
Appeal Decisions

Site visit made on 20 September 2016

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 6 October 2016

Appeal No 1: Appeal Ref: APP/Q3305/Y/16/3152899

Charlton House Hotel, Charlton Road, Shepton Mallet, Somerset BA4 4PR

- 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 Mr Steve Hancock (Bannatyne Spa Hotel) against the decision of Mendip District Council.
 - The application Ref 2016/0529/LBC, dated 16 February 2016, was refused by notice dated 31 May 2016.
 - The works proposed are enlargement and upgrading of existing car park.
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Appeal No 2: Appeal Ref: APP/Q3305/W/16/3159494

Charlton House Hotel, Charlton Road, Shepton Mallet, Somerset BA4 4PR

- 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 Steve Hancock (Bannatyne Spa Hotel) against the decision of Mendip District Council.
 - The application Ref 2016/0526/FUL, dated 16 February 2016, was refused by notice dated 31 May 2016.
 - The development proposed is enlargement and upgrading of existing car park.
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Decisions

Appeal No 1: Appeal Ref: APP/Q3305/Y/16/3152899

1. The appeal is dismissed.

Appeal No 2: Appeal Ref: APP/Q3305/W/16/3159494

2. The appeal is dismissed.

Procedural matter

3. It is apparent from the evidence, confirmed at my site visit, that the area proposed for car parking in this appeal is currently being used for that purpose. The area in use for parking is slightly greater in extent than that proposed and is defined by a low post and chain fence secured in sockets sunk into the lawn surface. The surface of the current parking area appears as a continuation of the greater grass lawn, although its surface is, in part at least, bound by an open matrix of plastic matting visible beneath the grass. The Council maintain that the full extent of existing forecourt parking does not have planning permission and is therefore not all lawful. I have taken these circumstances into account in my reasoning below.

Main Issue

4. The main issue in this case is therefore whether the proposed works and development would preserve the Grade II listed building known as the Charlton House Hotel (listed as Charlton House) and its setting.

Reasons

Significance

5. In their statement the Council rely on the statutory list description, whilst the appellant has submitted an Archaeological Heritage Statement which briefly assesses the archaeological potential of the immediate appeal site and includes an audit of heritage assets within its vicinity. However, neither party offer any meaningful evidence, as anticipated paragraphs 128 and 129 of the National Planning Policy Framework (henceforth referred to as the Framework), to establish the significance of the designated heritage asset or how its setting contributes to it.
6. It is the case that the list description describes the building as a 'Country house in landscaped grounds' and goes on to suggest a date of circa 1810 for its construction. The description then goes on to describe the front elevation, concluding reference to C19 details in the main rooms adjacent to the hall and makes a brief reference to a 'C17 wing at right angles to rear' mid-way through.
7. The presence of the rear wing, itself attached to a rear elevation of irregular and much altered fenestration enclosing a broadly double depth plan arrangement for the main body of the house, strongly suggest a building of origins earlier than the start of the C19. It is evident however that the principal special architectural interest of the building is most evidently expressed in the front elevation, with its austere but bold Neo-Classical proportion and detailing very much defining it stylistically as a remodelled frontage of the early C19.
8. The reference to the 'landscaped grounds' in the list description is also justified, as ancillary structures within the site, notable the recessed quadrant walled and piered entrance and the low parapet on the west side of the approach bridge both bear the stylistic Neo-Classical hallmarks of the early C19, consistent with the front elevation of the building. Moreover, the naturalistic curve of the drive, the course of the River Sheppey within the grounds and the mature planting along the northern boundary of the site beyond still, despite later interventions, lend a fitting Arcadian air to the context of the former country house, thus meaningfully contributing to its setting and therefore significance as the Designated Heritage Asset.

Proposals

9. The proposals seek the provision of a further 17 parking spaces, the repair of the existing central fountain, additional planting at the entrance and the resurfacing of the entire forecourt with Tarmacadam. In effect this would result in an extended apron of tarmac constituting the depth of a conventional parking space along the existing curved profile of the forecourt running from approximately the western extent of the hotel building to the eastern limit of the low balustrade enclosure in front of the main entrance to the east. Although this surface treatment is referred to in the Appellant's statement and

on the planning application form, the drawings indicate a 'permeable parking' treatment and the appellant elsewhere indicates that a gravel treatment would also be an option if considered appropriate.

Effect on setting

10. The proposal would significantly increase the area of metalled surface in relation to soft landscaping in the immediate context of the front elevation of the house. The balance of hard to soft landscape here is already a fine one, especially given the intimacy of the space between the river and the house. In this context, the current area of open grass sward would be significantly and deleteriously eroded by the proposal. Furthermore, the sharp obtrusion of the apron beyond the existing made ground, standing at 90° to the line of the forecourt at its junction at both ends, would be starkly apparent, disrupting the organic curve between natural and made surface.
11. Furthermore, whilst the proposed Tarmacadam surface may indeed 'calm down in colour after a few weeks' as the appellant suggests, the covering of the entire extended forecourt area would present a large unrelieved and, in my view, utilitarian surface which would sit in awkward and dissonant contrast to the existing natural organic and mineral materials currently forming the setting of the building. Moreover, the purpose of the development is to facilitate the parking of cars, and it is inevitable therefore that the outcome of its implementation would be the ubiquitous presence of a serried rank of vehicles skirting the forecourt of the listed building, further detracting from its setting.
12. I accept that the proposed planting at the entrance to the forecourt would mitigate the prominence of the car parking area to a degree, and that the issue of surface treatment could be resolved through a condition. However, in my view the proposed works and development would significantly erode the Arcadian landscape context of the listed building, so failing to preserve it and its setting, the desirability of which I am required by the Act to have special regard to, and to which the Courts have judged is a matter of considerable importance and weight. In addition, the proposals would conflict with the expectations of paragraph 132 of the Framework, which anticipates that great weight be given to the conservation of Designated Heritage Assets, including their setting. Moreover, and for the same reasons, they would be contrary to saved policy DP3 of the Mendip District Local Plan which seeks, inter alia, to preserve the significance and settings of the District's heritage assets.

Planning balance

13. Paragraphs 133 and 134 of the Framework require that where harm to a Designated Heritage Asset is identified, the magnitude of that harm be determined and then considered against any public benefits the development may bring. Although I have found the proposals would fail to preserve the setting of the listed building contrary to the expectations of the Act, I would characterise this degree of harm resulting as less than substantial when considered against the sum of the significance of the asset as a whole.
14. The appellant argues that the continued successful operation of the hotel is in the interests of those employed in the enterprise and to the local economy. I agree, and this may rightly be considered a public benefit. However, it is not the case that the additional parking provision is in some way identified as being central to the continued viability of the enterprise, or otherwise linked to its

growth and further economic benefit. Indeed, the appellant suggests that parking in this area, aside from regularising the current arrangement, would be for the convenience of guests, who 'wish to park as close as possible to the front entrance (of the hotel)'.

15. Again, if parking on the site where a constraint and the proposal were the only option to ensure the sustainability or growth of the enterprise, this may be a matter of some weight. However, planning permission has recently been granted for an overflow car park to the west of the main entrance. At the time of my visit, whilst cars were parked in the area of the proposal, the overflow car park remained well below capacity, with the majority of spaces vacant. In these circumstances, there is clearly sufficient current capacity within the greater site, albeit not immediately adjacent to the hotel entrance, to accommodate guest parking. Whilst parking in immediate proximity to the hotel entrance may be more convenient, as a constituent of any public benefit identified, it must in the circumstances identified above, garner only very limited weight.
16. Part of the proposal indicates the 'replacement/repair' of the central fountain set within the forecourt. No assessment of the provenance or special architectural interest of this feature is provided, nor any details of how it would be repaired, restored or replaced. Thus as a public benefit that may better reveal the significance of the asset, such an element of the proposal may also only be afforded very limited weight.
17. Whilst the harm to the Designated Heritage Asset may be considered less than substantial, this does not mean it should merit less than substantial planning objection, especially where the statutory duty to preserve the listed building or its setting has not been met. Moreover, whilst additional convenience-parking may prove a draw to guests and incrementally support the business, this benefit can only be viewed as very modest, and thus insufficient to outweigh the significant harm identified to the special interest and setting of the listed building.

Other considerations

18. I note that the appellant points out that the parking of vehicles on the grass has 'resulted in a muddy mess and general untidiness to the frontage of the hotel', with the further suggestion that the creation of a formal arrangement would allow the better appreciation of the hotel frontage. However, I also noted during my site visit that the post and chain arrangement on the site also makes provision for the relocation of the posts in sockets along the existing boundary between soft and made surface. This clearly represents an opportunity for the management of the site that would restrict parking on the grass, thus avoiding its degradation, which could be supplemented by the direction of guests, post luggage drop-off, to the car park to the east where there is ample existing capacity. In light of this less invasive option I am therefore only able to afford very limited weight to the outcomes suggested by the appellant and this has no material bearing on my conclusions set out above.
19. Whilst I also note the appellant received differing pre-application advice from an officer of the Council, as they point out, the final success of any such proposal rests on its consideration through a formal process. As such the informal views of a former officer of the Council may, in the circumstances of this case, again only be afforded very limited weight.

Conclusion

20. For the reasons given above and having considered all matters raised in evidence, I conclude that both appeals should be dismissed.

David Morgan

Inspector