

TIDCOMBE HOLDINGS LLP

LAND AT TIDCOMBE HALL, TIDCOMBE LANE, TIVERTON, DEVON EX16 4EJ

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CLOSING SUBMISSIONS ON BEHALF OF THE LOCAL  
PLANNING AUTHORITY

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**Introduction**

- 1 As a result of the publication of the revised NPPF in December 2024, Mid Devon's current modest 0.21 year's shortfall in the 5-year supply of land for housing will increase to 2.9 years in July. That demands urgent, effective action to boost the delivery of new homes for local people. The Council has prepared an action plan and will review its local plan to ensure it meets that challenge. In the meantime, it is vitally important to ensure, and the NPPF requires, that new development to meet housing need is of a high quality, balancing economic and social needs with the protection of the environment, which in the case of Tiverton requires special consideration to be given to its attractive rural setting and character.
- 2 The Appellant contends the urgent need for new homes should be met by building 100 new homes on its land to the east of Tiverton. It has "badged" its scheme as a proposal to implement a "contingency site" at Tidcombe Lane known as TIV13. TIV13 is not a conventional housing allocation. The site lies outside of but abuts the settlement boundary of the town. Its development is significantly constrained by the need to protect and enhance the landscape setting of an attractive cluster of heritage assets. Consequently, the Local Plan advocates low density development across its 8.4 hectares.
- 3 Against that background, the nub of the Council's case is that the appeal proposal would not deliver TIV13. It would develop a different site, cramming all 100 homes contemplated by TIV13 onto half the land notated for that use, creating an anomalous

island of development that is detached from, and relates poorly to, Tiverton's urban edge. In so doing, new homes would detract from the appearance and character of the rural setting of the town. They would also cause avoidable harm to designated and undesignated heritage assets, which the sheer scale of development dictates cannot be minimised or satisfactorily mitigated.

- 4 The theme that permeates these closing submissions is therefore that this is the wrong scheme on the wrong site. The development would certainly result in the delivery of new homes, but not in the sustainable manner the Government intends. What follows explains why that is so, structured under each of the 4 key issues identified by the Inspector which continue to separate the parties to this appeal.

### **Issue 1**

#### **Whether the proposed development would be in a suitable location having regard to the development plan for Tiverton**

- 5 Policy S1(a) of the adopted Mid Devon Local Plan Review 2013-2033 provides that development will be focused at Tiverton, Cullompton and Crediton as Mid Devon's most sustainable settlements. Consistently with that approach Policy S2 makes provision for the delivery of a minimum of 7,860 dwellings over the plan period, "concentrated at Tiverton, Cullompton and Crediton." However, reflecting the environmental constraints that restrict development around Tiverton that focus is qualified by paragraph 2.21 of the Policy's written justification, which states:-

"Central to policy S2 is the role of Cullompton in meeting the district's long term development needs. This is a departure from historic strategy which focused the majority of development in Tiverton...."

- 6 Against that background, Policy S3 confirms the requirement of 7,860 dwellings, which equate to an expected annual rate of new housing development of 393 dwellings per annum. Policy S4 then makes provision for monitoring housing delivery and corrective measures to address any shortfall. Specifically it provides:-

"The LPA local planning authority will monitor the delivery of housing against the annual target set out in Policy S3...[and]

If cumulative completions fall below the expected completions total by over two years' worth of the annual target (as expressed in the defined action level for that year), or a five year supply of deliverable sites cannot be demonstrated, the Council will work proactively to bring forward allocations or outstanding planning consents. If this is insufficient to deliver the necessary level of housing, an identified contingency site will be permitted to boost housing supply."

7 Paragraph 2.32 of the written justification adds:-

"...there will be variation of delivery across the years so it is important that the action level when the designated contingency site will come forward will not trigger its release in response to normal variations in completions. The trigger level will therefore be when delivery has fallen two year's worth of expected annual completions behind the expected overall total for that year (ie equivalent to 10% of overall plan housing need)."

8 Policy S10 sets out the development strategy for Tiverton, which is to maintain its status as the largest urban area in Mid Devon by providing for some 2358 "high quality" new homes over the plan period. That is to be achieved by retaining the "green setting" of the town that is provided by steep open hillsides.

9 Land at the eastern edge of Tiverton notated as TIV13 is one location which has the potential to deliver up to 100 high quality homes. However, development is acknowledged to be significantly constrained by the prominence of the south-west corner and the need to protect the setting of a cluster of heritage assets. That is intended to be tackled by developing the site at a low density: see written justification paras 3.49 and 3.50.

9 The appeal site is a part of TIV13. Therefore, in the terms of the development plan it is, in principle, in a suitable location for development. The real issues are:-

- (1) Whether the trigger for consideration of the release of Policy TIV13 in Policy S4 been pulled?

- (2) Even if it has, whether TIV13 is strictly relevant to the determination of this appeal?
- 10 The trigger in Policy S4 has been pulled: there is less than a 5-year supply of housing land. Be that as it may, that does not automatically result the actual release of TIV13. In this plan-led system other steps contemplated by the Action Plan to restore the housing land supply must be put into effect.
- 11 Further, and more fundamentally, the Appellant accepts the appeal site is not TIV 13. Part of the site is also not available, so that the site cannot be delivered: see Appellant's opening statement at paragraph 9. In the circumstances, the relevance of TIV13 is as a material consideration which indicates the land **may** be suitable for development, subject to the sensible application of the restrictions and limitations that are identified in the policy and its subscript to limit the impact on heritage assets and their landscape setting.
- 12 That leads naturally into the consideration of the Inspectors second and third issues.

## **Issue 2**

### **The effect of the proposed development on the character and appearance of the surrounding area**

- 13 The appeal site is an area of rising, open, agricultural land to the east of Tiverton. The land is relatively tranquil. Its visual interest and character is enhanced by a cluster of heritage assets, notably Tidcombe Hall, Tidcombe Farmhouse and the Grand Western Canal Conservation Area, and Tidcombe Bridge. Whilst the landscape is not designated and does not rank as a valued landscape in the terms of the NPPF it undoubtedly makes a valuable and attractive contribution to the setting of the town.
- 14 Tiverton is a relatively compact settlement. The eastern edge of the town in the vicinity of the site is sharply demarcated by housing to the west of Tidcombe Lane and to the north of the Grand Western Canal. The site is divorced from the eastern edge of Tiverton by the western fields of TIV13 and separated from housing to the north by fields and the canal. The land is visible locally in the landscape looking south

from the canal towpath, east from Tidcombe Lane, and north from Newt's Hill and Warnicombe Lane, and from more distant higher land to the north, most notably from Knightshayes Court.

- 15 Policy TIV13 of the Local Plan indicates the eastern edge of the town may in future extend to the east beyond Tidcombe Lane as far as the eastern edge of the appeal site. The contingency site is proposed for development at a relatively low density for a maximum of around 100 new homes.
- 16 If the appeal site is developed broadly in accordance with the Appellant's illustrative masterplan houses will be visible from the canal in views of land to the south-east of Tidcombe Hall, notably on (i) rising land in the vicinity of Tidcombe Farmhouse; (ii) within the walled garden of Tidcombe Hall, and (iii) on higher land within the appeal site as it rises towards Warnicombe Lane. The result would be to create a spatially and visibly incongruous, isolated "island" of development beyond the eastern edge of Tiverton, and the sheer density of the scheme coupled with the effects of topography prevents it from being effectively screened.
- 17 The harm to the town's appearance and character is thus not adequately represented through the reductionist lens of the parties' LVIA's. The respective experts are broadly agreed that the adverse visual impact of the scheme will be relatively localised, moderate adverse at worst, and tend to be mitigated over time as such landscaping as can be provided matures. However, that misses the point that the compact settlement form and green hillside fringe that endows the eastern edge of Tiverton with a particular character will be eroded by an anomalous, detached urban extension that visibly relates poorly to the existing built form of the town.

### **Issue 3**

#### **The effect of the proposed development on the significance and setting of the Grand Western Canal Conservation Area, the Grade II listed buildings known as Tidcombe Farm and Tidcombe Bridge, and the non-designated heritage asset known as Tidcombe Hall.**

- 18 The parties agree the scheme will cause less than substantial harm to the significance of the Grand Western Canal Conservation Area (both directly and by reason of the

harm that would be caused to its setting) and on the setting and significance of the grade II listed Tidcombe Farmhouse.

- 19 They disagree whether the scheme would harm or enhance the non-designated (but formerly grade II listed) Tidcombe Hall (and, in the latter case, whether the effect would be to directly enhance the character and appearance of the conservation area).<sup>1</sup>
- 20 The consensus that the scheme will cause harm to the significance of two designated heritage assets is important.
- 21 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“LBA”) requires the Secretary of State to have “special regard” to the desirability of preserving a listed building or its setting. In the exercise of this duty a decision maker must give “considerable importance and weight” to harm that would affect the setting and significance of a listed building and to the desirability of preserving that setting.
- 22 Further, where harm would be caused to setting and significance that gives rise to a “strong presumption” planning permission should be refused.
- 23 Section 72(1) of the LBA imposes a like duty of the Secretary of State in respect of the direct impact of development on a conservation area, and paragraph 208 of the NPPF requires account to be taken of the impact of a proposal on the setting of a conservation area to “avoid or minimise any conflict between a heritage asset’s conservation and any aspect of the proposal.”
- 24 Further, at a local level, policy S1(m) and S9(g) require development to sustain the distinctive quality, character and diversity of Mid Devon’s cultural and historic environment, including listed buildings, conservation areas and local heritage assets.
- 25 Those policies were found sound by a local plan examiner under heritage policies contained in a version of the NPPF which have not changed materially since the examination. Therefore, each is up to date.
- 26 Policies S1 and S9 are operationalised for development management purposes by policy DM25, which applies a presumption in favour of development which preserves or enhances all designated heritage assets and their settings.

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<sup>1</sup> Heritage SOCG

- 27 The importance of such considerations in the context of this appeal is underlined by policy TIV13. It provides, inter alia, that the release of the 8.4 hectare Tidcombe Hall “contingency site” is subject to “(d) design and landscaping which protects the setting of the Grand Western Canal, Tidcombe Hall and Conservation Areas”.
- 28 Development which fails to achieve the objects of policies S1, S9, DM25 and TIV13 will conflict with an important component of the development plan at the point of striking the balance that is required to be made under s.38(6) P&CPA 2004.
- 29 In the light of those statutory and policy imperatives the heritage evidence focused on three particular issues:-
- (1) The ways in which and the extent to which the application site and its setting reveals the significance of the three heritage assets.
  - (2) The ways in which the development would affect and harm the setting and significance of the assets.
  - (3) The calibration of the degree of harm that would be caused to each asset, taking care to identify (in the case of the designated assets) where on the scale of “less than substantial harm” it would lie.
- 30 Taking each asset in turn, the Council submits as follows:-

### **Tidcombe Farmhouse**

#### **Significance and the contribution of setting to significance**

- 31 Tidcombe Farmhouse dates from the sixteenth century.
- 32 Its significance is agreed “to be derived from its special architectural, historic, artistic and archaeological interests”.
- 33 The official list entry states “Like many early Devon Farmhouses, Little Tidcombe Farmhouse has a modest external appearance”. Its important status derives primarily from its internal fabric. [CD3.15, p.3].
- 34 Consequently, the ability to interpret and appreciate the farmhouse in the landscape as an historic farmhouse, which goes to its very essence, is critically dependent on the

preservation of its setting so as to maintain its historic and functional relationship with agricultural land.

- 35 In the present day, the farmhouse retains the extensive, functional agricultural setting that is clearly established by the 1842 Tithe Map [CD4.11]. However, that relationship is revealed and appreciated most effectively by dint of its setting, wherein it is read as a substantial, agricultural dwelling and associated outbuildings, standing alone and surrounded by fields in an historic enclosed landscape.
- 36 The contribution of setting to significance is thus primarily experienced visually from surrounding land, including from an historic footpath that runs directly east-west to the Farmhouse from Newt's Hill.
- 37 That contribution to significance does not depend on the land from which views are obtained being publicly accessible: [CD4.4, p.2] However, important views include those obtained from the Grand Western Canal Conservation Area, which layers time-depth to a scene which with a sweep of the eye towards the west includes Tidcombe Hall.

#### **The harm to setting and significance**

- 38 The appeal proposal will cause harm to the significance of the farmhouse by substantially eroding its rural agricultural setting and partially severing the functional link with its historic land holding. The farmhouse will be suburbanised by being absorbed into the edge of Tiverton's built-up area.
- 39 This harm is a result of the Appellant's decision to promote the full quantum of development contemplated by TIV13 on about half of the area of the contingency site. Contrary to advice in CD4.3, p.2 this harm is avoidable. It reflects the designer's failure to understand how setting contributes to the significance of the asset and the impact of the proposal on it.
- 40 The harm caused is particularly egregious, there having been no steps taken to minimise or adequately mitigate the scheme's impact by providing an adequate stand-off that preserves elements of the historic field system with which it is associated to the west of the farmhouse.



## **The Grand Western Canal Conservation Area**

### **Significance and the contribution of setting to significance**

- 41 The Grand Western Canal dates from the early nineteenth century.
- 42 Its special interest derives mainly from its historic importance as an early form of transportation. [CD4.5, p.6]
- 43 The special historic and architectural interest of the conservation area and the contribution made to its significance by its setting varies along its length and has been captured by the definition of different character areas.
- 44 The appeal site is located within the Tiverton Basin Character Area (“Character Area 1). [CD4.5, p.22]. Character areas represent the combination of a range of defining characteristics, such as building materials and architectural styles.
- 45 The appreciation of the special interest of each area is also contributed to by certain “key views”.
- 46 Character Area 1 appeared as an area of sparse development along the canal and appreciable views across open countryside, notably Tidcombe Hall (“Tidcombe Rectory”). [CD4.5, p.24]
- 47 In the twentieth century there has been substantial development to the north of the canal. However, to the east of Tiverton the canal may still be appreciated an historic route through a rural landscape. The adopted Conservation Area and Management Plan highlights the particular contribution made by Tidcombe Hall, which it describes as:-
- “...a prominent building that has historically been appreciable from the canal and the views across the agricultural land provides a strong visual relationship.” [CD4.5, p.25]
- 48 On the ground, that view is appreciated from the towpath as a strikingly open view of the Hall, standing on its own in a walled garden, with attractive filtered and occasionally open views to a rising, open, rural agricultural landscape, which includes a view of Tidcombe Farmhouse.

### **Direct harm and harm to setting and significance**

- 49 The Appellant's scheme would introduce houses into the walled garden of Tidcombe House and onto the eastern field of TIV13, adjacent to Tidcombe Farmhouse, climbing onto higher ground south towards Warnicombe Lane.
- 50 That would substantially impinge on the residual open rural view of agricultural land within the Conservation Area and in its setting to the south of the canal: see Muston PoE Appendix B Figs 5 and 6. Rural views to the north from the Conservation Area have been lost to twentieth century residential development.
- 51 The effect of the appeal proposal on the Conservation Area (both directly and by its impact on its setting) would therefore be to materially erode the significance of the Conservation Area as a piece of historic long-distance transport infrastructure constructed through a rural landscape.

### **Tidcombe Hall**

#### **Significance and the contribution of setting to significance**

- 52 Tidcombe Hall dates from the early nineteenth century. It is a non-designated heritage asset. However, its quality as such is underlined by its previous inclusion on Secretary of States list of buildings of historic and architectural interest (listed Grade II). Its significance is derived from its architectural and archaeological interest.
- 53 Architecturally it is a representative example of a high (or, per Dr Oakley, "elevated") status, large nineteenth century country house set in extensive grounds. Its style, layout and the relationship of the house to ancillary buildings and other features, notably the walled garden, remain clearly legible.
- 54 The 1842 Tithe Map and later OS mapping evidences the site and its surroundings have been relatively unchanged since it was built.
- 55 The setting of Tidcombe Hall contributes to its significance in two ways.
- 56 First, viewed from the towpath of the canal and from Tidcombe bridge its standing alone in the landscape reinforces the exclusive status of the building that is communicated by its scale and architecture.

- 57 That isolation is effectively designed in by the 1811 Act which required the canal to stand 100 yds from the Hall.
- 58 Its status is enhanced by clear views of the associated walled garden and remnant parkland to the east and south of the Hall, and by views through to the open fields associated with Tidcombe Farmhouse to the south.
- 59 Views from Tidcombe Lane and Tidcombe Bridge also form an important part of the Hall's setting. They reveal the existence of a large, high/ elevated-status dwelling. That status is further enhanced by the absence of any clear view into the grounds or of the principal elevation from the entrance to the Hall, which is offset to the west of the house to maintain its privacy.
- 60 Thus, the Hall's setting contributes to its significance by simultaneously revealing the scale, style and status of the house from the canal whilst maintaining a sense of exclusivity by restricting its appreciation as a whole to views kept at "arms-length" through to open countryside (which enhances the sense of isolation) and by maintaining the privacy of the premises and its occupiers from its most public aspect along Tidcombe Lane.

#### **Harm to setting and significance**

- 61 Harm would arise in two ways.
- 62 Development in the walled garden and field to the south of the house would suburbanise the house and its setting.
- 63 The Hall's significance as an exclusive high status, historic dwelling would be lost, indeed evidenced, as a consequence of
- (1) its subdivision into multiple dwellings;
  - (2) the introduction of housing into the walled garden; and,
  - (3) by development in the countryside to the south, which would be clearly visible from the canal.
- 64 Second, the opening up of the access to the Hall from Tidcombe Lane and the introduction of an access road running east then south past the principal elevation

would entirely erode the historic privacy and exclusivity of the property and this its significance as a high status historic dwelling.

### **The purported benefits associated with the redevelopment of the Hall**

65 The Appellant contends its scheme will enhance the significance of Tidcombe Hall and the Conservation Area by removing unsympathetic twentieth century additions and extensions and restoring its fabric. That argument should be afforded no weight for two reasons:-

- (1) The Appellant has failed to demonstrate the purported benefits cannot be delivered by a scheme that avoids the harm the appeal proposals would cause to the Conservation Area, its setting and the setting of the Hall by development in the walled garden and open countryside to the south, the opening up of the access from Tidcombe Lane, and the routing of the internal access road. Put another way, the Appellant has not produced any evidence its scheme represents the optimum viable use of the building.
- (2) The purported benefits described by the Appellant's "Statement of Intent" are vague and imprecise, have not been demonstrated to be deliverable, and cannot be secured by condition.

### **The impact on Tidcombe Bridge**

66 The Council does not allege the scheme would harm the significance of Tidcombe Bridge. However, the Appellant contends a proposal to promote a traffic regulation order to reduce the amount of vehicular traffic that would drive over the bridge ought to be accorded significant weight. The TRO would be "secured" by a condition. However, this purported benefit ought to be discounted for two reasons:-

- (1) The local highway authority does not contend a TRO is necessary, whether as a consequence of the appeal proposal or otherwise. That precludes the imposition of the condition that is contemplated.
- (2) Even if a TRO is necessary to enable the scheme to proceed, it must be made under a separate scheme of legislation governed by the provisions of the Road

Traffic Regulation Act 1984. The process for making a TRO is subject to a public consultation process, which includes the right of the public to object and provision for a legal challenge to any order that is made. The County Council (as traffic authority) have not resolved to promote a TRO, nor is there any evidence before the inquiry that there is a reasonable (or any) prospect that a TRO will be made. In these circumstances, it would be unreasonable to impose a Grampian condition requiring a TRO to be made in order for the development to proceed.

#### **Issue 4**

##### **The overall planning balance, having regard to any relevant material considerations including any proposed benefits**

- 67 Mr Kendrick agreed the appeal site lies outside the settlement limit of Tiverton and that therefore it is countryside. Consequently, Policy S14 applies to proposals for the development of the land. Mr Kendrick accepted the development of 100 homes on the land does not accord with Policy S14. He agreed the appeal site is not TIV13. That is obvious: it comprises only part of TIV13 and includes land outside TIV13.
- 68 Mr Kendrick accepted that in the circumstances the relevance of TIV13 is to provide criteria that are relevant to the assessment of a proposal for development on land affected by TIV13. He agreed that in this appeal the principal consideration that is introduced by TIV13 is the need to consider constraints imposed on development by heritage assets. He agreed the development of heritage assets is governed by S9 and DM25.
- 69 Mr Kendrick was then invited to, and agreed, that the most important policies for the purpose of applying NPPF paragraph 11d are S9, DM25 and S14. He added TIV13 to that list. He was wrong to do so: having accepted the appeal proposal is intended to bring forward a different site, and having agreed the relevance of TIV13 is that it provides criteria which assist in the assessment of development proposals on land which it relates to (but no more) the policy cannot sensibly fall within the ambit of those contemplated by paragraph 11.

- 70 Mr Kendrick accepts the scheme does not accord with S14. The proposal is also admitted to cause less than substantial harm to the significance of two designated heritage assets. The parties disagree about the extent of that harm. For the reasons that have been given earlier in this closing the Inspector is invited to accept the evidence of Mr Muston on this issue. The scheme therefore also conflicts with Policies S9 and DM25.
- 71 The scheme's conflict with what are agreed to be the most important policies for the determination of the appeal is important: *in R. v Rochdale Metropolitan Borough Council (2001) 81 P. & C.R. 27 at [44]-[50]* the court recognised that the requirement set out in para.38(6) of the 2004 Act requires any proposed development to be in accordance with the development plan looked at as a whole, rather than with every policy in the plan, which may well pull in different directions and some of which may be more relevant to a particular application than others. In this case the most relevant policies are those agreed to be most important to the determination of the appeal. Thus, it is the scheme's performance relative to those policies which determine whether it accords with the development plan. It plainly does not.
- 72 That triggers the s.38(6) presumption that planning permission should be refused.
- 73 The issue that then arises is whether other material considerations outweigh the presumption planning permission should be refused.
- 74 The material considerations relied on by the Appellant are those listed on pp. 58-60 of Mr Kendrick's PoE. Taking them in turn:-
- (1) Mr Aspbury agreed that having regard to the current and prospective shortfall in the Council's 5-year supply of land for housing his weighting of the benefit of providing market and affordable housing ought to be read consistently with the substantial and very substantial weight accorded to those benefits by Mr Kendrick.
  - (2) Very limited weight ought to be accorded to the scheme's purported heritage benefits. Firstly, the very notion that the scheme would deliver heritage benefits sits uncomfortably with the agreed position that it would cause harm to the Conservation Area and the Tidcombe Farmhouse. Second, Mr Muston gave compelling evidence that the proposal would harm the significance of the

undesignated Tidcombe Hall. There is no evidence that the scheme would secure the optimum viable use of Tidcombe Hall. Nor can any weight be placed on the claim that the scheme would deliver particular heritage benefits by securing the restoration of Tidcombe Hall in the manner indicated by the Statement of Intent annexed to Mr Kendrick's PoE. Dr Oakley conceded there has been no assessment made of its feasibility or viability: it is purely aspirational.

- (3) In a similar vein, very limited weight ought to be given to the quantum of biodiversity net gain that is claimed: it cannot be ascertained that benefit will actually be delivered until a detailed scheme is submitted as part of an application for approval of reserved matters.
- (4) No weight should be given to the claimed reduction in NO2 emissions. That benefit cannot be realised without a traffic regulation order. However, the LHA (the "traffic authority" for the purposes of the RTRA 1984) has not agreed to make an order, and even if it were minded to do so third parties would be entitled to object to it.
- (5) No weight should be given to the delivery of housing in a "highly accessible location": that would merely double count the benefit of a proposal to deliver housing. In a similar vein, whilst weight ought to be given to the economic benefits of the scheme it is important not to double count those benefits by treating direct jobs created (direct economic benefits) as separate from the indirect and induced economic benefits associated with housing development, which is normally equated with wider economic benefits.
- (6) As for the financial contributions that would be made, they are not benefits at all; by definition they are required to mitigate the harm that would otherwise be caused by the development.

75 Set against those benefits is the harm the scheme would cause to the character and appearance of Tiverton by creating an isolated island of development that is detached from the urban edge and by extending housing development onto the green hillside which give the town its particular character. It would also cause the loss of good quality agricultural land. However, perhaps the most egregious effect of the scheme would be to cause harm to Tidcombe Farmhouse and the Conservation Area which

could be avoided by a scheme for a smaller number of houses on the appeal site, which crams the full allocation contemplated by TIV13 onto half the site. In particular, no serious effort has been made to minimise or mitigate the harm that will be caused to the setting and significance of Tidcombe Farmhouse by providing the kind of “stand-off” that is usually applied to this kind of asset. Consistent with the authorities and the NPPF, that harm should be accorded considerable weight and importance.

76 In these circumstances, notwithstanding the presumption in favour of sustainable development which was conceded by Mr Aspbury to apply, the s.38(6) balance weighs against the grant of planning permission. The development will harm the appearance and character of Tiverton and will cause avoidable harm to heritage assets. Harm to designated heritage assets, even if less than substantial, should be accorded considerable importance and weight and create a strong presumption that planning permission will be refused. This consideration is not outweighed by the admittedly substantial need for housing. The need for housing can and should be met by a smaller, more sensitive scheme or the development of the whole of TIV13, which in either case extends the built edge to the east of Tiverton in a coherent manner, avoids developing obtrusively on hillsides, and minimises or more effectively mitigates harm to heritage assets.

77 Therefore, the Inspector is invited to dismiss the appeal.

TIMOTHY LEADER

Thursday 5 June 2025