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## Appeal Decision

Site visit made on 1 October 2019

**by Helen O'Connor LLB MA MRTPI**

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

**Decision date: 08 October 2019**

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**Appeal Ref: APP/Q3305/W/19/3232881**

**Crossways Inn, Stocks Lane, North Wootton, Shepton Mallet BA4 4EU**

- 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 Matthew Hailingbiggs of Brick Peers Ltd against the decision of Mendip District Council.
  - The application Ref 2018/0626/FUL, dated 7 March 2018, was refused by notice dated 1 April 2019.
  - The development proposed is the change of use of land for siting a tourism development of 7no. self-contained lodges and associated infrastructure.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Matthew Hailingbiggs of Brick Peers Ltd against Mendip District Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

#### *Character and appearance*

4. The appeal site relates to agricultural land to the south west of the Crossways Inn, south of the village of North Wootton. The village is set in a valley at the foot of the Mendip Hills and is generally surrounded by farmland and wooded hills which on the southern side has a characteristic flat moor land landscape that allows for wider views. The appeal site comprises relatively small, irregularly shaped pastoral fields that contribute positively to the rural, spacious character that can be seen in the foreground of views towards the village from the south.
5. This is consistent with the Landscape Assessment of the Mendip Hills 1997 (LA), which indicates that the appeal site is broadly on the boundary<sup>1</sup> of two sub-character areas of the Lias Lowlands and Ridges character area, namely

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<sup>1</sup> Figure 11 within the Landscape Assessment of the Mendip Hills 1997, E1.2 & E1.3, Appendix 3 Appellant's appeal statement

the Pilton-Wootton Slopes and the Whitelake Lowlands. It is noted that the open moors landscape comes up to the southern edge of North Wootton. Although I note that the LA was prepared some time ago, I have not seen evidence to suggest that the character of the landscape near to the appeal site has changed significantly in the intervening period. Accordingly, it is a relevant consideration in my assessment of the proposal. Moreover, policy DP4 of the Mendip District Local Plan, Part 1: Strategy and Policies 2006-2029, December 2014 (LP) states that outside of designated landscape areas, proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features of the Landscape Character Areas detailed in the LA.

6. It is proposed to site 7 single storey lodges measuring approximately 13m x 6.8m<sup>2</sup> to provide holiday accommodation with areas of bonded gravel driveway, play area and a car parking area. Each lodge would have an area of decking and hot tub with privacy screen. The lodges would be sited broadly in a north to south arrangement across the site.
7. The introduction of this degree of built form, dispersed comparatively regularly across the length of the site would be significantly different in character and appearance from the existing pastoral appearance of the land which is notably free from built form. In addition, the lodges would bring a level of activity and associated lighting that would be at odds with the agricultural character of the land at present.
8. Furthermore, notwithstanding the boundary hedgerow, glimpses of the proposal would be possible from Chessell Lane and Stock's Lane, as well as in private views from the upper floors of nearby residential properties. On my site visit I observed that due to the relatively open nature of the landscape, the appeal site was visible in longer views, including from the nearest public right of way to the west of the site<sup>3</sup> and to the south, where bridleway reference WS7/48 joins Chessell Lane, in which the development would appear in the foreground. As such, the development would have a degree of prominence within the wider area that would be harmful to the setting of the village.
9. In addition, although comparatively low in height, the basic form of the detached, rectangular lodges, with low pitched roofs in a fairly regimented layout would have little in common with the more concentrated clustering of conventional built form seen within the village of North Wootton. As such, the development would appear incongruous with the nearby built context. Taking these factors together the proposed development would result in a discordant appearance that would be unacceptably harmful to the rural, open and agricultural character and appearance of the site.
10. Increased hedgerow planting along the northern and western boundaries to a minimum height of approximately 2.3 metres, and tree planting at the southern end of the site<sup>4</sup> would assist in screening some views of the site from public vantage points. However, it is unlikely that such planting would obstruct views from the proposed lodges towards Glastonbury Tor, to the south-west<sup>5</sup>. Accordingly, longer views of the site are still likely to be possible and private

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<sup>2</sup> Proposed site plan drawing 1335-01D dated 19.6.18

<sup>3</sup> Appendix 4 of appellant's statement

<sup>4</sup> Plan SK-02D & paragraph 6.14 of appellant's statement

<sup>5</sup> Note 1 on drawing SK/02D states lodges to have aspect towards south-west or west for views to Tor and evening sun.

views would remain. Furthermore, as recognised in the LA, the moor land landscape is characterised by its flat and open nature with low hedgerows and few trees, significantly higher boundary hedgerows would appear incongruous within the landscape.

11. I acknowledge that the Crossways Inn adjacent is a large building. However, it takes a conventional form and is located close to the crossroads of Stock's Lane and Northtown Lane acting as something of a landmark at the edge of the settlement. It is, therefore, markedly different from the form and dispersed siting of the proposed lodges and so does not present a comparable development to justify the appeal proposal. Although the careful choice of cladding materials for the lodges may mitigate their visual impact to a certain extent, this would not fully overcome the harm arising from the form and siting of the development that I have identified.
12. Planning permission exists to partially demolish the Crossways Inn and construct 14 houses<sup>6</sup> close to its western side. The footprint shown<sup>7</sup> indicates a concentrated development close to Stock's Lane broadly aligning with the siting of the Crossways Inn. Based on the evidence before me, the presence of this development would not significantly alter the context or backdrop against which the appeal proposal would be seen and therefore, it does not lead me to a different view regarding the harmful impact of the appeal proposal on the character and appearance of the area.
13. The appellant points out that the landscape is not designated as one of particular value, nor would it harm any identified landscape features within the development plan. Nevertheless, from my observations, the surrounding landscape is reasonably distinctive with identifiable positive attributes, some of which I have described above. It does not follow that the lack of specific designation means that it does not have characteristics worthy of protection, nor that harmful development would be justified.
14. Reference is made to two lodges permitted by the Council at Barrow Farm, Barrow Lane<sup>8</sup>. However, based on the limited information presented, I am unable to make a meaningful comparison with the appeal proposal, and therefore this attracts little weight.
15. Accordingly, I find that the proposal would have a harmful impact upon the rural character and appearance of the area contrary to saved policy DP1 of the LP, which states that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district and that development should, amongst other matters, recognise distinctive scenery, boundary hedges and other features that collectively generate a distinct sense of place which may not always be designated or otherwise formally recognised.
16. In addition, the degree of harm identified is such that it would significantly degrade the quality of the local landscape, even taking into account the measures to mitigate against visual harm. As such it is not supported by policy DP4 of the LP. Furthermore, the form and layout of the development would not be appropriate to the local context, and as such conflicts with policy DP7(a) of

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<sup>6</sup> Reference 2009/1904 March 2010

<sup>7</sup> Proposed site plan drawing 1335-01D dated 19.6.18

<sup>8</sup> Paragraph 6.6 Appellant's appeal statement

the LP which sets out criteria in order to seek high quality design for new development.

17. Additionally, policy CP4 of the LP sets out the approach to development in rural settlements and the wider rural area and states that support will be given to proposals for development of the rural economy which amongst other matters, enable the establishment, expansion and diversification of business in a manner and of a scale which is appropriate to the location and constraints upon it. Given that I have found unacceptable harm would result to the character and appearance of the area, the proposal would not be of a manner and scale appropriate to the location and therefore, would also conflict with this policy. It further follows, that as I have found the development would not meet the exceptions in policy CP4, the proposal would also conflict with the overall spatial strategy for the district in policy CP1(1)(c) of the LP which indicates that development in the open countryside will be strictly controlled subject to the exceptions set out in policy CP4.

### *Planning balance*

18. The appellant highlights the support given in policies CP1 and CP4 of the LP in relation to economic development in the rural economy as well as national policy in paragraphs 83 and 84 of the National Planning Policy Framework (the Framework) that support a prosperous rural economy. Nevertheless, neither local nor national policy support for such rural economic development is without qualification. I have already considered the application of policies CP1 and CP4 of the LP above, whereby policy CP4 includes reference to the consideration of whether the manner and scale of such development is appropriate to the location. Similarly, paragraph 83 c) of the Framework indicates that decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
19. However, I acknowledge that the proposed development would bring economic benefits by increasing and diversifying the provision of tourist accommodation at the Crossways Inn, which would give greater opportunities and flexibility for the appellant's business and would provide for one full time-post and two part-time posts. Although the appellant refers to securing the long-term retention of the Crossways facility for the local community, little evidence has been provided to suggest that this would otherwise be at risk. I accept that there would be some indirect benefits to local businesses due to the proposed growth in accommodation and the spending of future guests in the area. However, in light of the relatively modest scale of the proposal, the benefits to the wider local economy are likely to be limited, and there is little specific evidence to quantify the appellant's claim that there would be significant benefits to the local economy<sup>9</sup>. Therefore, I attach moderate weight to these positive factors.
20. The appellant points to the absence of harm in relation to highway safety, flood risk and the living conditions of nearby residents as well as compliance with development plan policies to promote biodiversity. These matters attract neutral weight when balancing the respective merits of the proposal, as they would have been required, in any event, to fulfil other development plan policies.

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<sup>9</sup> Paragraph 6.26 Appellant's statement

21. Therefore, overall, the weight given to the factors in favour of the proposal would not be sufficient to outweigh the significant weight given to the harm to the character and appearance of the area identified.

**Conclusion**

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

*Helen O'Connor*

Inspector