

## SWT Planning Committee

Thursday, 14th January, 2021,  
1.00 pm



Somerset West  
and Taunton

[SWT VIRTUAL MEETING WEBCAST LINK](#)

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**Members:** Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Dixie Darch, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

### Agenda

**1. Apologies**

To receive any apologies for absence.

**2. Minutes of the previous meeting of the Planning Committee**

To approve the minutes of the previous meeting of the Committee on the 10 December 2020.

(Pages 5 - 8)

**3. Declarations of Interest or Lobbying**

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

**4. Public Participation**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

### **Temporary measures during the Coronavirus Pandemic**

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will either be answered by the Chair of the Committee, or the relevant Portfolio Holder, or be followed up with a written response.

- |   |                        |
|---|------------------------|
| <p>5. <b>3/21/20/081</b></p> <p>Change of use from B1a to C3a, Market House, The Parade, Minehead, TA24 5NT</p>                               | <p>(Pages 9 - 18)</p>  |
| <p>6. <b>3/21/20/082 LB</b></p> <p>Internal and external alterations to form 1 no. dwelling. Market House, The Parade, Minehead, TA24 5NB</p> | <p>(Pages 19 - 26)</p> |
| <p>7. <b>48/20/0041</b></p> <p>Erection of first floor extension at Walford Lodge, Bridgwater Road, West Monkton</p>                          | <p>(Pages 27 - 34)</p> |
| <p>8. <b>Latest appeals and decisions received</b></p>  | <p>(Pages 35 - 54)</p> |



**JAMES HASSETT**  
**CHIEF EXECUTIVE**

Please note that this meeting will be recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by taking part in the Council Meeting during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Following Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will be live webcasting our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting](#) website.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will be answered by the Portfolio Holder or followed up with a written response.

Full Council, Executive, and Committee agendas, reports and minutes are available on our website: [www.somersetwestandtaunton.gov.uk](http://www.somersetwestandtaunton.gov.uk)

For further information about the meeting, please contact the Governance and Democracy Team via email: [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please email: [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)



**SWT Planning Committee - 10 December 2020 held via Zoom Video Conference**

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Dixie Darch, Roger Habgood, Mark Lithgow, Janet Lloyd, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Officers: Rebecca Miller (Principal Planning Specialist), Martin Evans (Shape Legal Partnership), Abigail James (Planning Specialist), Alex Lawrey (Planning Specialist), Sarah Wilsher (Planning Officer) Nick Bryant ( Assistant Director Strategic Place Planning) Amy Tregellas (Governance Manager) and Tracey Meadows (Democracy and Governance)

(The meeting commenced at 1.00 pm)

109. **Apologies**

Apologies were received from Councillors Aldridge and Blaker.

110. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 19 November 2020 circulated with the agenda)

**Resolved** that the minutes of the Planning Committee held on 19 November 2020 be confirmed as a correct record with an amendment to application 36/19/0034 to reflect the seconder of the motion to approve the application.

Proposed by Councillor Coles, seconded by Councillor Hill

The **Motion** was carried.

111. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Application No.	Description of Interest	Reason	Action Taken
Cllr L Whetlor	3/39/20/014	Applicant is known to Cllr Whetlor.	Personal	Spoke and Voted

112. **Public Participation**

Application No	Name	Position	Stance
3/05/20/001	Carhampton PC		Opposing
3/26/20/004	Mr Blackborow WYG on behalf Applicant	Local resident  Agent	Opposing  In Favour

113. **3/05/20/001**

**Application for outline planning permission with some matters reserved (except for access) for the erection of 5 No. dwellings at Land off, Withycombe Lane, Carhampton, TA24 6RF**

**Comments made by members of the public included;**

- Concerns with flooding;
- Concerns with additional vehicle movements each day;
- Concerns with major problems at the junction of Withycombe Lane;

**Comments made by member included;**

- Concerns with the removal of the hedgerow;
- Concerns with water run off on the site;
- Good public transport from the site;

Councillor Sully proposed and Councillor Hill seconded a motion for **Conditional Approval** subject to a S106 signing and a unilateral undertaking.

The motion was carried.

114. **3/26/20/004**

**Erection of 9 No. dwellings with associated works including drainage, landscaping and highway works at Field adjacent to Station Road, Washford**

**Comments made by members of the public included;**

- Dust, smells and vibration;
- Traffic congestion;
- Light pollution from street lighting;
- Loss of privacy;
- Increase traffic;
- Loss of habitat and potential flooding;
- Concerns with the destruction of the Countryside and village;
- Highway concerns;
- The application was fully compliant with the Council's adopted Development Plan;

- The development provides local benefits including affordable housing, pedestrian improvements and public open space contributions;

#### **Comments made by members included;**

- Concerns that Affordable homes were out of financial reach for normal people;
- The site should be for Social Housing only;
- Concerns with the speed limit on the road and the unmanned crossing;
- Concerns with flooding issues on site;
- Concerns with increased traffic on the A39;
- Concerns with loss of the countryside;
- Concerns with the slope, landscaping on the site needed;
- Concerns with the heritage site, Cleeve Abbey;

Councillor Hill proposed and Councillor Sully seconded a motion for Conditional Approval to be **APPROVED** subject to a S106 and an informative note to the applicant stating;

#### **Landscaping**

The Planning Committee requested that the landscaping scheme, which is subject to a planning condition, includes an increased number of trees towards the brow of the hill.

#### **Uncontrolled crossing**

The Planning Committee requested that the highways authority consider that the restricted speed limit of 30mph for Washford is extended further west along the A39 to ensure pedestrian safety, and that appropriate signage is used on the eastern and western approaches to the uncontrolled crossing along the A39.

#### **Archaeology**

The application site is close to designated and non-designated heritage features including the remains of Cleeve Abbey, a Scheduled Ancient Monument, and Washford Mill. Whilst the site is not subject to any national or local heritage designations there is potential for archaeological remains to be uncovered during construction.

The applicants are reminded of their duties and responsibilities under relevant legislation (see below) if any archaeological remains are found during the construction phase of the development hereby approved. If unexpected archaeology is found on the site the developer should contact the Somerset County Council archaeologist immediately. There are important additional legal requirements where development affects human remains. It is an offence to disturb human remains without proper authority.

Ancient Monuments and Archaeological Areas Act (1979)  
National Heritage Act (1983)

Treasure Act (1996)  
National Heritage Act (2002)

The motion was carried.

At this point in the meeting a 10 minute break was approved and Councillor Morgan left the meeting.

115. **3/39/20/014**

**Erection of first floor extension over garage and associated alterations at 3 Dovetons Drive, Williton, Taunton, TA4 4ST**

No comments were received on this application.

Councillor Habgood proposed and Councillor Hill seconded a motion for Conditional Approval to be **APPROVED**.

The motion was carried.

116. **Latest appeals and decisions received**

Latest appeals and decisions noted.

(The Meeting ended at 3.43 pm)



<b>Application No:</b>	<a href="#">3/21/20/081</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Jackie Lloyd
<b>Grid Ref</b>	Easting: 296830    Northing: 146239
<b>Applicant</b>	Mr M Dorrill
<b>Proposal</b>	Change of use from B1(a) (now Use Class E) to C3(a) in order to form 1no. dwelling
<b>Location</b>	Market House, The Parade, Minehead, TA24 5NB

## Recommendation

Recommended decision: Grant

### Recommended Conditions

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Y17056-2D-5X REV A Topographic Survey  
 Site Location Plan IPL20\_339.22\_001  
 Proposed layout IPL20\_339.22\_002  
 Proposed front elevation IPL20\_339.22\_003  
 Proposed rear elevation IPL20\_339.22\_004

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The rooflights shall be conservation style fitted with flashing kits.

Reason : To protect the character of the listed building, conservation area and having regard to the provisions of Policies NH1 and NH2 of the West Somerset Local Plan 2016-2032

### Informative notes to applicant

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

## Proposal

Change of use from office (previous Town hall) to one residential dwelling

The changes are:

The change of use of office spaces on all levels, forming a single dwelling;

- The addition of acoustic stud wall to party wall locations on levels 1 and 2 only
- The removal of one interior lightweight wall forming Bedroom 1
- The removal of interior lightweight walls providing one Bathroom
- The blocking of one interior glazed light over the staircase

The addition of conservation roof lights above level 4

## Site Description

The Market House is a Grade II Listed Building fronting onto The Parade. It dates to 1902 and comprises three storeys. The main staircase is divided and there is an intermediate floor, which effectively creates a fourth storey providing WC accommodation. The building was formerly occupied by Minehead Town Council who relocated to new premises in 2017 and the property has been vacant since.

The Site lies in a prominent position within the Minehead Wellington Square Conservation Area. A Grade II Listed Building is attached to The Market House (*National Westminster Bank* at No. 9 The Parade). The ground floor comprises retail shops. The site is accessed from the ground floor via steps.

Pedestrian access is across a pavement from The Parade, whilst the premises has vehicle access from Market House lane to the North where there is standing/waiting and parking for vehicles operating the retail parts.

## Relevant Planning History

Extensive history but relevant :

Pre-app PRE/21/20/009 Change of use to 2 flats : *The proposal to form two or three flats within the building excluding the shops should be resisted. Although the*

*building is vacant, the impact of subdivision of the barrel vaulted room would be detrimental as it would destroy the quality of the space. The barrel vaulted room would form an impressive living dining room in a single unit and the building would convert much better to a single domestic unit or office accommodation.*

## **Consultation Responses**

*Minehead Town Council* - Can see no material planning reason to refuse but would like to see discussion regarding parking space in rear car park

*Environment Agency* - No response

*SCC - Ecologist* - No response

*Highways Development Control* - Standing advice

*Wessex Water Authority* - No objections

## **Habitats Regulations Assessment**

The site falls outside the catchment flowing into the Somerset Levels and Moors Ramsar,

## **Representations Received**

### **Conservation Officer:**

Further to my previous comments stated in the heritage statement. I have no objections to the conversion of the upper floors of the Market House to a single unit of accommodation. The hall is of significance to the building externally and internally through it being a principal assembly room with a barrel ceiling and an important internal space. I concur with the conservation societies comments regarding the kitchen being better placed in another room in order to maintain the space however, a flat of this size would be more sustainable with two bedrooms; the kitchen could be relocated by future occupants and is reversible and an open plan living/kitchen diner would still maintain the open space of the room.

I would recommend that the conservation roof lights are fitted with flashing kits in order to sit low into the roof instead of sitting on top of the roof slates. There should be no mechanical ventilation or roof terminating SVP's on the front elevation.

I do not consider the proposals will adversely affect the setting of the listed Nat West Bank, Offices to the Corner of the Parade, The Haven, Southways and Market House Cottage.

I consider it will preserve the character and appearance of the conservation area.

### **Minehead Conservation Society**

Minehead Town Hall, built in 1902, was sold by the Town Council without any public consultation. Therefore it is vital that this prominent LB in a CA is given the respect it

deserves. This means the preservation of its interior as well as its exterior as befits a LB. It is important to know that when the old Market House was to be replaced a competition was held to find the best possible design for a new Town Hall, which was won by W. J. Tamlyn , a prominent local architect, therefore this building has even greater significance for the community.

MCS has always believed that if this Grade II public building was to be granted change of use the only possible residential conversion of the former Council Offices would be for a single unit but one that would fully respect its interior. Therefore we oppose the proposal to site the kitchen inside the barrel vaulted former Council Chamber. This room is the gem internally and should not be subjected to the heat and steam generated by cooking within it, which could cause safety/fire hazards and discolouration of its fabric, not to mention smell. We realize that it is easy to back the kitchen on to the bathroom but what is the easiest option for a rental property is often not the best solution to protect the interior of a prestigious heritage building.

The former office across the passage from the chamber proposed as a bedroom would make an excellent kitchen and in our opinion make the property far more desirable. There would still be a double bedroom on the upper floor accessed by an existing staircase which could have an en-suite shower and toilet area. This and the suggested kitchen area could presumably be linked up with the water supply in the adjoining cafe. The proposed bathroom could be a cloakroom with storage space /cupboards or a toilet and shower room. It is not for us to design the internal layout but we believe

that the architect should be asked to go back to the drawing board as there are obvious better alternatives to the one submitted and which would preserve the best internal feature as purely living space. The most important planning issue is the proper preservation of the important features of this heritage building both internally and externally.

Importance of a stained glass window which is an original feature of the building that was covered by a stud wall when the reception area was first formed. This must be preserved if exposed by the removal of the said wall and not allowed to be removed or sold. We retain a copy of that letter. Presumably if that area is to simply be a bin / bike store there will be no need for it to be exposed. But it is essential that any future purchaser is aware of its existence and importance.

We would ask that as part of any planning consent the developer be required to reinstate the former balcony surrounding the clock tower. It looks naked without it and out of proportion. This is a golden opportunity to restore Minehead's most prominent building to its former glory. This has been done on previous occasions when our society has asked for the restoration of a missing heritage asset to be included as part of any planning consent.

We have asked the officer dealing with this application to ensure that the question of the maintenance and winding of the Town Hall clock is adequately addressed prior to any decision being made on this application. This clock tower is hugely important to the street scene and to have it kept in working order contributes enormously to an overall sense that the town is a vibrant, well-cared for centre that values its historic Listed Building and Conservation Area assets.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

EC5	Safeguarding existing employment uses
MD1	Minehead Development
NH1	Historic Environment
NH13	Securing high standards of design
SC1	Hierarchy of settlements
T/8	Residential Car Parking
TR2	Reducing reliance on the private car
NH2	Management of Heritage Assets
BD/3	Conversions, Alterations and, Extensions
SD1	Presumption in favour of sustainable development

### **Retained saved policies of the West Somerset Local Plan (2006)**

EC5	Safeguarding existing employment uses
MD1	Minehead Development
NH1	Historic Environment
NH13	Securing high standards of design
SC1	Hierarchy of settlements
T/8	Residential Car Parking
TR2	Reducing reliance on the private car
NH2	Management of Heritage Assets
BD/3	Conversions, Alterations and, Extensions
SD1	Presumption in favour of sustainable development

## Determining issues and considerations

Following a negative pre-app for the conversion to 2 flats (which involved sub-division of the chamber), this application is for conversion to one dwelling.

### Change of use:

Policy SC1 would be supportive of residential development. However Policy MD1 also aims to support and strengthen the settlement's role as the main service and employment centre in West Somerset, particularly in terms of the diversity and quality of its historic and natural environment, services and facilities. In terms of the loss of the office space, the premises are currently vacant and have been so with no commercial interest for a period exceeding 12 months, the premises are marketed by local agents and nationally.

### Effect on the Listed Building:

**Applications for planning permission affecting a listed building or its setting** must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The application will have no detrimental effect .

**Applications for development in a conservation area** must be considered with regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The building is a key listed building within Minehead and a principle building within the Wellington Square Conservation Area due to its use as a Market House and location within the conservation area. On the ground floor there are two occupied shops and the entrance hall, open hall with barrel vaulted ceiling and office rooms are currently vacant. The significance of the building is impressive externally with its style of architecture but internally the barrel vaulted ceiling, double doors and balcony for proclamations and staircase are important features.

With regard to the proximity of designated heritage assets to the Site, the following listed buildings are in close proximity:

National West Minster Bank grade II- adjoining to the east

Offices to the corner of Parade and Bancks Street grade II opposite

The Haven, Southways and Market House Cottage grade II – to the north

There will be no detrimental effect on the setting of these Listed Buildings

The hall is of significance to the building externally and internally through it being a principal assembly room with a barrel ceiling and an important internal space.

The agent has agreed that the conservation style roof lights will be fitted with flashing kits in order to sit low into the roof instead of sitting on top of the roof slates. No mechanical ventilation or roof terminating SVP's on the front elevation are proposed.

Proposed external changes comprise largely the addition of conservation rooflights in the north-facing roof which will not be visible from any key viewpoints within the Conservation Area. The agent has confirmed that these will be fitted with flashing kits so as to be set level with roof slates.

I consider the proposal will preserve the character and appearance of the conservation area, the building being subject to negligible change.

Proposed internal alterations include the removal of elements of interior walling, all of which are lightweight later additions with no beneficial heritage related qualities. In addition, the installation of a new bathroom in the former toilet space is proposed alongside a kitchen inserted into the large former meeting hall. Whilst the Conservation Society has objected to this, it is considered that this is reversible and an open plan living/kitchen diner would still maintain the open space of the room.

The agent has confirmed that there are no plans to introduce any new roof or wall terminals on the front elevation of the property, all would be provided on the rear (service) elevation.

The proposed alterations represent the minimum impact achievable in respect of the conversion of the building for residential use. They involve no impact on historic fabrics or features and their effect is assessed as neutral.

### **Housing standards**

The existing office premises have no amenity space and there is no interior pedestrian link between the office parts and the northern exterior areas however, the ground floor currently comprises office accommodation and stair access circulation immediately inside the entrance door set. this area will provide for secure space retained for the purpose of domestic cycles and refuse storage to serve the proposed single dwelling.

Given the above comments of the conservation officer, a conversion of the building to one unit without major subdivision would retain the character of the listed building and provide acceptable living standards for future occupiers.

### **Car Parking**

Pedestrian access is across a pavement from The Parade, whilst the premises has vehicle access from Market House lane to the North where there is standing/waiting

and parking for vehicles operating the retail parts of the building. Whilst the proposal would require 2 parking spaces where none are proposed, given the location within the town centre which has good transport links and other sustainable modes of transport, it is considered that a shortfall in parking would be acceptable.

### **Flood risk and drainage**

The site lies within Flood Risk Zone 3 and an FRA has been submitted. The change of use from B1(a) to C3(a) is minor development retaining existing ground floor spaces to provide amenity areas and upper floor areas would provide accommodation. The development proposals are classified as More Vulnerable development, which is an appropriate use within Flood Zone 3.

The proposal has a ground floor level of 16.85m AOD meaning that the site sits above the highest tidal flood level AOD. The applicant is demonstrating upper floor levels within the existing accommodation, and a corresponding change of use to the More Vulnerable risk category. Flood resilience measures including an accessible upper storey for safe refuge is provided. Ground floor levels are set no lower than existing, and additionally essential services such as electrical switches/sockets are elevated above the ground level according to the minimum standards of Building Regulations.

### **Other issues**

With regard to the town hall clock, whilst not a planning issue the agent has confirmed that it will be a condition of the proposed domestic rental lease, that the clock mechanism is wound by the tenant regularly, and also that access is afforded with advance due notice, for appointed specialists to maintain the equipment.

The conservation society have also asked that the developer reinstate the balcony around the clock tower. However, the application for a change of use is not considered to warrant requirement of the applicant to fulfill this suggestion.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.







<b>Application No:</b>	<a href="#">3/21/20/082</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Listed Building Consent
<b>Case Officer:</b>	Jackie Lloyd
<b>Grid Ref</b>	Easting: 296830    Northing: 146239
<b>Applicant</b>	Mr M Dorrill
<b>Proposal</b>	Internal and external alterations to form 1no. dwelling
<b>Location</b>	Market House, The Parade, Minehead, TA24 5NB

## Recommendation

Recommended decision: Grant

### Recommended Conditions

- 1 The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Y17056-2D-5X REV A Topographic Survey  
 Site Location Plan IPL20\_339.22\_001  
 Proposed layout IPL20\_339.22\_002  
 Proposed front elevation IPL20\_339.22\_003  
 Proposed rear elevation IPL20\_339.22\_004

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The rooflights shall be conservation style fitted with flashing kits.

Reason : To protect the character of the listed building and having regard to the provisions of Policies NH1 and NH2 of the West Somerset Local Plan 2016-2032

### Informative notes to applicant

## Proposal

The changes are:

The change of use of office spaces on all levels, forming a single dwelling;

- The addition of acoustic stud wall to party wall locations on levels 1 and 2 only
- The removal of one interior lightweight wall forming Bedroom 1
- The removal of interior lightweight walls providing one Bathroom
- The blocking of one interior glazed light over the staircase

The addition of conservation roof lights above level 4

## Site Description

The Market House is a Grade II Listed Building fronting onto The Parade. It dates to 1902 and comprises three storeys. The main staircase is divided and there is an intermediate floor, which effectively creates a fourth storey providing WC accommodation. The building was formerly occupied by Minehead Town Council who relocated to new premises in 2017 and the property has been vacant since.

The Site lies in a prominent position within the Minehead Wellington Square Conservation Area. A Grade II Listed Building is attached to The Market House (*National Westminster Bank* at No. 9 The Parade). The ground floor comprises retail shops. The site is accessed from the ground floor via steps.

## Relevant Planning History

Extensive history but relevant :

Pre-app PRE/21/20/009 Change of use to 2 flats: *The proposal to form two or three flats within the building excluding the shops should be resisted. Although the building is vacant, the impact of subdivision of the barrel vaulted room would be detrimental as it would destroy the quality of the space. The barrel vaulted room would form an impressive living dining room in a single unit and the building would convert much better to a single domestic unit or office accommodation.*

## Consultation Responses

*Conservation Officer* - The proposals are:

The change of use of office spaces on all levels, forming a single dwelling;

- The addition of acoustic stud wall to party wall locations on levels 1 and 2 only
- The removal of one interior lightweight wall forming Bedroom 1
- The removal of interior lightweight walls providing one Bathroom
- The blocking of one interior glazed light over the staircase
- The addition of conservation roof lights above level 4

Further to my previous comments stated in the heritage statement. I have no objections to the conversion of the upper floors of the Market House to a single unit of accommodation. The hall is of significance to the building externally and internally through it being a principal assembly room with a barrel ceiling and an important internal space. I concur with the conservation societies comments regarding the kitchen being better placed in another room in order to maintain the space however, a flat of this size would be more sustainable with two bedrooms; the kitchen could be relocated by future occupants and is reversible and an open plan living/kitchen diner would still maintain the open space of the room.

I would recommend that the conservation roof lights are fitted with flashing kits in order to sit low into the roof instead of sitting on top of the roof slates. There should be no mechanical ventilation or roof terminating SVP's on the front elevation.

I do not consider the proposals will adversely affect the setting of the listed Nat West Bank, Offices to the Corner of the Parade, The Haven, Southways and Market House Cottage.

I consider it will preserve the character and appearance of the conservation area.  
*Minehead Town Council* - Can see no material planning reason to refuse but would like to see discussion regarding parking space in rear car park.

## **Habitats Regulations Assessment**

N/A

## **Representations Received**

Minehead Conservation Society

Minehead Town Hall , built in 1902, was sold by the Town Council without any public consultation. Therefore it is vital that this prominent LB in a CA is given the respect it deserves. This means the preservation of its interior as well as its exterior as befits a LB.

MCS has always believed that if this Grade II public building was to be granted change of use the only possible residential conversion of the former Council Offices would be for a single unit but one that would fully

respect its interior. Therefore we oppose the proposal to site the kitchen inside the barrel vaulted former Council Chamber. This room is the gem internally and should not be subjected to the heat and steam generated by cooking within it, which could cause safety/fire hazards and discolouration of its fabric, not to mention smell. We realize that it is easy to back the kitchen on to the bathroom but what is the easiest option for a rental property is often not the best solution to protect the interior of a prestigious heritage building.

The former office across the passage from the chamber proposed as a bedroom would make an excellent kitchen and in our opinion make the property far more desirable. There would still be a double bedroom on the upper floor accessed by an existing staircase which could have an en-suite shower and toilet area. This and the suggested kitchen area could presumably be linked up with the water supply in the adjoining cafe. The proposed bathroom could be a cloakroom with storage space /cupboards or a toilet and shower room. It is not for us to design the internal layout but we believe that the architect should be asked to go back to the drawing board as there are obvious better alternatives to the one submitted and which would preserve the best internal feature as purely living space. The most important planning issue is the proper preservation of the important features of this heritage building both internally and externally.

Importance of a stained glass window which is an original feature of the building that was covered by a stud wall when the reception area was first formed. This must be preserved if exposed by the removal of the said wall and not allowed to be removed or sold. Presumably if that area is to simply be a bin / bike store there will be no need for it to be exposed. But it is essential that any future purchaser is aware of its existence and importance.

We would ask that as part of any planning consent the developer be required to reinstate the former balcony surrounding the clock tower. It looks naked without it and out of proportion. This is a golden opportunity to restore Minehead's most prominent building to its former glory. This has been done on previous occasions when our society has asked for the restoration of a missing heritage asset to be included as part of any planning consent.

We have asked the officer dealing with this application to ensure that the question of the maintenance and winding of the Town Hall clock is

adequately addressed prior to any decision being made on this application. This clock tower is hugely important to the street scene and to have it kept in working order contributes enormously to an overall sense that the town is a vibrant, well-cared for centre that values its historic Listed Building and Conservation Area assets.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

NH2	Management of Heritage Assets
NH1	Historic Environment

### **Retained saved policies of the West Somerset Local Plan (2006)**

NH2	Management of Heritage Assets
NH1	Historic Environment

## **Determining issues and considerations**

**Applications for listed building consent** must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant listed building consent, the Local Planning Authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”

The building is a key listed building within Minehead and a principle building within the Wellington Square Conservation Area due to its use as a Market House and location within the conservation area. On the ground floor there are two occupied shops and the entrance hall, open hall with barrel vaulted ceiling and office rooms are currently vacant. The significance of the building is impressive externally with its style of architecture but internally the barrel vaulted ceiling, double doors and balcony for proclamations and staircase are important features.

With regard to the proximity of designated heritage assets to the Site, the following listed buildings are in close proximity:

National West Minster Bank grade II- adjoining to the east

Offices to the corner of Parade and Bancks Street grade II opposite

The Haven, Southways and Market House Cottage grade II – to the north

There will be no detrimental effect on the setting of these Listed Buildings

The hall is of significance to the building externally and internally through it being a principal assembly room with a barrel ceiling and an important internal space.

The agent has agreed that the conservation roof lights will be fitted with flashing kits in order to sit low into the roof instead of sitting on top of the roof slates. No mechanical ventilation or roof terminating SVP's on the front elevation are proposed.

Proposed external changes comprise largely the addition of conservation rooflights in the north-facing roof which will not be visible from any key viewpoints within the Conservation Area. the agent has confirmed that these will be fitted with flashing kits so as to be set level with roof slates.

Proposed internal alterations include the removal of elements of interior walling, all of which are lightweight later additions with no beneficial heritage related qualities. In addition, the installation of a new bathroom in the former toilet space is proposed alongside a kitchen inserted into the large former meeting hall. Whilst the Conservation Society has objected to this, it is considered that this is reversible and an open plan living/kitchen diner would still maintain the open space of the room.

The agent has confirmed that there are no plans to introduce any new roof or wall terminals on the front elevation of the property, all would be provided on the rear (service) elevation.

The proposed alterations represent the minimum impact achievable in respect of the conversion of the building for residential use. They involve no impact on historic fabric or features and their effect is assessed as neutral.

### **Other issues**

With regard to the town hall clock, whilst not a planning issue the agent has confirmed that it will be a condition of the proposed domestic rental lease, that the clock mechanism is wound by the tenant regularly, and also that access is afforded







48/20/0041

MR & MRS JONES

**Erection of first floor extension at Walford Lodge, Bridgwater Road, West Monkton**

Location: WALFORD LODGE, BRIDGWATER ROAD, WEST MONKTON,  
TAUNTON, TA2 8QW

Grid Reference: 326838.127835

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The proposed extension would by its scale, design and massing results in an incongruous and visually detrimental impact upon this Non Designated Heritage Asset and therefore is contrary to policies CP8 and DM1 of the Taunton Deane Core Strategy and paragraphs 127,193,195 and 197 of National Planning Policy Framework.
- 2 The proposed first floor extension by its design and massing is not subservient to this Non Designated Heritage Asset and therefore is contrary to policies DM1 (c) of the Taunton Deane Core Strategy and D5 (A) of the Taunton Site Allocations and Development Management Plan and National Planning Policy Framework.

### **Recommended Conditions (if applicable)**

#### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

## **Proposal**

The proposal is for the construction of a first floor extension to provide four bedrooms a bathroom and a self-contained annex wing. The extension would be finished with oak timber cladding, UPVC windows and slate roof.

The revised proposal has omitted the oak timber cladding and set back the first floor extension from the Lodge building with the insertion of a glazed flat roof section.

## Site Description

The site is located to north east of West Monkton with access taken from lane to Walford House via A38 Bristol Road. The property is Lodge building with built late 18<sup>th</sup> Century with classic design with Doric columns, with parapet and finished with rendered walls and timber door. There is a single storey L shaped extension to the rear of the lodge built with rendered walls, UPVC windows and slate roof.

## Relevant Planning History

48/11/0028 – Erection of single storey extension to the side to form ancillary accommodation – Conditional Approval

48/11/0048 – Erection of single storey extension to the side of Walford Lodge – Conditional Approval

48/12/0010 – Non Material Amendment to application 48/11/0048 to amend two rear elevation French doors to windows Walford Lodge – Allowed

48/08/0047 – Single storey rear extension – Conditional Approval

48/07/0049 – Construction of a conservatory to rear of Walford Lodge

## Consultation Responses

*WEST MONKTON PARISH COUNCIL* - 09/12/2020 – Supports the amendments, an improvement on the first application.

14/09/2020 – Having confirmed that the proposed cladding will be actual wood and not a plastic look-alike, the Parish Council supports the grant of this application.

*Hertiage England* - Does not wish to comment

*SC - TRANSPORT DEVELOPMENT GROUP* - Standing Advice

*CONSERVATION OFFICER* -Objection

15/12/2020 – Objection

Further to my previous comments. With reference to item 3 of the heritage statement I agree that at the time of ownership the property was in separate ownership from the main house at the time of listing and prior to listing it was in the same ownership. Ownership is part of the test to determine curtilage structures however it is not legally determinative that it has to be in the same ownership at the time of listing in order to be a curtilage protected building. I would strongly advise the applicants apply for a certificate of immunity as it is not conclusive that this is not curtilage listed.

I disagree with the comment in the statement that the lodge has no effect on the experience of Walford House and has a neutral impact on its setting. Lodges traditionally marked the entrance to important houses and have an impact as the first impression of the estate; they often have long winding drives to get to the house and an historic and design relationship between a lodge and manor house is

well established. It is wrong to think of them as separate entities with no impact on each other. The lodge will have an effect on the experience of Walford House through being the lodge marking the entrance to the estate. There does not have to be a direct visual link between the lodge and the house to effect the experience of the asset. Historic England guidance – Curtilage (Advice note 10) recognises lodges may be curtilage listed even though they are over 2 ½ miles from the main house. I disagree with the conclusions of heritage statement

The proposed alterations will adversely affect the quality and design of the lodge. The statement refers to later alterations that have impacted on the lodges aesthetic value however the scale and style of the extension worsens the later alterations. Georgian architecture is characterized by its proportion and balance and the proposed alterations do not reflect the character of the lodge.

13/10/2020

6/202 Nos 1 - 10 (consecutive) Walford House 25.2.55

GV II\*

Country house, now flats. Late C18. Render grooved as ashlar over brick, rusticated ground floor, bitumen covered hipped slate roof, pedimented central 3 bays breaking forward slightly, cut by cornice and string course, rendered brick stacks. L-plan: Main suite of rooms on South front behind colonnade, cross vaulted entrance hall and central stair behind, service wing North East corner. South front: 3 storeys, 1:3:1 bays; rosette in tympanum, attic storey 4 pane sash windows, outer central bays in raised surrounds, first floor 12-pane sash windows with moulded lintels to outer bays and pediment to centre, ground floor 15-pane sash windows in outer bays, two 16-pane sash windows centre and one in second bay left with inserted glazed door, fronted by Doric colonnade of 2:3:2 bays with paired columns in centre and in angles, pilaster responds, metope and triglyph frieze, boarded soffit, surmounted by low balustrade. Entrance on 3 bay left return, C20 half glazed double doors, flat roofed ashlar Doric porch with frieze of rosettes and triglyphs, boarded soffit, low balustrade. Long right return of 4:3 bays, some leaded iron casements in service wing at rear. Interior: dog leg stair, thin turned balusters, Adam-style ceiling to oval stair-light lantern, Adam-style plasterwork cornice, otherwise no interior features of note. The columns of the colonnade are much eroded due to use of poor stone, this, the absence of interior decoration and the early use of brick, point to a country house builder with an eye to economy. The house was divided into flats circa 1965. (Photographs in NMR).

Listing NGR: ST2720528202

Walford Lodge is the lodge to Walford House grade II\* listed and is potentially a curtilage listed building. It appears on the 1840 tithe map as the lodge at the entrance to a long carriage drive to Walford House. Walford House is late 18<sup>th</sup> century and from the detailing on the lodge, the lodge could also be late 18<sup>th</sup> century. Although shown as a non-designated heritage asset on the Somerset West heritage site it may be curtilage listed.

The proposed first floor extension is out of character with such an impressive building and the first floor extension does not respect this style of architecture. The lodge still marks the entrance to Walford House and affects the experience of arriving at Walford House. Even though there may not be a direct site line between the two buildings the experience of the designated asset should be taken into consideration. There would be an adverse impact if the lodge were to be altered to incorporate features out of character with the historic style of architecture.

The application should be withdrawn or refused.

Listed Building and Building and Conservation areas act 1990 section 66

NPPF 127,193,195

Taunton Deane Core Strategy CP8

*SC - ECOLOGY* - No objection - Recommend following informative to be placed on any permission:

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

## **Representations Received**

There have been no letters of representation received to the revised proposal.

There were 4 letters of support received to the original proposal stating the following:

- The proposed design compliments the existing building;
- The extension give the family space to grow;
- No objection to the proposal;

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core

Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP8 - Environment,  
DM1 - General requirements,  
D5 - Extensions to dwellings,

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of extensions of 100sqm or over are CIL liable.  
Creation of annexes, regardless of size, are CIL liable.  
This proposed development incorporates an extension and an annex and measures approx. 140sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £17,500.00. With index linking this increases to approximately £25,000.00.

## **Determining issues and considerations**

The determining factors for consideration are the affects on the amenity of neighbours, the appearance of the development and the impact on the street scene.

Principle of Development/Sustainability:

There are two principles that need to consider under this application.

Firstly whether the proposed extension results in harm to the traditional character of this converted building, which is considered to be a non-designated heritage asset. In this instance it is considered that the proposed extension would result in overtly domestic appearance, which would be at odds with the buildings traditional converted appearance and is therefore harmful.

When assessing applications concerning non-designated heritage assets, para 197 of the NPPF states *the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of*

*any harm or loss and the significance of the heritage asset'*, it is considered that this addition would cause demonstrable harm in the domestication of the barn. As well as being questionable in principle, the actual design of the proposed living area is entirely domestic and makes no discernible effort to take visual cues from either this group of buildings or indeed any other West Somerset and Taunton Deane examples.

The lodge is considered by offices to be an late 18<sup>th</sup> Century building built in connection to Walford House and therefore due to its age an exemplary finish is a Non Designated Heritage Asset (NDHA) and therefore it is accorded significant weight when determining extensions and alterations. As stated by the Conservation Officer as the lodge forms part of Walford House it could also be determined to be curtilage listed which would afford it greater weight for sympathetic extensions and alterations. It is therefore advised that the applicants apply for a certificate of immunity as it is not conclusive that this building is not curtilage listed.

Policy D5 seeks to ensure that extensions to dwellings do not harm the form and character of the dwelling to be extended.

The revised proposal with the set back of the first floor extension is acknowledged, however, whilst the proposed first floor extension would not be built on top of the Lodge building it would adversely harm its setting and therefore its character and appearance of this simple single storey lodge building. The first floor extension would neither preserve or enhances the non-designated heritage asset (the Lodge). It is not considered that any first floor extension would be unacceptable to this simple single storey building. It is noted that previous extensions have historically only been single storey in height thereby respecting the character and appearance of the historic Lodge.

The revised proposed first floor extension by means of design scale and massing together with its use of inappropriate materials does little to preserve or enhance original Lodge. The revised proposal that omits the timber cladding is a welcome amendment and removes this objection to use of finish to the property.

The proposed insertion of Juliet balconies on the rear elevation break through the existing single storey parapet wall and results in a poor quality design that would be detrimental to the setting of the historic Lodge.

Whilst it is stated that the property is not highly visible from public views, officers disagree with this statement as the Lodge faces onto the lane and boundary trees and hedging could be removed at any time thereby the building is visible to public views. Irrespective of being highly visible or not any extension or alteration should complement and enhance an existing property not result in harmful development. This proposal by means of its scale, massing and design would fail to comply with Policies Taunton Dean Core Strategy CP8 (Environment) and DM1 Site Allocations Development Management D5 (Extensions to Dwellings) and paragraph 197 of National Planning Policy Framework.

### Conclusion

The revised proposed first floor extension is not considered to be acceptable as it would harm the historic nature of this Non Designated Heritage Asset and as such is detrimental to its character and appearance. Consequently the proposal fails to



accord with policies CP8 and DM1 of the Taunton Deane Core Strategy and policy D5 of the Taunton Site Allocations and Development Management Plan and paragraph 197 of National Planning Policy Framework. The application is recommended for refusal.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Mr C Mitchell**



## APPEALS RECEIVED – 14 JANUARY 2021

**Site:** BARN A, PYLEIGH HOUSE FARM, PYLEIGH MANOR FARM LANE,  
LYDEARD ST LAWRENCE, TAUNTON, TA4 3QZ

**Proposal:** Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations at Barn A, Pyleigh House Farm, Pyleigh, Lydeard St Lawrence

**Application number:** 22/20/0002/CQ

**Appeal reference:** APP/W3330/W/20/3262500

**Decision:** Delegated Decision – Prior Approval Refused

**Enforcement Appeal:**

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**Site:** BARN B, PYLEIGH HOUSE FARM, PYLEIGH MANOR FARM LANE,  
LYDEARD ST LAWRENCE, TAUNTON, TA4 3QZ

**Proposal:** Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations at Barn B, Pyleigh House Farm, Pyleigh, Lydeard St Lawrence

**Application number:** 22/20/0003/Q

**Appeal reference:** APP/W3330/W/20/3262537

**Decision:** Delegated Decision – Prior Approval Refused

**Enforcement Appeal:**

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**Site:** BARN C, PYLEIGH HOUSE FARM, PYLEIGH MANOR FARM LANE,  
LYDEARD ST LAWRENCE, TAUNTON, TA4 3QZ

**Proposal:** Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations at Barn A, Pyleigh House Farm, Pyleigh, Lydeard St Lawrence

**Application number:** 22/20/0004/CQ  
**Appeal reference:** APP/W3330/W/20/3262547  
**Decision:** Delegated Decision – Prior Approval Refused  
**Enforcement Appeal:**

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**Site:** BARN D, PYLEIGH HOUSE FARM, PYLEIGH MANOR FARM LANE,  
LYDEARD ST LAWRENCE, TAUNTON, TA4 3QZ

**Proposal:** Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations at Barn A, Pyleigh House Farm, Pyleigh, Lydeard St Lawrence

**Application number:** 22/20/00025/CQ  
**Appeal reference:** APP/W3330/W/20/3262552  
**Decision:** Delegated Decision – Prior Approval Refused  
**Enforcement Appeal:**

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# APPEAL DECISIONS – 14 JANUARY 2021

**Site:** Land south of Beacon Road, Minehead  
**Proposal:** Outline application for the erection of 5 No. dwellings  
**Application number:** 3/21/19/007  
**Reason for refusal:** Appeal – Dismissed, Costs – Refused  
**Original Decision:** Chair - Refusal



The Planning Inspectorate

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## Appeal Decision

Site Visit made on 9 November

2020 by David Wyborn BSc(Hons),

MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

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### Appeal Ref: APP/W3330/W/20/3257876

#### Land at Beacon Road, Minehead.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Way against the decision of Somerset West and Taunton Council.
  - The application Ref 3/21/19/007, dated 28 January 2019, was refused by notice dated 26 February 2020.
  - The development proposed is the erection of up to five new homes on land south of Beacon Road, Minehead.
- 

### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs has been made by Mr Way against Somerset West and Taunton Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The application has been submitted in outline with all matters reserved for consideration at the subsequent stage. Illustrative plans have been included which

show a possible layout and related development to accommodate 5 dwellings. I have treated these plans and details as indicative of the approach that the appellant has in mind for the development of the site.

4. The first reason for refusal states that the site lies within the North Hill Conservation Area. The Council has confirmed within its statement that the site actually lies within the Higher Town Conservation Area, which forms part of North Hill. It is not in dispute that the site lies within a Conservation Area. The appellant's heritage statement correctly identifies the name of the Conservation Area and therefore I am satisfied that no party has been prejudiced by the incorrect reference in the reason for refusal.

## Main Issue

5. The main issues are:

- the effect of the proposal on the character and appearance of the area, with particular regard to the setting of the listed buildings, St Michael's Church and Clevelands<sup>1</sup>, and whether the proposal would conserve or enhance the

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<sup>1</sup> The listing description identifies the property as Cleveland, however, the sign on the road directing visitors says Clevelands and I have used this name in the appeal decision.

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character or appearance of the Higher Town Conservation Area (the CA), and

- the effect of the proposal on biodiversity.

## Reasons

### Character and appearance

6. This section of North Hill rises above the lower areas of Minehead and is a prominent and attractive feature of the landscape. Across this part of the hillside the buildings are generally more closely sited together towards the lower slopes. Gradually, further up the slope, the buildings generally become more separated in larger plots with a dominance of mature trees, and the hillside then merges with the countryside beyond.
7. One of the landmark features of this part of North Hill is St Michael's Church, a Grade II\* Listed Building, and in particular the tower. The tower forms a focal point that draws the eye, and often appears with a backdrop of the generally undeveloped and treed hillside. The Church is significant because of the 15<sup>th</sup> century origins, design and form and this includes its presence amongst this part of North Hill. The building is experienced from the adjoining roads and also in the extensive views from parts of Minehead where the generally verdant areas of surrounding hillside form part of the setting of this heritage asset.
8. Further around and up the slope of this part of the hillside is Clevelands, a Grade II Listed Building. The significance of the building includes its size, age, history and design with largely unaltered attractive architectural detailing. Clevelands is visible from various locations across Minehead, such as parts of Hopcott Road and Periton Road, and some of the areas of the town broadly north of these roads, including for instance, parts of Townsend Road. From these types of location there are direct views towards this elevated building and the treed backdrop forms part of its attractive and elevated setting which helps frame the building in the landscape.

9. The Higher Town CA covers parts of the town at the foot of North Hill and also includes extensive areas of the hillside and some of the buildings. The significance of this hillside section of the CA includes the verdant surroundings to the buildings, the subtle merging of the upper slope with the surrounding countryside and the landmark provided by the Church Tower.
10. The appeal site is located reasonably far up the slope of this section of North Hill within the CA. It lies parallel with Beacon Road and the land slopes down towards Clevelands and Cleveland Chalets, with the Church further down the slope. The site also slopes broadly from west down to the east. The site has an extensive row of pine trees along the road boundary and other trees, bushes and scrub across other parts of the site. Groups of trees are subject of a preservation order. Some of the trees, such as the row along the Beacon Road, are significant structurally within the landscape. Other trees and bushes are individually not of such importance, however, collectively across the site the combination of trees, bushes and scrub ensure that the site has a verdant and in part woodland character that merges fairly seamlessly with the generally treed character of the surrounding parts of this section of North Hill.
11. The indicative plans show the erection of 5 houses and detached garages across the site and this would require the clearance of bushes, scrub and some of the trees in these areas. Although the majority of the preserved trees should be able to be kept, the plans show level changes across much of the site, areas of hardstanding, three accesses and garden areas, all of which is likely to be necessary in some form to deliver the intended housing, notwithstanding the details at the reserved matters stage.
12. A belt of landscaping would be retained on a lower part of the slope and this could be supplemented with additional planting. Furthermore, the backdrop of the trees along Beacon Road and some trees adjoining the housing would be retained. However, because of the extent of the likely clearance works to accommodate the housing and related infrastructure, the result would still be that across a significant part of the site the verdant qualities that contribute to the character and appearance of this part of North Hill would be substantially eroded.
13. Sections of the proposed housing, indicatively shown as three stories facing the town, would, even if well designed and extensive landscaping details were submitted at the reserved matters stage, be quite conspicuous on this elevated part of the hillside. The extent of housing would erode the undeveloped character of the site and, together with the loss of vegetation, the contribution the site makes to the gradual transition to the countryside would be significantly diminished. The combination of all these changes, even having regard to any details that could be submitted at the reserved matters stage, would harm the character and appearance of this part of the hillside. The result would undermine positive aspects of the CA that contribute to its attractive and locally distinctive appearance.
14. The appeal site forms a general verdant backdrop to Clevelands and/or St Michael's Church tower, depending on the angle of view, from a variety of locations across Minehead. The loss of vegetation and replacement with housing would be experienced in many of the same views in conjunction with one or both of the listed buildings. The position of the new buildings would, in all likelihood, draw the eye and erode the characteristic backdrop and thereby harm the way that the listed buildings were presently framed and experienced in the landscape. The proposal would therefore unduly harm their settings.

15. I am mindful of the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering the impact of development on conservation areas and the setting of listed buildings. Consequently, drawing all these matters together, the combined effect of the proposal would not preserve or enhance the character or appearance of the CA and it would harm the setting of both listed buildings. As a consequence, the proposal would detract from the significance of these heritage assets. The combined harm to these heritage assets would be significant, although this harm would still be less than substantial within the meaning of paragraph 196 of the National Planning Policy Framework (the Framework). In accordance with the Framework, this harm should be weighed against the public benefits of the proposal.
16. The scheme would provide a boost to housing supply with up to 5 units of accommodation in a location that would have good access to services and facilities in the nearby town, and links to public transport. The site would be considered a windfall site and make effective use of the land. There would be related economic and social benefits to the area during construction and in subsequent occupation. However, as only 5 units of accommodation would be provided, the public benefits would be minor and afford limited weight in favour of the proposal.
17. The Framework advises that any harm to the significance of a heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the potential harm to the significance. I have found that the public benefits of the proposal afford limited weight and therefore they would not outweigh the harm to the CA and to the setting of the listed buildings. There would be harm to the significance of these heritage assets, which in accordance with the Framework, is required to be attributed great weight. For these reasons, I do not agree with the appellant's analysis and the conclusions of the Heritage Impact Assessment (July 2019).
18. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area and, in particular, not preserve or enhance the character or appearance of the CA and detract from the setting of Clevelands and St Michael's Church. Accordingly, the proposal would conflict with Policies NH1 and NH2 of the West Somerset Local Plan to 2032 (the Local Plan) and the Framework which seek, amongst other things, to conserve and enhance the historic environment.

## **Biodiversity**

19. The second reason for refusal indicates that there is insufficient information to make a detailed assessment of the biodiversity of the site and includes comments that the Ecological Survey and Assessment Report (16/11/2017) (the Ecological Report) is undated and may not be up to date. There are also concerns that no bat survey has been undertaken, no survey of nesting birds and no reptile survey.
20. The application was accompanied by the Ecological Report. The appellant has indicated that when the report was first submitted and uploaded this resulted in every other page being missing, including the page with the date of the report. It is explained that this matter was resolved when the full report was resubmitted and uploaded to the Council web site in March 2019 – 11 months before the Council determined the application.
21. The Ecological Report is a Phase 1 Habitat Survey undertaken by a qualified practitioner and the criticisms of the report, in terms of the date, for instance, are unfounded.



22. The Ecological Report provides a reasonable analysis in relation to nesting birds and reptiles and the survey and conclusions are adequate in these respects. However, in terms of bats, the Report explains that bat emergence surveys were not conducted as the survey was outside the optimum period for bat surveys and that the larger of the Monterey pines and to a lesser degree the standard ash to the west offered potential roosting sites.
23. Bats are a protected species and trees on the site appear to have the potential as roosts and other areas for foraging. The site is about 0.45km from the Exmoor Heaths Special Area of Conservation. While many of the trees on the site would be retained, it is not clear from the information whether trees which, in all likelihood because of the extent of development proposed, would be felled are roosting sites. Furthermore, the effect on foraging from the loss of scrub and other foliage has not been comprehensively analysed. In these circumstances, the Ecological Report does not provide the necessary certainty that any bats would be adequately protected on the site, notwithstanding the recommendations which include the provision of bat boxes and other mitigation and enhancement measures.
24. It would not be reasonable to attach a survey requirement as part of a condition in any approval. This is because, in accordance with Circular 06/2005, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.
25. Accordingly, I conclude that it has not been demonstrated satisfactorily whether any bats which may be present on or use the site could be adequately protected as part of the development proposal. As a consequence, the scheme would not accord with the Framework which seeks to conserve and enhance the natural environment.

## **Other Matters**

26. I have taken into account all the objections, including from local residents, the Minehead Town Council, the North Hill Action Group and the Minehead Conservation Society, as well as the letters of support, and the responses to all these matters from the appellant. I have examined above the main issues that have been raised.
27. I also have taken into account that the site was identified in the Strategic Housing Land Availability Assessment (SHLAA) as having the potential for a greater level of development than that proposed in the present scheme. However, this is not determinative in relation to the consideration of a planning application and the detailed assessment of the key issues. I therefore afford the identification of the site within the SHLAA limited weight in this case.
28. The appellant has raised detailed concerns and frustration with the processing of the application by the Council that led to the refusal after a lengthy period of time. However, the way in which the Council handled the application is not a matter for me to consider in the context of this appeal, which I have determined on its own merits.

## **Conclusion**

29. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

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## Costs Decision

Site visit made on 9 November 2020 by David Wyborn

### BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

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#### **Costs application in relation to Appeal Ref: APP/W3330/W/20/3257876 Land at Beacon Road, Minehead.**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Way for a full award of costs against Somerset West and Taunton Council.
  - The appeal was against the refusal of planning permission for the erection of up to five new homes on land south of Beacon Road, Minehead.
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#### **Decision**

1. The application for an award of costs is refused.

#### **Procedural Matter**

2. I have treated the application as seeking a full award of costs based on the details and range of case made in the submissions.

#### **Reasons**

3. The Planning Practice Guidance (the Guidance) advises, regardless of the outcome, costs may be awarded against a party who has behaved unreasonably and caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. In summary, the applicant has explained that the Council has not carried out appropriately the application process and the requirements for ever more detailed assessment regarding issues that have already been determined as acceptable in principle has been inappropriate. The case is made that the acceptability of the site in principle was made through the Local Plan process with the site identified as suitable for development in the Strategic Housing Land Availability Assessment (SHLAA). This was followed by positive preapplication advice and therefore the site must be

accepted as appropriate for development. It is argued that this has not been questioned through any of the stages simply the level of detail that is required.

5. Furthermore, the Council has not worked in a positive and proactive way as required by the National Planning Policy Framework to look for and agree solutions. The applicant considers that if the Council had been consistent then it would have granted planning permission.
6. In terms of the reasons for refusal, the Council would not have refused the application on ecological grounds and not raised issues with the lack of detail in the report if it had taken into account the missing pages that had been supplied many months before the decision. If the Council had considered the professional report in its entirety the Council would have realised that the ecological issues had been addressed. This error led to unnecessary confusion and extra costs.
7. In terms of the other reason for refusal, the Council took many months to process the application and it appeared there was scope to resolve matters. The applicant commissioned reports as requested and this included a Heritage Impact Assessment which demonstrated that the impacts would be acceptable. However, the Council refused the proposal on this ground, ignoring the findings of the report and even incorrectly naming the Conservation Area. These are more examples of unreasonable behaviour.
8. The applicant considers that the Council should reimburse the costs if the appeal is dismissed because it would have misled the applicant regarding the suitability of the site. In the case that the appeal is allowed the costs should be paid for the wasted time and expense in having to prove the case at appeal.
9. The Council has responded to these points to say that the processing of the application took a considerable time because of the substantial local interest and the need to work through a series of issues. The requests for information reflect the validation requirements and to address key issues with the site. The effect of the proposal on heritage assets had been raised at the pre-application stage and the report was important, necessary and a normal request.
10. It is said that the Council made the agent fully aware of the view of the then Landscape and Biodiversity Officer in relation to perceived inadequacies with the ecological assessment and that it did not include surveys of various wildlife which are protected and that the site had potential habitats and/or foraging routes.
11. The Council dispute the assertion that the principle of the site had been agreed. It was highlighted in the SHLAA but a detailed assessment of the site's constraints and suitability for development had not been undertaken. The site was not allocated for development in the West Somerset Local Plan to 2032.
12. The Council believe that it did work positively to address concerns, however, there were fundamental issues with the proposal and the approach of the Council to refuse the application was not unreasonable for the two reasons set out.
13. In looking at these issues, the Guidance explains that all parties are expected to behave reasonably throughout the planning process although costs can only be awarded in relation to unnecessary and wasted expense at the appeal stage<sup>1</sup>. I have

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<sup>1</sup> Behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.

noted the arguments of the applicant, however, these predominantly concern how the Council processed the proposal at the application stage rather than its conduct at the appeal stage.

14. The incorrect naming of the Conservation Area in the reason for refusal was unfortunate but did not lead to any material level of additional costs or wasted expense at the appeal stage. It was also unfortunate that it appears the Council used the older and incomplete version of the Ecological Impact Assessment as their basis for the reason for refusal. However, at the appeal the applicant referred to the existing and completed version to seek to address the reason for refusal and again this did not add any material level of costs. It will be seen that I consider that the issues regarding the potential effect on bats was well founded and this meant that the reason for refusal as a whole was not unreasonable.
15. In terms of the first reason for refusal, seeking information in the form of a technical report from an applicant does not require the decision maker to agree with the findings of the subsequent submissions. The Planning Report did reference the Heritage Impact Assessment and explained why it disagreed with the findings. Such issues are matters of judgement, based on technical information and assessments, and it will be seen that I agree with the Council on this matter.
16. Equally it will be seen from the decision that the identification of the site within the SHLAA was not determinative. Consequently while it is understandable that the applicant may place some weight on this matter, together with the preapplication advice, it does not prejudice the decision maker in assessing the proposal on its merits at the application stage.
17. Drawing all these matters together, the council provided satisfactory evidence at the appeal stage that justified to a sufficient extent the two reasons for refusal, although there was some inaccuracies in naming the wrong CA and with highlighting issues in the Ecological Impact Assessment.
18. As a result, it follows that in terms of the issues raised by the applicant in the costs claim that relate to the appeal process, I cannot agree that the Council has acted unreasonably in this case and the appeal could not have been avoided. Accordingly, the appellant was not put to unnecessary or wasted expense.

## **Conclusion**

19. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated and an award of costs is not justified.

*David Wyborn*

INSPECTOR

**Site:** Silk Mills Cottage, Silk Mills, Holford, TA5 1RY

**Proposal:** Change of use from woodland to residential with reinstatement of the original stone cottage

**Application number:** 3/16/18/003

**Reason for refusal:** Dismissed

**Original Decision:** Delegated - Refusal



The Planning Inspectorate

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## Appeal Decision

Site Visit made on 9 November

2020 by **David Wyborn BSc(Hons)**

**MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 December 2020**

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### Appeal Ref:

**APP/W3330/W/20/3257419 Silk Mills**

**Cottage, Holford, TA5 1RY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Andrew Gray against the decision of Somerset West and Taunton Council.
  - The application Ref 3/16/18/003, dated 28 February 2018, was refused by notice dated 14 February 2020.
  - The development proposed is described as "to sympathetically reinstate the remaining shell of the original stone cottage at Holford Silk Mill in line with the original cottage including retaining its woodland setting unchanged as far as possible. The change of use is from woodland to residential".
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The case is made that the decision of the Council was unlawful. However, this would be a matter for the courts rather than for the considerations under a section 78 appeal. I have therefore considered the proposal based on its planning merits.

## **Main Issue**

3. The main issues are the effect of the proposal on:

- the character and appearance of the area, having regard to the setting of the Holford Conservation Area, the effect on the non-designated heritage asset and the location of the site within the Quantock Hills Area of Outstanding Natural Beauty.
- biodiversity, and
- highway safety for pedestrians.

## **Reasons**

### **Character and appearance**

4. The site forms part of an attractive woodland with a stream running through the land. Parts of the site are visible from the adjoining road where there are some public views over the stone wall into the valley below. The site includes part of the previous Silk Mills Factory which was part of the local textile industry which operated from the 16th century. In acknowledgment of the site's significance and its historic, economic and social importance, the main parties accept that it should be considered a non-designated heritage asset and I agree with this assessment.
5. The industrial archaeology is discernible within the wider site, although many of the buildings have largely gone. The main standing structure is described as Silk Mills Cottage, and while there is some evidence that it may historically have been residential accommodation, the information does not appear to be categorical in this respect. Nevertheless, it is presently a ruin with the external stone walls largely standing, but with no roof, internal walls or first floor.
6. The structure has an enchanting character in this tranquil woodland setting. It lies amongst the general woodland and this main remaining built presence has largely merged into the surroundings, with the trees overhanging it and with no clear demarcation with the wider valley area. In this way the site makes a positive contribution to this location within this part of the Quantock Hills Area of Outstanding Natural Beauty (the AONB).
7. The Holford Conservation Area (CA) covers a reasonably extensive part of the village. Part of the significance of the CA includes the relationship of open fields and spaces, treed areas and the built form of cottages, houses and buildings, such as the church. The boundary of the CA runs along the road by the site and then drops down the valley side and includes part of the woodland area and a section of the stream. The appeal site, and in particular the building, is reasonably close to, but outside, the CA. The adjoining woodland area, including the building, forms the attractive surroundings in which this part of the CA is experienced and therefore forms part of the setting of the CA.
8. The proposal would use the existing fabric of the structure, extending up the walls in the limited places where necessary and with the construction of a new roof. Internally a first floor would be constructed and windows, utilising some of the existing openings, would be installed as part of the works to alter the structure to a dwelling. Externally the red lined application site is drawn fairly tightly around the proposed dwelling and the access from the road. An area for car parking at the base of the fairly steep drive is shown on the plans.

9. I have very carefully considered all the submissions from the appellant and the clearly stated intention that the works and use would be undertaken sensitively in an effort to restore the building in a way that would preserve the building and not cause harm to the surroundings.
10. The physical works to the building in themselves and in isolation may be judged acceptable. The introduction of a residential presence as part of this application would, however, in my judgement, lead to a range of harmful changes that even if they did not take place immediately by the initial occupants, or require planning permission, would gradually erode the distinctive rural character of the site. For instance, the plans show car parking within the lower area of the site. This is the type of provision that would be necessary to ensure safe and convenient access to the dwelling for most occupiers and visitors, including the less ambulant, especially with the fairly steep drive.
11. There would also be a need for some form of curtilage and even if tightly drawn around the building residential occupation would, in all probability, bring domestic paraphernalia and other changes such as lighting (including from the dwelling windows themselves), planting and seating areas. For instance, the submissions mention railings would be added to the sides of the bridge in the interests of safety, potentially under permitted development rights. This is an example of the minor but likely alterations and additions that would gradually evolve from the residential use of the site and which cumulatively would erode the tranquil and woodland quality of the site over time.
12. With the location of the proposed dwelling reasonably close to overhanging and mature trees, and while I have noted the appellant's arguments in these respects, I consider that there would be future requests from occupiers for the removal and/or cutting back of some trees to improve light and alleviate potential damp conditions. Once residential use had been approved it would be difficult to refuse such requests which sought to ensure acceptable living conditions, even with these trees the subject of a preservation order. Indeed the present proposal already incorporates the removal of some of the trees adjoining the building. The loss and cutting back of such trees over time would harm the wooded and verdant quality of the area.
13. Taking all these matters together, the introduction of a permanent residential use to the site would, in all likelihood, lead to harmful changes which would suburbanise the woodland surroundings to the building and materially and adversely harm the present character and appearance of the site. I do not consider that it would be reasonable, or indeed practically possible, to try to prevent these changes from occurring through planning conditions or a planning agreement. Even if the structure was a dwelling in the past this use has long ceased and the character of the site has now changed. Acceptance of the residential use as now proposed would, in my view, bring an inevitable consequence of change to the site and this change would be harmful for the reasons explained. This would be the case even with the tightly drawn red line of the application site.
14. The National Planning Policy Framework (the Framework) explains that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. It follows from my analysis that the scheme would not conserve the landscape and scenic beauty of this part of the AONB. This weighs substantially against the scheme.

15. The structure on the site is gradually deteriorating and there may be few, if any, viable options available for its preservation. However, the proposal would likely cause harm by suburbanising the surroundings and thereby detract from the way that the remnants of the industrial archaeology would be experienced. Indeed, I consider that the harm proposed by the present scheme would be greater than allowing the building to stand as it is at the moment, accepting that gradual decline would continue to take place. As the existing fabric of the structure would be retained by the appeal proposal, I consider the likely harm to the non-designated heritage asset as a whole would weigh to a moderate extent against the scheme.
16. Furthermore, the harmful changes I have identified would be in proximity to the boundary of the CA. These likely changes would detract from the qualities that contribute to the significance of the CA. The Framework advises that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification and the conservation of the asset is a matter of great weight. In this case, the harm to the setting of the CA as a whole, and therefore its significance as a designated heritage asset, would be less than substantial and the Framework policy is that this needs to be weighed against the public benefits including where appropriate, securing its optimum viable use.
17. While the conversion to a dwelling may be viable it is not an optimum use because of the likely harm that I have identified. The scheme would provide an additional dwelling, to a Passivhaus standard, in a general village location, where there would be economic and social benefits to the local area during construction and subsequent occupation. There may be wider and on-going benefits to the economy if the accommodation was used as a holiday let. The works would provide a small boost to housing supply in a secondary village as identified in Policy SC1 of the West Somerset Local Plan to 2032 (the Local Plan). Furthermore, the proposal would constitute a windfall housing site making effective use of the land. However, given that only one unit of accommodation would be provided, the cumulative benefits would be limited.
18. The harm to the setting of the CA would be localised and, in the context of the CA as a whole, minor. Nevertheless this harm is required to be attributed great weight. The harm I have identified to the heritage asset would not be outweighed by the benefits of the scheme.
19. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area, including the setting to the CA, the nondesignated heritage asset and the AONB. As a consequence, the scheme would not comply with Policy NH1 of the Local Plan and the Framework which seek, amongst other things, that development should sustain and/or enhance the historic rural heritage, particularly those elements which contribute to the areas distinctive character and sense of place.
20. I have noted the analysis of Local Plan policies set out in the appellant's statement. While the Council have only mentioned Policy NH1 in the reason for refusal, I also consider, having regard to my findings above, that the scheme would not comply with Policy NH2 of the Local Plan concerning the management of heritage assets and Policy NH14 of the Local Plan regarding the need to have regard to the statutory purposes of the AONB.



## **Biodiversity**

21. The application was accompanied by an Ecological Appraisal (November 2017). The report confirms that an initial ecological appraisal was undertaken on 25 July 2016 and a further revalidation site survey undertaken on 16 October 2017. This report explains that the site is within the Quantocks Site of Special Scientific Interest (SSSI) and adjoins the Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC).
22. After surveys of the site, the Ecological Appraisal concluded that the buildings were not suitable for roosting bats, but did note that the continued deterioration of the structures may result in the formation of suitable roost features. However, the Appraisal indicates that four trees surrounding the building had multiple highly suitable roosting features capable of supporting colonies of bats and that there were moderate quality foraging opportunities through the woodland which is connected to the wider landscape by linear features including the stream.
23. The Council sought further bat survey information based on the advice of the County Council Ecologist. He commented that given the proximity to the SAC he could not discount the possibility that the identified surrounding trees were not being used as roosts by barbastelle bats, for which the SAC is designated, and that barbastelle bats are affected by disturbance due to prolonged human activity in the vicinity of roost sites.
24. The appellant has explained that as it seemed that the Council wished to refuse the application, obtaining a bat survey would not have made a difference to the outcome. Furthermore, the case is made that, based on the Ecological Appraisal, the ecological issues could be the subject of a condition in any approval.
25. I note the approach of the appellant in this case, however, Circular 06/2005 explains that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The information available indicates that the site could be a roost for barbastelle bats<sup>2</sup>, and with the link with the adjoining SAC, there is a reasonable likelihood of bat species being present. In accordance with the Circular there are not the exceptional circumstances that would allow a planning condition to address this matter following any planning approval.
26. Consequently, it is not clear whether protected species are present and, if so, whether they would be adversely affected by the development. In these circumstances, I cannot be certain, if permission was to be granted, that I would have met my responsibilities, as the competent authority, under the Conservation of Habitats and Species Regulations 2017.
27. It follows that I conclude that there is the potential for the proposal to adversely and unduly affect the biodiversity of the site. Consequently, the proposal would not meet with the requirements of Policy NH6 of the Local Plan and the Framework which seek, notably, that development should demonstrate that it will not generate unacceptable adverse impacts on biodiversity.

## **Highway safety**

28. Holford is a fairly dispersed village and is served from the A39 via roads which are mainly single carriageway and generally without footways and street lighting. The

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<sup>2</sup> The County Council Ecologist also raises the issue of potentially Bechstein's bats being present.

proposed dwelling would be within reasonable walking distance of the public house, village hall and the bus stops on the A39. There are two roads from the site to the A39. The more northerly route is narrow in places. However, the more southerly route has a reasonable width for much of its length, and there are refuge areas, such as private drives, where walkers could step back from approaching traffic.

29. This latter route is gently curving in places and with the village location and the nature of the road, which would generally limit traffic speeds, together with the ability to step back from approaching vehicles, the reasonably level and convenient walk to and from the site to the A39 would not present an unsafe route.
30. Accordingly, I conclude that the proposal would provide a safe and easy pedestrian access to the services of the village and therefore comply with Policy SC1.4 of the Local Plan and the Framework in this respect.

## **Other Matters**

31. I have taken into account all the objections from local residents and the comments of the Parish Council, and also the detailed responses from the appellant which seek to address each matter raised. I have had regard to all these submissions and considered the main issues in this appeal in the analysis above.
32. I also note the frustration and concerns raised with how the Council addressed the application and dealt with communications with the appellant. However, these are not matters for my considerations as part of the appeal which I have considered on its planning merits.

## **Conclusion**

33. I have found harm to the character and appearance of the area and it has not been demonstrated that the biodiversity of the site would not be adversely affected. These are matters that weigh to a substantial extent against the scheme. The site would have an acceptable pedestrian route to local facilities but the provision of a safe route is neutral in the overall analysis. The benefits of the scheme merit only limited weight in favour and would not be outweighed by the harm.
34. Consequently, while I have had regard to all the development policies that have been raised during the consideration of the proposal, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

*David Wyborn*

INSPECTOR

**Site:** 106 UPPER HOLWAY ROAD, TAUNTON, TA1 2QA

**Proposal:** Erection of a wooden perimeter fence at 106 Upper Holway Road, Taunton (retention of works already undertaken)

**Application number:** 38/20/0188

**Reason for refusal:** Appeal – Dismissed,

**Original Decision:** Delegated Decision – Refusal



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## Appeal Decision

Site visit made on 1 December 2020 by **C J Ford BA (Hons) BTP MRTPI**

a person appointed by the Secretary of State

Decision date: 4 January 2021

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### Appeal Ref: APP/W3330/D/20/3259419 106 Upper Holway Road, Taunton TA1 2QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Miss Claire Sperring against the decision of Somerset West and Taunton Council.
  - The application Ref 38/20/0188, dated 5 June 2020, was refused by notice dated 11 September 2020.
  - The development is front of property perimeter wood fence.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The original planning application was made retrospectively. The appeal has therefore been considered on the same retrospective basis.

## Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

## Reasons

4. The appeal site forms part of a residential estate. It appears the dwellings were originally laid out with open plan, mainly grassed front garden areas, similar in character to the neighbouring highway verges and street corners. However, over time, the distinction between the boundaries of the front garden areas and the public amenity space have become more clearly defined.
5. In most cases, this is the result of very low 'knee rail' perimeter wooden fencing and the planting of shrubs, boundary treatments which are broadly sympathetic to the original open plan design. Examples of taller wooden fencing or other such treatments are far less common. However, where they do exist, they have generally not exceeded a height of approximately 1m. (The fence which exceeds this height at No 75 Upper Holway Road, opposite the appeal site, does not benefit from planning permission and so can be given very little weight in the determination of this appeal). Therefore, despite the increased boundary definition described above, the properties have retained fairly open frontages and this openness is an important part of the character of the area.
6. The submitted plans indicate the fence maintains a height of 1.22m above ground level. Although this is only around 22% more than some of the other boundary treatments found in the locality, the resulting greater degree of enclosure is plainly apparent and it has a significant harmful visual impact when observed amongst the characteristic fairly open frontages. Furthermore, as the garden area rises a little between the public footway and the front door to the house, it creates the perception that the fence beyond the front boundary is taller than its actual height, thereby compounding its harmful incongruous appearance. The trees found on the highway verge do not provide adequate mitigation in terms of public views of the development, particularly during the winter months.
7. While I greatly sympathise with the personal circumstances expressed by the appellant and acknowledge the benefits that are derived from the fence, a boundary treatment of up to 1m in height, consistent with others found in the area, would provide similar benefits. Consequently, these considerations do not justify or outweigh the identified harm of the appeal development. Although the support expressed by neighbours is also recognised, the development must be duly considered against planning policy.
8. In light of the above, it is concluded the development has an unacceptably harmful effect on the character and appearance of the area. It conflicts with Policy DM 1 of the

Council's Adopted Core Strategy 2011-2028 which, amongst other things, seeks to ensure development does not unacceptably harm the character and appearance of any settlement or street scene.

## **Conclusion**

9. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

*Christian Ford*  
PLANNING DECISION OFFICER

