



Appeal Decisions

Site visit made on 12 February 2025

by **H Faulkner BSc (Hons) MSc PGCE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/E3335/W/24/3351926

Land at New House Farm, Combe Wood Lane, Combe St Nicholas, Chard, Somerset TA20 3NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr. D King of Bickenhall Developments Ltd against Somerset Council.
 - The application Ref is 24/00939/FUL.
 - The development proposed is change of use of land from agricultural to residential curtilage of Plot 2 of development at New House Farm, Combe Wood Lane, Combe St Nicholas.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land from agricultural to residential curtilage of Plot 2 of development at New House Farm, Combe Wood Lane, Combe St Nicholas, Chard, Somerset TA20 3NH in accordance with the terms of the application, Ref 24/00939/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Drawing no. P21 04 PL 601 Site Plan
 - Drawing no. P21 04 PL 600 Site Location Plan
 - 3) The hedgerow planting indicated on the approved plan P21 04 PL 601 shall be fully implemented within the next planting season following the first occupation of any of the dwellings hereby approved. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Applications for costs

2. An application for costs was made by Mr. D King of Birkenhall Developments Ltd against Somerset Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal is made against the non-determination of the application within the statutory period. The Council has confirmed that had it made the decision the

proposal would have been approved. It therefore does not wish to defend the appeal and has recommended planning conditions in the event of an approval.

4. The description of development above is that provided on the application form. I note that this differs from the appeal form as well as documents from the Council which included wording relating to the provision of a hedgerow along part of the site. As this is not development and its provision is secured by the plans and landscaping condition, I have not included this wording within the description of the development.
5. I have also dealt with another appeal¹ by the same appellant adjacent to this site. That appeal is the subject of a separate decision.

Main Issues

6. Given that the Council do not wish to contest the appeal, the main issue is whether there are other considerations that might indicate that the proposal would not be acceptable.

Reasons

7. The proposal relates to a small area of land adjacent to the edge of a recently approved housing site (ref:18/01349/OUT) which is currently under construction. The change of use would result in the garden area of plot 2 increasing and a new hedge boundary being planted adjacent to the pavement.
8. There is no objection from the Council in respect of the principle of the loss of agricultural land. Furthermore, they also raise no concerns in respect of effect on neighbouring properties, biodiversity net gain or highway safety.
9. The proposed hedgerow would bring visual improvements and the increased garden size would be beneficial to the occupants of the new dwelling.
10. Taking all these matters together, and my considerations following the site visit, I conclude that the proposed change of use of agricultural land to residential use and a new hedge would comply with the development plan and there are no considerations that indicate otherwise. The development would be acceptable and, in particular, would not conflict with Policies EQ2, EQ5, SD1, TA5 and TA6 of the South Somerset Local Plan 2006-2028 which, amongst other things, relate to sustainable development, design, biodiversity and transport impacts.

Other Matters

11. The proposal was supported by the Parish Council, however, they commented that no entrance way into the adjacent field should be made in future. The creation of a new access on a separate site is theoretical at this stage and cannot be considered as part of this appeal. It would also be outside of the appeal site and no details have been provided. Therefore, limited weight is given to this possibility.

Conditions

12. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.

¹ APP/E3335/W/24/3351927

13. A condition was proposed relating to landscaping, this is necessary in the interest of the appearance of the site. This has been amended to ensure that the landscaping is retained or replaced as necessary within the first five years.

Conclusion

14. For the reasons given above, I conclude the appeal should be allowed and planning permission granted.

H Faulkner

INSPECTOR