



Appeal Decision

Site visit made on 21 July 2025

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/E3335/W/24/3357457

Land East of Langlands Farm, Frog Lane, Kingsdon, Somerton TA11 7LL

- 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 Christopher and Dr Anita Murray against the decision of Somerset Council.
 - The application Ref is 21/03851/FUL.
 - The development proposed is erection of two whole-life dwellings, incorporating full disabled access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (Framework) was published in December 2024 after the Council made its decision. I have had regard to the revised Framework in reaching my decision.
3. The appellant submitted a Built Heritage Appeal Statement (dated November 2024) during the appeal stage. The appellant indicates that this document does not introduce any fundamentally new evidence or additional technical data. As it was submitted with the appellant's appeal statement, the Council and other interested parties have had the opportunity to comment on it. My acceptance of it would therefore not prejudice any parties.

Main Issues

4. The main issue is whether the proposal would adversely impact i) the setting of the Grade II listed building, and ii) the setting of the Kingsdon Conservation Area, and whether their significance as designated heritage assets would be preserved.

Reasons

Listed Building

5. Section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 (the Act) states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving its setting.
6. The appeal site comprises a pasture field containing a stable block along its eastern boundary. It is currently in equestrian use and is bordered by a combination of timber posts-and-rail fencing, a rubble stone wall, and mature trees

and vegetation. The site adjoins existing residential development to the west and northwest, while open fields extend to the south and east.

7. The site lies within the setting of Park Farmhouse, a Grade II listed¹ building located to the northwest. Park Farmhouse is a detached former farmhouse situated on Lower Road. According to the listing description, it likely dates from the 18th century, with alterations made in the 19th century. The building is of two-storeys, with 3 bays and coped gables. It is constructed from grey lias stone, cut and squared, with a Welsh slate roof and stone chimney stacks. The first floor features small-pane horizontal sliding windows, while the ground floor has three-light horizontal bar casement windows.
8. For the purposes of this appeal, the special interest and significance of Park Farmhouse primarily stem from its historical and architectural interest as a former vernacular farmhouse. It is also derived in part from its age, historic fabric, structural characteristics, and its historical relationship with a former agricultural barn. Additionally, the building contributes to the cluster of development that forms the settlement of Kingsdon.
9. The immediate setting in which Park Farmhouse is experienced includes its substantial private rear garden and Lower Road to the front. The field parcels extending beyond the rear garden form part of the wider rural landscape in which the listed building is both experienced and appreciated. These elements collectively reinforce the rural context and function of the former farmhouse and contribute to its special interest and significance.
10. I acknowledge that Park Farmhouse is now in private residential use and that part of the former farm complex has been demolished. Although recent developments, including the addition of a swimming pool and private garden, have altered its context and somewhat diminished its setting, the listed building remains adjacent to the rural landscape. It retains an open aspect over the fields to the southeast, including the appeal site. In this respect, the undeveloped nature of the appeal site makes a positive contribution to the understanding and significance of the listed building.
11. The proposed development would introduce two sizeable 1.5-storey dwellings between the listed building and its rural surroundings. The use of hardstanding materials for the proposed driveways and parking areas would further emphasise the urbanised nature of the resulting development. This would significantly alter the way in which the heritage asset is experienced. As a result, the connection between the listed building and the wider rural landscape would be severed, thereby harming its significance.
12. I acknowledge that there are mature trees and vegetation along the boundary between the site and the listed building's rear garden, which provides some degree of screening. However, the concept of setting, defined as the way in which a heritage asset is experienced, rather than solely its visual interconnection, does not require the listed building to be completely visible from the appeal site. An awareness of the building's location allows it to be experienced and understood within its context as a former rural farmhouse, distinct from other buildings in the settlement. The proposal would permanently alter this understanding, particularly if the mature planting along the site's boundary were to be lost or removed, making

¹ List Entry Number: 1223598

the heritage asset appear more integrated into the urbanised environment introduced by the development.

13. Accordingly, the proposal would result in unacceptable harm to the setting of the Grade II listed building, thereby diminishing its significance as a designated heritage asset.

Conservation Area

14. The appeal site primarily sits within the setting of the Kingsdon Conservation Area (CA), although a narrow section of the site along its existing access falls within the CA.
15. As part of the appeal site sits within the CA, I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area, to which I have attached considerable importance and weight.
16. The CA is characterised, in part, by its architectural and historic built form, comprising traditional rural cottages, historic farmsteads, and agricultural outbuildings constructed from local vernacular materials. These buildings are arranged in a relatively tight-knit pattern, interspersed with narrow, interconnecting lanes and green spaces, surrounded by open fields, hedgerows, and mature trees that provide a distinctly rural backdrop.
17. Given the above, the character and appearance and thus special interest and significance of the CA, insofar as it relates to this appeal, is primarily the historic buildings and pattern of development, which positively contribute to how the settlement is experienced and understood. It is also the way the buildings of varying ages and styles reflect the settlement's evolution, and its strong relationship with its surrounding rural landscape which contributes to its aesthetic value.
18. Although the appeal site is located near to existing development, it forms part of the open, rural landscape that frames the CA and provides a clear distinction between the built form of the settlement and the countryside beyond. As such, the site makes a valuable contribution to the setting and significance of the CA.
19. The proposed dwellings, along with associated domestic paraphernalia such as garden furniture, would introduce a domestic appearance that would erode the rural qualities of the site and its surroundings. Furthermore, the use of boundary fencing and hardstanding material to create the driveway, turning area, and parking spaces would detract from the site's current open, grassy appearance.
20. Consequently, the proposal would result in an urbanising effect on the appeal site, harming its existing rural qualities. This would diminish views, including key views from Public Rights of Way and views from neighbouring properties, into and out of the CA, thereby undermining the traditional rural character that contributes to its significance. It would therefore adversely affect the setting of the CA and the ability to appreciate its heritage value.
21. Whilst existing planting would provide some degree of screening, and additional landscaping could be secured by condition, the proposal would remain visible

during the winter months when trees and vegetation are not in leaf. Moreover, the long-term survival and maintenance of such planting cannot be guaranteed.

22. The appellant contends that the proposal would reflect the existing building line of both Langlands farmstead, including Lower Barn, and the dwellings along Pitts Lane. However, these properties are separated by a substantial expanse of open fields, of which the appeal site forms part of. Although an area of paddock to the south of the proposed development would be retained, the proposal would still result in harm for the reasons outlined above.
23. In reaching my decision, I have considered the landscape and heritage evidence submitted by the appellant, including the Landscape Visual Impact Assessment and the heritage statements contained within the appellant's statement of case. Nevertheless, following the consideration of the evidence before me and my own observations of the site and its surroundings, I find that the proposal would result in harm for the reasons explained.
24. I acknowledge that the proposed dwellings would incorporate sympathetic detailing and materials, including natural stone walling under a slate roof, which would be respectful of the local vernacular. However, these acceptable aspects would not justify the harm identified.
25. Accordingly, for the reasons set out above, the proposal would result in unacceptable harm to the setting and significance of the Kingsdon Conservation Area.

Public Benefits and Balance

26. Paragraph 212 of the Framework advises that when assessing the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any such harm should have a clear and convincing justification.
27. Given the above, I consider that the degree of harm to the significance of the designated heritage assets would be less than substantial, but nonetheless of considerable importance and weight. I place this harm in the mid-level within the less than substantial range. In accordance with paragraph 214 of the Framework, this harm must be weighed against any public benefits of the proposal.
28. The proposal would provide a long-term social benefit by contributing two fully accessible, whole-life dwellings with energy-saving features to the area's housing land supply. This would support the housing needs of both present and future generations and could potentially provide specialist accommodation for vulnerable individuals, such as the elderly and those with disabilities. It would also provide some direct and indirect social and economic benefits, including employment during the construction phase, spending from future occupiers in the local area, and enhanced social inclusion. Financial benefits would also arise, such as increased council tax revenues, new homes bonus, and a potential reduction of ongoing care costs.
29. I have taken account of the personal circumstances of the appellant's family, including their desire to create two whole-life dwellings for their elderly parents.

However, I am mindful of the guidance in the Planning Practice Guidance,² which states that planning decisions should generally focus on land use in the public interest for the purposes of the heritage balance.

30. Weighing the public benefits as a whole, I attribute moderate weight to them. However, they do not outweigh the considerable importance and weight I attach to the harm identified to the significance of the designated heritage assets.
31. I therefore conclude that the proposal would unacceptably harm the setting and significance of the Grade II listed building, and would harm the significance of the Kingsdon Conservation Area primarily through harm to its setting. As such, the proposal would be contrary to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Framework. It would also conflict with Policies EQ2 and EQ3 of the South Somerset Local Plan (2006 – 2028) (adopted 2015). Collectively, these policies amongst other things, seek to preserve or enhance the character and appearance of the area, including heritage assets and their settings.

Other Matters

32. The appeal site is located within the Somerset Levels and Moors Ramsar catchment. The main parties agree that there is an acceptable solution to mitigate the impacts of the proposed development on the Somerset Levels and Moors site, relating to phosphorous loading. However, given my findings in respect of the setting of the heritage assets, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.
33. My attention has been drawn to previous permissions in the local area (refs 20/01593/FUL and 22/00043/S73A). I have not been presented with the full details of these previous permissions, but they appear to relate to single storey dwellings at the Keepers Cottage site on Pitts Lane. These previous permissions are located further away from the setting of the CA and the listed building. As such, there are significant differences between these previous permissions and the proposal before me. In any event, I have determined this appeal on its own merits and its site-specific characteristics.
34. My attention has also been drawn to application ref 19/02888/OUT, but this is pending determination by the Council. I am therefore unable to comment.
35. The Council is unable to demonstrate a 5-year housing land supply and therefore a presumption in favour of sustainable development applies. However, with reference to paragraph 11d) of the Framework, an exception is provided where policies in the Framework that protect assets of particular importance provide a strong reason for refusing the proposal. Footnote 7 establishes that this includes designated heritage assets; it still applies when an appeal site is within the setting of a designated heritage asset and harm has been found. I have found that the proposal would harm the setting of the nearby listed building and the setting of the CA. It would therefore not accord with policies of the Framework. Consequently, those policies provide a clear reason for refusing the development proposed.

² Paragraph 008 Reference ID: 21b-008-20140306 – ‘What is a material planning consideration?’

36. The appellant states that the proposal would be for self-build development. However, without a mechanism such as a planning obligation, I cannot be sure that this intention would be carried out.
37. The appellant has submitted a draft Statement of Common Ground (SoCG), but this document has not been signed and dated by the Council. In the absence of signatures from both main parties, the SoCG cannot be considered a formal or binding agreement.
38. In addition to the matters I have addressed above, letters of objection from local residents have raised other concerns including traffic issues, living conditions of neighbouring occupiers, and wildlife. These other matters are not in dispute between the main parties and as I am dismissing the appeal, I do not need to give these matters further consideration.
39. There are also letters of support, and the appellant has submitted several published articles. Nevertheless, these are neutral considerations and do not alter my decision.
40. The appellant has raised concerns with the Council's handling of the application and the length of time to determine it. However, these matters are for the Council and do not alter my findings on the main issue.

Planning Balance and Conclusion

41. The proposal would provide many benefits as outlined above. In addition, it would provide two units of accommodation for elderly residents. While this would be a valuable addition to which I give moderate weight, I also recognise that alternative means of providing suitable accommodation may exist, which would avoid harm to the designated heritage assets. As part of determining this appeal, I have had regard to the Public Sector Equality Duty (PSED) set out under section 149 of the Equality Act 2010, but the risks caused by the proposed development and the harm caused to heritage assets outweigh its benefits in terms of eliminating discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.
42. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Smith

INSPECTOR