



Appeal Decision

Site visit made on 1 March 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/Q3305/W/21/3287381

J H Haskins & Son Ltd, 64 High Street, Shepton Mallet BA4 5AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Alice Archer (J H Haskins Group) against Mendip District Council.
 - The application Ref 2021/1584/FUL is dated 8 July 2021.
 - The development proposed is an open hand car wash including amenity/storage container, tensile carwash canopy and Perspex screens.
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Decision

1. The appeal is dismissed and planning permission for an open hand car wash including amenity/storage container, tensile carwash canopy and Perspex screens is refused.

Main Issues

2. The Council has not issued a decision on the application leading to this appeal. However, in light of the submissions, I find the main issues are (i) whether the development would preserve or enhance the character or appearance of the Shepton Mallet Conservation Area (the CA) and its setting, (ii) whether the development would incorporate satisfactory drainage, and (iii) the effect on the safety of pedestrians and vehicle users.

Reasons

Conservation Area

3. The CA covers a large part of Shepton Mallet including properties on High Street and Commercial Road. It gains its significance from the historic and architectural interest of many of its buildings which illustrate Shepton Mallet's development as a market town. The Baptist Chapel and 1 Commercial Road as well as 32 and 50 High Street are all grade II listed buildings near to the site.
4. Most of the site lies in the CA. It contains parking spaces between mature trees and stone walls that previously would have marked the boundaries of historic plots. The site now forms part of a large car park to retail units which have a significant influence on the nature of the area. Even so, the attractiveness of the walls and trees as well as the views of the adjacent historic buildings contribute positively to the CA's significance.
5. The proposed canopy, screens and storage container would not be visible from the street but they would be seen from a significant part of the car park and from adjoining properties. The functional, modern appearance of these

structures would contrast sharply with the stone walls and nearby historic buildings and so they would appear unsympathetic. In particular, the proposed features would be close to the walls and so they would significantly diminish their attractiveness and interest.

6. Waste bins that are stored on part of the site already cause a degree of detriment to the appearance of the area. However, the canopy, screens and container would be taller than the bins and so they would be more obvious. As such, the proposal would spoil the visual qualities of the site.
7. The development would affect only part of the CA and so it would cause less than substantial harm to its significance. In such circumstances, the National Planning Policy Framework (the Framework) and policy DP3 of the Mendip District Local Plan Part 1 2014 (the LP) require any public benefits of the development to be considered against the adverse effects on the CA.
8. The proposal would make a more effective use of land, would create employment and would provide a new service. These benefits attract significant weight. However, the Framework dictates that great weight should be attached to a heritage asset's conservation. Overall, I find the public benefits would not outweigh the harm caused to the CA's significance.
9. The Council raises no objections to the proposal's effect on the setting of the nearby listed buildings. Nonetheless, for the reasons given above, I conclude the development would not preserve or enhance the character or appearance of the CA or its setting. In these regards, it would not accord with LP policies DP1, DP3 and DP7 which, amongst other things, look to preserve and enhance the significance of heritage assets.

Drainage

10. The development includes the provision of low level bunding around the proposed car washing bays as well as new drainage channels. These features would help direct effluent from the car washing operations into a new pipe that would connect to an existing public foul drainage sewer in High Street.
11. Wessex Water (WW) advises that its consent would be required to discharge vehicle wash effluent to the public foul sewer. It raises no objections to the development, although requests that the car washing bays are covered to prevent rain water entering into the dedicated public foul sewer. However, the bays would be uncovered and so rainwater that falls onto the car washing area would enter the foul water drainage system. This may amount to only a small quantity of surface water but WW state that it will only accept foul water flows from the proposed operation into the public system. In light of this advice, it is unclear whether the proposed drainage connection would be permitted by WW without the car washing bays being covered. As such, there is a significant degree of uncertainty on how effluent from the car wash would be dealt with.
12. Therefore, from the information before me, I conclude the development would fail to incorporate a satisfactory drainage system. In these regards, it would not accord with LP policies D7 and D8. Amongst other things, these seek to ensure new development maximises opportunities for sustainable drainage and water conservation and does not lead to adverse impacts on the quality of water resources.

Pedestrian and vehicle users' safety

13. To a degree, the development would obstruct vehicular and pedestrian movement around the car park. However, only a small number of spaces would be affected and the development would have no impact on the majority of the existing circulation system. As such, I conclude the development would cause no harm to the safety of pedestrians and vehicle users. In these regards, it would accord with LP policies DP7 and DP9, which look to ensure development includes safe access for a wide range of users.

Other Matter

14. The submissions indicate that the site lies within a catchment area for Somerset Levels and Moors Ramsar site. Limited information has been provided on the qualifying features for this site and whether it is likely that the proposed development would have significant effects on its integrity. However, there is no need to consider the implications of the proposal in these regards as the development would be unacceptable for other reasons.

Conclusion

15. I have found the proposal would be acceptable in terms of pedestrian and vehicle users' safety. Nonetheless, the harm identified in respect of the first 2 main issues means the development would not accord with the LP policies when read as a whole. There is insufficient justification to grant planning permission contrary to the development plan and so I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR