



Appeal Decision

Site visit made on 30 October 2018

by **J Wilde C Eng MICE**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2018

Appeal Ref: APP/H3320/W/18/3208103

Land to the rear of 15 and 15a Quay Street, Minehead, Somerset TA24 5UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John and Mrs Jacqui Land against the decision of West Somerset Council.
 - The application Ref 3/21/17/125, dated 21 November 2017, was refused by notice dated 31 January 2018.
 - The development proposed is a new Sailors Horse Music facility including workshop area with ancillary accommodation of; kitchen/servery toilets, entrance hall and display area. Also first floor caretakers flat with 2 bedrooms.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr John and Mrs Jacqui Land against West Somerset Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the setting of the adjacent listed buildings and the Quay Street Conservation Area.

Reasons

4. The appeal site lies directly behind the Grade II listed properties of 15 and 15a Quay Street and within the Quay Street Conservation Area. It is a small area that was once a quarry and also historically housed a beach hut. There is a footpath directly to the south of the site that runs up from Quay Street, whilst behind the site there is a walking/garden area with seats giving a view over the Bristol Channel. Along this section of Quay Street the built form generally faces the road, is only one property deep and has a backdrop of trees and vegetation that grow out of a steep embankment. The setting of the listed buildings is therefore to an extent defined by the backdrop of trees and the single depth of development.
5. The proposed development would result in a two storey property being built directly behind the listed buildings. I note that since a previous scheme was

- refused permission several amendments have been made to the proposal, including reducing the pitch of the roof so as to reduce the overall height.
6. Nonetheless, the roof of the proposed scheme would still be visible above the roofs of the listed buildings from the raised viewpoint on the opposite side of Quay Street. Furthermore, the proposed building would be clearly seen from ground level from several angles through the footpath that runs to the side of the listed buildings. Whilst this section of the proposed building would contain a glazed entrance surmounted by a canopy, the view of the vegetated embankment would still be obscured and an impression would be created of a denser spatial arrangement of built form. The proposed scheme would also be visible from the area to the rear and from the footpath itself, and would be seen as impinging upon and to an extent overwhelming the setting of the listed buildings, notwithstanding the presence of the proposed timber cladding and sedum roof.
 7. All of these factors lead me to conclude that the proposed development would neither preserve nor enhance the setting of the listed buildings, or indeed of the conservation area. The proposed development would therefore conflict with policy NH1 of the West Somerset Local Plan to 2032 (LP). This policy makes clear that proposals will be supported where the historic environment and heritage assets and their settings are sustained and/or enhanced. There would also be conflict with policies NH2 and NH13 of the LP. The former of these requires that development proposals that affect a conservation area should preserve or enhance its character or appearance, whilst the latter requires, amongst other things, that proposals to make a positive contribution to the local environment.
 8. Paragraph 196 of the National Planning Policy Framework (the Framework) informs that where the development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal. In this case I consider that the harm occasioned by the proposed development would be less than substantial so I will now consider the public benefits of the scheme.
 9. The proposed development would provide a home for the Sailors Horse and would facilitate the preservation of this tradition. It would also provide musical workshops for young people and a museum dealing with the history of the horse, as well as facilitating training. As such the development would support the local economy and tourism, and I acknowledge that there are several local plan policies that support such laudable ideals. The factors in favour of allowing the appeal therefore carry significant weight.
 10. However, paragraph 193 of the Framework makes clear that great weight should be given to a heritage asset's conservation, and the court judgement in Barnwell Manor¹ confirmed that decision makers need to give *considerable importance and weight* to the desirability of preserving the setting of listed buildings when carrying out a balancing exercise.
 11. In this particular case, whilst I acknowledge the public benefits of the proposed scheme, they do not outweigh the harm that has been identified to the setting of the listed buildings and to the Quay Street Conservation Area.

¹ Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG [2014] EWCA Civ 137

Conclusion

12. For the above reasons, and having taken into account all other matters raised, I therefore conclude that the appeal should be dismissed.

John Wilde

INSPECTOR