



Appeal Decision

Site visit made on 3 March 2026

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2026

Appeal Ref: APP/E3335/W/25/3370208

Land Adjoining Mill Cottage, Church Road, Sparkford, Yeovil, Somerset

(GR:360868/125633) BA22 7JZ

- 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 N Hallett against the decision of Somerset Council.
 - The application Ref is 24/01758/FUL.
 - The development proposed is the erection of a detached dwelling and garage with an associated garden and driveway off an unaltered existing vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposal would preserve the setting of the Grade II* listed Church of St Mary Magdalene.

Reasons

3. The appeal site consists of an area of grassed agricultural land located off Church Road, part of a wider open undeveloped parcel of land adjacent to residential properties and the Church of St Mary Magdalene
4. The Church of St Mary Magdalene is a parish church, listed in 1951¹ and dating back to the 14th Century, with a nave by Thomas Ellis constructed in 1824. It is finished in cut and squared local grey lias stone, with ham stone dressings and Welsh slate roofs. The listing description notes its mostly 14/15th century chancel, possible 14/15th century tracery, 14/15th century tower and mostly 19th century interior character.
5. The special interest and significance of the listed building are mainly derived from its historical and architectural interest and fabric, as a fine example of ecclesiastical architecture which illustrates clear phasing over time.
6. Pertinent to the appeal, the Church's setting also contributes to its heritage merit. The surrounding churchyard, with stone tombs, including the separately Grade II listed 'Three blandford monuments in churchyard about 3,4 and 5 metres south east of the tower, Church of St Mary Magdalene'² set amongst grass and trees, which extends to the large open space at the rear, gives a sense of space to this edge of settlement location. This space around the building ensures a visual

¹ List Entry Number: 1243352

² List Entry Number: 1273204

separation that increases the prominence of the listed building. It provides the primary surroundings within which the building is experienced, and the space allows the building and its merit to be appreciated.

7. I observed that from the adjacent fields and public footpath, which runs past the appeal site, the church and its tower are a prominent landmark visible from long distances. Evidence is provided within the submitted Historic Environment Assessment³ which points to the medieval settlement originally surrounding the church. However, setting evolves over time, and this pastoral landscape has evidently long been visually set apart from the settlement and Church Road and provides a visual and functional link to the historic experience of the approach to the Church.
8. In this respect, this landscape and the important views to and from it also contribute to the approach to and wider setting of the Church, and also, in part, supports and contributes in a positive way to its special interest and significance.
9. The proposal would introduce a large detached dwelling, partly two storeys in height, into this open field. Unlike the existing settlement pattern, it would domesticate the currently open countryside character of the site, and even behind the existing hedgerow and trees within the churchyard, it would be prominent in views from the Church. It would also be in close proximity and visually conspicuous from the public footpath and views of the Church from this approach would be altered, compromising the existing connection between the site and its contribution towards the setting of the Church.
10. The development would therefore affect the authenticity of how the Church is experienced and would alter the ability to appreciate its significance.
11. I conclude that the proposed works would fail to preserve the special architectural and historic interest of the Grade II listed building Church of St Mary Magdalene and would harm its significance as a designated heritage asset.
12. Given the fairly localised nature of the works relative to the building, I find the harm to the heritage asset to be at a minor level of 'less than substantial', but nevertheless is of considerable importance and weight.
13. There would be some economic benefits brought about through the investment into the property and the construction phase. Also, social benefits would be gained through improvements to the local housing stock. Given the scale of the works, these benefit, including any additional income for the Council, would each be small. Similarly, any benefit from biodiversity enhancement, including from a reduction in phosphorus, given its scale, would also be small.
14. It is not demonstrated that any benefits in relation to the provision of an information panel and further archaeological investigation is dependent on the proposal. As such, this benefit carried modest weight.
15. Paragraph 212 of the National Planning Policy Framework (the Framework) indicates that, when considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of whether any harm amounts to less than substantial harm to significance. Overall, the weight I ascribe to the public benefits which would accrue

³ by AC Archaeology

from the proposal, is not sufficient to outweigh the considerable importance and weight I attach to the harm to significance I have found.

16. Consequently, the harm identified to the significance of the designated heritage asset has not been supported by clear and convincing justification. The works therefore would conflict with the statutory presumptions set out in section 66(1) of the Act and fail to satisfy the historic environment conservation and enhancement policies of the Framework. There is also conflict with Policies EQ2 and EQ3 of the South Somerset Local Plan (2006 – 2028) (2015) which, amongst other matters, require high quality and a standard of design that sustains and enhances the historic environment.

Other Matters

17. The appeal site is within the catchment flowing into the Somerset Levels and Moors Ramsar (the Ramsar). The Ramsar comprises large areas of lowland wet grassland and wetland habitats that support internationally important wildfowl, flora, and invertebrates. Nutrient pollution is a particular problem for freshwater and wetlands habitats as it can cause eutrophication that disrupts and destroys them thereby detrimentally impacting upon the species they support.
18. New residential development needs to demonstrate beyond a reasonable doubt that it would not give rise to additional phosphates within the hydrological catchment of the Ramsar. As set out above, the appellant has provided a legal agreement securing mitigation towards the Ramsar, however the Council indicate that this has not been completed. As I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
19. As set out above, 3 stone tombs in the graveyard of the Church are separately listed. The special interest and significance of this asset largely stem from its historic interest and group value. Given the position and nature of the proposed development and works, the general graveyard setting of this particular designated heritage asset would be preserved, and its significance would not be harmed. It is noteworthy that the Council have not raised any objection in this respect. A lack of harm in this regard, however, does not alter my conclusions.

Planning Balance

20. The Council is unable to demonstrate a 5-year supply of housing, however, the application of policies in the Framework that protect areas or assets of particular importance, in this case a designated heritage asset, provides a clear reason for refusing the development proposed, in accordance with footnote 7.
21. Nevertheless, the proposal would align with the Framework where it seeks to significantly boost the supply of homes, in a location with some access to services and facilities. The Framework also acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. As set out above, there would be social and economic benefits from the construction and occupation of the dwelling. However, given the quantum of development in this case, these benefits would be small.

22. Benefits to the environment/biodiversity would also be, for the same reason, small, as would, given the lack of direct link to this development, any signage/information panel relating to the medieval past of the site.
23. Planning decisions should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons set out above, the proposal would harm the setting of the Grade II* listed Church of St Mary Magdalene. The minor benefits outlined above do not outweigh this identified harm.

Conclusion

24. The identified harm means the proposal would not accord with the development plan policies when read as a whole. The benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. As such, I conclude the appeal is dismissed.

B Phillips

INSPECTOR