



Appeal Decision

Site visit made on 2 September 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/E3335/D/25/3369469

Island Cottage, Nynghad, Wellington TA21 0BJ

- 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 Mrs Caroline Neary against the decision of Somerset Council.
 - The application Ref is 26/25/0003
 - The development is erection of wooden fencing to the side and rear of Island Cottage, Nynghad Road, Nynghad.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of wooden fencing to the side and rear of Island Cottage, Nynghad, Wellington TA21 0BJ in accordance with the terms of the application Ref 26/25/0003, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans (i) Location Plan, (ii) Site Plan, (iii) Front Elevation (Proposed), (iv) Front Elevation (Gate) Proposed, (v) Rear Elevation (Garden) Proposed, (vi) Rear Elevation (Driveway) Proposed, (vii) Side Elevation Proposed (Garden), and (viii) Side Elevation Driveway (Proposed).
 - 2) The development hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 90 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i. Within 3 months of the date of this decision, full details of a boundary planting scheme for the site shall be submitted to the Local Planning Authority for approval in writing. These details shall include a schedule of plants, noting species, plant sizes and proposed numbers/densities, and shall include a planting methodology and an implementation timetable.
 - ii. If within 12 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

- iv. The approved scheme shall have been carried out and completed in accordance with the approved timetable.
- v. Planting shall be carried out in accordance with the approved details and thereafter shall be retained and regularly maintained. Any plants that die, are removed or become seriously damaged or diseased within 5 years of planting are to be replaced in the following planting season with specimens of a like size or species unless the Local Planning Authority gives written consent to any variation.
- vi. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Nynhead Conservation Area.

Reasons

3. The appeal site comprises a detached property with front parking and rear garden areas. The site is triangular with roads adjacent to each of its three sides. The character of the surrounding area is of a rural village with a range of traditional style buildings and boundary treatments present.
4. The appeal site is located within the Nynhead Conservation Area (CA) and within the setting of the nearby Grade II listed building known as the Old Vicarage. The duties under Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require respectively that decision makers shall have special regard to the desirability of preserving a listed building or its setting, and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of CAs. Paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. From the listing information provided, the special interest of the Old Vicarage derives from its age dating back to around the 17th Century and associated architecture and detailing. The CA was designated in 1993 and covers the core of the village and buildings within. Whilst there is not a Conservation Area Appraisal available, from the limited information before me and my site inspection observations, the CA's special significance derives from its historical evolution dating back several centuries, the overall architectural quality and historic interest of buildings and its traditional rural village setting.
6. The appeal site is located on the eastern edge of the CA set away from the central core of the village and around 30 metres away from the Old Vicarage. I understand that the site was a former smithy dating back to at least the 17th century. The brick plinth that exists on the western boundary may also be a remnant of a former boundary on the western side of the garden. For these reasons, the appeal property and garden are considered by the Council to be a non-designated heritage asset within the CA. Being an island site, the host property is visible in its

immediate context from the three separate roads that surround it, and which provide access into and out of the village. The preeminent contribution of the site to the setting of the Old Vicarage and special significance of the CA is, however, from the building itself and its traditional architecture and form. The rear garden area performs a supporting role to the overall setting of the host property and how it appears within the CA.

7. I understand that before the development was erected, the rear garden was more open and comprised low boundary planting on top of the plinth wall structure that remains in situ. I acknowledge that this more open appearance would have contributed positively to the overall rural character of the site as well as helping the host property appear as a dominant feature in a prominent roadside location. The development has reduced views of the host property but not to the extent where its architectural quality and dominance, and related contribution to the setting of the Old Vicarage and special significance of the CA, can no longer be positively appreciated. That said, the erection of the fencing has resulted in a change to the visual appearance of the site from one that was previously more verdant and open, to one that is now more enclosed with its timber fencing. This has resulted in minor harm to the identified heritage assets as the development has reduced the site's open character and appearance and positive contribution to its rural setting. I find that this amounts to less than substantial harm to the special interest and of the identified heritage assets.
8. However, I also acknowledge that this part of the CA includes fencing and other built forms of boundary treatment on other properties nearby. The fencing that has been erected at the appeal site does not, therefore, appear as being overtly incongruous or out character with the immediately surrounding and other nearby boundary treatment in the village. The timber nature of the development will also weather, which will ensure it appears blended and more integrated with its surrounds over time. When these matters are considered together, I find that the development amounts to a level of harm that is at the lower end of the less than substantial harm spectrum.
9. Notwithstanding, in such circumstances Paragraph 215 of the Framework requires that where a development 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 including, where appropriate, securing its optimum viable use. Paragraph 216 requires that the significance of a non-designated heritage asset should be taken into account in decision making requiring a balanced judgment having regard to the scale of any harm or loss to significance.
10. I have carefully considered the case put forward by the appellant, which includes the development providing enhanced privacy and security that is essential to secure the site's optimum viable use for the appellant in terms of their safe and secure occupation of the property. I agree that the development provides these benefits, which is particularly evident when observing the changes in levels within the garden area that without appropriate boundary treatment in place would result in a lack of privacy and security for occupants.
11. Whilst this is mainly a personal benefit to the occupants of the site, ensuring that a property within the village is properly secure will also help to support the wider perception of the village as being a safe environment for its residents. I also note that the highway authority identify that the development now means that vehicles

are much more likely to stop at the adjacent give way lines and check that the way ahead is clear before proceeding, which I consider is a public benefit in terms of highway safety that some limited weight can be attributed.

12. The appellant has also offered to accept conditions to either remove the trellis, require planting of a climber or paint the fence an appropriate colour to help with the appearance of the development. Of these, I find that securing additional climber planting would have the most beneficial visual impact and reinstate a more verdant appearance to the boundary treatment at the site. Along with natural weathering of the development, the additional planting once in place and matured will ensure that the current very limited harm to the historic environment identified would be sufficiently mitigated for. I am satisfied that this planting can be secured by conditions, which I discuss later in this decision.
13. To conclude, the development at the site results in a low level of less than substantial harm to the special significance and interest of the heritage assets identified. This harm is outweighed and addressed by securing the optimum use for occupants of the property in terms of their security and privacy, an improvement to local highway conditions, and imposition of a suitably worded condition to secure appropriate boundary planting. As such, I find that the development with the stated conditions, and due consideration of all the information before me, would not unacceptably harm the character and appearance of the area and accords with the aims and objectives of Policies CP8 and DM1 of the Taunton Deane Core Strategy 2011-2028 and requirements of Paragraphs 135, 210, 212, 215 and 216 of the Framework.

Conditions

14. Having had regard to Paragraph 56 of the Framework and Planning Practice Guidance it is necessary to list the approved drawings to provide clarity over what has been granted planning permission. I have also included condition 2 to require submission of a planting scheme within 3 months from the date of this decision, which is necessary to ensure mitigation for the impact on heritage assets is delivered in a sufficiently short timeframe. This condition also includes safeguards to require the removal of the development if the submitted scheme is ultimately found to be unacceptable.

Other Matters

15. Objections to the proposal are concerned that the development has reduced visibility at the junctions adjacent to the appeal site. However, the statutory Highway Authority has reviewed the plans in detail and confirmed that it does not have any harmful impacts in highway terms. There is no information before me that would justify me reaching a different conclusion to the Highway Authority in this regard.

Conclusion

16. For the reasons given above and considering all matters raised, I conclude that the appeal should be allowed.

N Perrins

INSPECTOR