

## ***BINEGAR PARISH COUNCIL***

Application: **2015/1764/FUL**  
Proposal: Proposed erection of a detached dwelling and formation of car park to serve the church.  
Location: Land adjacent to Holy Trinity Church, Binegar BA3 4UG  
Applicants: The Bath and Wells Diocesan Board of Finance  
Type: Full

The Council received many representations from parishioners concerned about this application. It considered the application at its 1 September 2015 meeting and reached the following decision:

### **Binegar Parish Council recommends refusal of permission**

#### **Summary**

The Parish Council finds this application unacceptable because:

- It does not comply with Mendip's heritage conservation policy
- It does not preserve or enhance the village's main heritage asset, Holy Trinity Church
- It shows no understanding of the significance of the heritage asset and its setting
- It will have a substantial and negative visual impact on the heritage asset
- It will have a significant adverse impact on the heritage setting
- It will break up the historic group - Rectory, Church and School- that lie at the village's heart
- It offers an ill-considered car park proposal that fails to address the local problem
- It offers no overriding benefits to offset the harm caused by the proposal
- It cuts and unlawfully seeks to close a vehicular right of way to Fairfield Cottage

#### **Heritage conservation**

This application affects the main heritage asset of our village: Holy Trinity Church. Mendip's policy on heritage conservation\* applies and, to receive support, proposals must "preserve and, where appropriate, enhance the significance and setting of the district's Heritage Assets, whether statutorily or locally identified, especially those elements which contribute to the distinct identity of Mendip".

#### **The application**

The application has a *Heritage Impact Assessment* (the *Assessment*). It concludes, "The proposal does not, therefore, have an adverse impact on the setting of the heritage asset, the Church of the Holy Trinity". The Parish Council strongly begs to differ.

The *Assessment* is poorly researched and superficial. It contains errors and unclear statements, for example, "It is also important that the northwest boundary detail retains an open view of the adjoining field to ensure the churchyard boundary wall retain independent and the setting not harmed" (page 3).

The *Assessment* lacks any sensitivity to the heritage of the village. The site is part of the "adjoining field". This is the historic Fair Field. The proposal is to build a house on this Fair Field. As its name suggests, it was the home of Binegar Fair for over 600 years. It is Glebe Land, held in trust over the centuries by the Rectors of Binegar. They used it for local benefit. It is precious, historic and protected<sup>†</sup>. Any proposal to intrude upon this local heritage requires a high degree of justification.

Next to the Church is the School. The *Assessment* notes that Rectory, Church, School and School House always formed a distinct group of buildings. They still do. The School closed in 2011 and the Diocese sold it. The new owner has gone to great lengths to understand the architecture and detail of the original building. He is now restoring it with care to return the exterior to its original 1862 appearance. It will again be a fine looking building.

The School has a particular heritage link with the Church. The then Rector built it as a Church School. It was always *Binegar Church of England Primary School*. It is between this fine example, with historic and

heritage links to the Church, and the Grade II\* listed Church that the applicant seeks to insert a modern house. This will destroy the historic group of buildings: Rectory, Church and School. In conservation terms, that is totally unacceptable.

The *Assessment* downplays the visual impact of the proposed house on the Church setting.

It is not so bad, the argument runs, because "there is already a grouping of houses to the south and east of the site". The *Assessment* has already disparaged the architectural value of Station Road<sup>†</sup>. It seems to say that adding another house to the general location cannot make matters worse.

The *Assessment* is correct to say there are houses to the south but these are on the far side of Station Road. To the east, however, is only the School (with *The Old School House* separate and some way beyond). The claim that "the new dwelling fills in a gap, linking the properties of Station Road and Tellis Lane together to complete the group" is nonsense. There is no way in which the houses on the farther side of Station Road and the School can be viewed as a group. This is a specious and misleading claim.

The *Assessment* states: "the mature trees in the churchyard and within the proposed church car park area screen the Church from this location". This is, of course, only true in summer (even then only partly true). In winter, the view of the Church opens up and the house will intrude on this view from the southeast. Facing the Church, the blank, render walls of the garage and house are unharmonious. They will also completely obscure the view of the School from the Churchyard.

The Parish Council is responsible for the care of the Churchyard. The current elected Council inherited a backlog of tree maintenance. The previous Council made a determined start. Following local consultation, it felled six, tall Lawson cypresses in the cemetery, opening up a fine view of the Church tower. The *Assessment* notes that the screening of the Church includes fir trees. The most significant is another Lawson cypress that has reached senescence. A large part of its top blew down on 29 May 2015. It will soon be necessary to consider felling it for safety. The Parish Council also began to take in hand overgrown yews at the Churchyard gate and Church door. These require further attention for their health to restore them to their original condition as clipped trees. All this, and other tree maintenance, will open up the vista of the Church. It will greatly increase the impact of the proposed house.

The application includes plans and elevations of the proposed house. It is a design that would fit, for example, in one of the current housing developments in Wells. It is neither distinguished nor tailored in the slightest to the location. The design has stone only on the front. Cement render covers the other three sides. The view from the Church is of blank, rendered walls. It cannot be acceptable to place a house faced mainly in cement render in the context of two historic buildings constructed from stone.

The Parish Council concludes that the visual and heritage value of Holy Trinity Church will be severely impaired by the proposed house. Its visual impact on the Church is substantial and negative. It will be incongruous and an intrusion into the building group – Rectory, Church and School – that lie at the very heart of the village.

### **Car park**

Many parishioners have told us how deeply let down they feel by the Diocese and its car park plan. Their dismay, however, is not a planning issue.

In the *Assessment*, the car park simply serves as "open space between the new garden curtilage and the churchyard". It claims that this separation respects and maintains the churchyard's rural setting without significant loss. This is a contentious claim. The house takes up half the width of the site. That is a significant loss. The Churchyard would also now have a house next to it. That is another significant loss.

There is another issue about the proposed car park. The Parish requested such a facility to avoid congestion on Station Road when there are weddings, funerals or other events. There can be 20-50 cars parked on this bus route. On many occasions, the bus has been unable to pass and there have been unfortunate scenes. Ten spaces make no impact whatsoever on this problem. By common consent, it will make matters worse rather than better.

Overall, the car park plan is wholly inadequate.

## **The Right of Way**

The application has no general statement explaining relevant issues. One such is two footpaths that run across the site. You have to examine the drawings closely to find out what is proposed for them. Moreover, there is no reference at all to the vehicular right of way. This runs directly from the site entrance off Station Road to Fairfield Cottage. This is a necessary and legally protected access. The applicant may not close it<sup>§</sup>. *The Parish Council considers this point alone renders this application untenable.*

## **Evaluation**

Mendip's Development Policy 3 sets out two specific requirements for this planning application.

First, it must "demonstrate an understanding of the significance of the Heritage Asset and/or its setting by describing it in sufficient detail to determine its historic, archaeological, architectural or artistic interest to a level proportionate with its importance".

The *Assessment* contains the briefest description of Holy Trinity Church: just 11 lines. As an appendix, it reprints a website download about the Church. It misses altogether the significance of the Heritage Asset and Holy Trinity's 1,000-year history. It fails completely to say anything at all about significance of the setting.

Second, it must "justify any harm to a Heritage Asset and demonstrate the overriding public benefits which would outweigh the damage to that Asset or its setting".

The application does no more than try to downplay the visual effect of the proposal on the Church. The Parish Council has demonstrated that there is clear harm to the Heritage Asset and its setting. The application makes no attempt to show any public benefits that outweigh the damage to the Asset and its setting. The proposed car park is there as a sop but, as parishioners have pointed out, it is of no public benefit.

Overall, Mendip's policy is to support applications that "preserve and, where appropriate, enhance the significance and setting of the district's Heritage Assets". This application fails to either preserve or enhance Holy Trinity Church and its setting.

## **General observations**

1. The area around the church is the historic centre of the Parish. The Parish Council is concerned that much archaeologically important information may be lost with the groundwork.
2. Not for the first time, the Council received complaints about communication to neighbours. The list of consultees includes neighbours (bizarrely one who lives in Bruton). Though School and Church are listed, neither received the application. There are other neighbours too who should have been included. The Parish Council urges the District Council to improve on this aspect of its service. At present, it is hardly customer focussed.

Richard Higgins  
Chair  
Binegar Parish Council

7 September 2015

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\* *Mendip Local Plan 2014*, Development Policy 3: Heritage conservation

† Mendip protects The Fair Field under policy SN12. The site is part of the Fair Field.

‡ The *Assessment* partially justifies the building of this new house within the general setting of Binegar by dismissing its architectural and heritage value. It states that *Flowerstone* "encroached" on the rural setting. The *Assessment* clearly considers it an unworthy intrusion. Binegar, however, was never only an agricultural village. There was industry and quarrying and there still is a large quarry and stone-works today. Albert Flower, quarry owner, built *Flowerstone* in 1931. Along with *Dalleston* and *Salisbury Terrace*, it represents the architectural legacy of the quarries.

§ In addition, the proposed house sits directly over the water supply to Fairfield Cottage.