



Appeal Decision

Site visit made on 8 September 2025

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal Ref: APP/E3335/W/25/3358826

Upper Battleborough Farm, Bristol Road, Brent Knoll, Highbridge, Somerset TA9 4HJ

- 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 Jolly Jumpers Play Zone against the decision of Somerset Council.
 - The application Ref is 07/23/00025.
 - The development proposed is construction of indoor play area, café and farm shop with associated parking area.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Jolly Jumpers Play Zone against Somerset Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appellant has submitted Sketch Revisions to the appeal showing a reduction in height to part of the proposed building. As such, they represent a fundamental change to the proposal that was before the Council when it made its decision. What is considered at appeal should be essentially the same scheme that was considered by the Council. For that reason, I will not accept the Sketch Revisions.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether it has been demonstrated that the proposed development would not harm highway safety; and
 - the effect of the proposed development on the setting and significance of the Scheduled Ancient Monument known as Brent Knoll hillfort and associated field system (the SAM).

Reasons

Character and appearance

5. The appeal site relates to part of a field situated on the lower slopes of Brent Knoll. The site forms part of Upper Battleborough Farm which comprises a collection of agricultural barns and a bungalow. There is also a hotel to the west of the farm complex, served by the same access to the farm. The northwest boundary of the appeal site lies near a small copse, effectively screening the bungalow, while a mature hedgerow defines the western edge. The wider field is similarly enclosed by mature hedgerow along the eastern boundary. The site faces onto the A38 Bristol Road, behind a bramble hedge, and on the opposite side of the road, is a café. Further south along Bristol Road is a large garden centre. Battleborough Farm is located to the southwest of the site and there is one residential dwelling to the northeast. Otherwise, the immediate surroundings remain predominantly rural, characterised by extensive fields.
6. The site's open character and sloping topography make it highly visible from adjacent roads, enhancing its prominence within the landscape. The land rises steeply in a northwest direction towards the summit of Brent Knoll - a striking and isolated hill that is a prominent and visually significant landmark within the Somerset Levels, visible from the nearby M5 motorway and local roads.
7. The proposed building would be set within a cutting approximately 3.4 metre deep into the existing slope, with the excavated area banked. The building would be approximately 55.3 metres in length, 27 metres in width and 10 metres in height to the ridge. In addition, the proposal includes a car park for 150 spaces, in front of the building, facing Bristol Road.
8. The appellant has submitted a Landscape and Visual Appraisal¹ (the LVA) which has assessed the visual effects of the proposed development from a series of representative viewpoints. It has also appraised the landscape resources identified in the baseline studies to determine the extent of potential landscape impacts.
9. The LVA advises that the site lies within Landscape Character Area 2, Clay Moors identified in the Sedgemoor District Council Landscape Assessment and Countryside Design Summary (revised edition 2003). Clay Moors is characterised by summer pastures intersected by ryhnes, straight droves and pollarded willows, with settlements typically located on higher ground near farmsteads and hamlets. While the appeal site forms part of an elevated farmstead, it lies near the edge of the Clay Moors character area and reflects characteristics of the adjacent Lowlands Hills character area. This includes hedgerows and small woodland blocks, characteristic of the appeal site. Thus, the site's landscape character, shaped by its location on the lower breaches of Brent Knoll, is distinct within the broader setting. Indeed, Brent Knoll is identified as a key characteristic feature of the Somerset Levels and Moors National Character Appraisal (NCA 142), as advised by Historic England.
10. Turning first to the visual impact of the proposal, from viewpoint 1 'Sanders Garden World Frontage', the landscape and visual impact and sensitivity is assessed by the LVA as 'low'. Given the distance of viewpoint 1 from the site, the proposed development would not be clearly visible. I therefore concur with the LVA

¹ SPP /3275/ Rev B, March 2023, prepared by Swan Paul Partnership Ltd.

regarding the limited visual impact and sensitivity assessment associated with this viewpoint.

11. Viewpoints 2 to 4 are located at various positions along Bristol Road, offering different perspectives of the site from this key public thoroughfare. The visual impact and sensitivity are assessed by the LVA as largely 'medium.' However, I am not persuaded that the LVA comprehensively considers the extent to which the proposal would be appreciable from Bristol Road. The footway along the eastern side of Bristol Road, between viewpoint 1 and the junction of Vole Road, is relatively wide and allows pedestrians sustained views of the appeal site while travelling along it. From Vole Road, the only footway on the western side of Bristol Road, approaching the site, is narrow. However, it continues uninterrupted along the entire southeast boundary of the site affording clear and prolonged views of the site from the public domain. Even from a moving vehicle, the Knoll and its surrounding setting remain clearly perceptible from a distance due to the open topography of the landscape.
12. Due to the considerable scale and bulk of the proposed building, combined with the expansive car parking area, the scheme would appear highly visually dominant. It would intrude upon and disrupt the rural, largely undeveloped character of the lower slopes of Brent Knoll, undermining the area's natural visual qualities and sense of openness.
13. While the topography of the site would result in the proposed building being positioned below the height of the existing farm structures, this would not sufficiently mitigate its substantial scale and massing. Similarly, the architectural design and choice of materials for the proposed building, while drawing upon elements of typical local agricultural buildings, would do little to lessen the visual impact of the building and car park on the landscape setting.
14. Furthermore, the proposal would be prominently visible in the foreground of Brent Knoll which rises steeply behind the site. As a result, the development would significantly disrupt public views towards the Knoll and undermine its visual prominence within the landscape.
15. Viewpoints 5/ 6, at the top of Brent Knoll, have been assessed in both winter and summer by the LVA as having a 'medium' level of visual impact and sensitivity. This elevated vantage offers expansive views over the surrounding low level landscape. The appeal site can be clearly seen alongside the Bristol Road. While the small copse to the northwest of the site may offer a degree of partial screening during the summer months, this vegetative cover would be significantly reduced during the winter, increasing the visibility of the proposal. Even in the summer, the proposed building, combined with the car park, would remain clearly perceptible.
16. Therefore, I consider the visual impact of the proposal from viewpoints 5/ 6 to be high, with the site demonstrating a pronounced sensitivity to change due to its open character and topography within the surrounding landscape. Positioning the building within a cutting on the existing slope would not sufficiently mitigate its visual impact, as the expansive roofscape would assert a strong visual presence from elevated viewpoints, despite its proposed colour.
17. In terms of landscape impact and sensitivity, the site, although not within a designated landscape, occupies a conspicuous location on the lower slopes of Brent Knoll, which is a highly sensitive and prominent feature within the Somerset

Levels and Moors landscape. Its sensitivity as a landscape resource is derived from several inter-related factors including its distinct landform, historic and cultural associations, scenic qualities, intact condition and strong contribution to the wider landscape character of the Somerset Levels. In my mind, the LVA underestimates the intrinsic sensitivity of the receiving landscape and the impact of the proposed development upon it, which I judge to be high.

18. The proposed development, by virtue of its substantial scale and bulk would severely erode the open, rural qualities of the site, and disrupt the sense of spaciousness and tranquillity which defines the identity of Brent Knoll. Cutting into the lower slopes of this distinct landform would alter its natural contour and gradients, introducing artificial features that contrast with the organic form of the hill and reducing the visual coherence between the site and its setting.
19. Given the undeveloped, open nature of the site, it cannot be reasonably argued that it lacks a predominantly open character, despite the presence of a small cluster of buildings to the northwest of the site and areas of woodland, which are well integrated into the surrounding countryside.
20. The proposed building is physically detached from the established group of farm buildings and the gap between them is sufficient that it would be perceived as a separate feature rather than part of the cluster. The proposal would erode the clear edge of the farmstead, extend built form into the countryside and diminish the compactness that defines the existing cluster.
21. From key public viewpoints, particularly along Bristol Road, the scheme would be visually detached and would not appear to form part of the farmyard grouping. Instead, it would read as an isolated addition and encroachment of built form into the countryside.
22. Given the considerable scale and massing of the proposed building, and owing to the topography of the site, the additional planting proposed would unlikely be sufficient to fully mitigate its visual impact. Meaningful screening would take significant period of time to establish, during which the building would remain clearly visible and visually dominant. Furthermore, the effectiveness of planting is limited, especially in winter when foliage is sparse, resulting in a prominent and intrusive presence within the rural landscape. Moreover, additional planting cannot reverse the loss of openness or the shift from rural to semi-urban character.
23. While certain aspects of the proposed building's design and materials may reference the local agricultural vernacular, its large scale, differing function, and the inclusion of a car park for 150 spaces render it visually distinct from the existing farm structures, resulting in a discordant presence within the rural landscape.
24. The retention of pasture across the remainder of the wider field would not adequately offset the significant adverse effect of the proposal on the landscape and visual character of the area. Furthermore, the submitted plans indicate that part of the remaining field (on land outside of the red line boundary) may potentially be used as overflow car parking, thus intensifying the adverse landscape and visual effects of the proposal.
25. The appellant argues that the size of the proposed building is comparable to agricultural structures typically permitted under permitted development rights.

However, this comparison overlooks the specific context and visual sensitivity of the site, where such scale of building, combined with the car park, would dominate the foreground of views towards Brent Knoll from Bristol Road.

26. While the Council indicates that the site lies within an Article 4 Direction area that restricts agricultural permitted development rights, there is no information currently before me to confirm its existence. Therefore, I give limited weight to this assertion in the determination of the appeal.
27. Even if I were to accept the Sketch Revisions submitted to the appeal, the reduction in height to part of the proposed building would not overcome the overall visual dominance and incongruity of the scheme within the setting, nor would it sufficiently mitigate its impact on the landscape character and views from surrounding vantage points.
28. For the reasons given, the proposed development would have an unacceptably harmful effect on the character and appearance of the area. As such, it would conflict with Policy D19 of the Sedgemoor Local Plan 2011-2032 (adopted February 2019) (the SLP) insofar as it requires development to not have a significant adverse impact on local landscape character, historic landscape, scenic quality and distinctive landscape features.

Highway impacts

29. The Council's appeal statement has confirmed that a Travel Plan is not required. Therefore, based on the information before me, the only outstanding highway matters relate to highway lighting at the proposed access and double white lines to protect the right turn lane into the site.
30. The appellant indicated on the Application Form that the proposed development would operate between the hours of 10:00 and 16:00 daily and has confirmed in subsequent correspondence that no events would take place during hours of darkness. Consequently, the development would not result in increased traffic movements during dark hours, and therefore would not elevate the probability of collisions at the site access during those times.
31. Planning conditions could be imposed, if the appeal were allowed, to secure the incorporation of a right turn lane into the site and a physical island to prohibit a right turn from the access onto Bristol Road.
32. For the reasons given, it has been demonstrated that the proposed development would not harm highway safety. Accordingly, it complies with Policy D14 of the SLP which sets out a criteria-based policy for managing the transport impacts of development.

The SAM

Significance and setting of the SAM

33. The appeal site lies within the setting of the SAM which is a large univallate Iron Age hillfort situated on the summit of a steep-sided knoll, rising dramatically from the surrounding Somerset Levels. The scale and commanding position of the hillfort demonstrate its importance in Iron Age settlement patterns and territorial organisation, with its location on an isolated eminence above the low-lying Levels providing both defensive advantages and symbolic presence. The monument

contributes to the understanding of prehistoric society and is therefore of considerable evidential and historic significance.

34. The SAM appears to have remained in use during the Roman period and possibly into the early medieval period. The site also has notable associations with Glastonbury Abbey and has been linked to the local legend of King Arthur. As a well-preserved substantial Iron Age hillfort and prominent historic landmark, the SAM is a designated heritage asset of the highest significance, according to paragraph 213 of the Framework.
35. The setting of the SAM is integral to its heritage significance, contributing not only to its visual prominence but also to the ability to understand and interpret its historical context. The appeal site's proximity to the SAM and its open character plays a vital role in preserving the visual and spatial interrelationship between the SAM and its surrounding landscape. This openness maintains the monument's legibility within its historic environment, reinforcing its prominence and aiding its appreciation of its original function and significance.

Effect of the proposal on the significance and setting of the SAM

36. The appellant has submitted a Heritage Assessment (February 2024) (the HA) which has assessed the impact of the proposed development on heritage assets, their significance and respective settings. The HA concludes that the appeal scheme would have a 'Moderate+ Adverse' impact on the setting of the SAM. I concur.
37. While the Council Questionnaire indicated that the proposal would not affect an Ancient Monument, it is clear from the Council's Decision Notice, Officer Report and Appeal Statement that the Council considers the proposal would affect an Ancient Monument.
38. From the top of the hillfort, the surrounding landscape forms an integral part of the monument's historic character and meaning. The roofscape of the proposed building and the surface car park would be clearly visible looking southeast from the outer rampart of the hillfort, diminishing the experiential quality of the SAM and undermining the ability to appreciate its original function and significance within the landscape.
39. While there is an existing cluster of buildings to the northwest of the appeal site, their scale, form and massing are not comparable to the substantial size and visual prominence of the proposed development. As such, the proposal would introduce a markedly more dominant built form into the landscape, altering its character and intensifying the visual impact on the surrounding setting.
40. Furthermore, the proposal would also significantly alter views looking northwest from Bristol Road towards the hillfort, introducing a visually prominent and intrusive new element in the foreground of these views. As a result, it would visually compete with the SAM, diminishing its prominence and disrupting its historic setting.
41. While the roof would be coloured green, its expansive size and material would contrast with the natural character of the surrounding landscape. Additional planting cannot be relied upon to provide a permanent buffer to views. This is not least because foliage becomes sparse in winter months. Furthermore, it will take

considerable time for newly planted trees to mature sufficiently to provide effective screening for the proposed building, during which period the structure will remain prominently visible within the landscape.

42. Similarly, while tree planting and the choice of materials could lessen the visual impact of the proposed car park, it would nevertheless be perceptible from both elevated viewpoints and from Bristol Road due to the topography of the field and the significant size of the car park.
43. The HA notes that prior to the 1970s, the site had a more enclosed character with orchards and fields defined by tree-lined hedges. However, there is insufficient evidence before me to support this claim. Even if the appeal site had previously contained those features, given the extent of development proposed, it cannot be reasonably argued that the scheme would restore the historic landscape.
44. It is understood the appellant sought advice from Historic England following the Council's decision to refuse the application. The appellant contends that Historic England, in a letter to the appellant, dated 20 December 2024, confirmed that a building in this location may be suitable, provided certain design matters are addressed and further landscaping proposed. Having reviewed the letter from Historic England, it is clear that they considered the scheme presented to them would require a further reduction in height and footprint to lessen its impact on the setting of the SAM. Given the appellant has indicated the height of the proposed building is necessary to allow for the height of the play equipment, there may be limited scope to significantly reduce the height of the proposed building.
45. Furthermore, I note that Historic England's consultation response to the application advised the proposal would result in harm to the significance of the SAM and that new development should be resisted. In any event, I have undertaken my own assessment based on the evidence presented.
46. Overall, the proposal would visually complete with the SAM and would undermine an appreciation of the relationship of the SAM to its landscape setting. It would therefore harm the significance of the SAM as a result of development within its setting. In terms of Framework, I assess the harm to the SAM as less than substantial, at the higher level.
47. Paragraph 215 of the Framework indicates that where a development proposal will 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.

Heritage Balance and conclusion on the third main issue

48. The scheme would create year-round employment opportunities and offer an all-weather family attraction in a location currently reliant on seasonal tourism with limited educational attractions. It would offer learning opportunities about the history of Brent Knoll, ecology, sustainability, food production and farming - encouraging school visits. Children would be able to experience and learn about rare breed animals, while university students would be able to access uncommon species for training purposes. The site is designed to be accessible by all users and would promote mental and physical health and well-being. The proposed planting and swales would enhance biodiversity by creating habitat corridors and linking ecosystems. Collectively, these public benefits would attract significant positive weight in favour of the proposal.

49. Letters of support have been submitted from local residents and those further afield, schools, including those providing for special educational needs, the Children's Autism Outreach Team, the Rare Breeds Society, local groups and a vet, emphasizing the public benefits of the scheme. A petition of approximately 2,000 signatures has also been submitted in support of the proposal.
50. The appellant asserts that without approval of the proposal, an existing indoor play centre owned by the appellant known as Jolly Jumpers located approximately 15 minutes' drive from the appeal site, would be forced to close, resulting in the loss of jobs, a local tourist attraction and support for local charities and sports teams. However, there is no detailed evidence before me to demonstrate the proposed development is essential to securing the ongoing commercial viability of the wider business. As such, moderate weight is given to this consideration.
51. The Framework establishes that irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
52. For the reasons discussed above, because of its effect on the setting, the appeal scheme would harm the significance of the SAM. The ability to experience this ancient and unique site would be harmed by the expansive building and car park proposed within its landscape setting. As a scheduled monument and designated heritage asset of the highest significance, I attach great weight to the harm that would result from the development proposed within the setting of the SAM. Consequently, the public benefits, while significant, would not outweigh the harm.
53. As such, the proposed development would not comply with the policies in the Framework which seek to conserve and enhance the historic environment insofar as they require less than substantial harm to a designated heritage asset to be outweighed by the public benefits of the proposal. There would also be conflict with Policy D26 of the SLP which seeks to protect the significance of heritage assets and their settings.

Other Matters

54. Fields at the base of hillforts, such as the appeal site, often contain evidence associated with the monument's occupation, ancillary structures, agricultural activity, or settlement features. Indeed, the HA finds that the overall archaeological potential of the appeal site is 'high', with reference to encountering archaeological remains of Iron Age, Roman and medieval date.
55. The HA has recommended an appropriate programme of archaeological investigation to determine the extent, depth and significance of archaeological deposits and features within the site, which may involve geophysical survey followed by targeted trial trenching. While the Council contends that the full extent of archaeological impact from the proposal remains unknown, I am satisfied that a pre-commencement condition could be imposed, if the appeal were allowed, to secure such investigation to ensure any archaeological interest on the site is properly identified, recorded, and preserved.
56. The Council accepts that the proposal's location is justified within the countryside, and I have no reason to disagree. Notwithstanding this, Policy CO1 of SLP

requires development proposals to accord with other relevant policies contained in the Local Plan, and I have found that the scheme before me does not.

57. Although the appellant argues that the proposal is consistent with Policy D2 of the SLP, which seeks to promote high quality and inclusive design, the resulting harm to local character and heritage assets, means it fails to meet the full requirements of the policy.
58. Comments regarding the qualifications or expertise of consultees, and the alleged lack of engagement from Brent Knoll Parish Council prior to the planning application, are not matters for my consideration. I have determined the appeal solely on the planning merits of the case.
59. I acknowledge the appellant's concerns with the Council's handling of the case, but in reaching my decision I have been concerned only with the planning merits of the case.

Conclusion

60. The effect of the proposal on the setting means it would cause less than substantial harm to the significance of the SAM. The public benefits of the scheme would not outweigh the harm identified. Added to this, the proposal would have a pronounced and harmful impact on the character and appearance of the area. Accordingly, the proposal conflicts with the development plan and the material considerations, including the Framework and the stated benefits, do not indicate that the appeal should be decided other than in accordance with the development plan. The appeal is therefore dismissed.

U P Han

INSPECTOR