



Appeal Decision

Site visit made on 2 February 2026

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th February 2026

Appeal Ref: APP/E3335/W/25/3374820

The Hall, West Street, Wells, Somerset BA5 2HN

- 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 Kolind against the decision of Somerset Council.
 - The application Ref is 2025/0239/FUL.
 - The development proposed is change of use from the existing place of worship Class F1 to residential flats Class C3.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form seeks outline planning permission, with only appearance and scale falling for consideration at this stage. However, the Council and the appellant have both referred to the proposal as being for full planning permission, including on the appeal form. As such, I have determined the appeal on this basis, as a full application, and I am satisfied that no party would be prejudiced as a result.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether the proposal would provide adequate living conditions for its future occupiers, in respect of noise and disturbance from adjacent uses, and with regard to the effects of the proposed bin storage.

Reasons

Character and Appearance

4. The site consists of a former hall for Jehovah's Witnesses. It is located between a Royal Mail Delivery Office, and a members-only social club, The Tramways¹. The surrounding area consists of a mix of commercial and residential units, including traditional houses and more modern flatted development, many with dormers. The appeal building currently has a simple form and has no windows. The proposal seeks to convert the building into four one-bed units, including the creation of first-floor dormer windows on its long side elevations.

¹ Also referred to as Tramways.

5. The design of the proposed dormers is intended to maximise headroom within the existing frame, thereby avoiding the need and environmental costs of replacing the building. It seeks to take design cues from the multi-gabled dormers on the nearby Cheddar Valley Buildings, said to date from the Victorian era. These are within the Wells Conservation Area (CA) and are identified as positive buildings.
6. However, in contrast to these examples, the proposed dormers would cover large areas of their respective roofslopes. They would not have the pleasing form or rhythm of the Victorian dormers, but would instead have a squat, top-heavy and over-dominant appearance. Furthermore, the appeal building already largely fills its plot. The significant size and bulk of the proposed dormers means that the resultant building would appear unduly cramped and constrained within the site. Despite taller buildings nearby, the proposed development would appear contrived and out of place in the street scene.
7. Consequently, the proposal would harm the character and appearance of the area. It would therefore conflict with policies DP1 and DP7 of the Mendip District Local Plan (MDLP), adopted December 2014. These require appreciation of local built context, and a high-quality design, including in respect of scale, mass and form. The proposal would similarly conflict with the aim of the National Planning Policy Framework (the Framework), for development that is sympathetic to its surroundings. I therefore give substantial negative weight to this harm.

Living Conditions

8. Each flat within the proposal would have windows serving habitable rooms on the elevation facing the Delivery Office. They would also have windows on the elevation closest to The Tramways, though most would serve a corridor. The site is in an urban location where a degree of noise and disturbance is to be expected, and the Council's Environmental Health Officer did not object to the proposal. There are other residential units close to the Delivery Office, for example those at Sandford Gardens. In contrast to the proposal, these are directly opposite the unloading bays, although there is a solid brick wall between some of those units and the Delivery Office.
9. The evidence before me is that the Delivery Office is accessed regularly by large heavy goods vehicles. Some deliveries are at 3:20am. The appeal site is close to the vehicular entrance to the Delivery Office and its parking area, with only a chain link fence proposed on the boundary between them. The manoeuvring of mail lorries and other vehicles close to the appeal site is likely to generate noise including at unsocial hours. The loading and unloading of mail may well also cause disturbance.
10. Furthermore, I understand that The Tramways has a bar and music licence until 11pm. It is said to have had additional sound insulation. Even so, noise may well be generated from, for example, the use of its external areas during evenings, or from patrons arriving or leaving the venue.
11. The application submission did not include any detailed noise impact assessment. Given my findings above, I am concerned that noise from both the Delivery Office and The Tramways could well result in occupiers of the proposed flats having a poor standard of amenity. I am mindful that the close proximity of the proposal could well then lead to pressure to limit the operations of the adjacent uses, to their detriment.

12. The nearby Tesco superstore is said to take much larger delivery lorries. It has a delivery bay very close to adjacent retirement flats at St Athelm Lodge. Noise was not raised as a concern when permission was originally granted for the retirement flats. Nonetheless, the delivery bay has a tall wall and fencing, providing a degree of shielding to adjacent properties. Two dwellings have recently been approved close to the Cheddar Valley Inn. However, the information before me shows acoustic fencing between the Inn and the approved houses. It follows that these relationships are not the same as the proposal, allowing for little useful comparison.
13. The proposal includes a communal bin store within a shelter, located close to the entrance to the site. The store would be adjacent to the ground floor window serving the dining and living room area of proposed Flat 1. The amount of unrecyclable waste may well be reducing generally, and food waste is often separated into specific boxes. Even so, the close proximity of the bin store to the window could well result in unpleasant odours, flies etc harming the living environment of occupiers of proposed Flat 1.
14. One of the dwellings approved adjacent to the Cheddar Valley Inn has a bin store close to its patio doors. That said, this does not appear to be a communal facility, and would contain only the householder's own rubbish. Occupiers would therefore have greater control over the effects of the proximity of the bin store. Accordingly, this example does not justify the adverse impact of the proposal before me.
15. For the reasons given above, on the basis of the evidence before me, the proposal would not provide adequate living conditions for its future occupiers in respect of noise and disturbance, or with regard to the effects of the proposed bin storage. As such, it would conflict with MDLP policy DP7, which requires a satisfactory environment for future occupiers. For the same reasons, it would not accord with the Framework, which requires a high standard of amenity for future users. I attach substantial weight to this conflict and harm.

Other Considerations

16. The Council cannot demonstrate an adequate supply of housing land. It has a shortfall that is significantly below five years, with around 2.84 years of supply. Consequently, paragraph 11 of the Framework requires that I determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits in addressing the undersupply.
17. I have found conflict with MDLP policies DP1 and DP7 in several respects. I have already found that these policies are consistent with the Framework. Framework paragraph 125 supports the development of under-utilised buildings. It requires that I give substantial positive weight to the value of using brownfield land within a settlement for homes, which should be approved unless substantial harm would be caused. It supports upward extensions, but only if well-designed. Given my conclusions above, the proposal does not benefit from the support of Framework paragraph 125.
18. Nevertheless, the proposal would make a positive increase to the supply of housing, by four additional units. The evidence before me shows a lack of supply of one-bed properties in the area, for which there is significant demand. The proposal is described as being for social, affordable or intermediate rent, although

no mechanism is before me to secure this. Reflecting the relatively small number of new units proposed, I give these benefits moderate positive weight.

19. Construction of the proposal would have economic advantages, and future occupiers would make social and financial contributions to the area. It would make efficient use of land, close to the city centre, and would accord with space standards. It would also result in environmental improvements to the building. These benefits attract further limited positive weight.

Other Matters

20. The site is adjacent to the boundary of the CA. There is no dispute between the parties that the proposal would have no adverse effect on the character or appearance of the CA. I concur with that view. The CA would therefore be preserved. That said, this does not alter my conclusion on the main issues.
21. The proposal lies within an area where it could affect the Somerset Levels and Moors Ramsar site, and the North Somerset and Mendip Bats Special Area of Conservation (SAC). These are protected pursuant to the Conservation of Habitats Regulations 2017. Had I found no harm in respect of the main issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects on the Ramsar site and SAC. However, as the balance of considerations is against the proposal, this matter need not be considered any further in this case.

Conclusion

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Given the harms and benefits that I have identified, and the weight I give to them, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework read in the round.
23. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with it. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR