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## NOTIFICATION OF DECISION

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

**Application Type:** Full Application **Application No:** 2021/2928/FUL

**Location of Development:** Bell Hill Garage Bell Hill Norton St Philip Frome Somerset

**Description of Proposal:** Demolition of existing garage buildings; erection of 21 No. dwellings; extension to existing barn dwelling; erection of new commercial garage building (sui generis); and associated access, landscaping and drainage works.

**Application submitted by:** Stonewood Partnerships (Bell Hill) Ltd

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Mendip District Council, hereby **REFUSE** the application described above for the following reason(s):

1. The proposals, due to the development of the open green space, harms the contribution to the distinctive local character made by the site, which is designated as an Open Area of Local Significance. The development therefore fails to comply with policy DP2 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014)
2. The proposed development would erode the contribution this important open green space makes to the rural character of this part of the Conservation Area. In addition, it would erode the appreciation of the development and evolution of Norton St Philip, which is characterised by important green spaces and it would erode the appreciation of the relationship between the historic core and the rural hinterland. The development would therefore result in less than substantial harm to the Conservation Area. This harm is not outweighed by public benefits. The proposals are therefore contrary to the provisions of Policies CP2, DP1, DP3, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), and Parts 2, 15 and 16 of the National Planning Policy Framework (NPPF).
3. Insufficient information has been submitted to inform a Habitat Regulation Assessment concerning Greater Horseshoes and Lesser Horseshoes or to inform the required bat replacement habitat which will need to be incorporated into the development to benefit both species, and thus Maintain the Favourable Conservation of the Mells Valley and Bath and Bradford on Avon SACs. The development therefore fails to comply with policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014)

4. In the absence of a Section 106 Agreement to secure affordable housing, education and health care contributions, the proposed development fails to comply with Policies DP11 and DP19 of the Mendip District Local Plan Part I: Strategy and Policies (adopted, December 2014).

**Informative(s):**

1. Plans List

199-001,199-002,199-03,199-201,199-301,199-501,199-502, 21435/3600B, 21435/5001F,21435/5011D,21435/5013C,21435/5014C, 21435/5015c, 21435/5016C, 21435/5017C, 21435/5018C, 21435/5019C, 21435/5020D, 21435/6002-1B, 21435/6002-2C, 21435/6002-3A, 21435/6002-4B, 21435/6003-1B, 21435/6003-2C, 21435/6004-1A, 21435/6004-2B, 21435/6008-3A, 21435/6008-4B, 21435/6009-1B, 21435/6009-2A, 21435/6010-1B, 21435/6010-2A, 21435/6011-1C, 21435/6011-2B, 21435/6011-3A, 21435/6011-4A, 21435/6011-5B, 21435/6011-5B, 21435/6020-1B, 21435/6020-2C, 21435/6021-1A, 21435/6021-1A, 21435/6050, 21435/6051, 1001, 6001-1A 6001-2B, 6004A, 6005-1,6005-2A, 60061,6006-2A,6008-1,6008-2A

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework by working in a positive, creative and pro-active way. Despite negotiation, the submitted application has been found to be unacceptable for the stated reasons. The applicant was advised of this, however despite this, the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Date of Decision: 10 March 2023



Julie Reader-Sullivan  
Head of Service Planning and Growth

## NOTES

### APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or to approve it subject to conditions, you may appeal to the Secretary of State under Section 78 and 79 of The Town and Country Planning Act 1990, Section 20 of The Planning (Listed Building and Conservation Area) Act 1990 or Regulation 15 of The Town and Country Planning (Control of Advertisements) Regulations 1992.

- You must appeal within 6 months of the date on the decision notice (12 weeks for Householder applications, 8 weeks for Advertisement consent)
- Appeals must be made using a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at: <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

### PURCHASE NOTICES

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990 and/or Section 32 of The Planning (Listed Building and Conservation Area) Act 1990.

### COMPENSATION

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission or consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990, Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, in respect of Tree Preservation Orders, Section 203 of The Town and Country Planning Act 1990.

### NOTES IN RESPECT OF ALL APPLICATIONS

- Although Planning Permission or Advertisement Consent may have been granted, should the proposed work involve the demolition, alteration or extension of a Listed Building, Listed Building Consent may also be required before work commences.
- If Planning Permission has been granted for the development, should this involve any work within the highway such as the construction of a vehicular access, the consent of the County Council, as Highway Authority should also be obtained - <https://www.somerset.gov.uk/roads-and-transport/>
- This permission does not authorise you to stop up or divert a public right of way to enable the development permitted to be carried out. Separate legal steps are necessary for this and further information can be obtained from: <https://www.somerset.gov.uk/waste-planning-and-land/public-rights-of-way/>
- If planning permission has been granted for development involving the creation of one or more properties needing new addresses you will need to contact the Street Naming and Numbering department, Mendip District Council, for assignment of the official address/es. Details are available at [www.mendip.gov.uk/snn](http://www.mendip.gov.uk/snn)

