
Appeal Decision

Site visit made on 19 May 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/D0121/D/24/3357170

Park Batch, Park Lane, Blagdon, North Somerset BS40 7SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Merrick against the decision of North Somerset Council.
 - The application Ref is 24/P/1203/FUH.
 - The development proposed is erection of an oak frame carport.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the site falls within a conservation area, as well as the setting of a listed building, I have had special regard to the statutory duties set out under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The appeal site is within the Mendip Hills National Landscape (formerly known as the AONB – Area of Outstanding Natural Beauty). In 2023, section 245 of the Levelling-Up and Regeneration Act amended the duty in respect of National Landscapes, strengthening the statutory purpose of conserving and enhancing the natural beauty of National Landscapes. Guidance on furthering the purposes of Protected Landscapes (including National Landscapes) was published in December 2024.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposal on the setting and thereby significance of the Grade II* listed building, known as Church of St Andrew¹;
 - whether the proposal would preserve or enhance the character or appearance of Blagdon Conservation Area;
 - the effect of the proposal on the landscape and scenic beauty of the Mendip Hills National Landscape; and
 - the effect of the proposal on the character and biodiversity value of the area with particular regard to a protected Sycamore tree adjacent to the appeal site.

¹ List Entry Number 1146388.

Reasons

Church of St Andrew (the Church)

5. Insofar as this appeal is concerned, the significance and special interest of the Church as a designated heritage asset is drawn, in combination, from the survival of original 15th century fabric, its high quality and sensitive early 20th century reconstruction, internal and external architectural detailing and social and spiritual associations with the local community across centuries. The earliest part of the building, the west tower, is an impressive four stage structure constructed of finely dressed stone with set back buttresses, moulded string courses and a tall stair turret with a crocketed pyramidal roof.
6. The churchyard of the Church is a historically and visually important part of the Church's setting, contributing significantly to the character of the designated heritage asset. It contains a range of historic gravestones and monuments providing a valuable insight into the local social history of the village. The churchyard is enclosed by traditional stone boundary walls and the Church is well integrated into the rural landscape, with mature trees and planting that soften the built form. Views from the churchyard out towards the wider Mendip Hills National Landscape (MHNL) contribute to the setting of the Church and thereby its significance. Inward views highlight the elevated tower and architectural form of the Church itself.
7. The appeal site is to north of the Church and immediately adjacent to the churchyard. It is not disputed by the main parties that the appeal site is in the setting of the Church. The appeal site is at a slightly lower ground level than the churchyard and slopes towards Blagdon Lake. The site comprises a detached bungalow with an integrated double garage, served by a spacious drive and gardens overlooking striking views of Blagdon Lake and the wider landscape. The openness of the drive and gardens of the appeal site permits views between the Church and the surrounding landscape, contributing to the setting of the Church and its visual connection with the surrounding landscape.
8. The proposal is for a detached oak framed double carport with a dual pitched tiled roof to be located in the drive adjacent to an existing detached garage of a neighbouring dwelling, and close to the churchyard boundary wall. By virtue of its height and siting, the proposal would reduce the openness of the setting of the Church and visibility of Blagdon Lake and the wider landscape from the Church. From private vantage points to the north of the Church, the proposed carport would markedly obstruct views towards the Church by virtue of the proposal's height, siting and massing. The proposed carport would appear prominently against the backdrop of the Church, diminishing the Church's prominence, legibility and relationship with its surroundings and thereby its significance. From the churchyard and the public right of way, which runs along the southern periphery of the churchyard, the proposed carport would be visible above the churchyard boundary wall despite being orientated with its gable end towards the Church and on lower ground level. Consequently, the proposal would add visual clutter and intrude on views of the Church within its setting.
9. I have given full account of the viewpoint analysis contained in the submitted Heritage Assessment (May 2024) (the HA). However, with specific reference to Views Two and Three, I am not persuaded that this comprehensively and

accurately assesses the extent to which the proposal would be apparent from the churchyard and the public right of way along the southern edge of the churchyard.

10. The HA recognises that the appeal site forms part of the key views out of the churchyard and development proposals need to be mindful of the need to be designed in a way that does not intrude or obscure those views. However, it goes on to say that the proposal would 'enhance the setting of the Site by creating a sense of enclosure in this area.' It is unclear whether the HA in this context is referring to the appeal site or the Church. Either way, it serves to confirm that the proposal would have an enclosing effect, reducing the openness of the setting of the Church and eroding its visual connection with the surrounding landscape. Indeed, from a range of locations within the churchyard and along the public footpath, the proposal would be clearly visible above the churchyard wall, intruding on the key views which contribute to the significance of the Church.
11. The appellant has submitted a Heritage Appeal Statement (November 2024) (the HAS). I agree that the proposal would be not easily visible from the public right of way AX5/43/10 due to the significant separation distance and intervening vegetation between them. However, the proposal would be visible from the public right of way near the southern edge of the churchyard, which affords views across the churchyard towards the appeal site.
12. The HAS indicates that Bladon Lake is largely unseen unless close to the north boundary of the churchyard. However, while framed by the churchyard wall, trees and buildings, I could nevertheless clearly see the lake and the surrounding landscape while standing in the public footpath on the southern edge of the churchyard during my site visit. The proposal by reason of its height, siting and massing, would interrupt these key views.
13. The HAS contends that the carport has been designed to sit low and appear just over the top of the churchyard wall, partially hidden by a mature tree. However, the submitted plans show that the carport would have a maximum height of 3.72 metres, while the churchyard wall is 2.2 metres measured from the ground level of the appeal site. This would mean the carport would extend 1.52 metres above the churchyard wall. While the girth of the tree is shown to be 2.8 metres, the depth of the carport would be 5.850 metres so would be clearly visible to either side of the trunk, particularly given the absence of low-lying branches on the tree.
14. The HAS suggests that the roof of the carport would appear no more intrusive than the 'existing tiled roof already visible in this location'. However, the HAS does not specifically identify the 'existing tiled roof' the appellant had in mind. Given the minimal detail provided regarding the 'existing tiled roof', this argument lacks support.
15. Given Council's first reason for refusal which states that the proposed carport would 'result in visual clutter', not 'add to the visual clutter', the appellant's assertions regarding Park Batch and its extensions and modifications not being 'visual clutter' is not relevant.
16. Overall, the adverse effect on the Church's setting means the proposal would harm its significance. In the terms of the National Planning Policy Framework (the Framework), I consider the degree of harm would be less than substantial. The Framework requires less than substantial harm to be outweighed by public benefits, which I shall return to within my Heritage Balance below.

Blagdon Conservation Area (BCA)

17. BCA is located in the village of Blagdon and derives its significance from its historic, architectural and landscape value, reflecting the village's long development and its relationship with the surrounding MHNL. BCA has medieval origins, evident in its layout, historic street patterns and buildings such as the Church and various cottages, farmhouses and inns. The strong vernacular architecture features traditional local materials such as limestone, slate roofs and timber windows. The Church contributes positively to the character and appearance of BCA, acting as a visual and historic focal point. The village is dramatically set on the lower slopes of the Mendip Hills with open countryside and views towards Blagdon Lake which emphasise its rural origins.
18. While the appeal site comprises a relatively modern bungalow, its prominent position overlooking Blagdon Lake and proximity to the Church makes it, in my mind, a particularly sensitive site within the BCA. The site frames key views from the churchyard and the public right of way adjacent to the churchyard towards the surrounding landscape.
19. By reason of its height, siting and massing, the carport would intrude on key views both within and looking out of the BCA that contribute significantly to its character and appreciation of BCA. The carport would be clearly visible above the height of the churchyard wall which frames views of Blagdon Lake from the churchyard, adding visual clutter to the established sightlines that contribute to the significance of BCA. This would result in a diminished experience of BCA and weaken its aesthetic value.
20. As mentioned under the first main issue, I have taken full account of the submitted HA and HAS. However, I am not convinced that they fully or robustly assess the extent to which the proposal would be experienced from within the CA, where the proposal would intrude on important views and erode the visual relationship of the CA with the surrounding rural landscape.
21. From more private vantage points within BCA such as Park Patch and Park House, the carport would appear obstruct views of the Church, undermining not only its individual significance but also weakening the overall significance and qualities of BCA by diluting the contribution the Church makes.
22. The appellant has referred to several developments including for garages and carports which have been permitted within BCA. However, they do not offer a direct parallel as they are not in the same position as the appeal proposal and therefore do not affect views within and out of the CA in the same way. In any case, I have determined the appeal on its own merits.
23. The proposal would thus fail to preserve the character or appearance of BCA and cause harm to its significance as a designated heritage asset. Under the terms of the Framework, I consider this harm would be less than substantial. The Framework requires less than substantial harm to be outweighed by public benefits, which I shall return to within my Heritage Balance below.

The MHNL

24. The appeal site lies in the MHNL, an area designated for its landscape and scenic beauty. One of the statutory purposes of National Landscapes is conserving and

enhancing the natural beauty of the area of outstanding natural beauty. The Framework advises that great weight should be given to conserving and enhancing this area as it has the highest status of protection in relation to landscape and scenic beauty.

25. Blagdon is situated on the northern edge of the MHNL, nestled within a valley landscape where the village enjoys a scenic and elevated setting characterised by rolling hills, wooded slopes and pastoral farmland. The Council's Officer Report advises that the site falls within the Mendip Ridges and Combes Landscape Character Area as defined in the North Somerset Landscape Character Assessment Supplementary Planning Document (September 2018). The landscape character here is defined as 'strong with many of the typical positive features of the type present including dramatic wooded steep slopes and combes, geological interest with exposures in the many quarries, species rich grassland, stone farmsteads, drystone walls, historic village centres and ancient hilltop forts.'
26. Sitting at the ridge of the slope overlooking Blagdon Lake, the appeal site is in prominent, elevated and visually sensitive location. As outlined above, the relationship between village and the surrounding landscape is particularly important. Views out from the village over the lake and the MHNL contribute to its sense of place and allows appreciation of the wider landscape.
27. The proposal would disrupt these views by introducing built form that would result in views of the Blagdon Lake being partially blocked from various viewpoints in the churchyard and on the public right of way. Despite the proposed orientation of the carport and its siting on lower ground level, the submitted plans indicate that it would nevertheless be visible above the churchyard wall which frames Blagdon Lake.
28. While the proposal would not be clearly visible from public right of way AX5/43/10 due to the significant separation distance and intervening vegetation between them, it would be partially visible from the public right of way running near the southern edge of the churchyard, thereby disrupting scenic views of Bladgon Lake and the surrounding landscape.
29. For the reasons given, the proposal would cause harm to the landscape and scenic beauty of the MHNL and thus fail to conserve and enhance or further the purposes of the MHNL. The proposal would conflict with Policies CS5 and CS12 of the North Somerset Council Core Strategy (January 2017) (the CS) insofar as they seek to enhance sense of place and protect and enhance the landscape character of the area, including the natural beauty of the MHNL. There would also be conflict with Policies DM11 and DM32 of the North Somerset Council Development Management Policies Site and Policies Plan Part 1 (July 2016) (the DMP) which amongst other matters require development to conserve and where possible enhance the landscape and scenic beauty of the MHNL and demonstrate sensitivity local character and setting. The scheme would also be contrary to the Framework's objective of protecting landscapes of national importance.

Protected tree

30. The appeal site is close to a large, protected Sycamore tree (TPO 568) growing in the churchyard. The tree contributes to the verdant character of the setting of the listed Church, BCA and the wider landscape. As a large tree, it also contributes to

the biodiversity value of the area by providing food and shelter for wildlife and insects.

31. I note the appellant's primary reason for the proposal is to protect their vehicles from leaves, branches and sap falling from the tree. Therefore, pressure to prune the tree, in this context, would be reduced in the event the appeal was allowed.
32. The appellant has submitted an Arboricultural Impact Assessment (May 2024) (AIA) which shows that the proposal would be within the root protection area of the Sycamore tree. The appellant confirms that the foundations of the proposed carport would use screw piles which can be installed without causing damage to the identified roots. I am satisfied, that if the appeal was allowed, a planning condition could be imposed to secure the foundation design.
33. However, while the AIA indicates that there is minimal root growth within the appeal site, it has not addressed the risks that would be posed to the identified roots within the site by virtue of frequent vehicular movements and parking which would inevitably arise due to the nature of the proposal. This can cause soil compaction within the root protection area of the tree and harm its health and stability.
34. As such, insufficient information has been submitted to demonstrate that the proposal would not cause harm to the protected Sycamore tree by reason of post-development pressure on tree. In the absence of substantive evidence to the contrary, the proposal would likely to harm the health of the tree to the detriment of the character and biodiversity value of the area. Accordingly, the proposal would conflict with Policies CS4, CS5, CS9 and CS12 of the CS and Policies DM8, DM9, DM10, DM11 and DM32 of the DMP insofar as they seek to protect trees, respect local character, enhance natural features, protect and enhance landscape character, protect and enhance biodiversity, and enhance sense of place.
35. The Council's Decision Notice refers to conflict with Policies DM8 and DM30 of the DMP. However, these policies relate to protected and notable species and habitats and off-airport car parking respectively, which are not determinative on this main issue.

Other Matters

36. The appellant has commented on the Council case officer's credentials to assess the proposal. These comments do not factor in my decision, and I have determined the appeal only on the planning merits of the case.
37. The absence of comments from the Council's Conservation and Heritage Officer does not justify allowing development that would be contrary to the development plan.

Heritage Balance

38. I have identified above that the scheme would fail to preserve the setting of the Church, so causing less than substantial harm to its significance, contrary to the expectations of Section 66(1) of the Act. I have also found that the proposal would cause less than substantial harm to the heritage significance of BCA through failing to preserve its character or appearance contrary to the expectations of Section 72(1) of the Act. It must be noted that even less than substantial harm to a

designated heritage asset carries importance and attracts great weight, in accordance with paragraph 212 of the Framework.

39. Paragraph 215 of the Framework establishes that where a proposal would 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. No public benefits have been brought to my attention that are sufficient to outweigh the harm which would be caused to the heritage assets. Accordingly, the proposal would not satisfy the Act and conflicts with the historic environment conservation and enhancement policies contained within the Framework. Conflict also arises with Policies CS5 of the CS and DM3 and DM4 of the DMP insofar as they require development to conserve the historic environment, preserve and where appropriate enhance the character, appearance of listed buildings and their settings and not harm the character and appearance of conservation areas.

Overall Planning Balance

40. In addition to the harms identified to the significance of the Church and BCA, I have separately identified harm to the landscape and scenic beauty of the MHNL and to the character and biodiversity value of the area. Consequently, the proposal conflicts with the development plan when read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with the development plan.

Conclusion

41. For the reasons given above, the appeal should be dismissed.

U P Han

INSPECTOR