



Appeal Decision

Site Visit made on 9 November 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2020

Appeal Ref: APP/W3330/W/20/3257419

Silk Mills Cottage, Holford, TA5 1RY

- 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 Andrew Gray against the decision of Somerset West and Taunton Council.
 - The application Ref 3/16/18/003, dated 28 February 2018, was refused by notice dated 14 February 2020.
 - The development proposed is described as "to sympathetically reinstate the remaining shell of the original stone cottage at Holford Silk Mill in line with the original cottage including retaining its woodland setting unchanged as far as possible. The change of use is from woodland to residential".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The case is made that the decision of the Council was unlawful. However, this would be a matter for the courts rather than for the considerations under a section 78 appeal. I have therefore considered the proposal based on its planning merits.

Main Issue

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, having regard to the setting of the Holford Conservation Area, the effect on the non-designated heritage asset and the location of the site within the Quantock Hills Area of Outstanding Natural Beauty.
 - biodiversity, and
 - highway safety for pedestrians.

Reasons

Character and appearance

4. The site forms part of an attractive woodland with a stream running through the land. Parts of the site are visible from the adjoining road where there are some public views over the stone wall into the valley below. The site includes part of the previous Silk Mills Factory which was part of the local textile industry which operated from the 16th century. In acknowledgment of the site's significance and its historic, economic and social importance, the main

- parties accept that it should be considered a non-designated heritage asset and I agree with this assessment.
5. The industrial archaeology is discernible within the wider site, although many of the buildings have largely gone. The main standing structure is described as Silk Mills Cottage, and while there is some evidence that it may historically have been residential accommodation, the information does not appear to be categoric in this respect. Nevertheless, it is presently a ruin with the external stone walls largely standing, but with no roof, internal walls or first floor.
 6. The structure has an enchanting character in this tranquil woodland setting. It lies amongst the general woodland and this main remaining built presence has largely merged into the surroundings, with the trees overhanging it and with no clear demarcation with the wider valley area. In this way the site makes a positive contribution to this location within this part of the Quantock Hills Area of Outstanding Natural Beauty (the AONB).
 7. The Holford Conservation Area (CA) covers a reasonably extensive part of the village. Part of the significance of the CA includes the relationship of open fields and spaces, treed areas and the built form of cottages, houses and buildings, such as the church. The boundary of the CA runs along the road by the site and then drops down the valley side and includes part of the woodland area and a section of the stream. The appeal site, and in particular the building, is reasonably close to, but outside, the CA. The adjoining woodland area, including the building, forms the attractive surroundings in which this part of the CA is experienced and therefore forms part of the setting of the CA.
 8. The proposal would use the existing fabric of the structure, extending up the walls in the limited places where necessary and with the construction of a new roof. Internally a first floor would be constructed and windows, utilising some of the existing openings, would be installed as part of the works to alter the structure to a dwelling. Externally the red lined application site is drawn fairly tightly around the proposed dwelling and the access from the road. An area for car parking at the base of the fairly steep drive is shown on the plans.
 9. I have very carefully considered all the submissions from the appellant and the clearly stated intention that the works and use would be undertaken sensitively in an effort to restore the building in a way that would preserve the building and not cause harm to the surroundings.
 10. The physical works to the building in themselves and in isolation may be judged acceptable. The introduction of a residential presence as part of this application would, however, in my judgement, lead to a range of harmful changes that even if they did not take place immediately by the initial occupants, or require planning permission, would gradually erode the distinctive rural character of the site. For instance, the plans show car parking within the lower area of the site. This is the type of provision that would be necessary to ensure safe and convenient access to the dwelling for most occupiers and visitors, including the less ambulant, especially with the fairly steep drive.
 11. There would also be a need for some form of curtilage and even if tightly drawn around the building residential occupation would, in all probability, bring domestic paraphernalia and other changes such as lighting (including from the dwelling windows themselves), planting and seating areas. For instance, the

submissions mention railings would be added to the sides of the bridge in the interests of safety, potentially under permitted development rights. This is an example of the minor but likely alterations and additions that would gradually evolve from the residential use of the site and which cumulatively would erode the tranquil and woodland quality of the site over time.

12. With the location of the proposed dwelling reasonably close to overhanging and mature trees, and while I have noted the appellant's arguments in these respects, I consider that there would be future requests from occupiers for the removal and/or cutting back of some trees to improve light and alleviate potential damp conditions. Once residential use had been approved it would be difficult to refuse such requests which sought to ensure acceptable living conditions, even with these trees the subject of a preservation order. Indeed the present proposal already incorporates the removal of some of the trees adjoining the building. The loss and cutting back of such trees over time would harm the wooded and verdant quality of the area.
13. Taking all these matters together, the introduction of a permanent residential use to the site would, in all likelihood, lead to harmful changes which would suburbanise the woodland surroundings to the building and materially and adversely harm the present character and appearance of the site. I do not consider that it would be reasonable, or indeed practically possible, to try to prevent these changes from occurring through planning conditions or a planning agreement. Even if the structure was a dwelling in the past this use has long ceased and the character of the site has now changed. Acceptance of the residential use as now proposed would, in my view, bring an inevitable consequence of change to the site and this change would be harmful for the reasons explained. This would be the case even with the tightly drawn red line of the application site.
14. The National Planning Policy Framework (the Framework) explains that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. It follows from my analysis that the scheme would not conserve the landscape and scenic beauty of this part of the AONB. This weighs substantially against the scheme.
15. The structure on the site is gradually deteriorating and there may be few, if any, viable options available for its preservation. However, the proposal would likely cause harm by suburbanising the surroundings and thereby detract from the way that the remnants of the industrial archaeology would be experienced. Indeed, I consider that the harm proposed by the present scheme would be greater than allowing the building to stand as it is at the moment, accepting that gradual decline would continue to take place. As the existing fabric of the structure would be retained by the appeal proposal, I consider the likely harm to the non-designated heritage asset as a whole would weigh to a moderate extent against the scheme.
16. Furthermore, the harmful changes I have identified would be in proximity to the boundary of the CA. These likely changes would detract from the qualities that contribute to the significance of the CA. The Framework advises that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification and the conservation of the asset is a matter of great weight. In this case, the

harm to the setting of the CA as a whole, and therefore its significance as a designated heritage asset, would be less than substantial and the Framework policy is that this needs to be weighed against the public benefits including where appropriate, securing its optimum viable use.

17. While the conversion to a dwelling may be viable it is not an optimum use because of the likely harm that I have identified. The scheme would provide an additional dwelling, to a Passivhaus standard, in a general village location, where there would be economic and social benefits to the local area during construction and subsequent occupation. There may be wider and on-going benefits to the economy if the accommodation was used as a holiday let. The works would provide a small boost to housing supply in a secondary village as identified in Policy SC1 of the West Somerset Local Plan to 2032 (the Local Plan). Furthermore, the proposal would constitute a windfall housing site making effective use of the land. However, given that only one unit of accommodation would be provided, the cumulative benefits would be limited.
18. The harm to the setting of the CA would be localised and, in the context of the CA as a whole, minor. Nevertheless this harm is required to be attributed great weight. The harm I have identified to the heritage asset would not be outweighed by the benefits of the scheme.
19. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area, including the setting to the CA, the non-designated heritage asset and the AONB. As a consequence, the scheme would not comply with Policy NH1 of the Local Plan and the Framework which seek, amongst other things, that development should sustain and/or enhance the historic rural heritage, particularly those elements which contribute to the areas distinctive character and sense of place.
20. I have noted the analysis of Local Plan policies set out in the appellant's statement. While the Council have only mentioned Policy NH1 in the reason for refusal, I also consider, having regard to my findings above, that the scheme would not comply with Policy NH2 of the Local Plan concerning the management of heritage assets and Policy NH14 of the Local Plan regarding the need to have regard to the statutory purposes of the AONB.

Biodiversity

21. The application was accompanied by an Ecological Appraisal (November 2017). The report confirms that an initial ecological appraisal was undertaken on 25 July 2016 and a further revalidation site survey undertaken on 16 October 2017. This report explains that the site is within the Quantocks Site of Special Scientific Interest (SSSI) and adjoins the Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC).
22. After surveys of the site, the Ecological Appraisal concluded that the buildings were not suitable for roosting bats, but did note that the continued deterioration of the structures may result in the formation of suitable roost features. However, the Appraisal indicates that four trees surrounding the building had multiple highly suitable roosting features capable of supporting colonies of bats and that there were moderate quality foraging opportunities through the woodland which is connected to the wider landscape by linear features including the stream.

23. The Council sought further bat survey information based on the advice of the County Council Ecologist. He commented that given the proximity to the SAC he could not discount the possibility that the identified surrounding trees were not being used as roosts by barbastelle bats, for which the SAC is designated, and that barbastelle bats are affected by disturbance due to prolonged human activity in the vicinity of roost sites.
24. The appellant has explained that as it seemed that the Council wished to refuse the application, obtaining a bat survey would not have made a difference to the outcome. Furthermore, the case is made that, based on the Ecological Appraisal, the ecological issues could be the subject of a condition in any approval.
25. I note the approach of the appellant in this case, however, Circular 06/2005 explains that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The information available indicates that the site could be a roost for barbastelle bats¹, and with the link with the adjoining SAC, there is a reasonable likelihood of bat species being present. In accordance with the Circular there are not the exceptional circumstances that would allow a planning condition to address this matter following any planning approval.
26. Consequently, it is not clear whether protected species are present and, if so, whether they would be adversely affected by the development. In these circumstances, I cannot be certain, if permission was to be granted, that I would have met my responsibilities, as the competent authority, under the Conservation of Habitats and Species Regulations 2017.
27. It follows that I conclude that there is the potential for the proposal to adversely and unduly affect the biodiversity of the site. Consequently, the proposal would not meet with the requirements of Policy NH6 of the Local Plan and the Framework which seek, notably, that development should demonstrate that it will not generate unacceptable adverse impacts on biodiversity.

Highway safety

28. Holford is a fairly dispersed village and is served from the A39 via roads which are mainly single carriageway and generally without footways and street lighting. The proposed dwelling would be within reasonable walking distance of the public house, village hall and the bus stops on the A39. There are two roads from the site to the A39. The more northerly route is narrow in places. However, the more southerly route has a reasonable width for much of its length, and there are refuge areas, such as private drives, where walkers could step back from approaching traffic.
29. This latter route is gently curving in places and with the village location and the nature of the road, which would generally limit traffic speeds, together with the ability to step back from approaching vehicles, the reasonably level and convenient walk to and from the site to the A39 would not present an unsafe route.

¹ The County Council Ecologist also raises the issue of potentially Bechstein's bats being present.

30. Accordingly, I conclude that the proposal would provide a safe and easy pedestrian access to the services of the village and therefore comply with Policy SC1.4 of the Local Plan and the Framework in this respect.

Other Matters

31. I have taken into account all the objections from local residents and the comments of the Parish Council, and also the detailed responses from the appellant which seek to address each matter raised. I have had regard to all these submissions and considered the main issues in this appeal in the analysis above.
32. I also note the frustration and concerns raised with how the Council addressed the application and dealt with communications with the appellant. However, these are not matters for my considerations as part of the appeal which I have considered on its planning merits.

Conclusion

33. I have found harm to the character and appearance of the area and it has not been demonstrated that the biodiversity of the site would not be adversely affected. These are matters that weigh to a substantial extent against the scheme. The site would have an acceptable pedestrian route to local facilities but the provision of a safe route is neutral in the overall analysis. The benefits of the scheme merit only limited weight in favour and would not be outweighed by the harm.
34. Consequently, while I have had regard to all the development policies that have been raised during the consideration of the proposal, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR