



Appeal Decision

Site visit made on 20 December 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/Q3305/W/21/3277181

Land off The Mead, Rode, Frome BA11 6NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ashford Homes (SW) Ltd against the decision of Mendip District Council.
 - The application Ref 2020/1686/OTS, dated 27 August 2020, was refused by notice dated 16 April 2021.
 - The development proposed is erection of up to 29 No. dwellings with associated access and landscaping works.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal relates to an application for outline planning permission. Approval is sought only for access at this stage. Indicative plans have been provided, but other than the depiction of the access location and arrangements, I have treated these as illustrative.

Main Issues

3. The main issues are the effect of the development on heritage assets; and the character and appearance of the area, with regard to effects on the landscape and trees.

Reasons

Heritage

4. The site is located to the edge of the built-up area of Rode and is currently undeveloped land. In this location, the historic core and conservation area extend to the extremity of the settlement, encompassing Merfield Lodge, a former lodge to Merfield House. The lodge borders the site and the main parties agree that the lodge is a non-designated heritage asset. Merfield House itself lies beyond the site, when viewed from the settlement, and is listed at Grade II*. Its adjoining coach house is listed at Grade II.
5. I have no reason to conclude that the setting of the coach house extends beyond the formal grounds of the house such that it would include the appeal site. There are a number of other listed buildings nearby, but their relationship to the site and position within the general townscape means that their settings would not be harmed.

6. Merfield House is a fine, well-preserved example of an early 18th Century Georgian country house, with considerable architectural interest. The finesse of the house and accompanying coach house, together with the later lodge, is testament to the wealth and status of its owners. The lodge, conspicuously located in views down High Street, at the extremity of the built-up area, would have clearly marked the entrance to the private land beyond, elevating the estate's status as a separate entity to the settlement.
7. Merfield House was built by owners of a local textile mill and its principal elevation faces towards the River Frome which gave power to the mill. It commands expansive views across the river valley and countryside, seen in structured views beyond the terraced, landscaped gardens that extend away from the principal elevation. Similarly, from a public footpath alongside the river, the house stands impressively above these landscaped grounds.
8. These inward and outward views are key aspects of the setting and so add to its significance as a house of some status. As is the alignment of the historic and present drive, that allows a last-minute 'grand reveal' of the architectural grandeur. These features would be unaffected by the development of the appeal site, which lies to the side of the house, between it and the settlement edge (and Lodge).
9. There is no evidence that the site ever formed part of any parkland, landscaped grounds, or structured views. The part of the field closest to Straight Lane carried the former carriage drive from Merfield Lodge to the house, but this has not existed since the mid-20th Century and the lodge is now in separate ownership. The site, therefore, had a functional relationship with the house, but does not appear to have been used for any enjoyment or similar purpose. Any functional relationship has now been lost for many years.
10. However, together with the access-controlling lodge, the site would have provided a clear separation from the main part of the settlement. I have found that the separation elevates the status of the house. Therefore, the site is part of the setting of Merfield House and its undeveloped nature makes an important contribution to the significance of the asset.
11. Views through the field boundaries are limited and could be further reduced by substantial planting. Such could maintain physical and social independence of the house from the settlement. However, development of the site would result in the settlement encroaching further towards Merfield House. This would reduce the countryside setting about the building and its relative isolation.
12. Even with new planting, and positioning of bungalows in the most prominent corner, a clear reduction in openness of the site and separation from the built form of the settlement would be appreciable from the nearby footpath. Consequently, the setting would not be preserved and the contribution that this element of the setting makes to the significance of the house would be harmed. Therefore, there would be less than substantial harm to the significance of the Grade II* listed building.
13. The appellant describes Merfield Lodge as a conspicuous display of wealth, and that the link between Merfield Lodge and Merfield House legibly illustrates the importance of the woollen and textile industry in the history of the development of Rode, thereby contributing to the significance of both assets. It

is prominently sited, on its own, on the opposite side of the adjoining roads to other built development in Rode.

14. The lodge itself has been heavily altered and extended, and a garage has been sited on the location of the former carriage drive. This serves to diminish any obvious association with the house. However, it retains significance from its design, proximity to its grand access gates, and position at the gateway to the undeveloped land around Merfield House, that means it is still legible as a lodge house to a grander residence. Development of the appeal site would mean that the lodge no longer stood alone at the settlement edge, but was seen alongside general suburban development. Such would further diminish its significance as a non-designated heritage asset.
15. The conservation area is a generally high-density collection of buildings crowded along the main streets. Although there is a slackening in the density towards the appeal site, the built form clearly extends to the countryside boundary behind Merfield Lodge. In views along High Street, Merfield Lodge effectively marks the end of the settlement and terminates the view. It is, thus, a prominent and important building in the townscape and is inextricably linked to the character and appearance of the conservation area. Given the stated importance of its original owners to the development of Rode, it appears to me that the lodge is similarly important to the significance of the conservation area, as a historic settlement that has grown organically over a number of centuries, with particular influence of the textile industry.
16. The curved nature of High Street and siting of Merfield Lodge is such that there are limited views to open countryside along this road. The indicative plans suggest that development could be set away from the Straight Lane boundary such that new buildings were not visible in views towards Merfield Lodge down High Street. This would preserve the character and appearance of the conservation area, and setting of Merfield Lodge, as appreciated in longer views along High Street.
17. However, the conservation area extends right up to, and includes the garden of Merfield Lodge. Seen from around the junction with The Mead, still within the conservation area, the open setting of Merfield Lodge and rural setting of the conservation area is appreciated. The indicated siting of dwellings and planting does not, therefore, form a robust buffer between the heritage assets or remove the harm that I have identified.
18. For the same reason, the development would also reduce the close relationship that the historic settlement has to the countryside. The rural hinterland is part of the character of the settlement and the link to it is readily apparent in the area between the nearby school and Merfield Lodge. As such the development would fail to preserve the character and appearance of the conservation area and result in consequential less than substantial harm to its significance.
19. For the above reasons, the development would cause less than substantial harm to the significance of Merfield House and the Rode Conservation Area, and harm to the significance of Merfield Lodge. Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2014 (LP1) requires any harm to heritage assets to demonstrate that it is outweighed by overriding public benefits. I return to this balance later in my decision.

Landscape and trees

20. The site adjoins the existing settlement edge where the landform begins to slope down towards the River Frome. It is a clear part of the wider agricultural landscape and reflects its characteristics. However, being adjacent to the settlement and viewed against a backdrop of existing housing, it makes only a moderate contribution to the wider landscape character.
21. The trees along the boundary with The Mead make a positive contribution to the character and appearance of the immediate locality, giving a rural quality to the settlement edge. There are a number of trees on the site boundaries and the indicative plans show dwellings close to them. However, layout is a reserved matter and, while the suggested plans may provide some guiding principles, the detailed relationship of dwellings to the trees is not fixed. At this outline stage, I have no reason to conclude that the dwellings themselves would cause harm to trees and it is likely that safeguarding measures could be put in place in relation to footpaths around the site.
22. Tree removal along The Mead boundary is required to form the vehicular access. The access has been sited such that mainly poor-quality trees need to be removed, but a higher quality Aspen cannot be retained alongside the proposed alignment. However, the Aspen itself is not a stand-alone feature and appears as part of the tree-lined boundary. Overall tree coverage along this boundary would remain strong and the trees would continue to make a good contribution to the character and appearance of the immediate locality. It has been suggested that new landscaping could increase the overall tree coverage on the site as a whole.
23. In views from The Mead, the presence of new housing and the access would result in a clear urbanisation of the immediate locality. However, while I have found that harmful to the character and appearance of the conservation area, when viewed in the wider landscape, Rode as a whole would continue to be surrounded by farmland. Through careful consideration of scale and siting of buildings, together with additional new landscaping, new built form at this site could assimilate into the overall landscape.
24. Ultimately, divorcing this matter from effects on heritage assets, the evidence before me does not demonstrate any wider harm to landscape interests beyond generic effects associated with any greenfield residential development. Care has been taken in locating the access to minimise the effect on trees, demonstrating an appreciation of the built and natural context of the immediate locality.
25. I, therefore, find that there would be no conflict with those aims of LP1 Policy DP4 that requires development to minimise and mitigate any negative effects on the landscape and be compatible with the established pattern of natural and man-made features.

Planning obligation

26. A planning obligation has been provided securing contributions to affordable housing, open space, allotments, off-site highway works, and travel plan measures. The deed has not been signed or dated, but if it were, I would have

no reason to find that it did not address the Council's reason for refusal that alleges harm from a lack of such contributions.

Housing supply

27. There is no dispute that the Council can currently demonstrate around 3.5 years supply of deliverable housing land. I understand that concerns over effects on protected habitats sites are currently constraining development elsewhere in the Mendip District, until strategic solutions for mitigation can be secured. Potential Local Government re-organisation could also delay the strategic review of housing policies. The Covid-19 pandemic may well add further uncertainty. Meanwhile, it would appear that this site is available now.
28. The site lies outside the development limits for Rode. While, for a period of time, during preparation of the Mendip Local Plan Part 2 2021 (LP2) it was proposed for allocation, the LP2 Inspector ultimately recommended its deletion for reasons including the possible effects on heritage assets. I understand that I have more extensive evidence about the effects of this development than the LP2 Inspector, such that I have been able to consider the matter afresh. Moreover, the planning balance before me may well be weighed differently based on the current housing supply situation. However, as it stands, the site was not allocated in the adopted LP2 and the proposal conflicts with the spatial strategy in the development plan.
29. Due to the land supply situation, the housing policies of the development plan are out of date. I, therefore, attach limited weight to the conflict with those policies that seek to confine development to the settlement limits. Importantly, the proposal would make a good contribution to the supply at a settlement that the LP1 considers appropriate for development in accessibility terms.
30. I am also told that there is considerable pressure for housing in this location as the area has a close functional relationship to Bath and Bristol, and Rode is among a group of settlements that are the closest to these cities, but outside the Green Belt. The development would likely be delivered by a small-medium-sized housebuilder which can play an important part in supporting the local economy. Moreover, small-medium sized sites can often be delivered quickly and so make an important contribution to housing supply.
31. As such, the benefits associated with the delivery of housing, including affordable housing (assuming it were properly secured by a signed planning obligation), and some bungalows that may be suitable for older people, should receive substantial weight.

Other Matters

32. The Council's reasons for refusal include that surface water drainage proposals are inadequate. This was due to uncertainties produced by the infiltration testing results. Additional information was provided by the appellant at appeal stage, seeking to demonstrate that the proposals were acceptable and, while the Council has indicated that they would be subject to detailed review, no further substantive evidence to counter the appellants position has been forthcoming. I, therefore, have no reason to conclude that the proposed drainage strategy would be ineffective or give rise to increased flood risk elsewhere.

33. Policy 2 of the Rode Neighbourhood Plan 2017 lends support to the use and development of Merfield House and outbuildings for housing for older people. The support is subject to respect for the status of Merfield House as a listed building, its curtilage and setting. The Policy does not set out precisely what form the development would take and so it cannot be deduced whether it would be more or less harmful than that proposed. In any event, it does not appear to allocate the appeal site for residential development, so it has very little bearing on my decision.
34. Additional landscaping at the site could lead to biodiversity net-gain over the site as a whole. This would be beneficial, but as an expectation of the National Planning Policy Framework (the Framework), is only of limited weight. There could be some increased natural surveillance of public areas, as well as visibility improvements at the junction of the Mead and Straight Lane, but there is no particular evidence of personal or highway safety concerns in the locality. Therefore, these benefits are also of limited weight.

Planning balance

35. I have identified less than substantial harm to the significance of the Grade II* Listed Merfield House, Rode Conservation Area and harm to the significance of the non-designated Merfield Lodge. The Framework advises that the harm to the designated heritage assets must be weighed against the public benefits of the proposal. A balanced judgement must be taken in respect of the harm to the non-designated asset.
36. The relationship of the above three assets is such that they each contribute to the significance of the others. As such, harm to the significance of Merfield Lodge increases the harm to the significance of Merfield House itself. It also causes harm to the character and appearance, and significance of the conservation area. I, therefore, attribute moderate weight to the harm to the significance of Merfield Lodge.
37. The preservation of listed buildings and their settings is of considerable weight and importance and the Framework instructs that great weight should be given to the conservation of designated heritage assets. The more important the asset, the greater the weight should be. In this case, there is harm to two designated assets including one highly graded asset that is of particular importance and more than special interest. In this context, notwithstanding the poor housing supply situation, the substantial weight attributed to the benefits of, and arising from, housing delivery do not outweigh the cumulative harm to the heritage assets.
38. The above conclusion results in a conflict with LP1 Policy DP3 that seeks to protect heritage assets. It also means that policies of the Framework that protect assets of particular importance, provide a clear reason for refusing the development proposed. The proposal does not, therefore, benefit from the presumption in favour of sustainable development outlined in the Framework.
39. The proposal conflicts with the development plan for the reasons outlined above. While the conflict with the aims of the spatial strategy is, in itself, of limited weight, there remains a conflict with the development plan read as a whole. Material considerations do not indicate that a decision should be taken otherwise than in accordance with the development plan.

Conclusion

40. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR

Richborough Estates