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## Appeal Decision

Site visit made on 3 December 2019

**by M Aqbal BA (Hons) DipTP MRTPI**

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

**Decision date: 31 March 2020**

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**Appeal Ref: APP/Q3305/W/19/3232286**

**Upper Woodlands Farm, Bradley Way, West Pennard, Glastonbury  
BA6 8LW**

- 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 and Mrs Crang against the decision of Mendip District Council.
  - The application Ref 2017/2197/FUL, dated 8 August 2017, was refused by notice dated 3 January 2019.
  - The development proposed is erection of 5no holiday let cabins, laundry room, storage shed & extension of existing spa building (resubmission).
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effects of the proposal on: a) The character and appearance of the area, including the setting of a heritage asset; b) Flood risk; and, c) Protected species.

#### *Character and appearance*

3. The appeal site forms part of Upper Woodlands Farm which includes a former farmstead incorporating a farmhouse and other associated historic outbuildings. Of these, a former converted barn and the farmhouse are used for holiday lets, while the other historic outbuildings are in various states of renovation. Further north of these is a large, modern spa building next to a gravelled parking area which are also part of the holiday lets business.
4. Along the eastern boundary of the appeal site is a grassed bund with trees about it forming an orchard and beyond the site's boundaries the area is mainly open farmland with the exception of a nearby farm complex. This is broadly consistent with the landscape character for the area (area 17a) which is described as 'undulating land with farmland and orchards' in The Landscape Assessment of Mendip, May 1997. Accordingly, the orchard makes a positive contribution to the landscape character of the site and area.
5. The farmhouse is a detached property and is grade II listed. Based on my observations and information before me, this is a good example of a 17th century farmhouse which is of value because of its surviving architectural features. Its form and materials are also similar to the adjoining historic outbuildings. Together, these make a positive contribution to the character and appearance of the site and area. In addition, the farmhouse has historic value

- as a record of past agricultural practices in the area. This includes its historic relationship with the associated outbuildings and the surrounding landscape.
6. The agricultural and rural landscape therefore remains an important part of the context of the farmhouse. There are also views to and from the farmhouse and its associated historic outbuildings and the orchard from surrounding vantage points which show the building in the context of the wider countryside. Therefore, the surrounding landscape gives prominence to the designated heritage asset and positively contributes to its visual setting, understanding and distinct identity.
  7. The proposal is for development which supports the farms diversification from agriculture to tourism. The extension to the spa building would be modest in size, sited away from the farmhouse, and screened by existing development and the bund. Although the proposed laundry room is similar in scale to the holiday cabins this is to be located on lower ground close to the spa building and would also be partly screened by existing hedgerows and the bund. Therefore, these elements of the scheme would have a neutral effect on the wider landscape and the setting of the heritage asset.
  8. However, the principal element of the scheme comprises the 5 holiday cabins. Each of these would be a sizeable unit, with a footprint of just under 40 sqm, a pitched roof form and an overall height of nearly 4m. Clad in timber with appreciable steel framed, glazed doors and windows these would have a contemporary appearance. Moreover, the cabins would generally be located close together in a broadly linear arrangement, forward and to the north-east of the farmhouse, accessed via individual paths from the car park.
  9. Despite some separation, and screening from the farmhouse by other development as well as the bund, the holiday cabins would result in a significant increase in built development and associated works on a landscaped area of the appeal site which is free from any significant development. The proposal would also result in the removal of some trees. Cumulatively, these works would result in the considerable encroachment and urbanisation of the orchard and the immediate rural landscape setting to the farmhouse.
  10. Moreover, based on my observations and the submitted section drawings, the holiday cabins would be located on higher ground relative to the farmhouse and the historic outbuildings. The location, together with the scale and appearance of the proposed holiday cabins would make them strident features in the landscape, from within the site and in views from the surrounding area in the context of the heritage asset. This includes travelling east to west along Bradley Way, south of the appeal site. Based on the available information it is also unclear if the existing landscaping would be sufficient to mitigate the visual impact of the proposed holiday cabins.
  11. For the above reasons, the siting and extent of the holiday cabins would divert focus from the heritage asset and dilute its prominent setting within the surrounding landscape. The proposal would therefore fail to preserve the setting of the farmhouse. This would cause less than substantial harm to the significance of the heritage asset.
  12. Paragraph 196 of the National Planning Policy Framework ('the Framework') states 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.

13. Although the appellants advise that the additional income generated from the proposal would support the on-going renovation of other historic buildings at Upper Woodlands Farm, I have no specific details of such works or a mechanism for how these would be secured via the appellant's planning application. The tourism and employment opportunities arising from the proposal would be limited given the modest scale of the proposal. Accordingly, I attach limited weight to these benefits.
14. Having special regard to the desirability of preserving the setting of the listed building<sup>1</sup>, despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. Having given limited weight to the public benefits identified in this instance, they are not sufficiently forceful to outweigh the less than substantial harm that I have identified.
15. For the above reasons, the proposal would harm the character and appearance of the area, including the setting of a heritage asset. The proposal is therefore contrary to the Mendip District Local Plan 2006 - 2029 Part 1 (LP). In particular, Policy DP3 which seeks to preserve and, where appropriate, enhance the significance and setting of the district's Heritage Assets, and Policy DP4 which requires that new development in terms of siting and design is compatible with the Landscape Character Areas. Consequently, the proposal also fails to accord with Policy DP1 of the LP because it would not contribute to the maintenance and enhancement of local identity and distinctiveness. I also find conflict with LP Policy CP4, which is supportive of the expansion and diversification of business, subject to it being of a manner and of a scale which is appropriate to the location and constraints upon it.

#### *Flood risk*

16. Based on the appellants' drainage evidence, surface water from the development is to be dealt with by way of an attenuation system and discharge via a nearby ditch. The ditch enters a culvert beneath the site's access and is conveyed passed the site and under Bradley Way, before discharging to an open channel about 60m south of the access. Although some details of survey work are provided in relation to the ditch, in the absence of the actual topographical survey of this, I cannot be certain that it has sufficient capacity to meet the surface water demands from the development. The appellants also advise that the culvert is of a suitable size and gradient to convey surface water flows from the site, but this is prone to becoming blocked and causing flooding locally. Despite this being an existing issue, other than routine maintenance there is no suggestion of any permanent solution to address this.
17. Based on the foregoing, and despite the historic removal of concrete hardstanding and buildings at Upper Woodlands Farm, I cannot be certain about the efficacy and efficiency of the suggested surface water drainage strategy to meet the needs of the development without exacerbating existing incidences of local flooding. Therefore, the proposal does not adequately deal with flood risk and is in conflict with Policy DP23 of the LP which states that all

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<sup>1</sup> Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

development will be expected to incorporate appropriate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere.

*Protected species*

18. Based on the appellants' most recent Ecological Appraisal the habitats within the appeal site comprise amenity grassland, hedgerows, ruderals, unmanaged grassland and an orchard. With the exception of a path the orchard which comprises apple trees is relatively intact.
19. In particular, the traditional orchard is a s41 priority habitat listed under the Natural Environment and Rural Communities Act 2006. The main parties agree that traditional orchards are rich in biodiversity and often support a wide range of wildlife.
20. The Arboricultural Assessment shows that a small number of the apple trees which form part of the orchard are to be removed. Further, in its appeal submissions the appellant suggests that any felled apple trees will remain on site so that they can provide improved structural biodiversity and a habitat for dead wood invertebrates in their decaying state. However, this is not consistent with the Arboricultural Assessment<sup>2</sup> which says that trees will be felled, removed, and stumps ground down.
21. The appellants also assert that the proposed holiday cabins would sit on sleepers or shallow strip foundations and these along with service trenches would only require limited shallow hand dig trenches which would limit damage to root systems. However, I have limited technical information to support these assertions. Therefore, I cannot be certain that such works and the construction activity associated with them would not permanently result in the loss or damage to the orchard ground flora and habitats.
22. Although the planting of some new native species of apple trees is proposed, the majority of these would be in the car park and therefore unlikely to support the diversity of species present in the current orchard which has established over many years. The proposed meadow planting around the holiday cabins is also likely to result in the loss of the ground flora and habitats and is unlikely to establish due to the activity associated with visitors using the holiday cabins.
23. I have been made aware of orchard planting elsewhere at Upper Woodlands Farm. However, as I have little information in relation to its biodiversity and habitat qualities, and because this does not form part of the application site, I attach limited weight to this.
24. Reference is made to bat surveys being undertaken in 2011 by ACE Consulting (now Crossman Associates). As these are considerably older than 2 years, I cannot be certain about their reliability. This is of particular concern given that the site and its surroundings have the potential to support bats, as highlighted in the consultation responses from SSC Ecology.
25. In light of the above reasons, it has not been clearly shown that the proposal would not harm protected species or provides suitable mitigation. It would therefore be contrary to Policy DP5 of the LP, which seeks to ensure the

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<sup>2</sup> Appendix I - Arboricultural Method Statement by Hillside Trees Limited

protection, conservation and, where possible, enhancement of internationally, nationally or locally designated natural habitat areas and species.

### *Other Matters*

26. The extent of the proposed development in the appeal scheme has been reduced following a previously refused planning application. The appellant also sought pre-application advice for the appeal scheme. In addition, further supporting information has been provided during the application process. Nonetheless, these matters do not address the harm I have identified and overall conflict with the development plan.
27. The appellants refer to changes around the farmstead including parts to the north being occupied by modern farm buildings during the last century. However, these do not exist anymore and the area for the proposed cabins is an undeveloped orchard. My attention has also been drawn to the approval and construction of the modern spa building at Upper Woodlands Farm and the contemporary extension to the converted barn. Although, I am not familiar with the full circumstances of these, they are different in terms of siting, scale and appearance to the holiday cabins and better screened from the wider landscape and therefore not comparable. I have also been referred to a planning consent for development at a neighbouring farm in proximity of heritage asset. However, I have insufficient information to draw any clear comparisons or conclusions. In any event, each application is determined on its merits.
28. Although additional landscaping over and above what is shown on the submitted plans could be secured by a planning condition, in the absence of a detailed scheme, I cannot be certain that this would address the harm I have identified.
29. The appellants most recent correspondence advises that foul drainage would connect to the existing on-site package treatment plant. In the event capacity were to be exceeded, then this would be upgraded. There is no clear evidence of any issues with the extant situation. I am also mindful that the installation of the holiday cabins would be subject to building regulations approval which also takes into account foul drainage connections and capacity. Further, the Planning Practice Guidance advises that the planning system should not duplicate other regulations. Therefore, in this case, the issue of foul drainage could be dealt with by building regulations, in the event that the development was to proceed.
30. I have taken into account the other concerns raised locally but given the identified harm and development plan conflict outlined above they have not affected my overall decision.

### **Conclusion**

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

*M Aqbal*

INSPECTOR