within Knightshayes Park.

- **Visitors to the Chevithorne War Memorial – Viewpoint 3:**

It is possible to see Tiverton spreading over the higher ground and along the valley, with modern housing on the eastern edge but the Appeal Site is hidden by topography and vegetation. Views from this location are scoped out, as agreed in the SoCG.

- **Visitors to Craze Lowman– Viewpoint 4:**

Views towards the Site are screened by the intervening topography and so receptors represented by Viewpoint 4 are scoped out in accordance with the GLVIA3 and as set out in the Landscape SoCG.

- **Visitors to the area of development around Uplowman Road – Viewpoint 5:**

The majority of the road in this area is bordered to the south by a tall native hedgerow. This is reduced around the field gate at the location of Viewpoint 5, an isolated view toward the Appeal Site. However, the Appeal Site is obscured by intervening vegetation, even during winter months. Views from this location are scoped out, as agreed within the Landscape SoCG.

- **Users of the GWC Towpath west of Halberton – Viewpoints 6 and 13:**



Tidcombe Hall and the properties along Warnicombe Lane are visible in the view, filtered by the intervening vegetation and with the Hall set in front of the existing built edge of Tiverton. The Appeal Site and Little Tidcombe Hall to the east, however, are screened by the intervening vegetation. The field in the western part of TIV13 is visible above the tree line. At the location of Viewpoint 13, it is possible to see the houses on the edge of Tiverton and along Warnicombe Lane, but the Site and the Hall are screened by the intervening layers of vegetation. Receptors represented by these views are therefore scoped out in accordance with the GLVIA3 and as set out in the Landscape SoCG.

- **Visitors to Pool Anthony – Viewpoint 7:**

Views from this area are heavily screened by intervening vegetation. It is Common Ground that there will be negligible effects on receptors represented by Viewpoint 7.

- **Users of local roads around Towridge and Thurlscombe Cross – Viewpoints 8 and 9:**

It is possible to see housing north of the GWC from the location of Viewpoint 9 but the Appeal Site, Tidcombe Hall and Little Warnicombe Farm and hidden by the curve in the landform and the intervening vegetation. Effects on receptors represented by these viewpoints are scoped out as set out in the Landscape SoCG.

- **Users of PRow at Warnicombe Plantation – Viewpoint 10:**

It is possible to see the existing edge of Tiverton to the north of the Site and in the valley beyond. The majority of the Site is screened by the intervening topography, but it is possible to see Tidcombe Hall, the walled garden and part of the Site to the east.

- **Residents within Tiverton to the south-west of the Site – Viewpoint 11:**

These views are characterised by existing residential development on the edge of Tiverton. Tidcombe Hall is visible above the built form in some views, and it is possible to see the ground plane of the western part of TIV13 in views from Canal Hill, but these are in the context of the existing built edge. These views are scoped out in accordance with the GLVIA3.

- **Visitors to the Blundell's Conservation Area – Viewpoint 14:**

It is possible to see the higher ground and Warnicombe Plantation to the south, but the Appeal Site and the surrounding buildings are hidden by the intervening topography. Views from this location are scoped out in accordance with the GLVIA3 and as set out within the Landscape SoCG.

- **Users of the GWC Towpath as it passes the Site, including Tidcombe Bridge – Viewpoints 15-18;**

On travelling from east to west, it is possible to see the northern field of the Site immediately across the GWC from the towpath, heavily filtered by vegetation even during winter months, with the rising ground and Warnicombe Plantation beyond. The southern field is set beyond with glimpses of Little Warnicombe Farmhouse and the modern properties on Warnicombe Lane visible on the higher ground. Views towards the Hall do not open up until further west, where it possible to see across the grazed field towards the Hall and walled garden. From here, the disused condition of the Hall is apparent, together with its modern institutional additions, such as the external fire escape. The walled garden is visible with its associated planting and the rising ground and Warnicombe Plantation beyond. The rear gardens of the properties on the northern side of the GWC are apparent in the periphery of the view, comprising a mix of native and non-native hedging and larch lap fencing. Existing housing within Tiverton is visible rising up on the higher ground to the right of the Hall, filtered by intervening vegetation, with properties east of the Hall and along Warnicombe Lane visible to the left of the walled garden. From the location of the bridge, it is possible to see the poor condition of the existing buildings with the majority of the Appeal Site screened by the intervening buildings and vegetation.



- **Users of Tidcombe Lane / Newte's Hill (Viewpoint 19 and 23):**

The entrance to the Site is visible from Tidcombe Lane close to the bridge, with the wall and the buildings beyond apparent in their degradation. Further south, Tidcombe Lane is bordered by a high native hedgerow beyond which the land rises up in the western part of TIV13, outside the Appeal Site. The rising ground in the western part of TIV13 obscures the ground plane of the Site from this area of Tidcombe Lane.

- **Visitors to PRow between Craze Lowman and Chevithorne, including by Peadhill – Viewpoint 20:**

It is possible to see Tiverton on the rising ground on the southern side of the valley, with Tidcombe Hall to the left. In the middle ground to the front and left of the Hall is modern emerging development as part of TIV1-5 and the eastern expansion of Tiverton. The western part of TIV13 can be seen to the left and beyond the Hall, with the Appeal Site on the lower ground in front of the properties along Warnicombe Lane and mainly screened by intervening vegetation.

- **Users of unnamed road north of Chevithorne – Viewpoint 21:**

From along much of the road north of Chevithorne, high hedges border the road, preventing views out. For a stretch beyond viewpoint 21, it is possible to see across towards the main body of Tiverton, rising up on the southern side of the Lowman Valley. Tidcombe Hall is set on the edge of the settlement with housing to the right in front of it. It is possible to see the western part of TIV13 rising up beyond the Hall, with the Site on the lower ground below the housing along Warnicombe Lane to the left and with further housing in front. The modern development around Viewpoint 5 and the emerging development at TIV1-5 can be seen in the left of the view and to the left of the Appeal Site. These developments will eventually be conjoined as part of the eastern expansion of Tiverton.

- **Users of Warnicombe Lane – Viewpoint 24:**

Views are possible from a short stretch of Warnicombe Lane with Tidcombe Hall and the Appeal Site visible in gaps between the modern houses and their ornamental planting. From Warnicombe Lane, it is the western part of TIV13, outside the Appeal Site, which is the most visible, set in front of the Hall.





Insert TG 20: Location of Viewpoints in Relation to the ZTV Plan (Volume 2 Appendix 1 Plan TG5)

8.19. As set out above, it was set out as Common Ground (Landscape SoCG) that there would be negligible to no effects on a number of receptor groups. On site analysis has also identified further views where the changes will be negligible. The following receptor groups will experience negligible or no effects and have been scoped out to make the assessment more succinct:

- Users of Knightshayes Court and Gardens – Viewpoints 1-12, noting users of the Church Path (Viewpoint 22) are still retained within the assessment;
- Visitors to the Cheviethorne War Memorial – Viewpoint 3;
- Visitors to Craze Lowman – Viewpoint 4;
- Visitors to the area of development around Uplowman Road – Viewpoint 5;
- Visitors to Tiverton Bridge and Car Park on the GWC Towpath – Viewpoint 6-13. Although Viewpoint 13 wasn't noted as being scoped out in the SoCG, it is possible to see that there are no views towards the Site from this area;
- Visitors to Pool Anthony – Viewpoint 7;
- Users of local roads around Towridge and Thurliscombe Cross – Viewpoints 8 and 9;
- Residents within Tiverton to the south-west of the Site – Viewpoint 11;
- Visitors to the Blundell's Conservation Area – Viewpoint 14.



Section 9: Assessment of Effects

- 9.1. The assessment of landscape and visual effects is set out in the tables in Volume 2 Appendices 5-7, based on the methodology and tables set out in Volume 2 Appendix 3. A comparison of the effects between the Tapestry LVIA (CD5.7), the CEC Review (CD3.1), the NT Review (CD3.2) and my own assessment is set out in Section 10 below.

Landscape Effects

- 9.2. Effects on the fabric of the landscape will result from the removal of some existing landscape elements, primarily trees in poor condition, and introduction of new residential development and, when established, new areas of planting within the area of the Site. The northernmost, blocked, gateway access from Tidcombe Lane will be widened to allow safe vehicular access and the existing vehicular access retained for pedestrians. New housing will be established within the walled garden of the Hall and within the southernmost field, north of the houses on Warnicombe Lane, and separated from them by an area of landscape and ecological mitigation. The Hall will be restored and uncharacteristic modern additions removed, and the outbuildings restored and converted to further residences.
- 9.3. By Year 15, a new parkland will be established in the north-eastern field adjacent to the canal, new orchard and food growing will be established within the area east of the Hall, and new planting will be established on the Appeal Site's boundaries. New planting will be established within the existing treed area south of the Hall to replace removed trees.
- 9.4. The assessment of the sensitivity of landscape receptors is included in Volume 2 Appendix 5 and the assessment of landscape effects in Appendix 6.

Other Assessments

- 9.5. Ecological Impact Assessments (EclA), Arboricultural Impact Assessment (AIA) and Biodiversity Net Gain (BNG) calculations are of relevance as they feed into an understanding of the landscape value of an area but also the effects on landscape receptors.

Ecological Impact Assessments and Biodiversity Net Gain (BNG) (CD5.10 and 5.27)

- 9.6. The latest version of the EclA, dated November 2023, (CD5.10) was produced by EAD Ecology. The EclA sets out the ecological baseline, the ecological design and avoidance measures, and the assessment of effects on ecology. The following mitigation measures are identified:
- Existing boundary hedgerows and woodland to be retained and buffered as far as possible, “*maintaining functional ‘habitat corridors’ around the north-eastern eastern, southern and western Site boundaries suitable for a rare or protected/notable species*”.
 - The creation of dark corridors of a minimum of 10m to allow permeability by bats.
 - New habitat creation, including species-rich native hedgerows and trees, wildlife grassland, native scrub, broadleaved woodland and orchard planting, as well as SuDS and wetland planting.
 - Enhancement of the existing broadleaved woodland.



- Creation of various bat roosting, bat boxes, bird boxes, hedgehog passes, reptile hibernacula and insect and bee bricks.

- 9.7. The EclA noted the removal of 5.45ha of arable land, 0.65ha of poor semi-improved grassland, 0.13ha of dense scrub, 0.14ha of non-native shrubs, up to 60m of species-rich hedgerow as well as a number of trees to allow for access.
- 9.8. An assessment of the BNG of the Appeal Scheme (CD5.27) set out a net gain of 4.73% gain in biodiversity units and 10.24% gain in hedgerow units. It is important to note that the application was submitted prior to the planning requirement for a 10% net gain.

Arboricultural Impact Assessment

- 9.9. The AIA, dated July 2024, (CD5.21b) was produced by Aspect Tree Consultancy.
- 9.10. Paragraph 6.4 of the AIA states that *“the extent of the proposed tree removal is low”* and that *“the majority of trees and hedged will be retained within the proposed scheme”*. It sets out that *“the scheme has been designed to allow the framework of hedges to be retained and the most significant / key trees”*.
- 9.11. In paragraph 6.5, the AIA sets out *“the most significant tree loss will occur where the main access point and new junction will be created”* but that *“the location of this has been designed to minimise the impact on trees”*. The two beech trees that are to be removed, formed part of a historic hedgerow situation on top of the retaining wall for which *“management and maintenance has creased decades ago”*. It was recommended by the Council’s Building Control Officer that these trees not be protected *“as they are affecting the structural stability and integrity of the [wall]”* (CD5.21b paragraph 6.6). These trees are identified for removal regardless of the Appeal Scheme.
- 9.12. The use of the existing vehicular access for the main access into the Appeal Scheme was ruled out due to the potential for *“very high impacts to existing trees”*.
- 9.13. In paragraph 6.10 the AIA notes that *“there has been limited proactive management on the site vegetation – the illustrative layout shows significant improvements to the boundary and internal vegetation”* and that *“actively managing the hedges will increase the diversity, structure, and adequately compensate for the loss of short sections”*.
- 9.14. Paragraph 6.13 notes that the impact due to the removal of the trees will be short term and that the impact will be neutral *“due to the structural and physiological condition of the trees in this area”*. It goes on to state that the impact will be limited geographically as *“the trees are visible from within short distances of the site, therefore highly localised”*.
- 9.15. In paragraph 9.7, the AIA concludes that *“the proposal includes a landscaping led masterplan that includes a high level of open space with extensive planting”* which will *“lead to a significant long-term improvement to the site with a substantial increase in its tree cover”*.

Value, Susceptibility and Sensitivity of Landscape Receptors

- 9.16. As the local landscape is not designated, assessment of its value should be undertaken in accordance with Landscape Institute TGN 02/21: Assessing Landscape Value Outside National Designations (CD3.6). The assessment is included in Volume 2 Appendix 5. There is no suggestion in the LVIA or any of the consultee responses that the Site is part of a valued landscape.



- 9.17. The Appeal Site and the wider landscape of the valley was assessed as being of high to medium value due to its relative intactness and heritage assets.
- 9.18. The full assessment of value and sensitivity is included in Volume 2 Appendix 5. The Site, the local landscape and the Grand Western Canal were all assessed as being of high to medium sensitivity.

Magnitude and Significance of Landscape Effects

- 9.19. The assessment of landscape effects on the remaining receptors groups are set out in Volume 2 Appendix 6 with the following a summary.
- 9.20. Effects at Year 1 (completion) can be summarised as follows:
- **Major – moderate adverse:**
 - Character of the Site;
 - **Moderate adverse:**
 - The character of the GWC;
 - **Negligible adverse:**
 - Character of the wider landscape;
- 9.21. Effects at Year 15 can be summarised as follows:
- **Moderate adverse:**
 - Character of the Site;
 - **Minor - negligible or negligible adverse:**
 - The character of the wider landscape;
 - The character of the GWC.
- 9.22. The greatest landscape effects were identified on the Site itself, as would be expected with a greenfield development, followed by effects on the character of the GWC. These effects will reduce once mitigation planting has become established, by reducing the appearance of the Appeal Scheme in views. The effects reflect that few landscape features are to be removed as part of the Appeal Scheme, although acknowledging the change in character from an open field to residential development. At Year 15, the effects take into account the increase in the green infrastructure of the Site, the restoration of planting around Tidcombe Hall and the increase in tree planting throughout.

Visual Effects

- 9.23. Visual effects will arise from the introduction of new built form into views, including those from Tidcombe Lane, Warnicombe Lane, the GWC towpath and from the countryside to the north and north-west.
- 9.24. Magnitude of effects, as set out in the methodology in Volume 2 Appendix 4, takes into account not just the scale of the buildings within a view but also the current character of that view, the number of users likely to



experience that change and the extent over which the view is experienced. For example, views that are experienced by receptors over a large area, will result in a greater magnitude of effect than those glimpsed from a small area, and effects likely to be experienced by a small number of people will result in a lower magnitude than those affecting large numbers of people.

Value, Susceptibility and Sensitivity of Visual Receptors and Views

- 9.25. The assessment of the value, susceptibility and sensitivity of visual receptor groups is set out in Volume 2 Appendix 5. The highest sensitivity visual receptors were the visitors to Knightshayes Park and Garden and the users of the GWC, relating to their popularity and high usage, as well as their historic associations.

Magnitude and Significance (Importance) of Visual Effects

- 9.26. A more detailed discussion of the likely effects on residential receptors is set out in Volume 2 Appendix 7.

Operation (Year 1)

- 9.27. Effects at Year 1 (completion) can be summarised as follows:

- **Moderate adverse:**
 - Walkers on the GWC towpath;
 - Users of Tidcombe Lane / Newte's Hill;
- **Minor adverse:**
 - Users of the PRoW north of Warnicombe Plantation;
 - Users of the PRoW between Craze Lowman and Chevithorne;
 - Users of the unnamed road north of Chevithorne;
 - Users of Warnicombe Lane;
- **Minor - negligible or negligible adverse:**
 - Users of the Church Path at Knightshayes.

Residual Effects (Year 15)

- 9.28. The assessment of effects on the remaining receptors groups are set out in Volume 2 Appendix 6 and 7 with the following a summary.
- 9.29. Effects at Year 15 can be summarised as follows:

- **Minor adverse:**
 - Visitors to the GWC towpath;
 - Users of Tidcombe Lane / Newte's Hill;
 - Users of Warnicombe Lane.



- **Minor - negligible or negligible adverse:**

- Users of the Church Path at Knightshayes;
- Users of the PRow north of Warnicombe Plantation;
- Users of the PRow between Craze Lowman and Chevithorne;
- Users of the unnamed road north of Chevithorne.

9.30. The greatest effects on views were on the users of the GWC towpath as it passes the Site, and users of the immediately adjacent roads: Tidcombe Lane / Newte's Hill and Warnicombe Lane. These are the closest viewpoints, being immediately adjacent to the Site. Views from the GWC towpath will be increasingly mitigated as planting within the northern part of the Site becomes established.

9.31. The identified views in the TNP (CD1.4) and the GWC CAAMP (CD4.5) will experience positive changes with the disused character of Tidcombe Hall being removed and the incongruous modern elements removed from the façade. The majority of the Appeal Scheme will be set away from these views and will not change their character.



Section 10: Responding to the Reasons for Refusal and Disputed Matters

10.1. The Decision Notice (CD5.26) set out three Reasons for Refusal (RfR), of which the first is relevant to landscape and visual matters. The main matters raised are summarised as being:

- Impacts upon local landscape character including on the GWC;
- Impacts upon visual receptors in the area, including those from the GWC; and
- Impacts upon the townscape and setting of Tiverton.

Impact Upon Local Landscape Character Including on the Landscape of the GWC

The Allocation as a Contingency Site

- 10.2. The first point to note is that the Appeal Site forms part of an area allocated as a contingency housing site. This implies that effects on landscape as identified in the SHLAA and SA were assessed and considered to be acceptable.
- 10.3. The Appeal Site was assessed as part of AL/TIV/21 (which went on to become TIV13) in the Council's 2013 and 2014 SHLAAs (CD8.16). These assessed AL/TIV/21 as being suitable, available and achievable *"with a minimum yield of 151 houses and a maximum of 252"*. It was shortlisted as an 'initial preferred site' and in relation to potential impacts stated that *"there is a potential, **but localised impact** on character as the site is reasonably well contained within the landscape"* and that development within the site ***"would be against the backdrop of the existing built environment to the west"***.
- 10.4. The SHLAA noted that development within AL/TIV/21 *"would be better suited on the southern part of the site as it would be...away from the Grand Western Canal Conservation Area"*.
- 10.5. The 2015 Sustainability Appraisal and 2017 Sustainability Appraisal Update both assessed TIV13 as scoring -1 against Sustainability Objective A) Natural Environment, which was consistent with other allocated sites, including TIV1-5, the Eastern Urban Extension.
- 10.6. In summary, the Council's evidence base acknowledged that there would be some local effects on character but that this was acceptable and consistent with other allocated sites. Calls to remove TIV13 were rejected.

Effects on Local Character

- 10.7. The area of the GWC is assessed as a landscape receptor in its own right due to it comprising a destination for visitors. However, this is not the same as its heritage setting, which is addressed by Dr Oakley in the Heritage Proof of Evidence and is not the subject of LVIA. Heritage assets are taken into account in the understanding of landscape value, but assets such as Tidcombe Hall and Little Tidcombe Farmhouse are not landscape receptors in their own right. Residents of Little Tidcombe Farmhouse are residential visual receptors, but this is unrelated to the heritage designation of the property. Effects on residential receptors was not identified as an RfR and are not addressed within this evidence.



10.8. Below is set out the 'Special Qualities and Features' features of the Culm Valley Lowlands (CD3.10) and how the Appeal Scheme will impact upon them:

- An important gateway into Devon for people arriving by car on the M5 and A38 – the Appeal Scheme will have a negligible impact on views from the A38, users of which have not been raised as potential visual receptors for this reason.
- Landscape contributing to the setting of settlements including Tiverton – Views from Tiverton towards the Appeal Site are limited, where the Site is seen in the context of the existing built form, as per Viewpoint 11. The Appeal Site does appear in views towards Tiverton but is seen as part of the wider panoramic views of the town with rising ground beyond and a mosaic of built form and vegetation. Panoramic views towards Tiverton will not change in character due to the Appeal Scheme. It will appear in localised views from Tidcombe Lane and the GWC towpath but from the latter will be heavily filtered by intervening vegetation during winter months and all but screened during summer months, as shown on the AVRs in Volume 2 Appendix 3.
- SSSIs – impacts on these do not relate to LVIA but effects on ecological assets has not been raised as a matter for concern.
- County Wildlife Sites – as above.
- Scheduled Monuments – the Appeal Scheme will not impact upon any SMs.
- The setting of Bridwell Park – the Appeal Scheme will not impact upon Bridwell Park or its setting.
- Numerous Conservation Areas – the GWCA is addressed separately in the following point.
- The GWC – The Appeal Scheme will result in the introduction of new areas of publicly accessible parkland into the GWC where there is currently no access on the southern side of the canal, as well as an increase in native planting and wildlife habitats.
- The GWC towpath – The Appeal Scheme will impact on views from c. 500m of the canal, with the Appeal Scheme visible but heavily filtered by the vegetation along the GWC, with views all but prevented during summer months. Residual effects on views from the GWC towpath will be of minor importance with views towards the Appeal Scheme becoming increasingly screened by planting within the proposed area of publicly accessible parkland which will provide new access to the southern side of the canal.

10.9. Effects on the Culm Valley Lowlands will be limited to extremely localised views from the GWC towpath, which will be mitigated for the most part by the new area of publicly accessible parkland, which will provide new public access onto the southern side of the canal where there is currently none, as well as new areas of wildlife habitat. Extremely localised views will also be possible from Tidcombe Lane, Newte's Hill and Warnicombe Lane as they pass around the boundaries of the Site and where some views are away from the existing built edge of Tiverton. These will be softened and mitigated through the use of a strong green infrastructure network within the Site.

10.10. The Special Qualities of the Cullompton Rolling Farmland that may be affected by the Appeal Scheme are in relation to views and the network of quiet lanes. The Appeal Scheme will be visible in views from an extremely localised stretch of Newte's Hill and the western end of Warnicombe Lane, from where long reaching views with development in the middle ground will still be possible across the Site and the view of Tidcombe Hall will be retained with no development. The proposal for Tidcombe Lane is to reduce the amount of traffic, reducing its traffic use and increasing its value for pedestrian and cycle access.

10.11. Below is set out the characteristic features of LCA3E (CD3.10) and how the Appeal Scheme will impact upon them:



- The patchwork of arable landscape with seasonal variety – the change from arable farmland to residential development is accepted as part of the allocation as a contingency housing site. Although the ground plane of the field will change, the amount of native tree and hedgerow planting within the Site will increase, adding to the framework of vegetation providing seasonal variety.
- Notable estates and manor houses with important visual relationship to the surrounding landscape – it is Common Ground that views from Knightshayes Park will not be unacceptably affected by the Appeal Scheme. Tidcombe Hall will continue to be visible with no housing to its front, and development is not proposed in the western part of TIV13, which would have obscured views to and from the southern façade of the Hall.
- Orchards – orchards within the local area have been removed, as illustrated on historic mapping, including those within the Site and to the north of Tidcombe Hall. The Appeal Scheme proposes the creation of a new community orchard, replacing a valued and lost landscape feature.
- Wide open spaces with great views – The Appeal Scheme will not prevent the panoramic views across the valley and will not change the character of views across the valley from the north. The Appeal Site does feature in views south from the GWC, but these are heavily filtered even during summer months and the proposed planting in the parkland area will prevent views to the Appeal Scheme. It will not change the character of View 2 as identified within the GWC CAAMP or the TNP.
- Historic interest – this is addressed within the Heritage Proof, and no archaeological objections were raised by the Council.
- Roads following contours will not change as a result of the Appeal Scheme.
- Valued hedgerows with mature hard wood trees in hedgebanks. Short stretch of hedgerow will be removed as part of the Appeal Scheme, less than 60m, and these can be replaced throughout the scheme. A large number of new trees is proposed, increasing the potential for new hardwood varieties, and proposed management and maintenance will improve the quality and lifespan of the existing trees.

- 10.12. The Appeal Scheme will not impact on the characteristic features of LCA3E as can be seen above. This contributes to my lower magnitude of assessed effect.
- 10.13. The assessment of effects on landscape receptors is set out in Volume 2 Appendix 6. Major – moderate effects were assessed on the character of the Site, reducing to moderate adverse at Year 15, as would be expected with residential development of a greenfield site.
- 10.14. Effects on the landscape of the GWC were assessed as moderate adverse, due to the introduction of new residential development into an agricultural field, reducing to minor-negligible adverse, respectively, once planting has become established.
- 10.15. Effects on the wider landscape of the valley were assessed as minor adverse, reducing to negligible once planting has become established.
- 10.16. The table below sets out a comparison of the various assessments. It is noted that neither the Tapestry LVIA (CD7.7) nor the CEC Review (CD3.1) make it clear whether the assessment is on mitigated (Year 15) or unmitigated (Year 1) effects. As such, it is assumed that these are unmitigated. It is also noted that the CEC Review does not set out its own transparent assessment of effects.



Table 2: Comparison of Findings of Various Assessments (Assuming All Effects Are Year 1, i.e. Unmitigated)

Receptor	Tapestry		CEC		Novell Tullett		Tyler Grange	
	Magnitude	Importance	Magnitude	Importance	Magnitude	Importance	Magnitude	Importance
Character of the Site	High	Major adverse		Major adverse		Major adverse	Major - moderate	Major-moderate adverse
Character of the wider landscape	Very Low	Negligible		Negligible		Negligible	Negligible	Negligible adverse
Character of the GWC landscape	Very Low	Negligible		Moderate adverse	Medium	Moderate adverse	Moderate	Moderate adverse



- 10.17. Once the heritage and ecological designations are removed from the assessment (as these are not landscape receptors), and the non GLVIA3 compliant assessment of effects on value, it can be seen that the Tyler Grange, Novell Tullett and CEC assessments of landscape effects broadly agreed.
- 10.18. Effects on the character of the Site are to be expected, arising from its change in character from an arable field to residential development. This is to be expected for greenfield development and was an accepted change as part of the allocation as a contingency site. The Tyler Grange assessment did not assess effects on the Site as major due to the retention of existing landscape features within the Appeal Scheme. A major effect would imply a total change.
- 10.19. Effects on the wider landscape are agreed by all parties to be negligible, as the Appeal Scheme would form part of the wider mosaic of residential development and vegetation seen within the valley, whilst not changing the experience of the valley landscape from wider locations.
- 10.20. Effects on the character of the GWC landscape, noting that the Tapestry LVIA and the reviews assess this as a heritage designation rather than as a landscape, are consistent between the two reviews and the Tyler Grange assessment. This will reduce to **minor to negligible adverse** at Year 15, taking into account the reduction in views towards the Appeal Scheme by the new areas of parkland planting and the increased vegetation cover and public access to the southern side of the canal, where there is currently none, balanced against the reduction in filtered views across the Site during winter months, and the increase in built form in the vicinity of the Hall.
- 10.21. These landscape effects are localised to the Site and its immediately vicinity, as set out in the SHLAAs (CD8.16) and the Sustainability Appraisal (CD8.5). These effects were rated in the SA as being consistent with other allocated sites (-1) and were deemed acceptable when balanced against the provision of other benefits from bringing the Site forward.

Impacts Upon Visual Receptors in the Area Including Those From the GWC

- 10.22. In order to provide a robust basis for the Appeal Hearing, Tyler Grange have undertaken our own assessment of effects on visual receptors, summarised in Volume 2 Appendices 5 and 7. A comparison of the assessment of the effects identified in the LVIA and Tyler Grange is summarised below in Table 3. It is noted that the Tapestry LVIA and the two reviews incorrectly assess effects on views, when assessment of effects should be on receptor groups, represented by views.
- 10.23. Table 3 below sets out the mitigation, residual effects, predicted to arise from the Appeal Scheme. The CEC Review is excluded as it is not clear whether Year 15 effects have been assessed.



Table 3: Comparison of findings of Visual Assessments (Unmitigated Effects at Year 1)

Receptor Group	Tapestry		CEC		NT		TG	
	Magnitude	Importance	Magnitude	Importance	Magnitude	Importance	Magnitude	Importance
PRoW at Warnicombe Plantation (VP10)	Medium	Minor neutral		Moderate adverse	Medium	Moderate adverse	Minor	Minor adverse
Knightshayes Church Path (VP12)	Very Low	Negligible		None	Low	Moderate adverse	Negligible	Negligible adverse
Users of the GWC Towpath (VP 15-18)	Medium to Low	Moderate adverse		Major adverse	High to Medium	Ranging from major to minor adverse (major adverse at viewpoints 15 and 16, minor negligible at viewpoint 13)	Moderate	Moderate adverse
Users of Tidcombe Lane / Newte's Hill (VP 19, 23 and 24)	Medium	Moderate adverse		Moderate adverse	Medium	Moderate adverse	Moderate	Moderate adverse
Visitors to PRoW between Craze Lowman and Chevithorne (VP20)	Not included		Identified but not assessed		Low	Minor adverse	Minor	Minor adverse
Users of unnamed road north of Chevithorne (VP21)	Not included		Identified but not assessed				Minor	Minor adverse
Users of Warnicombe Lane (VP24)	Not included		Not included		Medium	Moderate adverse	Moderate to Minor	Minor adverse



Table 4: Comparison of findings of Visual Assessments (Mitigated Effects at Year 15)

Receptor Group	Tapestry		NT		TG	
	Magnitude	Importance	Magnitude	Importance	Magnitude	Importance
PRoW at Warnicombe Plantation (VP10)	Medium	Negligible	Medium	Moderate adverse	Minor – negligible	Negligible adverse
Knightshayes Church Path (VP12)	Very Low	Negligible	Low	Minor adverse	Negligible	Negligible adverse / Neutral
Users of the GWC Towpath (VP 15-18)	Medium to Low	Minor neutral	High to Medium	Ranging from Major (VP15) to Minor adverse	Minor	Minor adverse
Users of Tidcombe Lane / Newte's Hill (VP 19, 23 and 24)	Medium	Minor neutral	Medium	Minor adverse	Minor	Minor adverse
Visitors to PRoW between Craze Lowman and Chevithorne (VP20)	Not included		Low	Minor adverse	Minor-negligible	Minor-negligible adverse
Users of unnamed road north of Chevithorne (VP21)	Not included				Minor-negligible	Minor-negligible adverse
Users of Warnicombe Lane (VP24)	Not included		Medium	Moderate adverse	Minor	Minor adverse



10.24. Assessment of visual effects broadly corresponds between the reviews and the Tyler Grange assessment. The main areas of difference are as follows:

- Effects on visual receptors on the short PRoW north of Warnicombe Plantation on Newte's Hill (Viewpoint 10). Both the CEC and NT assessments assess magnitude of effects at Year 0/1 as being of moderate adverse importance, whereas my assessment has this lower at minor adverse. The view from the PRoW is experienced over an extremely limited extent and with only the lowest part of the Appeal Site and eastern part of the walled garden visible. The Site is seen in the context of the existing built edge of Tiverton and, whilst the Appeal Scheme will result in the introduction of built form in an area closer to the viewpoint, it will be seen in the context of the existing mosaic of development and open ground within the view, and will not impact upon the wider panoramic views across the valley. Once planting along the eastern boundary of the Site has become established, views of the Appeal Scheme will be heavily filtered, even during winter months. The NT Review suggests that mitigation will have no impact upon the effects whereas the built form will be softened by the proposed planting along the eastern boundary and new tree planting will be visible within the proposed parkland. This planting will serve to reduce views towards the existing built edge of Tiverton beyond the canal and strengthen the green corridor within the view.
- Views from the Church Path at Knightshayes. The Tapestry LVIA, the CEC Review and the Tyler Grange assessment all agree that effects on views from the Church Path at Knightshayes will be negligible to none, with the exception of the NT Review which assesses these effects as being of moderate adverse significance. This assessment does not take into account the very small and heavily filtered appearance of the Appeal Site within the view and the isolated extent of the viewpoint. Historic England, in their July 2024 response (CD5.24) state that there is *"likely to be some visibility from the viewpoint of the proposed development"* but going on to note the *"extensive tree cover screening the lower portion of the site"*. They agree with the Tyler Grange and Tapestry assessments in that *"this would form quite a small addition into these expansive views"*. The Historic England response goes on to recommend the use of *"subservient materials as well as suitably designed landscaping and green infrastructure which would assist in breaking up the development in these longer range views"*. The use of subservient materials, particularly in the walled garden as illustrated on the images earlier in this Proof, will ensure that the Hall remains as the more dominant feature in the context of the Site with its white render.
- The Tyler Grange assessment is based upon receptor groups, as is set out in the GLVIA3, with the users of the GWC footpath addressed as a single receptor group. The overall assessment within the Tyler Grange assessment is that there will be moderate adverse effects on views from the GWC towpath when unmitigated. The assessment of affects in the NT Review ranges from major to minor-negligible adverse, which would imply that an overall assessment of moderate adverse effects is proportionate. The NT Review maintains that effects at the location of Viewpoint 15 will remain as major adverse event once the planting in the parkland area has become established, preventing views towards the Appeal Scheme. This will result in the reduction in winter views towards the higher ground at Newte's Hill, but this will be experienced over a localised extent.

Views from the GWC

- 10.25. The greatest visual effects will be experienced on the users of the GWC towpath as it passes the northern extents of the Site. Views towards the Appeal Site from further east are not possible due to the layering of vegetation and the bend in the canal, nor from further west, due to the intervening built form of Tiverton. The changes will affect c. 500m of the towpath.
- 10.26. The TNP (CD1.4 page 76 and Appendix E) identifies views from the GWC towpath as important view 7 (8 on Figure 7.5). The view identified in Appendix E (CD1.4 page 166) is the view from the canal to the northern frontage of the Hall, broadly corresponding with Viewpoint 17 in the LVIA and subsequent reviews.





Insert TG 21: Viewpoint 8 from Appendix E of the TNP (CD1.4)

- 10.27. The GWC CAAMP (CD4.5 page 25) refers to Tidcombe Hall as “a prominent building that has historically been appreciable from the canal and the views across the surrounding agricultural land provides a strong visual relationship”. This view is identified on page 52 as View 2, a ‘key viewpoint’ from the GWCCA.
- 10.28. View 2 is described on page 54, stating that “adjacent to Tidcombe Bridge and Tidcombe Hall, views in a northerly direction across the rural landscape are appreciable”. It goes on to describe Tidcombe Hall as “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”.





Insert TG 22: View 2 from the GWC CAAMP (CD4.5 Page 54)

- 10.29. The view and the description refer to the view east, where it is possible to see the Hall set against the rising ground above Tiverton. However, View 2 is directed towards the south-west where the rising ground in the background is that east of Newte's Hill, with the Appeal Site hidden beyond the Hall. The proposed buildings within the walled garden will be visible from this point, visible above the walls. Views east from this location would more closely reflect Viewpoints 17 and 18 in Volume 2 Appendix 2 where the majority of the Appeal Site is screened beyond the Hall and its surrounding vegetation (see AVRs in Volume 2 Appendix 3).
- 10.30. The most important elements of these views are the direct view towards the northern façade of the Hall with rising ground outside the Appeal Site visible on the horizon. The Appeal Scheme will result in the removal of the modern and detracting additions to the Hall from its use as a care home, including the fire escape which mars this façade. It will remove the disused and degraded character of the Hall through its restoration. The area of grazed field to the north and in front of the Hall will remain undeveloped, maintaining the relationship of the Hall with the canal. It will be possible to see the proposed courtyard development to the east of the Hall, and the use of materials proposed are in accordance with the recommendations of Historic England and will be subservient to the pale form of the Hall. These built forms and their distinction from the Hall will be increased as the orchard and other planting establishes. None of these will obstruct or imagine into the foreground of the view to the Hall or the rising ground beyond it.



The Appearance of the Appeal Scheme as Compared to Development Spread Across TIV13

- 10.31. One of the criticisms levelled within the Council's case, is that the concentration of the 100 dwellings into the eastern part of the Appeal Site results in greater effects and a reduction in the ability to mitigate them. Although the reasons for excluding the western part of TIV13 did not derive from landscape and visual assessment, it does bring benefits.
- 10.32. The western part of TIV13 is higher than the Appeal Site, both in the ridge of higher ground that extends north along its centre, as seen from Tidcombe Lane, and in the southern part, as seen in cross valley views. This western field is comparatively less contained by existing vegetation, partially due to its elevation but also due to its distance from the GWC and the comparatively poorly vegetated character of Tidcombe Lane in this area. As a result, it is more apparent in views, often seen as rising ground behind Tidcombe Hall (see Viewpoint 12, 17, 20 and 21), as well as in the views from Newte's Hill and Warnicombe Lane from the south (Viewpoint 24). Development in this part of TIV13 would impact more greatly on the appearance of Tidcombe Hall within views and would be more visible in views in general. Furthermore, regardless of the reduced density that would result from the larger site area, development would occupy a larger area of view and, even where this could be broken up further by increased planting within the built area, it would still appear as a greater extension of Tiverton than the Appeal Site alone.

Impacts upon the Townscape and Setting of Tiverton

- 10.33. Setting can comprise both views towards something as well as views away. The Appeal Site is visible in views towards Tiverton, but in these expansive and panoramic views, the Appeal Scheme will appear as part of the wider mosaic of built and natural landscape on the edge of Tiverton, as seen in the Viewpoints in Volume 2 Appendix 2 and will not change the character or overall composition of the views, particularly once mitigation has become established. The Appeal Site also does not appear notably in views from the town, with views from within the built form generally screened by buildings.
- 10.34. The areas where the Appeal Scheme will most impact upon views towards the town, are from the short stretch of the GWC where there are filtered winter views across the Site towards the higher ground to the south, and in the approach south along Newte's Hill / Tidcombe Lane where the Site is apparent in views away from the edge of the town. The appearance of development in the views from the GWC will be mitigated through the planting in the proposed area of parkland on the north-eastern edge of the Appeal Site. Views from Tidcombe Lane to the west of the Site are reduced by the intervening rise in the landform of the western part of TIV13 and will be mitigated by the establishment of the wildlife corridor along the western boundary of the Site, which will increase the vegetation in the view. The restored, currently blocked up, access and the existing vehicular access will be apparent but in the context of improved public realm and new tree planting. Elevated views will remain from a very short stretch of Newte's Hill and Warnicombe Lane, where the Appeal Scheme will be broken up and softening by planting and will appear as part of the existing mosaic of development and planting in the valley, whilst not obstructing the panoramic views across the valley.
- 10.35. It is acknowledged that Tidcombe Lane and the GWC both form a distinct edge to the existing built form of Tiverton. However, the established expansion pattern for Tidcombe is to the east due to other constraints, and the principle of development in this location has been established through the allocation of the contingency site TIV13. The Appeal Scheme will affect the edge of the town in this extremely localised extent and mainly from views immediately adjacent to the Appeal Site.



Section 11: Compliance with Policy

- 11.1. This section of my evidence deals with the landscape policy context, and those policies specifically included within RfR2. As stated previously, in respect of the wider policy context, compliance and overall planning balance, I defer to the evidence and expertise of Mr Kendrick.
- 11.2. The overarching Statement of Common Ground (Section 3) sets out the policies of the Development Plan that are relevant and with which the Council considers the Appeal Scheme not to be in compliance. No additional policies were identified as compared to within the original RfR. It is agreed as Common Ground (Landscape SoCG paragraph 2.6) that Policy S4 is not of relevance to landscape and visual matters.
- 11.3. The relevant policies are set out below for ease of reference:
- Mid Devon Local Plan 2013-2033 (CD1.1):
 - S1: Sustainable Development Priorities;
 - S9: Environment;
 - S10: Tiverton;
 - S14: Countryside;
 - DM1: High Quality Design;
 - TIV13: Tidcombe Hall Contingency Site;
- 11.4. No areas of the NPPF were raised in relation to landscape and views, and no policies from the TNP (CD1.4). It is assumed, therefore, that the scheme is considered by the Council to be in compliance with all aspects of the NPPF and the TNP in relation to landscape and views.

Mid Devon Local Plan 2013-2033 (CD1.1)

Policy S1: Sustainable Development Priorities

- 11.5. Policy S1 is a multi-part policy, with parts h, l, k and m of relevance to this Proof.
- 11.6. Part h requires design that respects local character, heritage, surroundings and materials...and establishes a strong sense of place. Many of the design responses that can help respond to local character and materials will be Reserved Matters, but these can include locally appropriate materials, including those that are subservient to Tidcombe Hall so as to reduce adverse impacts on its appearance in views. The existing field structure, including trees and hedgerows, have been retained as far as is practicable, with the AIA agreeing that improvements will be brought about by improved maintenance and management. New native tree and hedgerow planting will be established, contributing further to local character and historic time depth of the area and a new orchard created, restoring a loss characteristic feature highlighted in the published character assessments.
- 11.7. The relevant part of part i) related to the delivery of high-quality open space, green infrastructure and access. The Appeal Scheme includes an area of the GWCCA that is not publicly accessible as the access to the



GWC in this area is restricted to the northern side. The Appeal Scheme will result in the creation of new publicly accessible open space of a high quality.

- 11.8. Part k) identifies a series of designated landscapes. The Appeal Site is not situated within one of the landscapes identified, nor is it in their setting. The Appeal Scheme will retain and enhance existing green infrastructure whilst creating new areas of connected wildlife habitat and landscape cover. The Appeal Scheme was not subject to an EIA and therefore the identification of significant effects was not required. No effects that would be considered significant at EIA were identified on views, with the only effect of a sufficient high importance to be considered significant will be on the character of the Site, as would be expected.
- 11.9. Part m refers to the historic environment and Mid Devon's historic landscapes. The Site has been assessed as having a localised effect on the landscape of the GWC, with this being mitigated through the use of planting, and will not cause notable effects on the views identified within the GWC CAAMP. The Appeal Scheme will result in improvements to the façade of Tidcombe Hall and the retention of the views towards it from the canal. The Appeal Scheme has been shown to not have unacceptable effects on views from Knightshayes, as agreed by Historic England.
- 11.10. The Appeal Scheme is in compliance with the relevant sections of Policy S1. It should also be noted that the Appeal Site forms part of the allocated TIV13 contingency site and the localised landscape effects were anticipated as part of the SHLAA and SA, and therefore these effects are implied to have been accepted in principle.

Policy S9: Environment

- 11.11. Policy S9 is a multi-part policy, with parts a and e relevant to this Proof.
- 11.12. Part a refers to the use of *“high quality sustainable design”* which reinforces the character of MDDC's historic built environment... and creates attractive places. The Appeal Scheme is outline in nature and many of these elements will be the subject of detailed design controlled through Reserved Matters. However, the Appeal Scheme creates distinction through the relationship with the Hall as well as the high-quality areas of publicly accessible open space alongside the GWC and the creation of new green infrastructure and community orchards.
- 11.13. Part e refers to the preservation and enhancement of the *“distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas”*. It goes onto refer to designated landscapes, which are not of relevance to this Proof. The Appeal Scheme will result in the protection and enhancement of the existing green infrastructure assets within the Appeal Site, as well as the creation of new native trees, meadow and hedgerow planting that will contribute to ecological habitats and build upon the green corridor of the GWC.
- 11.14. The assessment in this Proof demonstrates that the Appeal Scheme will not unacceptably affect the special qualities and characteristics of the published character areas and there is agreement amongst the assessments that effects on the wider landscape character will be negligible.
- 11.15. The Appeal Scheme is in compliance with the relevant parts of Policy S9 with some aspects to be controlled through Reserved Matters.

Policy S10: Tiverton

- 11.16. Policy 10 is a multi-part policy with parts c and d of relevance to this Proof.



- 11.17. Part c refers to the retention of the *“green setting provided by the steep open hillsides, particularly to the west and south of the town and the historic parkland of Knightshayes to the north of the A361”*. The Appeal Scheme is not situation on the steep open hillsides, being situated on the gentler lower lying slopes at a similar elevation to the adjacent areas of Tiverton. It will not affect the function of Knightshayes as part of the green setting of the town.
- 11.18. Part d refers to the protection of biodiversity assets and green infrastructure, supporting opportunities for enhancement. The Appeal Scheme will result in the creation of new areas of native tree, hedgerow, scrub, wetland and meadow planting in an area that is currently arable farmland. It will protect and enhance the existing green infrastructure of the Site as far as is practicable and incorporated it into an enhanced green infrastructure network, which will also provide new and improved access to the southern side of the GWC.
- 11.19. The Appeal Scheme is in compliance with the relevant aspects of Policy S10.

Policy S14: Countryside

- 11.20. Policy S14 states that development outside the settlements will *“where possible enhance the character, appearance and biodiversity of the countryside”*. It then sets out a series of appropriate rural uses.
- 11.21. The principal of development outside the development boundary is addressed by Mr Kendrick in the planning evidence.
- 11.22. The Appeal Scheme has been shown to have negligible effects on the wider landscape character but will result in an increase in characteristic landscape features, including native trees, hedgerows and orchards. It will also result in improvements to Tidcombe Hall by restoring its façade and bringing it back into use. Any greenfield development will likely have adverse effects at a site level and acceptance of this is implied in the allocation as a contingency housing site. It will increase characteristic landscape features, however, and enhance those existing. It is therefore in compliance with the first two points above. The Appeal Scheme has been shown to provide a net gain in biodiversity and would therefore accord with the third point above.
- 11.23. The Appeal Scheme is in accordance with the relevant parts of Policy S14.

Policy DM1: High Quality Design

- 11.24. Policy DM1 is multi-level with parts a, c, and e of relevance.
- 11.25. Part a refers to the *“clear understanding of the characteristics of the site, its wider context and the surrounding area”*. This Proof, the Tapestry LVIA (CD5.7) and the DAS (CD5.6) demonstrate how the development has responded to multi-disciplinary opportunities and constraints to development. The Appeal Scheme has been designed to retain and enhance existing landscape features, incorporating them into an integrated network of publicly accessible green blue infrastructure which connects to the green corridor of the GWC whilst providing public access to the southern side of the GWC. Although due to other initial reasons, the concentration of the Appeal Scheme on the eastern part of TIV13 results in reduced impact on views and protection of views to Tidcombe Hall from the south and cross valley.
- 11.26. Part c refers to the positive contribution to local character, including heritage or biodiversity assets and the setting of heritage assets. Setting of heritage assets is dealt with by Dr Oakley in the heritage evidence but, as set out above, development has been set away from the Hall in views, with the proposed use of subservient and dull materials that reflect local character but which do not detract from the appearance of the Hall. The NT Review assessed effects on the GWC LNR as of moderate positive importance, higher than the Tapestry LVIA and no ecological RfR was included in the Decision Notice (CD5.26).



- 11.27. Part e is itself multi part, with the relevant parts referring to the creation of visually attractive places that are well integrated with the surrounding landscapes and which take into account green infrastructure. The Appeal Scheme is designed in outline with some of the relevant elements subject to Reserved Matters applications. However, it is agreed that the effects on the wider landscape character will be negligible. The Appeal Scheme has been designed to retain, enhance and build on the existing green infrastructure assets, providing strong links to the GWC and the LNR beyond. The courtyard development and the restored outbuildings will, together with the remaining area of development, result in an attractive place to live, benefiting from heritage interest and a strong landscape infrastructure and public footpaths.
- 11.28. The Appeal Scheme is in compliance with the relevant parts of Policy DM1.

Policy TIV13: Tidcombe Hall Contingency Site

- 11.29. TIV13 is a multi-layer policy, with part c and d of relevance.
- 11.30. Part c requires enhancements to the walking and cycling networks, as well as connection to surrounding PRoW and green infrastructure networks. The Appeal Scheme builds on the existing green infrastructure of the Site, protecting existing landscape assets as far as practicable and subject to trees survey, enhancing them with increased tree, shrub and meadow planting, connecting to the green corridor of the GWC with a new area of publicly accessible parkland. This parkland will provide public access to the southern side of the GWC where there is currently none, opening up new views towards the canal to the north. The BNG assessment in the EclA (CD5.10) demonstrates that an increase in the green infrastructure features within the Appeal Site will be increased.
- 11.31. Part d refers to design and landscaping that protects the setting of the GWC, Tidcombe Hall and the Conservation Areas. The Appeal Scheme has been designed so that the majority of the residential development is set away from the GWC, separated from the GWC by an intervening area of new parkland containing areas of meadow grass, trees and shrubs, which will connect into footpath routes around the Appeal Scheme. New planting on the boundaries will provide wildlife habitat, as well as maintaining visual separation from Tidcombe Hall. Maintaining the development in the eastern part of TIV13 means that development is not seen in front of the Hall in approaches from the south or behind the Hall in cross valley views from the north.



Section 12: Conclusion

- 12.1. The Appeal Site is situated within the contingency housing allocation TIV13. The SHLAA and Sustainability Appraisal assessments for TIV13 set out that there would be localised landscape impact arising from development of the site but that these were consistent with those in other allocated sites. The resulting effects on landscape and views were anticipated and deemed acceptable and capable of being mitigated.
- 12.2. The Appeal Scheme was designed based on input from a number of consultants, including landscape, heritage, ecology and arboriculture. It has been designed around the retention and enhancement of the existing green infrastructure assets within the Site, which connect to a new area of parkland containing native trees and meadow, adjacent to the GWC. This will result in public access to an area of the southern side of the GWC where there is currently none. The Council's Landscape Witness, in her response to the Planning Officer in relation to the earlier and larger scheme states that the scheme has been *"designed carefully and with a lot of thought"*, providing *"relevant community and new facilities that will be of benefit and will create a place that is embedded in to the heritage environment of the walled garden in particular"*.
- 12.3. The comparison of the four separate assessments of effect on landscape and views is set out in Tables 2-4 in Section 10 of this Proof. Major / Major-moderate adverse effects were assessed on the character of the Site prior to mitigation measures and planting becoming established. Such effects are to be expected in greenfield development. All four assessments agree, however, that effects on the wider landscape will be negligible.
- 12.4. The assessment of visual effects at Year 1 and Year 15 (pre and post mitigation) is set out Volume 2 Appendices 5-7 with a comparison with the other assessments included in Tables 3 and 4 in Section 10. All of the assessments identify that the greatest effects on views will be experienced by users of the GWC towpath and users of Tidcombe Lane / Newte's Hill as they approach and pass the Site. These effects reduce once planting has become established, and the built form of the Appeal Scheme is increasingly screened from view by proposed planting. The NT Review maintains residual effects of major adverse importance on views from the GWC at the location of viewpoint 15, despite the Illustrative Layout (CD5.20b) demonstrating c. 100m depth of parkland planting between the GWC and the proposed housing in the main body of the Appeal Site. The identified views within the TNP and the GWC CAAMP relate to the views towards Tidcombe Hall across the grazed fields to the north, with the rising ground south of Tiverton beyond. The Appeal Scheme will not adversely affect these views and will result in the removal of detracting features from the northern façade of the Hall and an improvement in its current disused character.
- 12.5. The assessment of effects set out in this Proof supports the assertions of the Council in their SHLAA and Sustainability Appraisal, that effects caused by the Appeal Scheme will be limited and localised and capable of being mitigated. The resulting Appeal Scheme is, as the Council's own Landscape Witness has stated, *"designed carefully and with a lot of thought"*, providing new community facilities *"that will be of benefit and will help create a place that is embedded into the heritage environment"*.
- 12.6. For the reasons set out in my evidence, I respectfully submit that there are no grounds for refusing this Appeal with reference to landscape and visual matters.





**Tyler
Grange**

Landscape | Ecology | Arboriculture