The Planning Inspectorate

Appeal Decisions

Hearing Held on 29 January 2020

Site visits made on 28 and 29 January 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2020

Appeal A Ref: APP/D3315/W/19/3232887
Former walled garden to Wellisford Manor, Langford Budville, Wellington, Somerset, TA21 0SB.

- 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 Mrs Sarah Campos-Martyn against the decision of Taunton Deane Borough Council (the LPA).
- The application Ref.21/18/0019, dated 13/8/18, was refused by notice dated 9/1/19.
- The development proposed is described as *"Revival of a walled garden, with repairs to existing listed structures. New-build holiday let across single storey, with associated bike storage and new landscaping."*

Appeal B Ref: APP/D3315/Y/19/3232862
Former walled garden to Wellisford Manor, Langford Budville, Wellington, Somerset, TA21 0SB.

- 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 Sarah Campos-Martyn against the decision of Taunton Deane Borough Council (the LPA).
- The application Ref.21/18/0018/LB, dated 13/8/18, was refused by notice dated 9/1/19.
- The works proposed are described as *"Revival of a walled garden, with repairs to existing listed structures. New-build holiday let across single storey, with associated bike storage and new landscaping."*

Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The LPA is now Somerset West and Taunton Council.

3. The appellant and the LPA agree that, in the context of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm to the heritage interest (significance) of the walled garden to the grade II listed[1] Wellisford Manor.

4. On behalf of the appellant, I was informed that notwithstanding the contents of the Design and Access Statement, the proposal was not being advanced as enabling development to which paragraph 202 of the Framework applies.

[1] The walls of the appeal site are *"curtilage listed"*. The Old Coach House is also a grade II listed building. The provisions of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act are engaged.

5. At the Hearing, the main parties agreed that if I was to find that the proposal failed to pass the main issue below, then the appeals should not succeed and it would be unnecessary to consider the other issues[2] that I had identified. It was also agreed that the appeal site lies within the open countryside.

Main Issue

6. The main issue in both appeals is whether the less than substantial harm to the significance of the grade II listed Wellisford Manor and, in particular, the "curtilage listed" walled garden, would be outweighed by any public benefits.

Reasons

Planning Policy

7. The development plan includes the Taunton Deane Core Strategy 2011-2028 (CS) adopted in 2012 and the Taunton Deane Adopted Site Allocations and Development Management Plan that was adopted in 2016. I note the provisions of the various policies that have been drawn to my attention.

8. The most relevant development policy to the determination of these appeals[3] is CS policy CP8 (environment). Whilst the above noted statutory duty does not require proposals to enhance features of special historic interest, section 16 of the Framework is titled 'Conserving and enhancing the historic environment.' In requiring any harm to the historic environment to be weighed with other material factors (public benefits) policy CP8 accords with the Framework.

Less than Substantial Harm

9. The significance of the mid-late 18th century Wellisford Manor is derived primarily from its architectural and historic qualities. These include the: red brick bonds of some of its walls; hipped slate roof with brick stacks; plan form; windows; its historic interest as a country house, including much of its fabric and; the walled kitchen garden. Although in separate ownership for many years[4], the walled garden provides a record and insight into the activities and infrastructure that was required to support this high status country residence prior to social and economic changes in the first half of the 20th century.

10. The appeal site is no longer actively used as a kitchen garden. Some sections of the walls are in need of repair[5] and there are the remains of the former glasshouses and boiler room. A small section of one of the walls was removed by the appellant several years ago to facilitate access from a neighbouring property ('Camberley'). Nevertheless, there have been only limited changes within the appeal site. Notwithstanding roadside vegetation, the site remains discernible as the historic walled garden to Wellisford Manor. It makes a modest, but positive contribution to the significance of this listed building.

[2] These related to compliance with planning policy for rural areas/the need to travel by motor vehicle and parking.
[3] The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 do not apply in appeal B.
[4] The walled kitchen garden was sold off from Wellisford Manor during the 1960s. The appellant purchased Wellisford Manor in about 1999 and the walled garden in about 2002/03. She then sold the manor in 2006/07 but has retained ownership of the walled garden.
[5] I note from the appellant's 'Garden wall survey report' that the walls, other than the panels over the gates and window, are in *"surprisingly good condition"*, with surfaces generally intact, walls plumb and mortar in good condition. There is some damage caused by ivy growth. In the main, repointing, small local repairs and some rebuilding of the top of the walls have been identified.

11. The proposed holiday let would be built in the north west corner of the walled garden. This 'L' shaped single storey building with its recycled oak frame, glazed atrium, deeply recessed windows, asymmetrical roof and lime rendered gable walls would be designed to a high standard and would be low energy in use. The appellant's architect also informed me that it had been designed so that no part of the building (including the flue) would be visible from the road.

12. However, the proposed removal of the remains of the glasshouses would involve the loss of some historic fabric of the kitchen garden walls. The proposed box guttering would also disturb the fabric at the top of some sections of the walls. Whilst there would only be limited intervention into some of the historic fabric of the walled garden, these works would diminish the contribution that the site makes to the significance of Wellisford Manor.

13. Greater harm would arise from the 'footprint' of the new building. This would be larger than the remains of the glasshouses and would diminish the sense of space inside the walled garden. This would be compounded by the proposed paved terrace and timber decking, which would erode the green garden space. In addition, the proposed holiday use and the ensuing change in character from ancillary kitchen garden to separate residential use, as well as the inevitable domestic paraphernalia that would follow, would further erode the integrity and historic interest of the site and the contribution it makes to the significance of Wellisford Manor. I concur with the main parties that the proposal would result in less than substantial harm to the significance of this listed building.

14. If there is a sliding scale within the category of less than substantial harm, the proposal would be somewhere between the middle and lower end. However, this does not equate to a less than substantial planning objection. As accepted on behalf of the appellant, even if the proposal was at the lower end of any sliding scale of less than substantial harm to the significance of a listed building, this must be given great weight in the planning balance.

Public Benefits

15. The appellant has argued that the proposal would result in public benefits that should be given great weight[6] in the planning balance. The claimed public benefits comprise: the introduction of a *"new sustainable use"*; part restoration of the kitchen garden functions; repairs and consolidation to the garden walls; economic benefits of tourism, employment and support for the construction industry and; ecological benefits.

16. I have found above that the proposed use would result in a harmful change in character to the appeal site. Having explored this matter at the Hearing, I am unclear as to how the proposal would comprise a *"sustainable use"*. There is no cogent evidence to demonstrate that the development would generate a sufficient income to support/maintain holiday use. I also note that the appellant is in the process of selling a neighbouring building that has been used for holiday purposes. This and the evidence of some interested parties in respect of holiday lets, suggests that the proposed use may not be sustainable.

[6] It was only after I had asked the appellant's representatives if very great weight arising from public benefits would be necessary to outweigh the great weight of less than substantial harm that I was informed that the public benefits of the proposal should be given very great weight.

Even if it was, it would not in itself amount to a public benefit and it is very far from certain that no other less damaging use(s) could be found for the site[7].

17. The proposed landscaping would have some similarities with previous layouts of the walled garden. Whilst some of the produce from the appeal site could be used by those staying in the proposed holiday let, the new residential use of the site would operate/function in a very different way to that of a walled kitchen garden to a high status country house. There would also be much less garden space available and instead of ancillary glasshouses in a corner of the site there would be a sizeable new house with overtly domestic trappings. As argued by the LPA, the walled kitchen garden could easily be replanted without requiring the construction of a building for holiday letting purposes.

18. A condition attached to a planning permission would ensure that the proposal secured the repair and consolidation of the garden walls. A separate condition could be used to require the reinstatement of the section of wall that was previously removed by the appellant. This would amount to a public benefit.

19. However, in the time the appellant has owned the appeal site only very limited works of repair and maintenance have been undertaken to the garden walls. In recent years, the site has been largely neglected and there an element of doubt in my mind as to whether or not this may have been deliberate. Even if there has been no deliberate intent, it is incumbent on all owners to maintain their property. Whilst the LPA has not considered taking any action regarding the condition of the site, such power exists if repairs are deemed necessary for the proper preservation of these curtilage listed walls. As argued by the LPA, the proposal is not necessary to secure the repair of the garden walls.

20. The proposed holiday use would assist in supporting the local rural economy, both in terms of an increase in visitor spending and employment (including a gardener and cleaning staff). When building works were in progress there would also be some support for the construction industry. The proposed development would provide some limited economic (public) benefits.

21. The proposal would include features to support and encourage biodiversity. Although reptiles would need to be translocated to a receptor site whilst building works were in progress, the development could result in a very modest enhancement to biodiversity and, in so doing, be of limited public benefit.

The Planning Balance

22. I attach moderate weight to the totality of the above noted public benefits. When undertaking the planning balance, I find that the less than substantial harm to the significance of the grade II listed Wellisford Manor (the contribution made by the walled garden) would not be outweighed by these public benefits. The proposal conflicts with CS policy CP8 and the provisions of the Framework that are aimed at protecting the historic environment.

Other Matters

23. The proposal would entail the re-use of previously-developed land. However, for most occupiers[8], there would not be convenient access to services and

[7] On behalf of the appellant, I was informed that despite very many requests from a neighbouring resident to purchase the walled kitchen garden the appellant was unwilling to sell the appeal site as it had been her intention for some time to develop the site.
[8] The appellant and the LPA agreed that only between 5-10% of visitors would be likely to arrive by bicycle.

facilities[9]. It would increase the need to travel by car and, as a new purpose-built unit of holiday accommodation, would be at odds with the provisions of CS policies DM2 and SP1, which aim to secure sustainable development and maintain the character of the countryside. The proposal would do little, if anything, to maintain the vitality of the rural community.

24. Situated approximately 100 metres[10] to the east of the appeal site, the proposed car parking area would also be rather inconvenient for visitors and those serving or maintaining the property and needing to unload or load their motor vehicles. In all likelihood, drivers of vehicles would stop on the highway outside the walled garden to unload/load and to drop off/pick-up passengers. This would interrupt the free flow of traffic along the highway and inconvenience existing users of the lane. This weighs against an approval but, by itself, would not be so harmful as to justify withholding permission.

25. At the Hearing, the appellant argued that if the appeal scheme was unsuccessful the development plan would be supportive of a new building for tourist or recreational facilities, such as those serving the needs of cyclists. Be that as it may, it is very far from certain that a building of the size proposed in this appeal would be required or that it would be considered any more favourably by the LPA. This is not a fallback position available to the appellant.

26. The appellant has drawn my attention to other permitted schemes for holiday accommodation within this part of the countryside. However, it appears that these were all approved a number of years ago and under the provisions of the previous development plan. Whilst consistency of decision-making is important in maintaining public confidence in the planning system I must determine this appeal on its own merits. None of these schemes relate to a curtilage listed walled garden and they are materially different to the proposal before me.

27. I note the concerns of some neighbouring residents regarding drainage and smoke from the proposed flue. However, as agreed by the appellant and the LPA at the Hearing, these matters are capable of being addressed by way of suitably worded planning conditions and other controls/legislation.

Overall Conclusion

28. Given all of the above, I conclude that these appeals should not succeed.

Neil Pope

Inspector

[9] Such as restaurants/cafes/pubs, shops and public transport. As part of my unaccompanied visit, I undertook the lengthy walk to Langford Budville along the narrow, unlit country lane which, in part, has a steep gradient.
[10] At the Hearing, the appellant's husband clarified that the proposed parking area would be in a different location (and further from the appeal site) than the parking area referred to within the Statement of Common Ground.

APPEARANCES

FOR THE APPELLANT

Mrs Kerry Dames BA (Hons), Dip Arch, RIBA	Director, Fredrick Adam Ltd
Ms V Brocksopp BA (Hons), MA	RPS
Mr L Campos-Martyn	Appellant's husband
Mr J Pardey	John Pardey Architects (JPA)

FOR THE LOCAL PLANNING AUTHORITY

Mr J Guise BSc (Hons), DipTP, MRTPI	Senior Planning Officer

INTERESTED PARTIES

Mr D Lilley	Neighbour
Mr C Jacoby	Neighbour

DOCUMENTS SUBMITTED AT THE HEARING

Document 1	Agreed Statement of Common Ground