
Appeal Decision

Site visit made on 24 January 2025

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2025

Appeal Ref: APP/Q3305/W/24/3348485

Cheddar Valley Inn, 22 Tucker Street, Wells, Somerset BA5 2DZ

- 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 Red Oak Taverns Limited against the decision of Mendip District Council.
 - The application Ref 2023/2351/FUL, dated 1 December 2023, was refused by notice dated 18 March 2024.
 - The development proposed is retention of existing public house (Sui Generis), demolition of ancillary outbuilding (Sui Generis) to erect two three-bedroom dwellings (Class C3) utilising existing access from Westfield Road, with associated landscaping and parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.
3. As part of the appeal, the appellant submitted additional details to address a number of the Council's concerns, in particular in relation to the effect upon trees, noise, protected species, adequacy of turning space within the site and the sustainability of the proposed development. The appellant also provided additional details in relation to Biodiversity Net Gain and Habitat Regulations matters. The Council have confirmed that they have considered this additional information and concluded that, subject to a number of conditions, they now raise no objections to the proposal on these grounds. I am also satisfied that the additional information does now adequately deal with these matters. I have therefore dealt with the appeal on this basis.
4. The appellant's appeal submission was accompanied by an amended Proposed Site Plan which showed additional planting within the site. Whilst the change could be considered to be relatively minor, the changes have not been subject to any consultation. Therefore, for clarity and the avoidance of doubt, I have determined the appeal on the plans, as were before the Council when the planning application was determined.

Main Issues

5. The main issues in this appeal are:

- Whether the proposed development would cause harm to the existing public house and its role as a community facility;
- The effect of the design and appearance upon the character and appearance of the area and the effect upon the Wells Conservation Area (WCA); and
- The effect of the proposed development upon highway safety, in particular in relation to parking provision for the retained public house.

Reasons

Community facility

6. To accommodate the proposed development, part of the car parking area which serves the existing public house would be lost. At my site visit, I observed that the current parking arrangement appears to be relatively informal with no spaces marked out. It was however clear that the amount of space that would be available for customers to park with the proposed development in place would be reduced. Therefore, it is reasonable to assume that, with a reduction in space, the amount of car parking available would also be reduced.
7. The appeal site is located within the settlement and is easily accessible by alternative modes of transport and within a relatively short walk of the centre of Wells. There are also a number of public car parks within a relatively easy walk, along with some restricted on-street parking to the front, although during my site visit, I noted that these restrictions cease to operate after 6pm. There is also unrestricted parking available on Westfield Road.
8. Therefore, whilst the proposed development would result in a reduction in the area available for parking, there is no evidence to suggest that this would be to such a degree as to have an adverse effect upon the operation of the existing public house. Even if it was, I find that there are sufficient alternative parking options available nearby to compensate for the loss.
9. The proposed development would involve the reconfiguration and reduction in the size of the existing pub garden. From the information before me, I am satisfied that, whilst the garden area would be reduced, what would remain would be of a sufficient size and large enough to accommodate a reasonable number of customers and their requirements. Access to the area from within the public house would remain unaltered by the proposed development. Furthermore, there is no substantive evidence to suggest that the loss of the small area of garden would have a materially adverse effect upon the public house.
10. In relation to the existing outbuilding, it is common ground that it is unlikely to be used for anything other than storage. From my review of the evidence and my site visit, I see no reason to disagree. Whilst it is conceivable that the storage use may well release some of the pressure for storage within the existing public house, there is no evidence, such as proliferation of external storage, to suggest that this is currently an issue, or that space within the public house is currently constrained or limited. There is therefore no evidence to suggest that, through the loss of the outbuilding the existing public house would suffer adversely.

11. Drawing this all together, I do not find that either individually or cumulatively, the reduction in the size of the car park and the pub garden, along with the demolition of the existing outbuilding, would have such an effect as to have an adverse effect upon the on-going operation of the public house. In this respect, the proposed development would accord with Policy DP17 of the Mendip District Local Plan (MDLP) and the Framework.

Character and appearance

12. The existing development along Tucker Street comprises two storey, terraced properties located adjacent to the footpath. These properties are a mix of style, design and materials, including coloured render. In response to the different designs, properties are set within a variety of plots sizes. On the southern side of Tucker Street, is a distinct row of terrace properties which are regular and uniform in appearance, set within relatively narrow plots, which are also of uniform size. Both sides of Tucker Street lie within the WCA.
13. To the west, outside of the WCA are a number of commercial premises, each with large, open parking areas. To the north, along Westfield Road, development comprises modern housing, set back from the road with planted front gardens.
14. The proposed development would provide adequate internal space to meet the Nationally Described Space Standards (NDSS), along with sufficient external space to meet MDLP requirements. Therefore, given this, along with the pattern of surrounding development and the space provided around it, I do not find the proposed development to represent a cramped form of development.
15. The existing boundary of the WCA runs along the southern boundary of the existing outbuilding, with the existing public house and car park, along with part of the existing pub garden area all being within it. Whilst the majority of the appeal site falls outside of the WCA, the southern elevation of the proposed dwellings would, similar to the existing outbuilding, run along the boundary of the WCA. Therefore, due to its position in relation to the WCA, I find it to be important to its setting. Furthermore, the proposed boundary treatment along the southern boundary would be located within the WCA.
16. The WCA is extensive and covers the historic city centre of Wells. In this location, the WCA is characterised by buildings which are of both historic and architectural interest, which include and incorporate a range of architectural designs that respond to the varied ages of the buildings. Buildings are predominately two-storey in height. Within this part of the WCA, where present, boundaries are identified predominantly by stone walls and iron railings, along with low level landscaping.
17. The southern elevation of the proposed development would face onto the existing car parking area of the public house and, due to the open nature of the surroundings, would be visible in views from within the WCA. The development would present as a side elevation facing the WCA and would be relatively featureless, with the exception of two ground floor windows, along with an obscure glazed one at first floor level. A 1.8m timber fence, which would lie within the WCA, would mark the boundary of the dwelling from the existing car park.

18. The overall height and scale of the proposed development would respect those around it, and whilst the southern elevation of the proposed development would be relatively featureless, this would be in keeping with other end elevations within the WCA, in particular the side elevation of the existing public house. That said, a number of the features, such as the painted plinth, ground floor sash windows and painted timber window cills, would be hidden from view behind the existing proposed boundary treatment. In contrast to its surroundings and the existing stone-built outbuilding, the proposed new timber fence, would appear as a stark, alien feature, at odds with the more traditional style of boundary treatment found within the WCA at this location. As such, whilst I find that the proposed building would preserve the character of the WCA and would not harm its setting, I find that the proposed boundary treatment, would fail to adequately respond to the sensitivity of its location. I note that the boundary fence would face on to the existing car park, which is of little value to the WCA, however, this does not provide a justification for the harm I have found, especially given the requirements in the Framework to ensure that development proposals deliver good design.
19. In relation to the proposed boundary treatments, I agree with the appellant that boundary treatments for the remainder of the site can be addressed via an appropriately worded planning condition. However, given the southern boundary lies within the WCA, I consider that it is not appropriate to leave such detail to be dealt with via a condition.
20. Accordingly, I conclude that the proposal would cause less than substantial harm to the significance of the WCA as a designated heritage asset. I have had regards to my duty under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Paragraph 215 of the Framework requires such harm to be weighed against the public benefits of the proposal.
21. The proposed development would provide social benefits in terms of two new houses where it is accepted that it is not possible to demonstrate a five year supply of housing land. It would also help to support local services and facilities and provide investment in terms of its construction. However, given the limited number of houses proposed, these public benefits only carry limited weight overall. They would not be sufficient to outweigh the harm the development would cause to the significance of WCA as a designated heritage asset. Given the national importance to protecting heritage assets, relative to the limited benefits that would accrue from the appeal development, all of the considerations that weigh in favour of the proposal do not clearly outweigh the identified harm to the heritage assets, to justify the development. Furthermore, whilst it is acknowledged that there is a lack of five year supply of housing land, housing land supply issues are likely to be temporary, while the harm to the WCA would be permanent.
22. I therefore conclude that the proposed development would not preserve the character or appearance of the WCA and would result in harm to its significance. Therefore, in this respect, the proposal fails to accord with DP1, DP3 and DP7 of the MDLP, policies HBE1, HBE2, H2 and MA1 of the City of Wells Neighbourhood Plan (CoWNP) and the Wells Design Guide (2022). The proposed development would also conflict with the aims of the Framework as it

would fail to sustain the significance of the WCA as a designated heritage asset where the public benefits would not outweigh the harm.

Highway Safety

23. In relation to the loss of car parking for the existing public house, I have concluded under the first main issue that, whilst there would be a loss of parking, there is sufficient alternative parking available within the area to accommodate this.
24. In terms of the provision of safe access and egress from the proposed development, I note the appellant provided updated vehicle tracking to demonstrate that adequate parking and turning can be provided on site. The Council have accepted this and suggested the matter could be addressed through an appropriately worded planning condition.
25. Having reviewed the additional information, I am satisfied that the matter has now been addressed and would agree with the Council that a planning condition would be appropriate to secure implementation.
26. I therefore conclude that the proposed development would not have an adverse effect upon highway safety and, in this respect, would accord with Policies DP9 and DP10 of the MDLP, Policy MA1 of the CoWNP and the Framework.

Planning balance and conclusion

27. It is accepted by both parties that it is not possible to demonstrate a five year housing land supply at present. Paragraph 11 of the NPPF applies, which states that relevant policies for the supply of housing should not be considered up to date where a five year housing land supply cannot be demonstrated.
28. Paragraph 11 of the Framework states that where relevant policies are out of date, permission should be granted, unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of the Framework specifies that designated heritage assets are included within such protected areas or assets. As I have already found that the Framework policy relating to heritage assets in paragraph 215 indicates that development should be restricted, notwithstanding the current absence of a Framework compliant supply of housing land, the so-called tilted balance does not apply in this case.
29. In many respects the proposal would contribute positively to sustainable development objectives as set out in the Framework, particularly in respect to the benefits associated with housing, on a brownfield site, in a sustainable location. Nonetheless, these benefits would be limited given the limited scale of the development proposed. Moreover, in view of the harm that would be caused to the significance of the WCA and the importance given to the conservation of such heritage assets, the benefits of the proposed development would fail to outweigh the harm I have outlined above.
30. For all of the reasons given above, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR