



Appeal Decision

Site visit made on 12 February 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2025

Appeal Ref: APP/E3335/W/24/3351838

Land West of School Lane, Ashill, Ilminster TA19 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Summerfield Homes Ltd against Somerset Council.
 - The application Ref is 24/01058/FUL.
 - The development proposed is for detached carports to plots 2, 3, 4, 6 and 7.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of detached carports to plots 2, 3, 4 and 6 and 7 at Land West Of School Lane, Ashill, Ilminster TA19 9ND in accordance with the terms of the application, Ref 24/01058/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 300588 00 B, 300588 02 B, CP03B, CP04 04B.
 - 3) The roof tiles shall match those approved under discharge of condition application reference 23/00857/DOC1.
 - 4) The car ports hereby permitted shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Preliminary Matters

2. The appeal is made against the non-determination of the application within the statutory period. The Council has confirmed that had it made a decision the proposal would have been approved. It therefore does not wish to defend the appeal and has recommended planning conditions in the event of an approval.
3. The revised National Planning Policy Framework (The Framework) was published on 12 December 2024. Whilst I have had regard to the Framework in reaching my decision, I have not sought the views of the parties on its implications given the minimal changes of specific relevance to the proposal.

Background and Main Issue

4. The appeal proposal relates to the installation of carports as part of a development previously approved for ten dwellings (ref: 17/04328/OUT and 20/01623/REM).

5. In light of the information confirming that the Council do not wish to contest the appeal, the main issue is whether there are other considerations that might indicate that the proposal would not be acceptable, including whether it would preserve the setting of the nearby Grade II* listed church.

Reasons

6. I have taken into account all the submissions from interested parties, including those from local residents. The concerns raised include the visual effect of the carports, in particular how these would affect views of the nearby Church of the Blessed Virgin Mary (the Church), a Grade II* listed building which is located to the south of the site.
7. The significance and special interests of the Church derives, in part, from its age dating back to the 12th or 13th century, its prominent position, its ecclesiastical architecture and its role and function as a visual and social landmark. Indeed, the Church has a wide setting from which it is seen. However, the setting has clearly changed over time, with older development to the south and east and more recently the new housing development within which the carports would be situated.
8. The church also has a number of Grade II listed monuments associated with it including the Ashton Monument, Curtis Monument, Moore Monument, Paul Monument, Pugh Monument, an unnamed pair of monuments and other 'unidentified' monuments. Significance and special interest are drawn, in part, from their age and direct associations with the Church.
9. The boundary of the wider development site directly abuts the churchyard. The proposed carports would be sited within the envelope of the approved housing scheme which is currently under construction. They would be sited on the eastern side of the site directly adjacent to recently approved or existing buildings. In both close and distant views of the site the carports would be seen in the context of the surrounding houses. They do not infill any important visual gaps within the development.
10. The carports would not be visible from the church yard as they would be obscured by the houses within the development. There may be views of them from the road to the north of the site, but these would be limited and within the context of a housing development. Moreover, the setting of the Church would be preserved and there would be no harm caused to its significance or special interest.
11. I thus agree with the Council's assessment that the proposed carports would preserve the settings of the listed Church and its associated structures, and their significance would not be harmed.
12. The site is also proximate to a terrace of Grade II listed buildings, 'Ashill Farmhouse', 'The Firs' and the 'Cottage between The Firs and Ashill Farmhouse' (the Cottage) such that it falls within each of their settings.
13. The properties are arranged as a terrace. Although there are common features the design of each building varies with The Firs being the grander of the three with dressed stone detailing and window surrounds. The list entry for the Cottage refers to it as originally being part of The Firs and designed to match with ornate stone columns and canopy around the door. Ashill Farmhouse has a more cottagelike

appearance with lower eaves and small windows, probably formed from the reshaping of an earlier property on the site according to the list entry.

14. These properties positively contribute to the character of the area. Their significance stems from the quality of their architectural and artistic features, age, form, historic fabric and group value. Their special interest/significance is experienced mainly within their immediate contexts. In views along the street and when facing the properties the site would be behind the viewer. The views of the proposed carports would be seen within the context of the housing development in which they would be sited. Given the location and extent of the proposed development, I consider that it would preserve the settings of these listed buildings and the contributions these make to their significance. I note that the Council has raised no concerns in this regard either.
15. For the above reasons, the development would be acceptable and would not conflict with policies in the South Somerset Local Plan (2015) in particular Policy EQ3, which, amongst other things, requires new development to safeguard and where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets. There would be no conflict with s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
16. After considering all the evidence and visiting the site and having had regard to the analysis and conclusions reached by the respective parties, I conclude that the proposal would comply with the development plan and there are no other considerations that indicate that this appeal should be dismissed.

Conditions

17. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty. The plan numbers have been amended slightly from the Council's suggested list to more accurately reflect numbers referenced on the drawings.
18. It is necessary to ensure that the materials used match those previously approved under 23/00857/DOC1 as part of the wider development. I have however amended the wording of the condition as the details on the approved plans is covered by the approved plans condition. It is also unnecessary to state that no other materials shall be used unless in agreement with the Local Planning Authority as this would require the variation of a condition in any event.
19. It is reasonable to ensure that the carports are kept clear of obstruction and only used for parking and turning as they are needed to provide appropriate parking for the development.

Conclusion

20. For the reasons given above, I conclude the appeal should be allowed and planning permission granted.

H Faulkner

INSPECTOR