

**BY EMAIL**

To: Mr Koos Bekker; and

To: the Planning Council Members, Somerset Council<sup>1</sup>

c.c. by email: North Cadbury & Yarlington Parish Council<sup>2</sup>, Mr John Hammond, Lead Specialist-Built Environment, Somerset Council

20 October 2023

**URGENT**

Dear Mr Bekker and Councillors,

**PROPOSED PLANNING APPLICATIONS FOR A HOUSING REDEVELOPMENT AT MANOR FARM IN YARLINGTON VILLAGE & NEW FARM COMPLEX ON A GREENFIELD SITE BELOW YARLINGTON SLEIGHTS (THE “PROPOSED PLANNING APPLICATIONS”)**

**A. INTRODUCTION**

1. We are a local community group from Yarlington, Galhampton & North Cadbury, which was formed for the purpose of sharing concerns regarding the Proposed Planning Applications by Emily Estate (UK) Limited t/a the Newt (“**EEUK**” or “**the Newt**”) in Yarlington.
2. As we understand the proposed Planning Applications, they comprise a scheme (“**the Scheme**”) involving:
  - 2.1. The demolition of an existing farm and the construction of a new farm complex over about 15 acres on a greenfield site, thereby extending the size and purpose of the original farm, to encompass offices and ancillary buildings (the “**New Farm**”):
  - 2.2. The construction of a roadway (referred to in the proposal as a “track”) across further green spaces in order to link Manor Farm to the existing and substantial Newt farm/complex named “Avalon” and, ultimately, to the Newt Hotel itself; and
  - 2.3. The transformation of a residential farmhouse and holiday cottage at the current farmstead into a mixture of residential tenancies, staff accommodation and holiday lets through a mixture of redevelopment and newly built properties.

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<sup>1</sup> Councillors and their respective addresses are identified in p.16 below.

<sup>2</sup> Parish Councillors and their respective addresses are also identified in p.16 below.

3. We are writing to explain our concerns about the proposed Planning Applications and, respectfully, to invite EEUK to redevelop the original farm on the existing site, alternatively to create the proposed new farm in a more suitable location.<sup>3</sup>
4. Appended to this letter is a bundle of documents, or extracts from documents, relevant to our objection to the proposed Scheme. Page references herein are references to the page numbers in red text in the Appendix, save where otherwise indicated.

## **B. SUMMARY GROUNDS OF OBJECTION**

5. The National Planning Policy Framework (“**NPPF**”) requires proposed developments to be sustainable on environmental, social and economic grounds. It provides that Decision makers are required to approve development proposals that accord with local Development Plans<sup>4</sup>. The Development Plan includes the South Somerset Local Plan (“**the Local Plan**”), and the North Cadbury and Yarlington Neighbourhood Plan (“**the Neighbourhood Plan**”).
6. In summary, we feel obliged to object to the Scheme on the basis that it is unsustainable according to the 3 overarching objectives in the NPPF:
  - (1) **Environmental**: The Scheme would create an indelible blight on the *natural environment*<sup>5</sup>, countryside of outstanding natural beauty that has been cherished by generations of locals and visitors alike. The proposed site of the New Farm and roadway lies adjacent to three important national walking trails (the Monarch’s Way, Macmillan’s Way and the Leland Trail<sup>6</sup>) and immediately below Yarlington Sleights, in the immediate sightline of what is unarguably a series of the most beautiful views in England towards, inter alia, Cadbury Castle<sup>7</sup> and Corton Ridge (described in the Neighbourhood Plan, as the “*most cherished and admired views*”<sup>8</sup>). If permitted, the Scheme will transform an unspoiled rural landscape into a semi-industrialised zone, through the erection of farm and office buildings, on a scale that is disproportionate to the surrounding fields, linked to the Newt’s other facilities at Avalon and Manor

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<sup>3</sup> There are a number of alternative sites which we would respectfully suggest are more suitable for the proposed farm e.g. the site outside Castle Cary which is subject to a live planning application for the same or a similar development 21/03466/FUL.

<sup>4</sup> NPPF §11(c), Appendix [p.48]. See also definition of “*Development Plan*” in the Glossary (Appendix, [p.71]) and also §14 which provides that the adverse impact of a development conflicting with the neighbourhood plan will outweigh its benefits where there is no development plan if the conditions 14(a)-14(d) apply.

<sup>5</sup> NPPF §8(c), Appendix [p.47].

<sup>6</sup> Contrary to Policy 5 of the Neighbourhood Plan which provides that “*new buildings should not diminish the undeveloped gaps between the main villages or appear prominent within the landscape*” (Appendix, [p.151]).

<sup>7</sup> Cadbury Castle is a bronze and iron age hillfort, which is registered as a national monument. It has been associated with King Arthur's legendary court at Camelot (**Hob Uid:** 199646; **Grid Ref:** ST6283725101). See [https://www.heritagegateway.org.uk/Gateway/Results\\_Single.aspx?uid=199646&resourceID=19191](https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=199646&resourceID=19191)

<sup>8</sup> Neighbourhood Plan [p.156]. See also the viewpoint marked as “V5” (to the left of Yarlington Sleights) on the map of “*Important Routes, Key Views and Landmarks*” (at Appendix, [p.146]).

Farm by way of a busy private roadway, albeit for agricultural vehicles, across green fields.

- (2) **Social & community**: The Scheme will effectively destroy the village community as it is currently constituted, contrary to the NPPF requirement to “*support strong, vibrant, healthy communities*”.<sup>9</sup> Yarlington has around 94 or so residents, with around 42 or so within the centre of the village. It is calculated that the proposed redevelopment and extension of the farmstead would create holiday accommodation containing 13 bedrooms accommodating 26 people (plus 14 additional long-term residents and staff), in addition to 16 bedrooms for 32 people in holiday accommodation currently under development by EEUK at Yarlington Lodge (a total of 58 people in short lets). In addition, 14 bedrooms for 28 people are sought at Lily Farm in Shepton Montague. The identity of the community, the relationships between villagers and their way of life, cannot survive an incursion on this scale. In reality, Yarlington would continue only as the relic of an ancient rural village and community within a modern hotel and holiday lettings complex.
- (3) **Economic**: The business underlying the Scheme serves no discernible need for housing or employment. The Local Plan identifies areas for expansion of economic activities and new housing. Yarlington is not one of them. Yarlington’s identity as a Rural Settlement and lack of facilities render it unsuitable for expansion and development, involving a fundamental change of use, of this nature or scale.
7. In many ways, it is remarkable that EEUK’s team should have chosen to locate the proposed New Farm in the sightline from Yarlington Sleights to Cadbury Castle *of all the places*, given: (i) EEUK’s promotion of The Newt Hotel to potential visitors and guests as being set in a pristine Somerset countryside; and (ii) its commitment to biodiversity, land preservation and the well-being of local people<sup>10</sup>. Certainly, the proposed substitution of pastureland for an industrial farm complex at the end of the Avenue, seems to be at odds with the vision of green fields and ancient woodland which The Newt presents to the outside world.
8. It is correct to say that there are 4 or 5 households in Yarlington who are in favour of the Scheme. However, it seems to us that, in reality and with respect, these households are not so much in favour of the Scheme, as in favour of minimising the inconvenience(s) associated with living next to the existing farm (traffic, noise etc), by moving it further away. It is, however, inevitable that the creation of the proposed housing development will (very) substantially and permanently increase traffic, noise and light pollution experienced by all

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<sup>9</sup> NPPF 8(b)§§, Appendix [p.47]

<sup>10</sup> The Annual Report and Financial Statements for the Financial Year ended 31 December 2021 asserts that the “*Company has sustainability and environmental care firmly embedded in the company’s culture and corporate strategy.*” (Appendix [p.199])

the villagers in the locality, including those in Pound Lane. By way of contrast, if the existing farm remains in place, the Newt will no doubt seek to ameliorate any such inconveniences.

## **C. BACKGROUND**

9. Before commenting on the specifics of the Scheme, it is worth setting out some background to put the Scheme in context.

### **The local villages and countryside**

10. Yarlinton sits on the River Cam and is linked to the outside world by three tiny country lanes, which accommodate a single vehicle at a time. Yarlinton is home to about 94 or so residents (with around 42 or so in the centre), it has a pub, a church and a village hall but no shop and no further amenities. The villagers are a tight-knit and harmonious community, who appreciate Yarlinton for its peace, quiet and natural beauty. The village comes together for a Wassail and a fringe every other year and every year, there is a village fayre and plant sale hosted by the de Salis Family, who are much loved for the service they have given to the village over the last 60 years.
11. On the other side of the proposed site, is another small rural village: Galhampton, which dates back to the twelfth century. Aside from a cluster of properties on the A359, most houses of its 340 or so residents abut narrow country lanes. It is served by a pub, a chapel, village hall and playing field. There is a store close by, but not reachable on foot. The village is surrounded by the green pastures of local farms. Galhampton's residents value the character of the village and surrounding countryside, the peace and tranquility of the area, and their sense of community as their village's key attributes.
12. The countryside surrounding Yarlinton and Galhampton is characterised by green fields and ancient woodland, modest farmsteads, small villages and hamlets, linked by winding lanes and old drove roads. It is unspoiled, peaceful, a pastoral idyll. The rural character of the area (the villages, hamlets and surrounding countryside) was the number one reason recorded in the Neighbourhood Plan that people choose to live here, and what they enjoy the most about the area. We have many heritage assets that link us to the ancient, rural past, and our area was described as "a little-known jewel of a place" in the television programme "Escape to the Country" in 2017.
13. Protecting the environment is cited in the Neighbourhood Plan as a top priority in respect of any proposed development. Villagers were particularly concerned to ensure that developments do not *compromise, by their scale and presence*, the rural and tranquil

character of our location<sup>11</sup>. We cherish our undeveloped green spaces and recreational trails and derive significant amenity value from them as a community. We sought, in that Plan, to protect those heritage assets from destruction by inappropriate industrialisation and prominent new development. Traditionally, the local villagers have been able to take pride in our dark night skies, although, sadly, the light emanating from the Newt's facility at Avalon can now be seen from miles around.

## **EEUK**

14. In 2013, Mr Bekker purchased the Hadspen House Estate through a Jersey company, EEUK (Jersey) Limited (“**EEJL**”) which was used to develop “The Newt” hotel and estate<sup>12</sup>. On 31 January 2019, EEUK (UK) Ltd (“**EEUK**”) bought Hadspen House Estate from EEJL and carries on the Newt's business from there.<sup>13</sup> EEUK's business runs at a significant loss (c. £12m per annum for years ending 2020-2021<sup>14</sup>). According to its annual reports, it subsists as a going concern by virtue of the fact that its holding company forgoes its right to demand repayment of its debts.<sup>15</sup>
15. The creation of the Newt Hotel, with its professed commitment to the countryside and communities around it, was initially greeted, so far as we could tell, with enthusiasm and a sense of optimism for the future within the local communities.
16. Since then, the Newt's business has expanded, and continues to expand, far beyond the confines of the former Hadspen Estate, into the neighbouring villages and countryside. It has acquired farmland, land and houses for conversion into further accommodation, visitor experience attractions (including an interactive Garden ‘Museum’, butchery, cyder press, roman villa and substantial fishing lakes) and other service facilities for the business, which have been connected to the Newt by way of a network of new vehicular tracks across open countryside. It has recently acquired a farm, farmland, residential and commercial dwellings that extends the Newt's footprint into and around Castle Cary, thereby fundamentally altering the nature of our landscape and our communities.
17. The extent of the Newt's incursion into the neighbouring hamlets and villages of Shatwell, Galhampton, Yarlinton, Bratton Seymour, Welham and Shepton Montague is apparent from the remarkable proliferation of planning applications. (N.B. So far as we can tell from the Council's planning portal there are about hundred applications, only one of which appears to have been decided by the Planning Committee at the time, all others having been delegated

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<sup>11</sup> Neighbourhood Plan (Appendix [p. 142])

<sup>12</sup> The website is at: <https://thenewtinsomerset.com/>

<sup>13</sup> 2018 Accounts at note 12: <https://beta.companieshouse.gov.uk/company/08496160>

<sup>14</sup> Annual Report and Financial Statements, 2020 and 2021, (Appendix [p.207]).

<sup>15</sup> Annual Report, Note 20, [p.218]

to a single member. For ease of reference, the majority of the said applications are made in the name of one of EEUK's directors, Mr Paul Rawson).

18. Of particular relevance to the present application are the compounds of buildings which already encroach upon Yarlinton (as may be seen from the Newt's existing Masterplan for development<sup>16</sup>):

18.1. At Shatwell<sup>17</sup>, planning permission was given<sup>18</sup> for the conversion of Shatwell House, one of the most beautiful residences in the locality, into a complex of buildings which form an annex to the Newt hotel named 'The Farmyard' and include guest accommodation for over 30 people in 17 luxury rooms and suites, a restaurant and swimming pool. It is connected to the main hotel building by a vehicular track which runs across fields and through a new tunnel under the main road (whose course has itself been altered for the purpose by the Newt). The scale of the development is considerable, particularly in view of the prior residence (as may be seen from a comparison of the maps on page 1-4 of the Appendix). Although the Farmyard lies to the Northeast edge of Yarlinton, it is to be noted that EEUK has received planning permission to extend Farmyard facilities further towards the village by creating two sizeable fishing lakes between the Farmyard and the centre of the village to be served by parking and walking routes for guests<sup>19</sup>.

18.2. At Avalon, EEUK has created a substantial development comprising industrial scale buildings which include a butchery, food production facilities, warehousing and office space, as well as polytunnels, greenhouses and staff parking. It is this development which EEUK seeks to link to Manor Farm by means of the new access road across the intervening fields. Of particular note and relevance to this application is the fact that the development at Avalon has already been extended successively in scale and purpose to a degree that it now dwarfs the small, rural, village of Galhampton in which it is sited (see attached aerial photographs showing the growth of the development from 2009 to 2021)<sup>20</sup>.

18.3. In 2018, EEUK acquired The Grade II listed Yarlinton Lodge, comprising the main residence, a coach house and gardener's cottage. EEUK has obtained permission to convert it into short stay accommodation for 32 guests. Yarlinton Lodge lies towards the heart of the village, a short stroll from the pub and St Mary's church. Below Yarlinton Lodge, on the other side of the sleighs, EEUK intends to build

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<sup>16</sup> Yarlinton Manor Farm Masterplan Development Pre-Application Submission, March 2023, (Appendix [pp.232-233])

<sup>17</sup> <https://goo.gl/maps/RrTKT58hbqYcYYqB9>

<sup>18</sup> 17/01275/FUL

<sup>19</sup> inter alia 22/02079/FUL

<sup>20</sup> Appendix, pp.1-4

fishponds. In any event, it is inevitable that the peaceful and secluded character of the village will change, and community bonds will be strained once one out of every two people encountered is a non-resident, leaving aside the inevitable increase in noise and traffic.

19. The increase in the size of the compounds at Shatwell and Avalon and incursion into the surrounding countryside is illustrated by the aerial photographs taken in 2009, 2013 and 2021 – images for 2023 are not as yet available but will show considerable further expansion [pp.1-4].
20. By its latest Scheme, EEUK continues its policy of acquisition and development around Yarlington from all sides, as may be seen from the map depicting Newt accommodation and facilities to the Northeast (The Farmyard), East (Yarlington Lodge), North (new fishing lakes) and West (the proposed Manor Farm redevelopment)<sup>21</sup>.
21. The Local Plan cautions expressly against developments that can grow to such a scale as to become *unacceptable* and notes that consideration must be given to the *impact such developments have on the character of the rural location*<sup>22</sup>. EEUK' bite-by-bite approach and constant drive towards acquisition, redevelopment and transformation is a paradigm example of such unacceptable development creep. The effect is that the inherently tranquil and bucolic character of the local countryside is being eroded and communities engulfed by development. Even without the proposed Manor Farm Scheme, if one looks at current developments and approved applications alone, Yarlington's small rural community of about 94 or so people (42 in the centre) will be encroached upon by more than 60 short stay visitors (from Yarlington Lodge and the Farmyard); the Galhampton landscape is already dominated by an expanding, industrialised sprawl. This seems exactly the harm against which planning policy is intended to protect.
22. The local landscape and its settlements have coalesced and evolved over centuries. By way of contrast, it appears that EEUK has no long-term development plan (repeat attempts to have EEUK share such a plan with the local community have failed and there have been a number of abortive proposal at difference sites). However, the rate of its expansion means that it has effected seismic change on the local environment and communities in a very short period of time, without full consideration of the consequences..
23. In its planning applications EEUK states that it engages in thorough and open consultation with local communities, as planning policy dictates<sup>23</sup>. However, there is a real concern that

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<sup>21</sup> Yarlington Manor Farm Masterplan Development Pre-Application Submission, March 2023, (Appendix [p.233])

<sup>22</sup> SSLP, §9.49 (Appendix, [p.109])

<sup>23</sup> Local Plan §5.32 [Appendix, p. 98]

local communities cannot engage with or contribute to the issues raised by the applications in circumstances where (i) such applications are made in isolation, without any sight of long-term plan (as noted above); (ii) the circulation of proposals within the community is limited and they are subject to last minute changes without notice. It is also the case that, of the hundred or so applications made on behalf of EEUK, only one (regarding alterations to the A359) was decided at Committee level; all others were delegated, despite the transformative effect of those developments on the local area.

24. When one contemplates the volume of EEUK's applications that have been approved, and the means at its disposal, the affected communities believe that there is little to be done and the best one can hope for is to seek slight modifications to unwanted proposals. Local residents lack the will to seek otherwise, even if the real desire is for proposals to be rejected outright. Consent in this context is not genuine support; it is resignation.
25. An unfortunate consequence is that the optimism with which local people greeted the creation of the Newt has been replaced with the fear that EEUK will effect irreparable damage to the local countryside and to their communities, regardless of their concerns and without any real engagement or contribution from them.

#### **D. THE GROUNDS OF OBJECTION IN FURTHER DETAIL**

26. It is essential to consider the proposed Scheme as part of EEUK's broader development strategy. In such context, it is plainly unacceptable. However, the fact is that the Scheme remains wholly inconsistent with planning principles even if assessed on a standalone basis.

##### **(1) THE PROPOSED DEMOLITION OF MANOR FARM AND CONSTRUCTION OF A NEW FARM COMPLEX**

27. EEUK proposes to demolish the existing Manor Farm buildings and erect a replacement and significantly enlarged farm on previously undeveloped green pastures. The new farm buildings, which are proposed to extend over about 15 acres, will include a concrete farmyard, four vast roundhouses for approximately six hundred cattle, as well as storage facilities for machinery, grain and equipment, and offices to be used by staff. EEUK proposes to link the New Farm to the existing imposing Avalon farm and office complex at Galhampton by building a new roadway (referred to in the proposal as a track) across the green fields between the two sites. It is apparent, even at the pre-planning stage, that the New Farm complex contravenes numerous principles of planning policy, in principle, including the following key sustainability requirements.
28. The New Farm, if the Scheme goes ahead, would create, in an area that is currently open, green pasture, an industrial size farm of a scale that is out of keeping with the character of



the local landscape and disproportionate in size to the surrounding traditional, family-run farms that typify and serve the local area.

29. The proposal would create a busy roadway, likely (based on EEUK traffic to and from Manor Farm to date) to experience traffic volumes of up to 100 vehicles per day, cleaving a visible wound into the landscape of green fields between Yarlinton and Galhampton. This new road, uniting the Avalon and Manor Farm sites, would create a sprawling network of farm and office infrastructure extending across the fields and transforming the character of the location from rural to industrial.
30. Relocating the farm per se (apart from the aggrandisement) runs contrary to Policies EP4 and EP5 which require *existing buildings to be re-used*<sup>24</sup> where possible and new buildings to keep within the curtilage of the development site. Policy EP5 relating to farm diversification requires replacement buildings to be *in scale with the surroundings*<sup>25</sup>. Rather than investing in redeveloping the existing farm site, EEUK seeks to demolish existing buildings and relocate and redevelop the farm on a disproportionate scale.
31. The desire to protect our open spaces and prevent against industrial development unsuitable for the area is also a key feature of the Neighbourhood Plan which provides that new buildings should not *diminish the undeveloped gaps between the main village or appear prominent in the landscape*<sup>26</sup>.
32. Each of the four roundhouses at the core of the redevelopment proposals would be 10.6m (35 feet) tall at the centre. The silage/grain store would, at its apex, reach 13.7m (45 feet). At such significant and imposing heights, these buildings would be more than prominent features; they would dominate the landscape.

### **Environmental unsustainability**

#### ***Valued Landscape***

33. The NPPF provides (at paragraph 174, Appendix, [p.59]) for the protection of *valued landscapes* and recognises the intrinsic character and beauty of the countryside as follows:

“174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

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<sup>24</sup> Local Plan, Policy EP4 and EP5 (Appendix, [pp.108, 110])

<sup>25</sup> Local Plan, Policy EP5 (Appendix, [p.110])

<sup>26</sup> Neighbourhood Plan, Policy 5, (Appendix, [p.151])

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees.”
34. In our view, the open countryside immediately around the centre of Yarlinton, in particular, the escarpment, known as Yarlinton Sleights, with its unspoiled panoramic views as far as Cadbury Castle, constitutes a “**Valued Landscape**” according to the Landscape Institute’s 2021 Guidance<sup>27</sup> due to the following features:
- 34.1. **Associations.** The view from Yarlinton Sleights offers an uninterrupted sightline over unspoiled countryside to Cadbury Castle which, as Historic England’s heritage gateway website records, is associated with King Arthur’s legendary court at Camelot.
- 34.2. **Distinctiveness.** The landscape in the countryside around Yarlinton, including the escarpment immediately above the proposed new farm (an important *landscape feature*), has a strong sense of identity. It makes an important contribution to the character and identity of Yarlinton.
- 34.3. **Recreational.** The number of important national trails and other footpaths at this location is incontrovertible physical evidence of recreational use where experience of landscape is important.
35. Similarly, Policy EQ5 provides that any development must *enhance or maintain the character and local distinctiveness of the landscape and contribute to and/or maintain local identity and a sense of place*<sup>28</sup>.

### ***The destruction of wildlife***

36. The Neighbourhood Plan provides that it is *critical to consider how wildlife may be affected by development*<sup>29</sup>. The local area is home to many protected species, including many species of bats, badgers, brown hares, barn owls, kestrels, buzzards and red kites. The relocation of Manor Farm is simply impossible to achieve without disturbing resident species and destroying their habitats.

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<sup>27</sup> TGN 02-21: *Assessing landscape value outside national designations* esp. §§ 2.3.2, 2.2.4, 2.4.5 and the factors regarding Distinctiveness, Recreation and Perceptual in Table 1.

<sup>28</sup> Local Plan, §13.50 and Policy EQ5, (Appendix, [pp.205-206])

<sup>29</sup> Neighbourhood Plan, §6.15 (Appendix [p.149])

37. The New Farm requires lighting for 16 out of every 24 hours which would cause detriment to crepuscular species (note that the Local Plan specifically provides that proposals must ensure lighting does not disrupt the activities of bats<sup>30</sup>) and necessarily deny us the dark skies which we, as residents, seek in our Neighbourhood Plan to protect<sup>31</sup>.
38. EEUK has made proposals to mitigate the negative impact on the local wildlife, and, if the relocation and expansion were necessary, such proposals might be considered reasonable, but in fact there is no need to relocate the farm to an area of open, green space. Rather than employ mitigation techniques, we would urge EEUK to reconsider making use of existing farm buildings, as planning policy dictates<sup>32</sup>.

### ***The effect on Footpaths***

39. The local area is blessed with a number of historic and treasured walking trails from which one can enjoy wide-reaching views across unspoiled countryside. These footpaths and rights of way have been enjoyed by locals for generations and form part of our cultural heritage. It is evident from the Neighbourhood Plan how much value we, as residents, place on the network of footpaths and trails that criss-cross the area<sup>33</sup>.
40. It is a specific requirement of that Plan that planning decisions must take into account ***the impact on the enjoyment of the countryside, from the public rights of way and the views that can be seen from the trails and rural lanes***<sup>34</sup>. This reflects the requirement in the Local Plan that planning policy should ***provide and/or maintain opportunities for enhanced attractive walking routes***<sup>35</sup>.
41. The site selected by EEUK for relocation of Manor Farm is bounded by footpaths WN 31/10 “Sleight Lane” which runs to the North and alongside Bluebell Copse, WN 31/9 to the south and WN 22/16 and WN 19/97 “Hicks’s Lane” to the West. Hicks’s Lane forms part of three important named footpaths: the Monarch’s Way, the Leland Trail and the Macmillan Way, all of which are required by the Neighbourhood Plan to be given ***particular regard*** in planning decisions<sup>36</sup>.
42. All footpaths are enjoyed by local residents, and all would be impacted negatively by the erection of imposing farm and office buildings on the adjacent land and the creation of a busy

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<sup>30</sup> Local Plan, §13.46, (Appendix [p.117])

<sup>31</sup> Neighbourhood Plan, Policy 5 (Appendix [p.151])

<sup>32</sup> Local Plan Policies EQ4, regarding Expansion of Existing Businesses in the Countryside, and EQ5, regarding Farm Diversification, require existing buildings to be re-used where possible, (Appendix [pp.108,110])

<sup>33</sup> See, for example, §6.4 which notes that over 80% of those responding to a 2017 survey use the public footpaths in the area (Appendix, [p.145])

<sup>34</sup> Neighbourhood Plan, §6.10 (Appendix [p.148])

<sup>35</sup> Local Plan, Policy EQ5 (Appendix [p.120])

<sup>36</sup> Neighbourhood Plan, Policy 6 (Appendix [pp.151-152])

estate road running alongside the adjacent by-way. As stated above, EEUK's chosen location for the New Farm is in the middle of the currently glorious and unspoiled outlook from the walk across Yarlington Sleights, acknowledged in the Neighbourhood Plan as providing *the most cherished and admired* views of all the village walks and the subject of express protection<sup>37</sup>. The Scheme would destroy, or at least significantly detract from a visual amenity, that is a treasured and historic asset.

### **Economic unsustainability**

43. Policy EP4 regarding the expansion of existing businesses in the countryside states that proposals must be *needed in the location*<sup>38</sup>.
44. EEUK has not identified any discernible local need for the expansion and relocation of the farm, either in terms of job creation or output. Indeed the produce, buffalo mozzarella, is apparently intended for shipment across the country and internationally as part of the Newt's online produce offering, rather than being destined for purchase and consumption locally.
45. Policies EP4 and EP5 permit the expansion of existing businesses in the countryside and farm diversification only if the endeavours are economically viable and will remain viable<sup>39</sup>. As noted above, EEUK's business generates significant losses year on year and remains a going concern by virtue of the fact that its holding company refrains, as a matter of discretion, from calling in EEUK's debts. Inevitably, that raises the question of whether, at some point, EEUK's holding company will change its position, stand on its rights and enforce the debt.

### **Effect on Proximate Housing**

46. The justification for the relocation of Manor Farm and the resulting effects on the landscape, is that it would enable the farm to function more efficiently and the local community to benefit from the reduction in traffic flow, noise and odour. The proposal to move the working parts of Manor Farm to the green field site undoubtedly has some appeal to the few who live in the immediate vicinity, particularly on Pound Lane, for this reason. It seems to us, in considering the proposed application, that:
  - 46.1. Focusing on the amelioration of conditions inherent in living near a farm loses sight of the real cost of the development: a change in character and a blight on Yarlington and its countryside, which will negatively impact the community as a whole;

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<sup>37</sup> The Neighbourhood Plan lists the Yarlington Sleights walk as an Important Local Walking Route (Appendix [p.147]; see also §§ 13.21 – 13.22 which note that “the most popular walk for Yarlington residents is to walk up on to Yarlington Sleights, with their clear historic feel (from the strip lynchets) and views across the village... the views from among the Sleights are perhaps the most cherished and admired.” (Appendix [p.156])

<sup>38</sup> Local Plan, Policy EP4 (Appendix [p.108])

<sup>39</sup> Local Plan, Policies EP4 and EP5 (Appendix [pp.108,110])

- 46.2. The existing farm could be utilised efficiently and cleanly, either separately or in conjunction with Castle View Farm, with minimal impact on its immediately proximate neighbours, if EEUK were to apply its typical levels of financial investment and technical expertise to the existing site. It must be possible to achieve similar benefits without inflicting the concurrent harms on the landscape and community that this Scheme would bring.

## **(2) HOUSING DEVELOPMENT OF AT MANOR FARM (AKA THE FARMYARD II)**

47. In addition to relocating and extending the working part of Manor Farm, EEUK proposes significant redevelopment and expansion of the residential buildings (which currently comprise the farmhouse, a barn conversion and one cottage used as a holiday let) to include new rental accommodation, staff housing and holiday lets catering for, in total, 26 people. The existing farmhouse, one cottage and barn conversion will remain, subject to redevelopment; the new complex of residential developments will also include a 3-bedroom new-build farmhouse, a 2-bedroom new-build cottage, a 3-bedroom new barn conversion and two new 3 bedroom and 4-bedroom barns. The buildings will sit in a landscaped area with adjacent parking for thirteen cars. Such a development is unsuitable for the small, rural village of Yarlington and would contravene planning policy, including in the following ways.

### **(3) Economic unsustainability – the wrong place for development**

#### ***Services***

48. Simply put, we think that Yarlington is the wrong place for a proposed housing development. As a Rural Settlement, there is a presumption against development unless certain sustainability requirements are met<sup>40</sup>. The Neighbourhood Plan expressly states that “*The smaller settlements of Woolston and Yarlington would not be considered suitable for housing development, as they do not have enough key services.*” (The Neighbourhood Plan, §3.3, Appendix [p.140])<sup>41</sup>.

#### ***Need***

49. New housing may also be justified if it meets an identified local housing need. Local Plan identifies those areas that have need for, and are able to support, new residential developments. Yarlington is not included in that list. No Yarlington sites were identified in the Neighbourhood Plan as development sites<sup>42</sup>.

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<sup>40</sup> Local Plan, §5.23 and Policy SS2 (Appendix [pp.97, 101])

<sup>41</sup> Neighbourhood Plan, §3.3 states “The smaller settlements of Woolston and Yarlington would not be considered suitable for housing development, as they do not have enough key services.” (Appendix [p.140])

<sup>42</sup> Neighbourhood Plan, §13.28 (Appendix [p.157])

## **Roads**

50. Yarlington is not a through road to anywhere. It is served only by single track country lanes, bordered by hedgerows and enjoyed by villagers as safe and picturesque walking and cycling routes. There would be no private access to the new housing development from the Newt; all traffic to and from the site would have to use the existing narrow lanes. One of the objectives of the Neighbourhood Plan is to identify and create safe routes for walkers and cyclists<sup>43</sup>. The additional traffic through the village to the Manor Farm development would render the existing routes less safe for all.

### **(2) Loss of Community**

51. Perhaps the most worrying aspect of the proposed new residential development complex is the negative impact it would have on the local community. Yarlington is a small and close rural community of approximately 94 people. To the Northeast, on the site of Shatwell Farm, lies The Farmyard, part of The Newt's luxury hotel accommodation. To the East, EEUK is re-developing Yarlington Lodge as short-term holiday accommodation for 32 people. This latest proposal sees the Newt's influence and property portfolio encroach on the village from yet another angle. The proliferation of short-term holiday accommodation properties across multiple locations within and adjacent to Yarlington does not *enhance or maintain the vitality* of this small, rural community, as planning policy requires<sup>44</sup>; the real community is, in fact, threatened by every new application.
52. Policy SS2 requires developments in Rural Settlements to be *commensurate with the scale and character* of the settlement<sup>45</sup>. A new complex including yet more short-term holiday lets would not be commensurate with the character of Yarlington; it would effectively transform Yarlington's character from a tranquil, yet thriving rural community into, a village of a completely different character. Understandably, most villagers in Yarlington, Galhampton and elsewhere are very apprehensive about this prospective change.
53. We would respectfully ask Mr Bekker and Councillors to give thought to the real impact of the Scheme of the Newt on the day-to-day life of residents. The Manor Farm development is in the centre of the village, the hub where locals meet and chat on dog walks, where they gather in the local pub and church. It is this daily interaction, the shared experience of village life and friendly ties that sustain a rural community. If the development goes ahead, that closeness will be eroded. The sheer volume of hotel guests and holiday lettings guests will engulf the local community, tourists will inevitably want to explore and inspect our tiny

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<sup>43</sup> See Neighbourhood Plan, Transport Objectives

<sup>44</sup> Local Plan, §5.24 (Appendix [p.97])

<sup>45</sup> Local Plan, Policy SS2 (Appendix [p.101])

village and its 'rural folk', and Yarlinton, as a living village, will cease to exist. We question whether those residents with means to do so would leave our village and seek a more tranquil and authentic life elsewhere.

54. In any event and, for what it is worth, we attach a summary of our key objections to the Scheme/Proposed Planning Applications as currently proposed, in the Schedule at pp.17-21 below.

**E. SUMMARY OF KEY OBJECTIONS TO THE SCHEME UNDER THE RELEVANT POLICIES**

**F. CONCLUSION**

55. We would respectfully invite the Newt to reconsider the Scheme. In the event, that it does not do so, we will invite the Council not to grant planning permission in respect of the Proposed Applications.

Yours sincerely,

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## **SUMMARY OF OBJECTIONS UNDER KEY RELEVANT POLICIES**

1. **Policy EP4<sup>46</sup>** deals with the “*Expansion of Existing Businesses in the Countryside*”. It provides that proposals will only be permitted where:

- 1.1. **It is demonstrated that the proposal is needed in the relevant location.** In the present case: (i) no cogent reason has been provided as to why the existing farm cannot be redeveloped to accommodate the Newt’s requirements. In fact, the Newt has a subsisting planning application for similar facilities in another location; (ii) there is no identified housing need in Yarlington, let alone any need for additional new-build housing for holiday lets at the existing farm. Contrary to Policy SS2, the proposals do not create or enhance community facilities to serve the settlement. Nor are they consistent with the Neighbourhood Plan or any community led plan.
- 1.2. **The proposal is of a scale appropriate in this location and appropriate to the existing development.** In the present case (i) the scale of the New Farm is inappropriate relative to surrounding fields and the escarpment immediately behind it, which for the reasons set out at paragraph 34 above, is a “*Valued Landscape*”; (ii) The transformation of the existing farm, an ancient rural farm at the centre of Yarlington village and an inherent part of its character, into commercial holiday lets is inconsistent with the existing development, which is a farm.
- 1.3. **Existing buildings are reused where possible.** As stated above, no cogent reason has been provided as to why the existing farm cannot be redeveloped.
- 1.4. **Use is made of land within the curtilage of the development where possible and, outside of the curtilage, only where additional land is essential to the needs of the business.** The proposal to create an entirely new farm on a new site to replace the existing farm is directly contrary to the requirement to use land within the curtilage of the existing development. The proposal to convert the existing farm buildings and create new builds for letting purposes is a paradigm example of a change of use in that it constitutes the creation of a new holiday letting business in place of the existing farm business. As such, it cannot be said that the proposed new builds make use of land within the existing curtilage of the development.
- 1.5. **There is no adverse impact on the countryside with regard to scale, character and appearance of new buildings and/or changes of use of land.** The creation of a new farm on a green field site, immediately below Yarlington Sleights will, unarguably: (i) blight the cherished views to and from Yarlington Sleights; (ii) introduce built form into undeveloped countryside; (iii) erode the key qualities of

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<sup>46</sup> Local Plan Policy EP4, (Appendix, [p.108])

remoteness and tranquillity, fundamental to the wellbeing of the community (iv) negatively impact existing wildlife and their habitats. Similarly, the existing farm is in open countryside. It follows that the introduction of a complex of holiday letting new builds will inevitably adversely impact the character and appearance of the countryside.

- 1.6. **There is no adverse impact on designations for wildlife.** At present, there is no report on the ecological impact on wildlife. Inevitably, however, it will impact the wildlife in this unspoiled landscape. The proposed site of the New Farm is on green fields, immediately adjacent to: (i) an ancient copse; (iii) the hedgerows on either side of the Monarch's Way, the Macmillan Way and the Leland Trail; and (iii) the Furze, which are important habitats for a variety of wildlife.
  - 1.7. **The expected nature and volume of the traffic generated by the development would not have a detrimental impact on the character and amenity of the area.** The traffic noise and pollution in Yarlington would be substantially increased if the Scheme is permitted: in addition to the agricultural traffic passing to and from the New Farm along a new private roadway across the immediate countryside; it is proposed that the existing roadway will be used to access a new housing development at the existing farm. Taken together, it is unarguable that Yarlington and its immediately surrounding countryside will be detrimentally impacted by the increased traffic.
2. **Policy EP5<sup>47</sup>** deals with "***Farm Diversification***". It provides that proposals for development for the purpose of farm diversification within established agricultural holdings will be permitted if they comply with the following criteria:
- 2.1. **The character, scale and type of proposal is compatible with its location and landscape setting.** The Newt's proposals to create a new farm and housing redevelopment are not compatible with the location and landscape setting, for the reasons given at paragraph 1.2 and 1.4 above.
  - 2.2. **They form part of a comprehensive farm diversification scheme and are operated as part of a viable farm holding and contribute to making the holding viable.** Neither proposal can properly be categorised as being part of a farm diversification scheme. The purpose of the creation of the New Farm is to continue the business of farming, which is carried on at the existing farm. The proposal to create a new housing development at the existing farm constitutes an entirely new

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<sup>47</sup> Local Plan Policy EP5, (Appendix, [p.109-110])

business, distinct from the farming business, such that it is not *diversification* of the existing farming business.

- 2.3. **Appropriately located existing buildings should be re-used where possible.** The proposed creation of a new farm is directly at odds with the requirement to use existing buildings, as set out in paragraph 1.4 above.
- 2.4. **Where new or replacement buildings are required, the proposal is in scale with the surroundings and well related to any existing buildings on the site.** The Newt's proposals do not demonstrate any requirement for new or replacement buildings in this location, as set out in paragraph 1.1 above. The creation of a new farm is not *in scale* with the surrounding greenfield or with the escarpment, nor can it be said that they are *well related* to any existing buildings on the site because there are no such buildings: the Newt proposes to build the New Farm over about 15 acres of pastureland. The proposed new builds for holiday lets cannot be said to be *well related* to the existing buildings at the farm. The existing buildings at the farm housed farm owners/workers and/or accommodated the business of the farm, whereas the Newts' proposals propose a complete change of use.

In summary, the Scheme would spoil the countryside through “unfettered development of an inappropriate and unwarranted nature” contrary to the guidelines (paragraph 9.48, Appendix [p.109]).

3. **Policy EP8<sup>48</sup>** deals with the “*New and Enhanced Tourist Facilities*”. The Policy provides that new and enhanced tourist facilities will be supported where:
  - 3.1. **They are of a scale appropriate to the size and function of the settlement within which they are to be located.** The proposed creation of a new farm, on an industrial scale, over about 15 acres in Yarlington's open countryside is disproportionate to Yarlington's size and function. Paragraphs 1.1-1.2 and 1.5 are repeated. The new build housing development proposed by the Newt constitutes a change of use, to accommodate an entirely new letting business within the centre of Yarlington. Yarlington is a rural settlement comprising a residential and farming community which: (i) would be fundamentally changed by the proposed new housing development; and (ii) lacks the community services and infrastructure to accommodate it. It cannot be said, in those circumstances, that the Newt's proposals are appropriate to the size and function of Yarlington and the surrounding countryside.

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<sup>48</sup> Local Plan Policy EP5, (Appendix, [p.109-110])

- 3.2. **The proposal ensures that the district's tourist assets and facilities are accessible through sustainable modes of travel including cycling and walking.** The Newt's proposals do nothing to ensure accessibility of the countryside through sustainable modes of travel. The creation of a busy private roadway for heavy agricultural vehicles, which crosses the existing trails and footpaths referred to above, is liable to create a hazard to their users.
- 3.3. **They do not harm the district's environmental, cultural or heritage assets.** The proposal to create a new farm will harm Yarlington's environmental assets for the reasons given at paragraph 1.5 above. The proposed housing development will negatively impact the environment because it will inevitably generate increased noise, traffic and pollution.
- 3.4. **They ensure the continued protection and resilience of the district's designated nature conservation features.** The creation of the proposed new farm will not ensure such protection and resilience. To the contrary it would blight the land, the landscape and the creatures that live within it, to the detriment of existing and future generations of locals and visitors alike.
- 3.5. **They benefit the local community through access to facilities and services.** The proposed housing development will be of no discernible benefit to the local community. To the contrary, it will fundamentally negatively impact the villagers in the local communities in Yarlington, Woolston, North Cadbury and Galhampton, for the reasons given above.
4. **Policy SS2<sup>49</sup>** deals with the "*Development in rural settlements*". It provides that Development in Rural Settlements (i.e. not in Market Towns or Rural Centres) will be strictly controlled and limited to that which:
  - 4.1. **Provides employment opportunities appropriate to the scale of the settlement.**
  - 4.2. **Creates or enhances community facilities and services to serve the settlement.**
  - 4.3. **Meets identified housing need, particularly for affordable housing.**

The Scheme fails under each criterion. Aside from short-term construction employment, the proposals will not create any significant long-term employment opportunities; the proposals are for private housing and facilities such that they will not create or enhance community facilities or services; nor do they need any identified housing need.

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<sup>49</sup> Local Plan Policy SS2, (Appendix, [p.101])

5. In addition, Policy SS2 provides that:

- 5.1. Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.
- 5.2. Proposals should be consistent with relevant community led plans and should generally have the support of the local community following robust engagement and consultation.

The Scheme is not commensurate with the scale and character of Yarlinton, which is properly categorised as a Rural Settlement, within the meaning of the Local Plan. Nor is it commensurate with the provisions of the Neighbourhood Plan.

6. **Policy EQ2<sup>50</sup>** deals with “*General Development*”. It provides that development proposals, will be considered against

- 6.1. **Conserving and enhancing the landscape character of the area.**
- 6.2. **Reinforcing local distinctiveness and respect local context.**
- 6.3. **Making efficient use of land having regard to housing demand and need.**
- 6.4. **Local Area Character**

The Scheme fails on each of the above grounds, for the reasons given at paragraphs 34-35, 1.2 and 1.4 to 1.7 above

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<sup>50</sup> Local Plan Policy EQ2, (Appendix, [p.114])