



Appeal Decision

Site visit made on 25 November 2025

by F Webber BSc (Hons), MSc, MRTPI, ACSM

an Inspector appointed by the Secretary of State

Decision date: 8th January 2026

Appeal Ref: APP/E3335/W/25/3371446

Ox Barn, New Road, Wraxall, SHEPTON MALLET, Somerset BA4 6RQ

- 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 John Cierach against the decision of Somerset Council.
 - The application Ref is 2023/2341/FUL.
 - The development proposed is for the conversion & extension of barn to self-contained tourism unit (Holiday let).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development is that used by the Council in the decision notice and transcribed to the appeal application by the appellant.
3. Following the local government reorganisation of Somerset Council, a new local plan is in preparation. The timetable for the plan is set out in an updated Local Development Scheme (February 2025) and regardless of the published Local Plan Evidence Base and Monitoring, the emerging plan is at a stage where limited weight can be attached to policies therein.
4. The appellant has brought to the Inspectors' attention, in the Statement of Case, that in the Reasons for Refusal the Council have not listed policy CP3: Supporting Business Development and Growth of the Mendip District Local Plan 2006-2029 (MDLP). However, the Planning Officer's report does list Core Policy 3 and transcribes its citation, albeit prefixing it Core Policy 2, stating it '*as relevant in determining the application*'. The Council have confirmed that listing CP2 as a reason for refusal was a typographical error.
5. The appellant agrees that CP3 was relevant in respect of the application. However, given the decision notice does not include CP3, the appellant requests that the appeal should proceed on CP2 as set out in the reasons for refusal and disregard CP3. The appellant has reasoned that *R (Holder) v Gedling Borough Council* [2013] EWHC 1611 (Admin); [2013] J.P.L. 1426 established that changes cannot be made to 'correct' an error on a decision notice.
6. That may be correct in respect of an issued decision notice. However, in the case of an appeal, the Inspector as the decision-maker must base the decision on the development plan policies in force at the time of the appeal decision, irrespective of the policies used to determine the planning application.

Main Issues

7. The main issues are whether the proposed development would have an effect on the character and appearance of:
- the rural landscape; and
 - the host building.

Reasons

Rural Landscape

8. The site lies within a field of permanent pasture. It is located towards the bottom of a hill, approximately 1 kilometre from the nearest settlement. The access is shared with a number of properties, off a publicly maintained 'No Through Road'. From the road along two of the boundaries of the site runs a Public Right of Way (PRoW) Footpath SM6/6. The site has near views from the access road and the PRoW, the latter falling away to a field, at a slightly lower level, than the site. There are distant views across the level open countryside to isolated farmsteads and small mature woodlands.
9. The submitted plans show that an orchard would be planted between the holiday let and the buildings to the northeast. Additional screen planting would reinforce a single row of evenly spaced trees at the boundary of the existing access road, and along the remaining extent of the woodland boundary. A package water treatment plant would be installed, and a new access would be opened for the holiday let. A road from the access would run adjacent to the woodland and a parking area would be located to the rear of the proposed holiday let. A small array of solar panels would be erected close to the access road.
10. The appellant has provided aerial photographs identifying other orchards in proximity to the site. Whilst I accept that there may be other orchards in the area, the examples provided appear to be generally less densely planted and I note that the woodland to the west of the site is a recent addition. I therefore consider that in visual terms this area, the permanent pasture, contributes positively to the openness of the wider landscape, including that land rising to Wraxall Road and beyond. In combination, the orchard and screen planting, would substantially increase the tree canopy in this location and would encroach on the open aspect of the views around the site, including from the PRoW, and would appear incongruous in this location.
11. I therefore find that the proposal would have a significant harmful effect on the character of the area. In this regard the proposal would conflict with Policies DP1, DP4 and DP7 of the Local Plan. These Policies collectively seek high quality design and state proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district.

Host building

12. The existing, traditional open fronted barn is located to one side of the field, with a woodland immediately behind. The woodland would wholly screen the built form of the proposed holiday let from views from the nearest public road, although it would in part be visible from the PRoW. The barn has been found to be structurally sound, with the external appearance being retained. The roof space of the barn would be solely for the purpose of a bat loft, with appropriate access points in the

hipped roof of the building. The barn would accommodate two ground level bedrooms.

13. A single storey linked extension with mono-pitch green roof over, would extend the living accommodation into the field. The extension incorporates a canopied courtyard area, which I consider constitutes part of the built form. The extension would more than double the floorspace of the host barn.
14. The Council considers the integrity of the original barn is secured by using the link. However overall, the amount of the additional accommodation, in combination with the scale of the proposed landscaping and other associated infrastructure, would harm the wider character of the area and I consider that the development is therefore contrary to Policy DP22 of the MDLP which states that the design of the building and associated development required to facilitate its reuse, respects its surroundings and does not harm the wider landscape character of the area. Consequently, the proposal would also be contrary to Policies CP1, CP3, CP4, DP1, DP4 and DP7 of the MDLP given the location, and that by virtue of siting and design, the development would not be compatible with and contribute positively to the maintenance and enhancement of local identity, and distinctiveness across the district and the Mendip's landscapes.

Other Matters

15. The appellant has identified the economic benefits and the need for holiday accommodation that meet the needs of disabled people. A number of comments were received, stating the need for holiday accommodation to support the economy of the local area, whilst others objected to the proposal because of increased traffic on a single-track highway, or overlooking and privacy effects on private dwellings.
16. I acknowledge that the layout within the proposed unit would be appropriate and accessible for all, that the users of the holiday let may contribute to the local economy, that the planting would protect the privacy of neighbours and that regarding traffic, none of the reasons for refusal identified an issue with vehicular access to the site. There are no other material considerations which indicate that the proposal should be determined other than in accordance with the development plan and I consider that the harm identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework when taken as a whole for the reasons set out above.

Conclusion

17. For the reasons given above the appeal should be dismissed.

F Webber

INSPECTOR