

## **DELEGATED REPORT**

**Application No: 19/03415/FUL**

**Details of location and proposal and Relevant History:**

**Midford Castle, Access Road To Midford Castle, Midford, Bath, Bath And North East Somerset**

The application site is found within the grounds of the Grade I listed Midford Castle which lies just to the south of the City of Bath within the village of Midford.

The site is located within the Bristol / Bath Green Belt; the Cotswolds Area of Outstanding Natural Beauty (Cotswolds AONB); the indicative setting of the World Heritage Site; and the landscape setting of the settlement of Bath.

The estate of Midford Castle includes ancillary Grade II\* listed buildings; The Stables; The Old Chapel; Walls enclosing the stable yard; Coach House; and Greenhouse. The Archway and Lodge with Screen Wall and the Pair of Gatepiers and Gates at the entrance to the castle estate are Grade II listed.

The estate encompasses a designed parkland and 18th-century woodland garden (Priory Wood). Priory wood is identified as Medieval - Modern (semi-natural ancient) woodland. The woodland contains the remains of 'The Priory'; a Grade II listed 18thc gothic style summer house or tea room and former Hermitage. The woodland also forms part of the 'Horsecombe Vale and Priory Wood Site of Nature Conservation interest' (SNCI).

The application seeks planning permission for the erection of an agricultural building and associated landscaping and land modelling works. The application is part-retrospective as the land modelling (engineering works) have already commenced.

Relevant Planning History:

09/02860/LBA - CONSENT - 6 November 2009 - Internal alterations to include the removal of modern partitions, treatment of dry rot, removal of modern concrete floors and general repair and maintenance

10/02264/COND - DISCHG - 25 August 2010 - Discharge of condition 3 of application

09/02860/LBA (Internal alterations to include the removal of modern partitions, treatment of dry rot, removal of modern concrete floors and general repair and maintenance)

10/03434/FUL - PERMIT - 3 December 2010 - Erection of single storey Bath Stone extension with curved bays and lead roof following demolition of existing 1930's single storey Bath Stone extension with flat felt covered roof, reinstate cut stone hoods to adjacent windows and extend stone balustrade with quatre-foil piercings

10/03435/LBA - CONSENT - 18 January 2011 - Internal and external alterations for the erection of single storey Bath Stone extension with curved bays and lead roof following demolition of existing 1930's single storey Bath Stone extension with flat felt covered roof, reinstate cut stone hoods to adjacent windows and extend stone balustrade with quatre-foil piercings

11/01323/FUL - RF - 10 June 2011 - Erection of single storey Bath Stone extension following demolition of existing 1930's single storey Bath Stone extension with flat felt covered roof, reinstate cut stone hoods and extend stone balustrade with quatre-foil piercings (revised proposal)

11/01324/LBA - RF - 10 June 2011 - Internal and external alterations for the erection of single storey Bath Stone extension following demolition of existing 1930's single storey Bath Stone extension with flat felt covered roof, reinstate cut stone hoods and extend stone balustrade with quatre-foil piercings (revised proposal)

12/03529/LBA - CON - 19 November 2012 - Internal and external alterations for the refurbishment of existing lower ground vaults to include replacement timber windows, replacement tanking system and plasterboarding, flooring and services and replacement link roof timbers, roof lights and roof tiles

12/03530/LBA - CON - 2 November 2012 - External alterations to replace painted timber front doors, frame and glazed fanlight over with new doors, frame and glazed fanlight detailed to match existing (Regularisation)

12/04641/LBA - CON - 17 December 2012 - Internal and external alterations to include the replacement of existing felt roof and roof lantern with lead roof and timber roof lantern, insertion of 2no. windows in either end wall to matching existing windows, replacement of existing timber windows with new timber windows detailed to match existing with slimlite glazing and replacement of inner blockwork leaf with new blockwork wall plaster skimmed internally

12/05080/LBA - RF - 11 February 2013 - External alterations for the erection of a bathstone ashlar draft lobby to rear door on existing extension with lead roof and painted timber joinery

13/03627/COND - DISCHG - 29 October 2013 - Discharge of conditions 3 and 4 attached to planning permission 12/03529/LBA (Internal and external alterations for the refurbishment of existing lower ground vaults to include replacement timber windows, replacement tanking system and plasterboarding, flooring and services and replacement link roof timbers, roof lights and roof tiles)

13/05606/LBA - INV - External alterations for the installation of painted timber porch with lead roof, half glazed painted timber door and side windows located at the 'rear' door of Midford Castle through the 1930's extension

14/05898/LBA - CONSENT - 28 July 2015 - External alterations to provide a painted timber porch with lead roof and half glazed painted timber door and side windows located at the external door on the 1930's extension to Midford Castle.

15/00204/LBA - CONSENT - 14 August 2015 - Internal and external alterations for the restoration and renovation of existing stableblock to include upgrading heating, plumbing, electrics and insulation of building. The replacement of fibre cement roof tiles on rear roof slope with Welsh slate tiles. Rationalisation of contemporary window openings and windows. Removal of modern partitions on West side (left side) of first floor and replacement with new insulated partitions. External stone repairs and structural repairs throughout (part retrospective)

16/03281/COND - DISCHG - 14 September 2016 - Discharge of conditions 3 and 4 of application 15/00204/LBA (Internal and external alterations for the restoration and renovation of existing stableblock to include upgrading heating, plumbing, electrics and insulation of building. The replacement of fibre cement roof tiles on rear roof slope with Welsh slate tiles. Rationalisation of contemporary window openings and windows. Removal of modern partitions on West side (left side) of first floor and replacement with new insulated partitions. External stone repairs and structural repairs throughout (part retrospective).

18/03823/LBA - CONSENT - 14.12.2018 - Internal and external alterations to include conservation and renovation of the coach-house, greenhouse, basement, former offices at Midford Castle to provide ancillary residential as well as occasional holiday-let accommodation

18/03822/FUL - PERMIT - 14.12.2018 - Renovation of the coach-house, greenhouse, basement & former offices at Midford Castle to provide ancillary residential as well as occasional holiday-let accommodation

19/00173/LBWORK - ENF - 26.03.2019 - Without Planning Permission, Land Engineering Works

19/03270/COND - DISCHG - 17.09.2019 - Discharge of condition 4 of application 18/03822/FUL (Renovation of the coach-house, greenhouse, basement & former offices at Midford Castle to provide ancillary residential as well as occasional holiday-let accommodation)

19/03389/CONDLB - DISCHG - 10.10.2019 - Discharge of conditions 4, 5, 6, 7 and 9 of application 18/03823/LBA (Internal and external alterations to include conservation and renovation

of the coach-house, greenhouse, basement, former offices at Midford Castle to provide ancillary residential as well as occasional holiday-let accommodation)

## **Summary of Consultation/Representations:**

### **Parish Council and Councillors:**

South Stoke Parish Council: Initial objection withdrawn. COMMENTS: *"South Stoke Parish Council welcomes the reduction in size of the 'barn' and the fact that it is now for boiler and log store use only, with the agricultural barn moved elsewhere (and subject to another application and consultation). This resolves most of our objections to the previous proposals, but we remain concerned about the reinstatement of the original profile of the site and the related tree planting etc. as well as other small details of the proposals. As these appear to have all been identified by the Conservation and other Officers, we are content to leave the final resolution of this matter to them".*

### **Internal Consultees:**

Historic Environment: No objection, subject to condition requesting sample materials.

Landscape: In principle objection to the proposal. Further details of hard and soft landscape plan requested.

Ecology: Scope for revision / objection in principle. Further details requested / required by condition.

Arboriculture: No objection, subject to compliance conditions.

Archaeology: No objection.

### **External Statutory Consultees:**

Historic England: Residual concerns regarding the positioning of the proposed building. COMMENTS: *"The location proposed is at odds with the formal layout and relationship between the castle and its ancillary buildings which have been kept to a minimal and behind a screen wall. However, it is accepted that the amended scheme will, due to its smaller size and sub-terranean location, have a limited impact on the heritage significance of the asset as a whole (Para.196, NPPF)."*

Georgian Group: Object. COMMENTS: *"Paragraph 190 of the National Planning Policy Framework (NPPF 2019) states that the local planning authority should 'identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)'. Paragraph 194 (NPPF 2019) then requires the applicant to provide 'clear and convincing justification' for any harm to, or loss of, the significance of a designated heritage asset'. We request that further information is provided to demonstrate 'clear and convincing' justification. While the supporting information states that the barn will be 'virtually invisible from the castle', we believe that this lacks the required level of conviction to be 'clear and convincing'. The harm must be weighed against public benefit. We do not believe that the applicant has demonstrated sufficient evidence of public benefit to satisfy paragraph 196 (NPPF 2016). Should the applicant fail to provide the appropriate information, we request that the local planning authority refuse the application."*

### **Third Party and Other Consultees:**

Bath Preservation Trust: Object.

**Policies/Legislation:**

The statutory Development Plan for B&NES now comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
  - Policy GDS.1 Site allocations and development requirements (policy framework)
  - Policy GDS.1/K2: South West Keynsham (site)
  - Policy GDS.1/NR2: Radstock Railway Land (site)
  - Policy GDS.1/V3: Paulton Printing Factory (site)
  - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- DW1: District Wide Spatial Strategy
- B4: The World Heritage Site and its Setting
- CP2: Sustainable Construction
- CP3: Renewable Energy
- CP6: Environmental quality
- SD1: Presumption in Favour of Sustainable Development

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- D1: General Urban Design Principles
- D2: Local Character and Distinctiveness
- D.3: Urban Fabric
- D4: Streets and Spaces
- D.5: Building Design
- D.6: Amenity
- D8: Lighting
- HE1: Historic environment
- GB1: Visual Amenities of the Green Belt
- GB2: Development in Green Belt Villages
- NE1: Development and Green Infrastructure
- NE2: Conserving and Enhancing the Landscape and Landscape Character
- NE2A: Landscape Setting of Settlements
- NE3: Sites, Species and Habitats
- NE4: Ecosystem Services
- NE5: Ecological Networks
- NE6: Trees and Woodland Conservation
- SCR5: Water Efficiency

## ST7: Transport Requirements for Managing Development

### National Planning Policy and Guidance:

The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF and accompanying National Planning Practice Guidance (NPPG) are a material consideration.

### Primary Legislation:

The primary pieces of legislation relevant to this application are:

- Planning (Listed Buildings and Conservation Areas) Act 1990

### **Officer Assessment:**

#### Preamble

Midford Castle is a Grade I listed private dwellinghouse built in circa 1775 for Henry Disney Roebuck from designs by John Carter. The house (hereafter referred to as "the Castle") has been styled as a faux castle and is considered a typical example of 18th century architectural idiosyncratic and whimsical design in the Gothic Revival style. The Castle has three storeys built on a trefoil plan with semi-circular corners and is raised on a large plinth which contains the former service accommodation at the lower ground level and vaults. The faux castle design is complimented by the addition of a rampart, which elevates the Castle above the surrounding parkland.

The Castle is closely surrounded by a collection of ancillary buildings (all Grade II\* listed) including former stables, chapel, coach house and greenhouse. These buildings form an important part of the historic complex of Midford Castle, contributing, as they would have, to its domestic functions at the time it was occupied during the 18th and 19th centuries. The ancillary buildings have been recently granted listed building consent to restore and convert to holiday lettings (18/03823/LBA & 18/03822/FUL). This development is currently ongoing.

The Castle occupies a dramatic and elevated position overlooking the Midford Brook Valley. The surrounding designed parkland and woodland landscape positively contribute to the Castle's picturesque and romantic setting. Priory wood, which is found to the north of the Castle, includes the remains of a Georgian Gothic garden which, as well as 'The Priory' (a Grade II listed summer house or tea room), contained a hermitage, a bridge over a man-made ravine and numerous walks and rides (reference: Parks and Gardens UK). The woodland garden would have been laid out at around the same time the Castle was built and would have formed an important part of the overall design and vision for the Castle and estate.

The Castle is accessed via a short sweeping drive that starts at the Grade II listed Lodge and then opens up into a larger area in front of the Castle and ancillary buildings before continuing south. The application site is found to the north-west of the Castle and directly west of the collection of ancillary buildings beyond the open area of drive.

The application site is at present an area of excavated soil (hence the reason that the application has been considered part-retrospective). It was evident from the officer's initial site visit that a number of mature trees had recently been felled on the site; however, the exact original location of these trees was undetermined.

The primary considerations for this application are:

- The Principle of Development
- Impact on the Green Belt
- Impact on the Historic Environment (Grade I listed Midford Castle and Grade II\* listed ancillary buildings and their settings)
- Impact on Landscape Character and Landscape Setting
- Trees and Woodland Conservation
- Ecological impact
- Archaeological impact

### Principle of Development

The proposal seeks planning permission for a new building within the Green Belt. As the proposal is not considered an extension or alteration to a building Policy GB3 of the Bath and North East Somerset Council Placemaking Plan does not apply. Accordingly, the main policy considerations with regards to the principle of the development are Section 13 of the National Planning Policy Framework 2019 (NPPF); Policy CP8 of the Bath and North East Somerset Council Core Strategy; and Policies GB1 and GB2 of the Bath and North East Somerset Council Placemaking Plan.

Paragraph 143 of the NPPF states that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.

Paragraph 144 further states that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*.

With regards to proposals for the erection of a new building, Paragraph 145 of the National Planning Policy Framework (NPPF) states that *A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.*

Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Relevant to the determination of this application is exception a) under Paragraph 145 of the NPPF which allows for the erection of new buildings in the Green Belt for the purposes of agriculture and

forestry. Also relevant to the determination of this application is consideration of whether 'Very special circumstances' exist that might justify the erection of a new building in the Green Belt when weighed against the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal.

The original submission sought planning permission for the 'Erection of an agricultural building and associated landscaping and land modelling works'. However, following consultation and officer advice, several revised proposals have been submitted.

The original submission proposed the erection of new building to accommodate the following functional requirements: hay storage; storage of timber from the woodland; a new biomass boiler; secure storage for plant and machinery; winter shelter for livestock and for lambing.

The revised development proposal now comprises the erection of a building to house a biomass boiler only, with associated storage facility (wood storage and water tanks).

Although wood harvested from the estate's woodland is still to be stored within the proposed new building, it has been considered by the officer that the function of the building is now more directly related to the needs of the Castle and ancillary outbuildings. Consequently, the proposed building may not be considered wholly or primarily for the purposes of agriculture or forestry and may not, therefore, be considered to fall under exception a) of Paragraph 145 of the NPPF. The proposed building would therefore be considered inappropriate development by default.

Notwithstanding the above, it has been considered by the officer that 'Very special circumstances' may exist in this case to justify the erection of a new building in the Green Belt in accordance with paragraphs 143 and 144.

Accordingly, the applicant's agent has requested that the following factors are taken into account in support of the case for 'Very special circumstances':

1. Relocation of the boiler from the basement of the Castle where it constitutes a significant fire risk to the Grade I listed building. This in turn will enable the restoration of the original plan form of this part of the Castle.
2. The new building will allow timber to be stored and dried on site in a purpose-built and safe new facility, which will also accommodate a new efficient biomass boiler. The design will be future proofed to also accommodate solar thermal which will further improve the efficiency of the proposed boiler
3. The new central boiler will not only provide space heating and hot water to the Castle but also been designed to serve the holiday-lets that are currently under construction pursuant to planning permission 18/03822/FUL.
4. There is strong practice guidance support for the use of Biomass on historic estates from Historic England
5. The proposal forms part of a wider strategy to proactively manage the woodland on the estate through the clearance of deadwood, which will form part of the sustainable management that will aid its future management and regeneration.

The proposed new biomass boiler is to serve the energy needs of the estate, including the Castle and its ancillary buildings (soon to be holiday let accommodation), providing a sustainable source of heating and hot water for the future. The existing boiler for the Castle is located within the vaults and is vented through the existing historic chimney flues. The present system is no longer considered suitable for the Castle's needs or the needs of the wider estate, including ancillary

buildings. The existing boiler is deemed a serious fire hazard, posing a significant risk to the applicant and his family as well as to the Grade I listed Castle. Furthermore, it has been accepted that there is a requirement for the existing thermal storage tank in the north vault to be relocated once the remaining vaults of the Castle are converted to holiday let accommodation.

Former pre-application advice provided by the Local Planning Authority has included discussions surrounding the requirement to provide a sustainable energy source for the estate. These discussions have included the proposed replacement and relocation of the existing boiler as a way of upgrading the current system and also resolving the concerns regarding fire risk.

The solution of removing the existing boiler and tanks from the Castle and relocating to another location has previously been regarded as acceptable and appropriate by the Council's Conservation Officer. In addition, it has been previously accepted that a new ancillary outbuilding located within the Castle grounds might be suitable for this purpose (subject to design and policy considerations).

With regards to the current proposal, it is again acknowledged that there is a requirement to provide a sustainable energy source to service the estate, particularly in light of recent consents for the conversion of the ancillary buildings to holiday let accommodation. The latter consents have provided the necessary impetus for the applicant to invest in the much needed repair of the historic buildings. The current proposal may also be considered to contribute to this investment by continuing to provide a low cost, sustainable form of energy for the estate.

The NPPF states that the planning system should support the transition to a low carbon future in a changing climate. Organisations like the National Trust and Historic England already recognise the environmental and financial benefits of installing biomass boilers on their estates and there are now several examples of National Trust projects where the energy needs of the estate have been successfully balanced against historic environment considerations. Not only do these types of projects contribute towards the Trusts commitment to reduce reliance on fossil fuels and produce 50 per cent of the energy they use from renewable sources by 2021, it allows them to reinvest the money saved into other conservation projects. Many renewable energy projects will also be eligible to receive funding from the government's Renewable Heat Incentive (RHI) scheme. This scheme is a financial incentive to promote the use of renewable heat for both domestic and non-domestic situations. Applicants who join the scheme and comply with the requirements will receive quarterly payments for seven years for the estimated amount of renewable heat their system produces (the National Trust is one of many organisations, as well as private individuals, benefiting from this scheme). It may be appreciated that this type of financial assistance can greatly assist the ongoing management and conservation of historic estates; particularly those in private ownership.

Consequently, whilst the proposal may not be considered unique in its objectives, the positive benefits in terms of assisting an overall reduction in carbon emissions and promoting a sustainable form of energy, as well as potentially reducing the financial cost of maintaining the historic estate, are all acknowledged. These factors are considered to contribute towards 'Very special circumstances'.

Of particular note in this case is the positive benefit that would result from the removal of the existing boiler from the Castle. Of utmost importance is the safety of the applicant and his family, as well as any visiting guests (including members of the public staying in holiday-let accommodation). However, the measures required to safeguard the Castle from potential fire damage have also been given important consideration and take into account the unique and irreplaceable nature of the building, as established by its Grade I listed status. The restoration of the lower ground floor of the Castle is also considered a positive benefit. These factors are considered to form the basis of the case for 'Very special circumstances'.



Accordingly, it has been considered that the proposal may be deemed acceptable in principle in accordance with paragraphs 143 of the NPPF, subject to an assessment of 'other harm' in accordance with paragraph 144 of the NPPF as set out below.

### Impact on the Greenbelt

Paragraph 133 of the NPPF states; *"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."*

When considering the potential impact of development on the openness of the Green Belt, the Planning Practice Guidance (PPG) advises that *"openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume"*.

In this case, the proposed building is to occupy a significant proportion of the volume created by soil excavation works which have already taken place on site. The proposed building is to be part-subterranean and will be approximately the height of an existing soil embankment located on its south side. The building will also be enveloped by an existing sloping soil embankment located on its west side and will incorporate a green roof comprised of wildflower and grasses. Consequently, spatially, there will be minimal additional volume as a result of the development proposals.

The green roof has been designed so as to extend seamlessly from the surrounding soil embankments. Soil will be used to backfill any vacant volume around the building and to soften and sculpture the surrounding soil embankment and green roof ready for planting as native wildflower meadow. This approach has been employed in order to reduce the visual impact of the building from within the application site.

The only visible components of the building (i.e. not covered by the green roof or enclosed by the soil embankments) will be the north and east elevation frontages and the boiler flue, which is to be located in the south west corner. The east facing and north facing retaining walls are to be faced using rubble dry stone walling topped with turf. The stones will be of varying sizes and will allow gaps so that plants can be inserted / can naturally colonise in order to help soften the appearance of the wall. The doors of the proposed building are to be vertical larch timber sliding doors. The referenced approach towards materials is considered acceptable and will serve to minimise the impact on visual amenity.

The proposal will not significantly adversely affect or cut off any long-distance views by virtue of its presence. The proposed building is to be set behind the Castle and alongside existing ancillary buildings and will therefore be perceived by people within this context. The proposed building will not be visible when looking towards the Castle from the south (where the Castle dominates and acts as a focus point within the landscape). Whilst the building will be partially visible from some long distance views from the south, this impact is considered slight.

The proposed planting scheme will reflect the character of planting that previously existed on the site (i.e. mature trees enclosing the Castle and ancillary buildings) and therefore will have no harmful impact on openness.

Accordingly, the proposal is considered to preserve the openness, as well as the visual amenities, of the Greenbelt in accordance with Policy CP8 of the Core Strategy; Policy GB1 of the Placemaking Plan; and Section 13 of the NPPF. The proposal is not considered to conflict with the purposes of the Green Belt or the reasons for including land within it.

### Impact on the Historic Environment (Listed Buildings and their Settings)

In accordance with paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

With regards to listed buildings, Placemaking Plan Policy HE1 states:

*'The significance of listed buildings is required to be sustained and enhanced. Appropriate repair and reuse of listed buildings will be encouraged. Alterations, extensions or changes of use, or development in their vicinity, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.'*

From the outset of this application, great emphasis has been placed on the importance of conserving the setting of the Castle and its ancillary buildings.

The visual impact of the proposal in terms of the setting of the listed buildings is considered to be most relevant from within the Castle grounds, particularly when approaching the Castle along the access drive; when looking towards the Castle from the north-west corner of the site; and outwards from within the Castle and ancillary buildings. The addition of a modern building in close proximity to the existing historic complex has the ability to disrupt the designed layout of the site and to appear visually discordant both from within the site and as seen from the existing buildings.

As elsewhere stated within this report, former pre-application advice has included discussions surrounding the relocation of the existing boiler from the Castle and possible solutions in terms of re-housing. It has been previously accepted that a new ancillary outbuilding located within the Castle grounds might be suitable for this purpose.

Owing to the functional logistics of installing a biomass boiler, including the installation of associated piping, it is necessary for any purpose-built structure to be located in relative proximity to the buildings it is to serve in the interests of convenience as well as efficiency. An assessment of potentially viable locations for a purpose built structure has been previously discussed with the Council's Conservation Officer as part of pre-application advice. A site to the south of the Castle was initially put forwards by the applicant and dismissed by the Council owing to the visual prominence of the location and the resultant significant impact on the setting of the Castle. As part of the same discussions, it is understood that the present application site was identified and considered as a potentially viable alternative option. Whilst a further solution could have involved utilising one of the existing ancillary buildings in order to re-house the boiler, this is no longer considered a viable option owing to their proposed conversion of the most suitable buildings to holiday let accommodation. Furthermore, it is likely that similar concerns regarding potential fire hazard would have been raised if the new biomass boiler system was to be attached to another existing building in use as residential accommodation.

It has been accepted that there are limited viable locations for a proposed building, given its specific function and the particular site constraints. Accordingly, whilst the concerns that have been raised by Historic England, as well as other contributors, are acknowledged and accepted, the location of the proposed building has, on balance, been deemed acceptable and the least harmful option given the circumstances.

Turning to the scale, design and appearance of the proposed building, concern was initially raised by consultees and officers that the scale of the building proposed was too large and that the building would therefore appear overly dominant and discordant in association with the ancillary buildings. It was considered that the addition of such a large building in close proximity to the ancillary buildings would disrupt the existing hierarchy and historic layout of the site. It was therefore considered that the proposals would cause significant harm to the listed buildings and their settings; including the Grade I listed Castle.

The revised proposal is considered to have overcome the majority of officer and consultee objections. In terms of footprint, the building has been scaled back by approximately a third of its original size. The building will also be semi-subterranean, with a much reduced height. The building is to be disguised / softened by the incorporation of an extensive green roof. The roof has been designed, and will be implemented, so as to reflect the character of surrounding agricultural fields in environmental stewardship (i.e. using the same species of grasses and wildflower). Alongside the more extensive landscape scheme now proposed, the green roof will assist in making the building appear less incongruous.

The Council's Conservation Officer has provided support to the revised proposals. It has been considered that scale of the proposed building is now more appropriate to specifically meet the need of locating the solid fuel boiler and associated equipment and fuel. The proposed approach towards materials for the visible elevations of the building and hard landscaping has been recommended by the Conservation Officer and is considered appropriate. Accordingly, it has determined that the visual impact on the setting of heritage assets has been adequately mitigated and minimised.

Notwithstanding the above, is important to note that impact on setting can also incorporate other aspects such as noise or light intrusion and, therefore, due consideration has also been given to these factors.

In this instance, owing to the domestic scale of the biomass boiler, the expected level of activity associated with the proposed building should not result in significant noise intrusion to a level that might be detrimental to the setting of the listed buildings. The proposed building will be accessible from the existing drive; however, it is expected that most activity will come from the north where felled wood will be brought directly from the estate woodland. The track leading from the existing drive will be approximately 3.5m wide, which is considered acceptable for small vehicles to use if necessary.

With regards to light intrusion, it has been considered that an inappropriate lighting scheme could adversely impact the setting of the listed buildings, as well as contributing towards light pollution which would have a negative impact on the landscape character of the Cotswolds AONB and surrounding wildlife; including protected species found on the site (i.e. bats). As most wood harvesting occurs in the winter months, it may be necessary for the building to incorporate external lighting. Accordingly, should the proposed building require the installation of external lighting, this will be subject to the condition that, prior to installation, details of the proposed lighting scheme are first submitted to and approved in writing by the Local Planning Authority.

#### Impact on Landscape Character and Landscape Setting

Midford Castle lies within the Cotswolds AONB; the indicative setting of the World Heritage Site; and the Landscape Setting of the Settlement of Bath. As such, due consideration must be given to the impact of the proposals on these designations.

Public Rights of way are found to the east and north of the site and views of the Castle are readily available from these viewpoints, as well as from cycleways and surrounding roads such as Tucking Mill Lane. However, it is accepted that when looking towards the Castle from the south and south-east, along Tucking Mill Lane as well as from more distant viewpoints, the area of the application site is indiscernible and largely screened by The Castle and ancillary buildings. Similarly, when looking towards the application site from the north, although the proposed building would be partly visible from certain viewpoints, some screening is provided by the existing woodland. It is acknowledged that this screening would also be further enhanced by the proposed tree and hedge planting.

Accordingly, upon review of the submitted landscape visual impact assessment, it is accepted that the wider landscape setting and landscape character would not be significantly impacted by the proposed building and that any minor impact will be mitigated by the proposed landscape scheme. Although there are some residual concerns regarding the final visual appearance of the green roof, the proposals as presented are, on balance, considered to be acceptable and are deemed to adequately mitigate the visual impact of the building.

As highlighted by the Landscape Officer and Historic England, the success of the green roof design will largely depend upon consideration of factors such as soil suitability and appropriate land sculpting. The applicant is therefore encouraged to seek professional advice when it comes to implementing this element of the design. The proposed methodology for installing and establishing the green roof, as set out within the submitted Wildlife Mitigation Compensation and Enhancement Plan (Alder Ecology: November 2015) is, however, accepted and is considered appropriate. The proposed details of drainage for the roof as indicated by submitted drawing P12 have also been accepted.

In addition to the impact of the physical building on surrounding landscape character, it has been necessary for the officer to consider other landscape impacts that may result from the development proposals; including the impact of timber extraction from the estate woodland.

The applicant has stated their intention to supply the biomass boiler using timber sourced sustainably from within the Midford Castle estate, which they appear to have been doing since acquiring ownership of the site. Whilst the applicant's commitment to Higher Level Stewardship is acknowledged and should be encouraged, it is also important for the applicant and Council to consider the significant contribution that the woodland makes to the Castle's historic designed picturesque and romantic setting. The woodland also contains the remains of a Georgian Gothic garden, including the remains of 'The Priory'; a Grade II listed summer house / team which would have been laid out at around the same time the Castle was built. Accordingly, it is important for the Council and applicant to understand how these factors may be affected by the management of the woodland for timber in association with the biomass boiler. Furthermore, it is important to understand how much timber may need to be imported to supplement the estate's supply of timber and how this is to be managed so that there are no adverse impacts on the listed buildings. In addition, it is important to consider where any imported timber might be sourced from in order to ensure that the proposals maintain the lowest possible carbon footprint (in the interests of sustainability). On this basis, it has been deemed reasonable and necessary to request the submission of a 'Sustainable Woodland Management Plan'. This information will be required by condition prior to the first use of the building.

As elsewhere stated within this report, in the interests of preserving the character of the AONB, should the proposed building require the installation of external lighting, this will be subject to the condition that, prior to installation, details of the proposed lighting scheme are first submitted to and approved in writing by the Local Planning Authority.

Finally, in terms of the effect the proposal might have on the setting of the World Heritage Site, in this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site.

### Trees and Woodland Conservation

#### Ecological Impacts

The application site forms part of Priory Wood, an ancient semi-natural woodland and part of the 'Horsecombe Vale and Priory Wood Site of Nature Conservation interest' (SNCI).

The SNCI encompasses all of the areas of woodland located within the estate. Whilst the main heart of Priory wood is situated to the north of the Castle, an extensive belt of woodland also extended outwards to envelope the Castle and join up with further woodland situated to the south.

The application site is found within part of what was once the extended belt of woodland surrounding the Castle. Aerial photographs demonstrate that the application site was at one time covered by a group of mature trees; however, it has been confirmed that this area has been cleared and excavated and a number of trees likely removed. This area, and the connectivity it provided between the larger areas of woodland situated to the north and south of the Castle, would have had significant ecological benefit, providing important habitat for bats as well as other wildlife.

An Arboricultural Report with Tree Survey and Constraints Plan has been submitted which takes into account the remaining trees. The information has been considered acceptable by the Council's Arboricultural Officer. Compliance with the submitted tree survey and constraints plan will be secured by condition.

A revised landscape scheme has been submitted which now demonstrates appropriate replacement planting to compensate for the loss of mature trees and vegetation. The applicant's agent has acted on the advice of the Council's Ecologist by broadening the proposed mixed species hedgerow planting along the western edge of the application site. The scheme now ensures that the connective tree belt is restored and enhanced, avoiding "net loss" and long term harm to the SNCI once established and matured.

The submitted Wildlife Mitigation Compensation and Enhancement Plan (Alder Ecology: November 2015) provides appropriate recommendations for the methods of establishing wildflower rich grassland on the green roof, as well as lighting standards. The Plan also makes reference to the installation of bird and bat boxes, which is a welcome approach. Compliance with the recommendations of the Wildlife Mitigation Compensation and Enhancement Plan will be required by condition.

Again, as elsewhere stated within this report, in the interests of ecology, should the proposed building require the installation of external lighting, this will be subject to the condition that, prior to installation, details of the proposed lighting scheme are first submitted to and approved in writing by the Local Planning Authority.

Finally, it has been confirmed that this site is not within the designated smoke control area and, therefore, the proposals would not be subject to these restrictions. Whilst the contribution towards particulate pollution is a potential issue, the benefit of continuing to use a renewable source of energy for management of the estate over a reliance on fossil fuels is considered to outweigh any potential harm in this respect.

#### Archaeological Impact

The Council's archaeological consultations have stated that, based on the information submitted and review of the Bath and North East Somerset Council's Historic Environment Records (HER), it does not appear that the proposal will impact on significant archaeological remains.

#### Conclusion

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In the case of this application, the revised proposals have, on balance, been regarded as acceptable. The justification for the proposals has been considered sufficiently clear and convincing and is considered to represent 'Very special circumstances'. The removal of the existing boiler from the Grade I listed Castle, where it constitutes a significant fire risk, would provide a significant positive benefit in terms of heritage conservation. More importantly, it would assist in safeguarding the applicant and his family. These considerations have been deemed to outweigh any harm to the Green Belt by reason of inappropriateness, as well as other harm resulting from the proposal. When balanced against the justification for the building, it has been considered that the proposals would not have an unacceptable impact on the listed buildings or their settings. It has been considered that the visual impact of the proposals has been adequately mitigated and minimised through a revised building design and proposed landscape scheme. The ecological concerns regarding the loss of tree connectivity are also considered to have been resolved.

Accordingly, it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance and may be recommended for approval, subject to the conditions as outlined below.

### **Recommendation:**

#### **PERMIT**

##### **1 Standard Time Limit (Compliance)**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

##### **2 Plans List (Compliance)**

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

##### **3 Restrict Use (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the building hereby approved shall be used only for the purposes of housing a biomass boiler and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: The building hereby approved has been justified on the basis of 'Very special circumstances' in line with paragraphs 143 and 144 of the National Planning Policy Framework 2019 (NPPF). Any other use of the building will require further detailed consideration by the Local Planning Authority.

##### **4 Arboriculture - Compliance with Arb Method Statement (Compliance)**

All protective measures as stated in the approved Arboricultural Report (Sightline Ref: 356\_ARB November 2019) and on the Tree Survey and Constraints Plan (Dwg no. 353\_TCP\_01) shall be fully implemented prior to the commencement of further development and retained for the duration of the construction. No development or other operations shall thereafter take place except in accordance with the approved details.

Reason: To ensure that the approved Arboricultural report is complied with for the duration of the development and to ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan.

### **5 Landscape Scheme (Compliance)**

All soft landscape works shall be carried out in accordance with approved drawing 356\_PP\_01 REV C - PROPOSED PLANTING PLAN. The works shall be carried out prior to the use of any part of the approved building or else in accordance with a programme first approved in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure that the approved landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **6 Wildlife Mitigation, Compensation and Enhancement Plan (Compliance)**

The development hereby approved shall be completed only in accordance with the recommendations of the approved 'Wildlife Mitigation Compensation and Enhancement Plan' (Alder Ecology) dated 15 November 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the success of the development and to prevent ecological harm and provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

### **7 External Lighting (Bespoke Trigger)**

No external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights, details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

### **8 Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development or hard landscaping, including drystone walls, shall commence until a final schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

### **9 Sustainable Woodland Management Plan (Prior to Use)**

No use of the building hereby approved shall commence until a 'Sustainable Woodland Management Plan' in respect of the Midford Castle estate woodland, which includes Priory Wood, has been submitted to and approved in writing by the Local Planning Authority. The plan should include detailed information about the woodland; its history; designations and / or special features; structure and composition; previous management; and proposed management in association with the use of the biomass boiler.

Reason: To ensure that the landscape setting of the grade I listed Midford Castle is preserved and not unduly affected by the development proposals and in the interests of ecology in accordance with Policies HE1; NE2; NE2A; and NE3 - NE6 of the Bath and North East Somerset Placemaking Plan.

### **PLANS LIST:**

This decision relates to the following plans and information submitted to the Local Planning Authority on 22 April 2020;

P12 - ROOF DRAINAGE  
P11 C - AREAS AND VOLUMES  
PO2 E - BLOCK AND ROOF PLANS  
PO3 E - GROUND FLOOR AND ROOF PLANS  
PO4 E - SECTION B AND EAST ELEVATION  
PO5 E - SECTION C THROUGH BARN AND EAST ELEVATION  
PO6 D - WEST ELEVATION AND SECTION D  
PO7 D - SITE SECTION E AND WEST ELEVATION  
PO8 E - NORTH AND SOUTH ELEVATIONS  
PO9 D - EAST ELEVATION SHOWING COACH HOUSE AND BARN  
SCHEDULE OF MATERIALS  
SUPPLEMENTARY ENERGY STATEMENT ADDENDUM B WOODLAND MANAGEMENT  
SUPPLEMENTARY ENERGY STATEMENT REV B

And to the following plan submitted to the Local Planning Authority on 09 April 2020;

356\_PP\_01 REV C - PROPOSED PLANTING PLAN

And to the following information submitted to the Local Planning Authority on 07 April 2020;

MIDFORD CASTLE BARN MONTAGE REV A  
LANDSCAPE AND VISUAL APPRAISAL REV D  
SUPPLEMENTARY ENERGY STATEMENT ADDENDUM - Summation of infrastructure services associated with biomass boiler

And to the following plans submitted to the Local Planning Authority on 03 February 2020;

P01 C LOCATION AND BLOCK PLAN  
P10 B EAST ELEVATION SHOWING BARN AND CASTLE

And to the following information submitted to the Local Planning Authority on 22 November 2019;



ARBORICULTURAL REPORT (Sightline Landscape) dated November 2019

And to the following information submitted to the Local Planning Authority on 15 November 2019;

EXTENDED PHASE 1 HABITAT SURVEY dated 31 July 2019

WILDLIFE MITIGATION, COMPENSATION AND ENHANCEMENT PLAN (Alder Ecology) dated 15 November 2019

And to the following information submitted to the Local Planning Authority on 01 August 2019;

ECOLOGY REPORT dated 31 July 2019

And to the following plan submitted to the Local Planning Authority on 07 November 2019;

P012 Agricultural Barn Internal & External Outline Plan

### **Permit/Consent Decision Making Statement**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

### **Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

### **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you

should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

**Case Officer:**

Nicola Little

**Authorising Officer:**

Richard Stott