



Appeal Decision

Hearing held on 8 July 2025

Site visit made on 9 July 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2025

Appeal Ref: APP/E3335/W/25/3364308

Land at Tower Hill Farm, Bath Road, Beckington, Somerset, BA11 6SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by The Silverwood Partnership against Somerset Council.
 - The application Ref is 2024/2309/FUL.
 - The development proposed is the erection of 24 dwellings including a new vehicular access, landscaping and associated infrastructure.
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Decision

1. The appeal is dismissed and planning permission for the erection of 24 dwellings including a new vehicular access, landscaping and associated infrastructure is refused.

Preliminary Matters

2. As the local planning authority, the Council has a statutory requirement to have a development plan and the preparation of the Somerset Local Plan has commenced following the creation of Somerset Council through the amalgamation of Mendip District Council with others in the county. However, it has not reached publication stage. Nor has the Beckington Neighbourhood Plan currently being prepared by the Parish Neighbourhood Plan Steering group. Therefore, no policies from either emerging plan have been put forward as relevant to the determination of this case. During the hearing it was confirmed that the emerging Local Plan is not timetabled to be adopted until 2029. In the meantime, the existing development plans for the now amalgamated former council areas of Somerset remain in place.

Background and Main Issues

3. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. Had it determined the application, the Council has indicated the reasons it would have been refused.
4. There is no dispute that the appeal site is located immediately adjacent, but outside the settlement boundary of Beckington. Whilst not indicated by the Council to be a specific reason for refusal, the main party's views were sought on the policies within the Mendip District Council Local Plan Part 1 (the LPP1) regarding the local development strategy and their relevance to the location of the appeal site.

5. Consequently, the main issues are:

- whether the location of the site is suitable for the proposal, having regard to the local development strategy;
- the effect of the proposal on the character and appearance of the area, including its landscape setting and whether the setting of the adjacent Grade II listed buildings would be preserved;
- whether the proposal would provide acceptable living conditions for future occupiers of the new dwellings, with particular regard to the provision of open space; and
- whether future occupiers of proposed Plots 6 and 8 would experience acceptable living conditions with specific regard to daylight, and future occupiers of proposed Plot 12 in respect to privacy.

Reasons

Location

6. Policies CP1 and CP2 of the LPP1 set out the Council's hierarchical spatial strategy that firstly directs growth towards the principal settlements and then secondly towards the Primary Villages. Beckington is defined as a Primary Village where new development should be tailored to meet local needs. Despite located immediately adjacent to it, as the appeal site is outside the settlement boundary, for the purposes of the LPP1, it is located within the countryside where development is strictly controlled. None of the exceptional circumstances which support development in the countryside, as specified in Policy CP4 of the LPP1, are relevant to the proposal or the appeal site.
7. The contents of a background paper from 2015 in respect to Beckington during the preparation of the Mendip District Council Local Plan Part 2 (the LPP2) have been drawn to my attention. This indicated that the appeal site, as part of a larger scheme, would potentially be suitable for development provided consideration is given to its impact on the surrounding landscape, amongst other factors. Despite this and other representations made in support of its inclusion, the site was not allocated for residential development in the adopted LPP2.
8. Consequently, I conclude that the location of the site is not suitable for the proposal, having regard to the local development strategy and is, therefore, contrary to policies CP1 and CP2 of the LPP1 in this respect.

Character and appearance

Landscape character

9. Comprising part of a larger open field, the appeal site is located on and adjacent to the slopes of the River Frome valley. Although relatively flat close to its boundary with Bath Road, the topographical levels of the site drop significantly from the road frontage to its westernmost edge. Within the site, the break of slope is most noticeable at the position on the ground that corresponds with the contour line running from the corner of the garden wall to Pickford House to approximately

halfway along the northern site boundary, as shown on the Topographical Survey¹. Beyond this, the land slopes down towards the river with a further, more pointed, break of slope from the corner of the garden associated with 14 Mill Lane. By proposing development across the majority of the site, with the exception of an area for a Sustainable Drainage System basin (SuDS basin), the built form would be sited either side of the first break of slope. As a result, it would encroach into the undeveloped and open character of the river valley.

10. Given its elevated position, the site is visible from within and across the valley, in particular, from viewpoints 6-10, 13, 14 and 16 identified within the LVIA². These views show parts of the northern edge of Beckington where the existing built form predominantly comprises large, detached dwellings set within generous gardens with the built form set away from their plot boundaries and the break of slope. Substantial mature trees between and behind the dwellings help soften the transition between countryside and built form. In contrast, with its relatively regimented and linear layout, the tight juxtaposition of the proposed dwellings and the lack of open space and tree planting within the development itself, the proposal would be experienced as a broader, more solid mass of built form from these viewpoints.
11. From lower ground, including from within the valley itself and from the edge of the settlement at Mill Lane, such as viewpoints 6-10 in the LVIA, the presence and perceived height of the built form would be further accentuated by the variations in the topography.
12. Whilst from some of the aforementioned views are intermittent and, depending upon the observer's mode of transport or activity, fleeting, nevertheless as concluded in the LVIA the magnitude of change which would result from the proposal would be adverse, primarily within the moderate to substantial range.
13. Although some screening is proposed, including the planting of trees on the valley slopes and the creation of an artificial landform to be used as a SuDS basin, these are not characteristics or features which are commonplace in the area. The planting of new hedgerows would also dilute the area's predominantly open character, as few field boundaries are defined by hedgerows and no trees or other significant vegetation is evident on the site or within the wider field. In any event, such planting would take time to establish and mature, particularly those sited at a lower level than the proposed dwellings, in order to provide any meaningful screening. As such, the mitigation proposed would not result in the proposal having a neutral effect on the landscape character of the area, despite this conclusion in the LVIA.
14. Whilst the area is not designated as a valued landscape, green gap or important wedge, nevertheless I conclude that the proposal would be detrimental to the character of the site's landscape setting.

Pattern of development

15. As indicated above, the tightly knit layout of the proposed dwellings results in little space between the built form to incorporate areas of informal or incidental greenspaces or vegetation planting, both of which would have a softening effect on

¹ Dwg No: 4306_3_301 dated January 2021, prepared by BBA Architects and Planners

² Landscape and Visual Impact Assessment (LVIA) prepared by Nicholas Pearson Associates, dated April 2025

the built form. Combined with the linear positioning of the dwellings facing the central access road, this results in a cramped pattern of development.

16. The incorporation of a high proportion of detached dwellings within the appeal scheme reflects the pattern of typologies across the settlement, with closely knit terraced forms within the historic core of the village and larger detached and semi-detached forms prevalent towards the settlement edge. Nonetheless, the compact scale of the proposed dwellings and their plots contrasts starkly with the more spacious built form layout close to the site. Therefore, even if the density of the scheme is not dissimilar to that of other modern developments in the village, the proposal's cramped form would reflect the local character and distinctiveness of Beckington.

Listed Buildings

17. The Grade II³ listed buildings comprising Clifford House, Coach House and garden wall adjacent to Clifford House, and Pickford House (previously known as Bountrol) and its adjacent garden wall are located next to the appeal site. The garden walls of these properties form a significant proportion of the site's southern boundary.
18. Based on the evidence before me, Clifford House and Pickford House (the villas) were occupied by the Joyce family, local clothiers and landowners who owned the nearby Clifford's Mill. Beckington was also a historically significant centre for the wool and cloth industries. Latterly, records show that Pickford House formed part of Clifford School sometime towards the end of the 1800s, by which time James Pickford, after whom one of the villa's is now named, was the school's principal.
19. Whether the villas were commissioned by the Joyce family or built at the same time is uncorroborated given the incomplete historical records. However, although not identical, both properties are of a similar classical design, with a central door opening and well-proportioned large sash windows providing symmetry to each facade. The architectural features and details such as the iron tent canopy verandas on decorative cast iron members are unusually ornate in contrast to the simplicity of the front elevations.
20. Large sash windows are also positioned in the side elevations of both properties, with bigger, feature sash windows centrally positioned in the rear elevations to provide light to the expansive halls, stairs and landing. Various extensions have been added and alterations made to the rear elevation of both properties, albeit in a manner which attempts to reflect some of the historic architectural features they possess.
21. Both villas are orientated towards the historic core of Beckington, rather than addressing Bath Road, and set within generous, rectangular walled gardens. The high wall between the two villas is specifically referenced on the listing for Pickford House, and the wall adjacent to the Coach House forms part of its listing, signifying their importance. The size of the gardens, the villas distant relationship with Beckington and their position adjacent to the open countryside on elevated land, provides expansive views of the sky which creates a sense of tranquillity and openness to the garden areas.

³ List Entry Numbers: 1173508, 1058238; and 1173516 respectively, all dated 16 November 1984.

22. The scale, prominent siting, materials, use of architectural features and the classical style of the villas and their grounds exudes a degree of wealth and status that may well have been attributed to its first occupiers, in contrast to the more modest forms found within the historic core of the village. Whether the villas were sited on elevated land to enable the occupiers to look over or down on the village is questionable given the age of the now substantial trees immediately to the front of each property. Additionally, further evidence provided indicates that land between the villas and the village core was promoted for development shortly after the villas were constructed. Nonetheless, as the trees have matured and Beckington has evolved and grown, the wider setting of the Clifford Villas to the south has undoubtedly changed, with no visual connection with the historic core perceptible today.
23. Similar doubts exist relating to the assertion that the location of the villas was chosen to maximise panoramic views across the river valley and the undulating topography to the north as the evidence suggests there were historically few openings in the rear elevation of the properties. Nevertheless, even if the large staircase window were the sole opening on the rear elevation of the villas when constructed, its occupiers would still have experienced the extensive and picturesque view I observed during my site visit. This would also have included long-distance views along the former turnpike route of Bath Road, despite the increased height of the boundary walls.
24. Whilst the existing roadside hedgerow screened much of the view of the Clifford Villas group from Bath Road and nearby public rights of way at the time of my site visits, the scale of the villas was still discernible with the roofscapes and tall chimney stacks rising above the vegetation. Any appreciation of the group from these locations would be increased at times when the hedgerow has been cut back or trimmed in height.
25. From the evidence submitted in the Heritage and Archaeology Statement⁴, it is unclear when the coach house was constructed and its historical relationship with Clifford House. However, given its position within the walled garden of Clifford House and its subservient relationship to the adjacent building in terms of its scale, austere elevations and use of materials, it is appreciated as an integral part of the villa, despite its separate listing.
26. Given the physical and historical relationship of these heritage assets, I have considered their special interest and significance collectively, referring to them hereon as the Clifford Villas group. From the evidence before me, the special interest and significance of the Clifford Villas group, insofar as it relates to the appeal scheme, primarily derives from its architectural value, in particular the quality of period details and features present in the front elevations. Additionally, the group has a historical significance due to the scale and generous walled garden areas which contribute to its setting, together with the association with the Joyce family and through accommodating a school for the benefit of the Beckington community.
27. Furthermore, the visual relationship between the heritage assets and similarities in their various features combined with the walled gardens, the proximity of the former turnpike route and the openness of the wider landscape, forms part of the

⁴ Report No: 18122 rev C, prepared by Bristol and Bath Heritage Consultancy, dated 25 January 2025

wider setting of the Clifford Villas group. All these elements contribute positively to the special interest and significance of the heritage assets.

28. Through the introduction of built form on the appeal site, the proposal would considerably reduce the extent of the visibility from, between and of the heritage assets, diluting the sense of status and importance of the properties within the context of the village. Whilst some attempts have been made to retain part of the views towards and out from the Clifford Villas group through gaps between the dwellings where single storey garages are proposed, nonetheless such views would be considerably narrower than those currently experienced.
29. Additionally, the proposed dwellings would be sited in close proximity to the Clifford Villas boundary walls, with the areas immediately adjacent to be used as garden space. Therefore, there is a high risk that works or domestic activities undertaken close to the walls or to the walls themselves would lead to damage to or the loss of the historic fabric of these features. No details have been provided regarding these matters, leaving a level of uncertainty around what effect the proposals would have on the heritage assets themselves.
30. As a consequence, the proposal would detract from the historical importance of the assets, diluting the manner in which they are experienced and diminishing the ability to appreciate their special interest and significance. Having had special regard to the desirability of preserving the buildings or their settings or any features of architectural or historic interest which they possess⁵, I conclude that the proposal would not preserve the setting of the Clifford Villas group, resulting in harm to the significance of these designated heritage assets. The level of harm in this case would be less than substantial. This conclusion is not disputed by the main parties and, in accordance with the Framework, I attribute great weight to the conservation of these heritage assets. However, the magnitude of this harm is not agreed.
31. The proposal would result in a considerable reduction in how and from where the designated heritage assets and their settings would be appreciated from, in terms of both public and private locations. Taking into account that the contribution a setting may make to the significance of a heritage asset may vary over time and that local planning authorities may need to consider the implications of cumulative change⁶, it is my judgement that the magnitude of this harm would be moderate. As any magnitude of less than substantial harm should be weighed against the public benefits of the proposal, I will return to this matter in the heritage and planning balance later in this decision.
32. Conclusion
33. For the reasons given above, I conclude that the proposal would harm the character and appearance of the area, including its landscape setting and would not preserve the setting of the adjacent Grade II listed buildings. It would be contrary to policies DP1, DP3, DP4 and DP7 of the LPP1 insofar as they require new development to be of a scale, form and layout which is compatible with and contributes positively to the maintenance and enhancement of the area's local landscape and built form identity.

⁵ In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act),

⁶ Planning Practice Guidance - Paragraph: 013 Reference ID: 18a-013-20190723

Living conditions – public open space

34. No formal open space is provided within the appeal site. Instead, the Unilateral Undertaking (UU) submitted during the appeal obligates the appellant to provide a per dwelling contribution to the Council for the enhancement of off-site areas of public open space in the local area. Whilst Policy DP16 of the LPP1 does not preclude this approach, it stipulates that, where appropriate, open space should take the form of on-site provision. This approach is amplified within the Mendip Greenspace Supplementary Planning Document (Greenspace SPD) which indicates per dwelling contributions for off-site provision will be expected where, exceptionally, it is not possible to provide formal or informal greenspace on-site.
35. An existing area of open space, adjacent to the Beckington Memorial Hall, is located on the opposite side of Bath Road from the site, including a children's equipped playground and a cricket pitch associated with batting practice nets. On each of the three occasions I visited the site, I observed various parts of the open space being used by young families as well as adults for play and general recreation such as dog walking.
36. Given the proximity of this existing open space to the appeal site, future occupiers of the proposal would live within the recommended distances for access to Local Equipped Areas of Play and other outdoor provision, as set out in the Greenspace SPD. Although this would involve the need to cross Bath Road, this is not a primary vehicular route in and out of the village, therefore the amount of traffic using it is low. As such, I see little reason to conclude pedestrians crossing the road from the appeal site to access the play areas would be unacceptable from a highway safety viewpoint, even when cars are parked on Bath Road and taking into account the trips likely from the proposal.
37. However, the proposed dwellings located furthest from these facilities would not be within the recommended distance (100 metres) for local areas of play (LAP) specifically designed for younger children. Therefore, not all future occupiers of the proposal would have access to safe, social and inclusive areas of open space, as advocated by the Greenspace SPD, the Framework and the National Design Guide.
38. Whilst there may be opportunities for the area around the site proposed to accommodate the SuDS basin to incorporate informal open space, this does not form part of the appeal scheme. Notwithstanding this, as the primary function of a SuDS basin is to hold and manage surface water it does not readily lend itself to being publicly accessible, unless strictly controlled, given the safety risks associated with standing water. Furthermore, the sloping topography of this part of the site, the lack of natural surveillance due to its position to the rear of the proposed dwellings and new planting shown on the Green Infrastructure Plan⁷ limits the usability of this space for informal recreation.
39. Moreover, given the largely unconstrained nature of the appeal site and the small area requirement for a LAP, it has not been demonstrated why it is not appropriate nor possible to provide this form of open space, as a minimum, on the site. Consequently, I conclude that the proposal would not provide acceptable living conditions for the future occupiers of the new dwellings, with particular regard to open space. It would be contrary to policies DP7 and DP16 of the LPP1 insofar as

⁷ Dwg no: NPA 11185 5010 rev P01, prepared by Nicholas Pearson Associates, dated 14 April 2025

they relate to providing a satisfactory environment that meets the needs of future occupants including through the provision of accessible open space and natural greenspace.

Living conditions – daylight and privacy

40. The side boundary to Plot 12, to be formed by a standard height close board fence, would be sited near to the front elevation of Plots 6 and 8 and their ground floor level windows. These windows serve the open plan living, kitchen and dining areas of each property. However, these would not be the sole source of daylight to the ground floor living space as glazed patio doors are proposed in the side elevations of both plots. Due to the compact size of Plots 6 and 8, the amount of daylight reaching the ground floor living space from the combination of these openings would be sufficient to ensure they are not dark or uninviting.
41. At first floor level, Plots 6 and 8 would each have two windows in their front elevations, serving the bedroom and bathroom of each property, albeit the latter would be fitted with obscured glass. Views from these bedroom windows would be possible into parts of the side and rear garden of Plot 12. Consequently, when using their garden area, future occupiers of Plot 12 may experience a feeling of being overlooked. However, the angled relationship of Plot 12 to Plots 6 and 8, combined with the size of Plot 12's garden, means parts of the outdoor space, would still provide the level of privacy expected in this type of development. Additionally, as the bedrooms at Plots 6 and 8 would be served by another window, future occupiers would be able to experience an alternative outlook into their respective garden space, rather than focusing entirely on the front opening.
42. I conclude that future occupiers of the proposed Plots 6 and 8 would experience acceptable living conditions, with specific regard to daylight and proposed Plot 12 relating to privacy. As such, the proposal accords with policies DP7 and DP16 of the LPP1 insofar as they require a satisfactory environment that meets the needs of future occupants to be provided.

Other Considerations

Local Plan and housing land supply

43. Whilst the age of LPP1 is beyond the Framework's period for reviewing and, where necessary, updating a local plan, Annex 1 therein clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the current version Framework. Instead, due weight should be given to them, according to their degree of consistency with the policies in the Framework, with greater weight given the closer they align to it. As identified within a Court of Appeal judgment⁸, it will always be for the decision maker to judge, in the particular circumstances of the case in hand, how much weight should be given to a proposal's conflict with the policies within a development plan.
44. In addition, the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework, with the latest position confirmed at the hearing to be 2.21 years. It is common ground that this quantum of shortfall is significant. As such, the net gain of 24 dwellings as a result of the proposal would, therefore, make a modest, yet valuable contribution in supporting the

⁸ *Suffolk Coastal DC v Hopkins Homes Ltd & SSCLG and Richborough Estates Partnership LLP & SSCLG v Cheshire East BC* [2016] EWCA Civ 168

Government's objective of significantly boosting the supply of housing and delivering economic growth⁹. Notwithstanding the downward trajectory of housing land supply within the former Council area indicated by other appeal decisions¹⁰, the number of new homes completed or granted consents during the plan period in Beckington is double the requirement set out in Policy CP4 of the LPP1. Nonetheless, and noting that the housing requirements are not maximum figures, the presumption in favour of sustainable development set out at paragraph 11d of the Framework and whether the adverse impacts of the proposal significantly and demonstrably outweigh its benefits are relevant.

45. Policy CP1 of the LPP1 sets out an overall strategy for the for the pattern and scale of development, by directly new homes towards the key settlements in the district which, in combination with policies CP2 and CP4, reflects the Framework's approach to the proportionate distribution of housing. On this basis I attach significant weight to the principle of these policies, with reduced weight attributed to the specific housing numbers in light of the housing land supply status.
46. Although the need for new homes places additional pressure on the release of land such as the appeal site, this does not alter the Framework's approach to achieving well-designed places together with conserving and enhancing the natural landscape. Policy DP1, supported by DP7 and the Design SPD¹¹, and Policy DP4 of the LPP1 promote good design and the avoidance of the significant degradation of the landscape, which is consistent with the Framework in this regard. As a result, I give these policies significant weight.
47. Policy DP3 is wholly consistent with the Framework's need to preserve and, where appropriate, enhance the significance and setting of a heritage asset, in accordance with the Act, thereby attracting substantial weight in my decision. Accessibility to areas of open space for residents is specified in Policy DP16 and supported by the Greenspace SPD, in terms of its quantity and quality. As such, this seeks to ensure the Framework's requirement for a development to optimise its potential to provide green and other public spaces. It therefore attracts significant weight in my decision.

Benefits

48. The proposal would provide 24 new homes ranging from one to four bedrooms, including seven affordable housing units, and would lead to associated social benefits from increasing the amount and variety of housing stock in a location with access to key community facilities, public transport services and some employment opportunities. This would be a significant benefit within the context of what the main parties agree is a significant shortfall in the availability of housing sites and given the ability of the site to be built out quickly.
49. Some economic benefits would arise from the creation of new employment opportunities during the construction of the development and indirectly through the supply chain and incentivised by the New Homes Fund. Given the anticipated delivery of the proposal within a five-year period, such benefits would be evident in the short to medium term. Any support of local services and facilities from future residents would provide some longer-term economic benefits. As Council Tax

⁹ As set out in a Written Ministerial Statement by the Secretary of State, Ministry of Housing, Communities and Local Government, delivered and published 30 July 2024

¹⁰ APP/Q3305/W/21/3288474; and APP/Q3305/W/21/3289537

¹¹ Design and Amenity of New Development Supplementary Planning Document (Design SPD)

receipts relate to the provision of services required by future residents, they do not weight in favour of the proposal. Overall, the economic benefits derived from the appeal scheme would be moderate.

50. From an environmental perspective, the proposal includes the use of air source heat pumps, solar panels and electric charging points. The creation of offsite habitats to achieve a biodiversity net gain would be secured via the obligations set out within the UU. In combination, these would deliver moderate benefits given the scale of the proposal.
51. While the appellant alludes to benefits from the retention and enhancement of existing landscape features and the introduction of extensive landscaping, these are proposed to minimise or mitigate the effect of the development. Furthermore, set against this is the removal of part of the existing roadside hedgerow to provide access to the site. Any environmental benefits as a result would, therefore, be small in scale.
52. The provisions of the UU would obligate the appellant to make a series of financial contributions to the Council to go towards local education, health, highway and open space needs, were I to allow the appeal and grant planning permission. The contributions reflect the Council's Community Infrastructure Levy Compliance Statement, accord with the development plan and the Framework's planning obligations tests. However, as they are required to meet the needs of the proposal, they do not provide a substantive benefit.

Other Matters

53. The appeal site is located within the Zone of Influence of the Mells Valley Special Area of Conservation (SAC) and the Bath and Bradford-upon-Avon Bats SAC, European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2007, as amended. If the circumstances leading to the grant of planning permission had been present, I would have considered the effect of the proposal on these SACs. However, as I am dismissing the appeal it is not necessary for me to consider this matter further.
54. I have been referred to several other appeal decisions¹² and details related to a called-in planning application¹³, at a time when a five-year supply of deliverable housing sites could not be demonstrated by the respective local planning authority. As these relate to larger schemes, some significantly so, or sought outline planning permission, and/or where it was concluded that the proposals would not harm nearby heritage assets, they are not directly comparable with the proposals or the circumstances of the case before me.
55. The lack of technical objections from statutory consultees does not weigh in favour of the grant of planning permission in this case.
56. While I have had regard to various other matters set out in the representations made by interested parties, plus those discussed at the hearing, given the conclusions above, none would affect the appeal outcome and it is not necessary for me to consider them further.

¹² APP/Q3305/W/21/3275919; APP/E335/W/24/3337232 & APP/E335/W/24/3338939; APP/W/24/3337357; APP/D0121/W/24/3344142; APP/E3335/W/24/3353740

¹³ Council ref: 2021/1675/EOUT

Heritage and Planning Balances

57. I have found that the proposal would conflict with the local development strategy, would harm the character and appearance of the area, including its landscape setting, and would not preserve the setting of the adjacent listed buildings. Through a lack of on-site open space, future occupiers of the proposed dwellings would not experience acceptable living conditions. Consequently, I have found that the proposal is contrary to policies CP1, CP2, DP1, DP3, DP4, DP7 and DP16 of the LPP1. The absence of harm to the living conditions of future occupiers in regard to daylight and privacy is a neutral factor.
58. With regard to the significance of the setting of the Clifton Villas listed buildings, the proposal would result in 'less than substantial' harm at a moderate magnitude. The failure to preserve the setting of these designated heritage assets carries considerable importance and weight, consistent with the statutory duty in the Act and reiterated within the Framework. Whilst public benefits would be derived from the proposal, the totality of those outlined above do not outweigh the level of harm identified to the significance of the designated heritage assets. Therefore, no clear and convincing justification to this harm has been demonstrated.
59. Taking into account the level of harm and the outcome of the heritage balance, I conclude that there is a strong reason for refusing the development based on the application of the Framework's policies that protect assets of particular importance, including designated heritage assets¹⁴. Furthermore, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. As such, the proposal does not benefit from the Framework's presumption in favour of sustainable development.

Conclusion

60. I conclude that the proposal is contrary to the development plan as a whole and material considerations, including the provisions of the Framework, do not indicate that the proposal should be determined other than in accordance with it.
61. For the reasons set out above, having regard to all relevant matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Juliet Rogers

INSPECTOR

¹⁴ Footnote 7

APPEARANCES

For the Appellant:

Mr Kevin Bird
Mr Des Dunlop BA Hons MRTPI

Mr Simon Cox BA Hons MCIfA
Miss Rosie James BSc Hons MA CMLI
Mr Matt Bollen BA Hons Dip. Arch RIBA

The Silverwood Partnership (Appellant)
Managing Director D2 Planning Limited
(Planning)
Managing Director BBHC (Heritage)
NPA Associates (Landscape)
Director BBA Architects and Planners

For the Local Planning Authority:

Mr Ed Winter LLB MA MRTPI
Miss Andrea Clenton BA (Hons), MA
Landscape Architecture, CMLI
Miss Rebecca Bowran BA (Hons), MA
Conservation of Historic Buildings
Mrs Jennifer Alvis MSc Urban Planning

Somerset Council - Team Leader
Somerset Council - Landscape Officer

Somerset Council - Conservation Officer

Somerset Council - Senior Planning
Officer

Interested parties:

Dr Andrew Tyler BSc (Hons) MBA FRICS
FREng CBE

Mr Ben Larcombe BA MSc MRTPI
Mr Rob Armour BSc (Hons) MCIfA
Miss Tessa Hampden

Mr Fletcher Robinson MSc Planning
Councillor Clive Winterbourne
Mrs Sue Shipley
Mrs Dawn Mabey
Mr John Beaven

Local resident

Rapleys Planning (representing Dr Tyler)
Armour Heritage (representing Dr Tyler)
Context Planning Ltd (representing
Beckington Parish Council)
CPRE Somerset
Local councillor
Local resident
Local resident
Local resident

DOCUMENTS

1. Inspector's Guide for Unaccompanied Site Visit – *provided by Dr Tyler by hand on site and submitted electronically on 9 July 2025*
2. Community Infrastructure Levy Compliance Statement – *submitted electronically by the Council on 9 July 2025*