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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:** 2020/1414/FUL

Location of Development: The Amulet 7 Market Place Shepton Mallet Somerset BA4 5AZ

Description of Proposal: Change of use from theatre (sui generis) to mixed use, 7no residential flats (C3), 1no retail unit (A1) and associated works.

Application submitted by: K Newton

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

1. The proposed development would result in the unjustified loss of a building last used in part as a theatre. The applicant has failed to provide sufficient and compelling evidence to demonstrate that the continued use of the premises for community, cultural, or social purposes - whether as a theatre or an alternative facility - is economically unviable or operationally impractical. Buildings that are in use for community uses, or those last used as such, form an important part of the social and cultural infrastructure of Shepton Mallet and the loss of such a facility would therefore result in a significant level of harm to the sustainability of the town.

In the absence of evidence that the use of the site for community uses would be economically unviable or operationally impractical, the proposal does not meet the criteria for the redevelopment of community assets as set out in Policy DP17 of the Mendip District Local Plan Part I: Strategy and Policies (December 2014). The development would therefore undermine the sustainability of the town centre and fails to safeguard a facility that is demonstrably valued by the local community.

Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework as a whole.

2. The proposed development, particularly the glazed vestibule extension, would result in less than substantial harm to the significance and setting of multiple designated heritage assets, including the Shepton Mallet Conservation Area, five Grade II listed buildings, and the Grade II listed Market Cross (a Scheduled Monument). The scale, materials, and projection of the vestibule introduce a visually dominant and incongruous feature that fails to preserve or

enhance the character and appearance of the conservation area and detracts from the architectural integrity of the Market Square. The design does not respond positively to the local context and undermines the established townscape. The cumulative impact of the development is considered inappropriate for its sensitive civic location. The proposal is therefore contrary to Policies DP1 (Local Identity and Distinctiveness), DP3 (Heritage Conservation), and DP7 (Design and Amenity of New Development) of the Mendip District Local Plan Part I (2014), and paragraphs 208-214 of the NPPF, which require high-quality design and the conservation of heritage assets.

In accordance with paragraph 11(d) of the NPPF, the presumption in favour of sustainable development is not engaged in this case. The proposal affects designated heritage assets of particular importance, including a Scheduled Monument and multiple listed buildings, and therefore paragraph 11(d)(i) is triggered. The harm to these assets provides a strong reason for refusal.

Furthermore, when assessed against the NPPF as a whole, the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

Informative(s):

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to the following drawings;

H5934 100J received 19.02.25

H5934/001C, H5934/003, and H5934/010A received 31.10.24

Date of Decision: 11 August 2025



Alison Blom-Cooper MRTPI

Chief Planning Officer

Somerset Council

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,
- Regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012,
- Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007 or
- Section 195 of the Town and Country Planning Act 1990

You must appeal **within the following timescales**:

- **28 days** from the date on the decision notice for works to trees covered by Tree Preservation Orders (TPO) using the form available here:

[Appeal a decision about a tree preservation order: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **8 weeks** from the date on the decision notice for Advertisement Consent using the form available here: [Appeal a decision about consent to display an advertisement: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **12 weeks** from the date on the decision notice for householder applications using the form available here:

[Appeal a householder planning decision: Overview \(www.gov.uk\)](http://www.gov.uk)

- **12 weeks** from the date on the decision notice for minor commercial applications using the form available here:

[Appeal a minor commercial development decision: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **6 months** from the date on the decision notice for Listed Building Consent using the form available here:

[Appeal a listed building consent decision: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- There is **no time limit** for submission of an appeal for a Certificate of Lawfulness or a Listed Building Certificate of Lawfulness using the form available here:

[Appeal a decision about a lawful development certificate: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **6 months** from the date on the decision notice for all other applications using the form available here: [Appeal a planning decision \(www.gov.uk\)](http://www.gov.uk)

You can contact the Planning Inspectorate's customer support team if you need help using the online service above by email: enquiries@planninginspectorate.gov.uk or telephone: 0303 444 5000 Monday to Friday, 9:00am to 12:00pm (noon) (except public holidays).

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 they 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 VI 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 them.
- 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 the work can commence.
- 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 Somerset Council, as Highway Authority should also be obtained - [Roads, travel and parking \(somerset.gov.uk\)](#)
- 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: [Public Rights of Way \(somerset.gov.uk\)](#)
- 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 of Somerset Council, for assignment of the official address/es. Details are available at [Street naming and numbering \(somerset.gov.uk\)](#)