



## Appeal Decision

Site visit made on 9 January 2018

**by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26<sup>th</sup> January 2018**

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**Appeal Ref: APP/R3325/W/17/3181238**

**Land adjoining the Village Hall, Broadway Road, Broadway, Ilminster  
TA19 9RX**

- 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 Fifehead Farms against the decision of South Somerset District Council.
  - The application Ref 17/01175/OUT, dated 10 March 2017, was refused by notice dated 1 June 2017.
  - The development proposed is residential development of land by the erection of up to 5 dwellings with associated garages and parking, provision of new vehicular and pedestrian access (resubmission of application 15/05042/OUT).
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The appeal was submitted in outline with all matters except for access reserved for subsequent approval. The appellant submitted a plan<sup>1</sup> with the application illustrating how the site could be developed with 5 dwellings. I have dealt with the appeal on this basis, treating that plan as illustrative insofar as it relates to the layout, appearance and scale of the dwellings and landscaping.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the area including the setting of St Aldhelm and St Eadburgha, a grade I listed church.

### Reasons

4. The appeal site comprises a field that fronts Broadway Road, adjacent to the village hall, medical centre and their car park, on an edge of the settlement of Broadway. There are hedges to 3 sides of the field with the boundary to the car park consisting of trees adjacent to a wire fence. The site is not within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) or any other landscape designated area. It is around 3km from the boundary of the AONB.
5. The appeal proposal would involve the construction of up to 5 dwellings with associated garages and parking served from a new access off Broadway Road.

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<sup>1</sup> Drawing No. SK1

The hedgerow at the front of the appeal site would be retained through translocation to the rear of the visibility splays.

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
7. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that the more important the asset, the greater the weight should be. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.
8. The church of St Aldhelm and St Eadburgha is some distance from the appeal site along Broadway Road towards the A358 and sits relatively isolated from the settlement. Accompanying the church are a number of grave markers that the Council have stated are also listed and a churchyard cross that it states are grade II\* listed and a Scheduled Ancient Monument. Broadway has developed as a linear settlement mainly along Broadway Road. The area in the vicinity of the appeal site is characterised by a variety of age and style of buildings and is reasonably flat. There is what appears to be converted farm buildings on the opposite side of Broadway Road and my attention has been drawn to an appeal decision<sup>2</sup> for residential development adjacent to these buildings. I have not been provided with the full details of that scheme or the evidence that was before that Inspector.
9. Based on the information before me and my observations I consider that the significance of the church largely derives from its age, architectural features, form, fabric and use. In addition, the significance of the grave markers and churchyard cross mainly comes from their age, fabric, relationship with the church and associations with local families. Consequently, I consider that the significance of the grave markers and cross stems from their immediate rather than extended setting.
10. The church tower is visible from the surrounding area rising above the rural landscape and it appears to have been a feature of that landscape for many centuries. The church is separate from the settlement and sits surrounded by agricultural fields. Even though the reasons why it is separated from the settlement are not known it seems that it has been mainly isolated since at least the 18<sup>th</sup> Century. The only evidence of any building close to it is that of an agricultural building that occupied the area presently used for parking. The church has served the settlement as the focal point for religious activities for many centuries. As such, there is a clear communal, historic and functional link between the church and the settlement.

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<sup>2</sup> APP/R3325/W/16/3151168 – 26 September 2016

11. The Council have stated that there are very few other examples of churches in similar isolated positions in the District. Within the appellant's Statement of Heritage Significance it states that it is quite common for churches to be built outside of settlements but they tended to be on hills. Taking into account all of the above I consider that the relative isolation of the church within a pastoral setting makes an important contribution to its significance. There is no dispute that the site forms part of that pastoral setting.
12. The nature of the landscape and views of and from the church have changed over time. The edge of the settlement has moved towards the church as it has been developed along Broadway Road and Suggs Lane. The removal of the agricultural building and the construction of the village hall and medical centre carpark have opened up views of the church from the settlement. Whilst, they are not designed or historic views they are part of the way that the church is presently experienced. The carpark appears to be well used and provides one of the main views of the church from the settlement where the church's isolated position in its pastoral setting can be experienced. As such, the view from the car park makes a positive contribution to the heritage significance of the church.
13. The appeal site is part of a larger field historically that has been reduced in size by the construction of the village hall and medical centre. Nevertheless, the field has a visual affinity with the adjacent fields and makes an important contribution to this part of the rural landscape setting of the settlement and the church. The submitted Landscape and Visual Impact Assessment (LVIA) states that due to the site being within the fringes of the AONB that a high landscape value should be attributed to it. It goes on to state that the area is considered to be of medium susceptibility to changes brought about by a development of the type proposed. I consider that these findings are reasonable.
14. I am satisfied that through the controls that exist at reserved matters stage that the scheme could be designed to be in sympathy with the local vernacular and to resemble a converted group of farm buildings. Moreover the existing hedgerows would in the main be retained or translocated and the scheme would project a similar distance along Broadway Road as that approved by the appeal decision cited above. Nonetheless, the development of the field with dwellings would erode the openness of the site and it would have an inherent and harmful urbanising impact. Whilst it would be possible to design a scheme that would help to mitigate some of the landscape impact of the development there would be moderate harm to the character and appearance of the area in this respect.
15. In terms of the development's visual impact due to the topography and the hedgerows and trees in the existing landscape views of it would be restricted to a localised area. The development would extend the settlement to the east towards the church but as stated above this would be similar in distance to the scheme opposite. Due to the alignments of Broadway Road and Suggs Lane and the tall roadside hedges views of the church tower are not continuous when travelling along them. As a result, there are limited opportunities to view the site and the church together.
16. However, there is intervisibility between the church and the appeal site. As stated above, there are views of the church from the car park of the village hall and medical centre. The proposed scheme could be designed to be

sympathetic to the vernacular but it would be viewed at close range from the carpark. The inherent and urbanising impact of this built form would significantly erode the pastoral setting of the church when experienced from this carpark. Consequently, it would noticeably erode the ability to appreciate the significance of the listed building from this location. The LVIA states that the changes to the view from the car park would be moderate to substantial. Taking into account all of the above I consider that the effect would be at the higher end of that finding.

17. The development would also be visible from the church yard and it would extend the built form of the settlement towards the church. However, it would be an appreciable distance from the church and the intervening vegetation would reduce the visual impact to a limited degree. The village hall and medical centre, due to their functions, are slightly larger in scale than the domestic scale of buildings in the settlement. Their design and materials are not entirely sympathetic to the vernacular of the area.
18. Nevertheless, given that the scheme would be likely to be a similar scale to existing residential development in the settlement the overall scale and roofs of the village hall and the medical centre would still be apparent in these views. Whilst, the proposal would reduce the impact of these buildings when viewed from the churchyard overall its built form would still have a moderately harmful effect on this view.
19. Having regard to all of the above and notwithstanding limited harm in some respects, the effect on the setting of the church of the proposed scheme would be harmful. The Inspector, in the appeal decision cited above, states that the scheme before him would represent a barely perceptible change to the setting of the Church. Even though the schemes would be similar distances from the church the degree of intervisibility between the sites and the church and the impact on the ability to appreciate the significance of the church is noticeably different. As such, it is not directly comparable with the appeal case before me. In any case I am required to determine this appeal on the basis of its own individual merits and the evidence before me.
20. In summary the proposal would result in moderate harm to the character and appearance of the area. It follows that it would conflict with policy EQ2 of the South Somerset Local Plan (LP) which, amongst other things, seeks development that is designed to achieve a high quality and preserve the character and appearance of the district.
21. Furthermore, it would be harmful to the pastoral setting of the grade I listed church. Consequently, it would be contrary to the expectations of the Act. In the language of the Framework and in the context of the significance of the asset as a whole I consider that the harm would be less than substantial. In those circumstances, paragraph 134 of the Framework says that this harm should be weighed against the public benefits of the proposal. I will return to this matter below.

#### *Other matters*

22. Both parties agree that the Council cannot demonstrate a 5 year supply of housing land as required by paragraph 47 of the Framework. Where a local planning authority is unable to demonstrate a five-year supply of deliverable housing land, paragraph 49 of the Framework, which is a significant material

consideration, indicates that relevant policies for the supply of housing should not be considered up-to-date.

23. However, paragraph 49 of the Framework also states that all housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking purposes this means, as set out at paragraph 14 of the Framework that where relevant policies are out-of-date planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate that development should be restricted.
24. The Council's Officer Report states that "*It is considered that Broadway is a sustainable location for some housing development given the facilities that the village provides*". This is reinforced by the relevant findings in recent appeal decisions<sup>3</sup> in the settlement. Taking into account the evidence before me and my observations I agree with these findings in this respect.
25. I acknowledge that the Council did not allege any harm in relation to highway safety, residential amenity, flooding, ecology, trees and hedgerows, archaeology and contamination. Moreover, the Parish Council did make a number of positive comments in their consultation response. However, the lack of harm in these respects is a neutral consideration.

#### *Planning balance*

26. The proposal would provide up to 5 new dwellings in a relatively accessible location in an area where there is an acknowledged shortfall in housing supply. There would also be economic benefits associated with the proposal including the provision of construction jobs, some additional local spend and New Homes Bonus and Council Tax receipts. Prospective occupiers would provide some support for and they would help to maintain the vitality of local services and facilities. A footpath would be created across the northern boundary of the site. Given the size of the development these social and economic public benefits would not be insignificant in scale.
27. Considerable importance and weight is to be given in the planning balance to any harm to the significance of a heritage asset. Even though I have found that the harm to the significance of the heritage asset is less than substantial it is not to be treated as a less than substantial objection to the proposal. The public benefits attributable to the proposal would be appreciable but in my judgement they would not outweigh the great weight to be given to the harm to the significance of the heritage asset. As such the proposal would not comply with paragraph 134 of the Framework and LP Policy EQ3 which, amongst other things, expects development to safeguard the significance, character, setting and local distinctiveness of heritage assets.
28. Having regard to my findings above and footnote 9 of the Framework, I consider that the final bullet point of paragraph 14 of the Framework is engaged, as specific policies in the Framework indicate that development should be restricted. In any case, even if it does not apply the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework

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<sup>3</sup> APP/R3325/W/16/3151168 – 26 September 2016 & APP/R3325/W/16/3161355 - 19 May 2017

does not indicate that permission should be granted. The presumption in favour of sustainable development does not apply.

29. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

**Conclusion**

30. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*D. Boffin*

INSPECTOR