



Appeal Decision

Site visit made on 4 July 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/F0114/W/19/3220266

17 Station Road, Welton, Midsomer Norton BA3 2AZ

- 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 Flower and Hayes Developments Ltd against the decision of Bath & North East Somerset Council.
 - The application Ref 18/03370/FUL, dated 27 July 2018, was refused by notice dated 20 December 2018.
 - The development proposed is demolition of existing dwelling and associated outbuildings and the erection of 6no. dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the Midsomer Norton and Welton Conservation Area.

Reasons

3. The appeal site contains a large detached dwelling, set back from Station Road and a collection of outbuildings. The site is heavily overgrown and the buildings are in a very poor condition. The proposal would result in the loss of these buildings. The application followed an earlier appeal decision¹ where the Inspector found the buildings to be non-designated heritage assets (NDHAs) that made a positive contribution to the character and appearance of the conservation area and its significance.
4. There is evidence before me² that challenges the previous assumptions as to the significance of these buildings, whether they should be NDHAs, and their contribution to the character and appearance of the conservation area. In particular, the poor condition of the buildings, which is probably worse than at the time of the previous Inspector's visit, and substantial alterations are noted. However, regardless of their individual significance and heritage value, I am not led away from the previous Inspector's finding that the buildings contribute to the townscape of this part of the conservation area as well as to an understanding of the area's history and social development. As was previously found, their loss would, therefore, result in less than substantial harm to the significance of the conservation area and harm its character and appearance.

¹ Ref: APP/F0114/W/17/3186695

² Context One Heritage & Archaeology: 17 Station Road Midsomer Norton BANES, A Statement of Significance

5. The National Planning Policy Framework (the Framework), at paragraph 196, indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
6. The previously accepted benefits, including the provision of 6 energy efficient dwellings, support for local services and the contribution to the local economy still apply. Furthermore, the revised Framework indicates that weight should be placed upon the redevelopment of under-utilised or vacant land and increased housing density. However, there is no substantive evidence that these benefits, in the context of this modest number of new homes, should be given any more than moderate weight. Moreover, comparable benefits could also be achieved from a scheme that saw the provision of new dwellings alongside the retention of the existing.
7. The site is currently somewhat unkempt and of poor visual appearance, so may not contribute positively to the appearance of the conservation area. As the buildings continue to deteriorate, their contribution to the historic environment would reduce further. Redevelopment would have some positive benefit in this regard. However, as with the other benefits, there is no clear evidence that such benefits could not also be achieved through a development that retained the existing buildings.
8. The previous Inspector did not have sufficient evidence to indicate that the retention of the buildings in some form was not viable. By contrast, I have detailed evidence regarding the extent of repairs required and the likely costs of realising such a development. The Council has raised concerns about some of the values used in the appraisal, but provide no substantive evidence to challenge them. I, therefore, conclude that the required works would be extensive and the costs high, so much so that even if the price paid for the land was not taken into account, the cost of bringing the buildings back into use would not be matched by their likely sales value.
9. However, whether or not the price paid for the site should be considered the existing use value, the viability/feasibility appraisal and resulting calculated loss, has been carried out solely on the basis of the reuse of the buildings as a discrete development. Whilst the appellant has stated that the profits from any new build, which may be compromised by working around the retained buildings, would not be sufficient to overcome the loss in retaining and renovating the existing dwelling, there is no substantive evidence to support this assertion.
10. On the basis of the above, I find that I have insufficient evidence to indicate that the demolition of the existing buildings is the only viable development option if the development were considered as a whole. As comparable benefits could be achieved through the retention of the existing buildings, those benefits do not outweigh the less than substantial harm to the significance of the conservation area. Accordingly, the proposal conflicts with Policies HE1 and D2 of the Bath and North East Somerset Placemaking Plan 2017 (PP), and Policy CP6 of the Bath and North East Somerset Core Strategy 2014 (CS) which, amongst other things, seek to ensure that the historic environment is protected and enhanced, and that development does not harm local character and distinctiveness.

11. CS Policy SV1 seeks to prioritise development on brownfield land in Midsomer Norton. However, it also seeks to protect the distinctive character of the area, including the historic environment. There is no substantive evidence suggesting that I should give one aim of this policy greater weight than another and, in light of my above findings, I find that the proposal conflicts with the policy read as a whole.
12. The Council's reason for refusal also cites a conflict with PP Policies D1 that seeks to promote high quality design, but as it is mainly concerned with the design of new development, which the Council has confirmed is not in itself harmful in this case, I do not find a conflict with this policy. This, however, is a neutral consideration and does not lead me away from my earlier findings.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

M Bale

INSPECTOR