



Appeal Decision

Site visit made on 12 June 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th June 2025

Appeal Ref: APP/E3335/W/25/3363610

Blackberry Farmhouse, Martin Street, Baltonsborough, Glastonbury, Somerset BA6 8QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Blinman against the decision of Somerset Council.
 - The application Ref is 2025/0005/VRC.
 - The application sought planning permission for the erection of one detached dwelling without complying with a condition attached to planning permission Ref 2022/1647/FUL, dated 9 April 2024.
 - The condition in dispute is No. 2 which states that: this decision relates to the following drawings: drawing PL01 and Drainage Strategy and Water Quality Assessment Issue 1.1 (Reference 354134-SWDS) dated 28.05.22 received 16.08.22, drawings PL-02A and PL-03A received 09.09.22, PL-04B and PL-05B received 23.12.22, Operation, Monitoring and Maintenance Report Issue 1.1 (reference 354134-OMMP) dated 03.05.23 and received 03.05.23, Nutrient Neutrality Assessment and Mitigation Strategy Issue 1.5 (Reference 354134-NNAMS) dated 11.08.23 and received 11.08.23.
 - The reason given for the condition is: to define the terms and extent of the permission.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (i) the setting of Blackberry Farmhouse, a Grade II listed building; and (ii) the living conditions of the occupiers of The Farthings, with particular regard to outlook and privacy.

Reasons

Listed Building

3. The original planning permission enabled the construction of a single new dwelling, comprising two bedrooms, on land to the north of Blackberry Farmhouse which has been designated as a Grade II listed heritage asset. The proposed amendment would alter the appearance of the dwelling in order to provide an additional bedroom at first floor level.
4. The significance and special interest of the Farmhouse, in so far as it is relevant to this appeal, is drawn in-part from its historic appearance, having been constructed in the 17th century. It has distinctive architectural features, including an extensive double Roman tile roof and brick ridge stacks. Mindful of the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the listed building.

5. In this instance, in order to facilitate the provision of an additional bedroom, the ridge height of the two-storey section of the proposed dwelling would be increased to a noticeable degree. Furthermore, the extent of the first floor of the building would be enlarged so that it would extend out to the line of the north-west elevation.
6. As a result of these changes, the dwelling would have a much greater overall mass and would be more visually dominant. Indeed, the two-storey section of the house would be of a similar height to the Farmhouse, and it seems clear that this increase would distract from the appearance of the listed building which is situated between the appeal site and Martin Street. As a result, I find that the development would result in less than substantial harm to its setting. I note that the appellant's Heritage, Design and Access Statement (the HDA) appears to agree with this conclusion.
7. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.
8. In this instance, the benefits would be wholly private in that the proposal would provide the occupiers of the proposed dwelling with a greater amount of internal space. Indeed, there are no public benefits associated with the provision of a slightly larger house. As such, there are no public benefits that would outweigh the less than substantial harm that I have identified.
9. The proposal would therefore result in harm to the setting and significance of a Grade II listed asset, and as such, it would conflict with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 – 2029 (the LP). Taken together, the relevant aspects of these policies seek to ensure that new development is well designed and that it preserves the significance of designated heritage assets.

Living Conditions

10. The proposed dwelling would be situated in very close proximity to the shared boundary with the property known as The Farthings. The increase in the extent of the building at first floor level would significantly add to the amount of built form within the north-west elevation by bringing forward the gable end and increasing the ridge height to a noticeable degree.
11. Given these proposed changes, it is inevitable that the occupiers of The Farthings would feel a much greater sense of enclosure when compared to the previously permitted scheme, particularly when making use of their garden space. While I acknowledge that this is not a primary living area, the impact would still represent clear harm to living conditions.
12. The proposed changes would also introduce a first-floor window within the north-west facing gable end. This window would clearly overlook The Farthings to a significant degree. However, any harm could be fully mitigated by the installation of obscured glass. I am satisfied that this could be secured via condition and so I do not find harm in this regard.

13. Nevertheless, the identified harm to outlook would conflict with LP Policy DP7, which in part, seeks to preserve living conditions.

Conclusion

14. The Council cannot currently demonstrate a five-year supply of deliverable sites for housing. However, the proposal would not result in a net increase in housing numbers over and above the existing permission, and so the test set out within paragraph 11d(ii) of the Framework need not be applied. In any event, paragraph 11d(i) and footnote 7 of the Framework protect assets of particular importance, including designated heritage assets, and would provide a strong reason for refusing the proposed development.
15. I have found harm in relation to the setting of a listed building and living conditions. The proposed development therefore conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR