



# Appeal Decision

Site visit made on 12 August 2008

by **C J Ball** RIBA IHBC FRSA

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

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Decision date:  
26 August 2008

## Appeal Ref: APP/R3325/E/08/2071997 22 Church Path, Crewkerne TA18 7HX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mrs S New against the decision of South Somerset District Council.
- The application Ref 07/03716/LBC, dated 25 July 2007, was refused by notice dated 15 October 2007.
- The works proposed are to repaint front render and change colour.

### Decision

1. I dismiss the appeal.

### Preliminary matters

2. The repainting work has already been carried out so I shall consider the appeal under Section 8(3) of the Act which allows listed building consent to be sought for works which have already been completed, although consent is not retrospective.

### Main issue

3. The main issue in this appeal is the effect of the repainting on the character of 22 Church Path as a building of special architectural and historic interest; on the setting of the Grade 1 listed St Bartholomew's Church and the surrounding listed buildings; and on the character or appearance of the Crewkerne Conservation Area, within which the appeal site is located.

### Reasons for the decision

4. No.22 Church Path is a mid-18<sup>th</sup> century house, listed grade II for its special interest, and constructed of local limestone with a stucco rendered façade. Its distinctive character derives not only from its age, materials and appearance but also from its setting adjoining the churchyard of St Bartholomew's Church on the path leading to the church porch. The church itself is built of limestone, with finer Ham stone dressings, and virtually all the surrounding buildings are built of the same material. The use of stucco is very limited, and this consistent use of local stone gives the conservation area its characteristic harmony of appearance. I note that Crewkerne is designated an Outstanding Heritage Settlement.
5. Although the list description for No.22 refers to a front elevation of incised stucco, it is generally accepted that the stucco had been painted some time ago, although it is not known when. The act of repainting is not really at issue, rather the Council's objection is to the colour used. As paragraph C.17 of PPG15 makes clear, external painting or repainting, such as a change of colour, requires listed building consent when it could affect the character of a listed building. I consider that the repainting of a listed building in a colour significantly different from that pre-existing could well affect its character. I

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believe that this must be judged not only on the impact of the change in colour on the character of the building itself but also on the buildings around it; the need to ensure harmony within significant building groups, while at the same time respecting the extent of individual ownership; the appropriateness and historical justification of the colour scheme; and the need to use colours which respect the local historic built environment.

6. From the photographs submitted, the previous colour appears to have been a shade of yellow, described by the appellant as lemony yellow and by the Council as a light brown/creamy colour. The appellant's photograph of the frontage shows a rather intense ochre colour while the Council's photograph shows evidence of a much lighter shade. However, I cannot rely on photographic colour representation, which can be much affected by lighting and other conditions, and I do no more than to note that some shades of the yellow spectrum would tone well with the honey-coloured limestone of its surroundings.
7. I would describe the new colour as a rather striking mid-blue, very different from the previous colour and indeed a complete contrast to it. As the Council's very comprehensive draft Conservation Area Appraisal points out, the predominant colours of the area are a range of golds, buffs and yellows related to local building stones with occasional touches of white or cream render or orange/red brick. While the appellant refers to numerous examples of blue-painted dwellings in other towns such as Chard, Bruton and Bridport, (where they might be a traditional part of the local scene) it is telling that no similar examples in Crewkerne can be shown. I saw none in the conservation area. In my view, the blue colour clearly contrasts with the town's historic palette of colours.
8. This distinct contrast means that this individual house is overly prominent in the local scene and stands out unnecessarily in important views of the church from Church Path. The change to blue paint, for which there is no historical justification, means that the facade does not harmonise with the stone colours which characterise the important group of buildings around the church and the wider conservation area. I consider that the use of this paint colour adversely affects the character of the house and undermines its special interest. To my mind, blue painted stucco is an inappropriate surface finish in this particularly high quality local context. It does not respect the distinctive character of the local historic built environment.
9. It can be argued that the use of listed building legislation to control paint colour is being over-zealous and too precious. However, in this particular case, I consider that the use of blue paint has caused considerable harm to the character of the house and its wider setting in a distinguished historic context. No real thought or particular care has been given to the impact of the use of this colour on its surroundings. I consider that the change in paint colour significantly detracts from the character of 22 Church Path, the setting of St Bartholomew's Church and the character and appearance of the Crewkerne Conservation Area.
10. I therefore find that the change in paint colour does not meet the strict tests set for the protection of the historic environment and, since it also conflicts with Local Plan Policies EH1, EH3 and EH5, I conclude that the appeal should fail.

*Colin Ball*

Inspector



# Appeal Decision

Site visit made on 22 July 2008

by **Mike Robins** MSc BSc (Hons)

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

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Decision date:  
**12 August 2008**

**Appeal Ref: APP/R3325/A/08/2071160**

**Barleymows Farm Shop, Snowdon Hill, Chard, Somerset TA20 3PS**

- 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 M Burrough against the decision of South Somerset District Council.
- The application Ref 07/02666/FUL, dated 1 June 2007, was refused by notice dated 8 February 2008.
- The development proposed is an extension to an existing farm shop to accommodate additional sales area, tearoom and kitchen.

## Decision

1. I allow the appeal, and grant planning permission for an extension to an existing farm shop to accommodate additional sales area, tearoom and kitchen at Barleymows Farm Shop, Snowdon Hill, Chard, Somerset TA20 3PS. The permission is granted in accordance with the terms of the application, Ref 07/02666/FUL, dated 1 June 2007, and the plans submitted with it, subject to the following conditions:
  - 1) The tearoom and seating shall be restricted to a maximum of 60 covers at any time, and shall not operate outside of the area indicated for such use on drawing 408/26, dated 29 May 2007.
  - 2) The tearoom shall only operate when the farm shop is open for business, and shall not be open for customers outside the following hours:  
08.30 – 18.00, Mondays – Saturdays,  
09.00 – 17.00, Sundays.
  - 3) Within three months of the date of this permission there shall be submitted to and approved in writing by the local planning authority a scheme of landscaping with particular attention to additional planting to the west and north of the permitted building and with a preference for native species. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The scheme should also include details of any changes proposed in existing ground levels.
  - 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

### **Procedural Issue**

2. The development has already commenced, with the steel framing of the extension substantially complete.

### **Main issue**

3. Whether the proposal would result in an unacceptable increase in the number and length of travel movements, particularly by car.

### **Reasons**

4. The appeal site lies in open countryside on the main A30, outside of the town of Chard. It is separated from the main farm buildings by the road and has a large existing car parking area. The farm shop has received planning permission, Ref 05/03051/FUL, for expansion to include increased retail space, kitchen and tearoom. This proposal is to increase the size of that permitted extension, to reflect that of the structure which has been built.
5. The location of the farm shop means that the majority of customers will access the site by car. Although the established business represents farm diversification, the increase in car travel would be essentially unsustainable. However, the extant permission for the enlarged retail space and tearoom has established the principle of an increase in customers using the site.
6. I do not consider that the enlarged scale of the retail area would result in any significant increase in traffic over that already permitted, however, the enlargement of the tearoom, if catering for larger parties, may. The appellant has suggested that the number of covers could be restricted to that identified under the previous permission. In such circumstances there would be no material increase in traffic, and I have imposed a condition to achieve this.
7. Given the above, the proposal would comply with Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan, adopted 2000, and Policy ST3 of the South Somerset Local Plan, adopted 2006 (the Local Plan). These state that development in the countryside will be restricted to that which benefits economic activity and does not foster growth in the need to travel. The proposal would not conflict with the requirements of Policy ST5 of the Local Plan, and accords with the guidance regarding agricultural diversification and rural employment set out in Planning Policy Guidance Note 13 – *Transport*.
8. A Section 106 agreement tying the operation of the farm to that of the shop and tearoom was completed as part of the extant permission. The appellant has informed me that this would remain in force, and this has not been challenged by the Council. I am imposing similar conditions to the previous permission related to the operation of the tearoom. This is necessary to maintain the tea room as a subsidiary activity associated with the retail operation. The landscaping conditions are included to support mitigation of visual impact on the countryside setting.
9. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Mike Robins*

INSPECTOR

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