



Appeal Decision

Site visit made on 11 July 2025

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

Appeal Ref: APP/R3325/W/25/3358592

Land adjacent to Stockelm Cottage, Street Road, Compton Dundon, Somerton, Somerset, Grid Ref: Easting (x): 348781 Northing (y): 133315

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Bulwark Homes Limited against the decision of Somerset Council.
 - The application Ref is 24/02271/S73.
 - The application sought reserved matters approval for the “scale, appearance, layout and landscaping of planning approval 20/00597/OUT; Outline application with all matters reserved except access for the erection of 9 No. dwellings with parking” without complying with a condition attached to the reserved matters approval Ref 23/01464/REM dated 11 June 2024.
 - The condition in dispute is No 1 which states that: “The development hereby permitted shall be carried out in accordance with the following approved plans and specifications (except where directed otherwise by the conditions below) Drawing no. 3159.01 Drawing no. 3159.02 Drawing no. 3159.03 B Drawing no. 3159.04 Drawing no. 3159.05 B. Drawing no. 3159.06 Drawing no. 3159.07 B Drawing no. 3159.08 Drawing no. 3159.09 B Drawing no. 3159.10 Drawing no. 3159.11 Drawing no. 3159.12 F Flood risk Assessment and Drainage Strategy dated 1 June 2023”.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted amended plans as part of the appeal that had not previously been considered by the Council. The amended plans included reducing the number of units that are proposed to be 3-bedroom dwellings, as well as altering the floorplans of several of the proposed units put forward under the application scheme. Regardless of the overall impacts compared to the application proposal, the amendments still fundamentally change the proposed scheme.
3. The procedural guidance to Planning Appeals in England advises that appeals are generally determined on the basis of the original application. As such, the appellant’s submissions should not include new evidence not previously seen by the Local Planning Authority (LPA) and interested parties at the application stage. Moreover, having regard to case law¹, I cannot be certain that all relevant third parties have been made aware of the proposed changes to the appeal scheme and have had an appropriate opportunity to consider and comment upon them. I

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin); and Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

have therefore not accepted the amended plans/drawings and the appeal has been determined in accordance with those the Council considered at the application stage.

4. In reaching this view, I note the appellant has sought to engage with the LPA regarding progressing an alternative scheme at the site but has been unable to obtain relevant feedback. Still, I do not find this to provide sufficient justification to accept a fundamentally different proposal to be considered under the appeal process.

Background and Main Issues

5. The appeal site benefits from outline planning permission for nine dwellings. A reserved matters consent (ref: 23/01464/REM) pursuant to the outline permission was subsequently approved in 2024, subject to conditions. The reserved matters approval related to details of the scale, appearance, layout, and landscaping of the development. The appellant is now seeking to construct dwellings of an alternative arrangement, by removing the relevant condition relating to the approved plans on the reserved matters approval and replacing it with a condition specifying alternative plans.
6. The main issues are:
 - i) whether the proposal would provide acceptable living conditions for future occupiers, with respect to availability of internal space;
 - ii) the effect of the proposal on highway safety; and
 - iii) whether the proposal would appropriately contribute to a mixed and balanced community.

Reasons

Living Conditions

7. The third bedroom to each of proposed plots 4, 8 and 9 would be diminutive in size. The limited size of these bedrooms is such that they would not comfortably fit the typical range of furniture associated with bedrooms (e.g. bed and storage units for clothes), whilst also providing a suitable level of circulation/living space. Indeed, the rooms would be extremely cramped and offer a rather uninviting space to spend time. Although it may be the developer's intention that the third bedrooms to these units would be utilised by a child, this could not be guaranteed.
8. From the evidence before me, the third bedrooms in proposed plots 4, 8 and 9 would also each not comply with minimum size standards established under the Government's Technical Housing Standards – Nationally Described Space Standards (the NDSS). The Council has not formally adopted the NDSS. Nonetheless, the NDSS is the most up-to-date expression of national policy on this matter and remains a helpful benchmark to consider new residential schemes against. The NDSS is therefore a material consideration to which I have given significant weight.
9. Main parties also dispute whether these proposed plots would meet the overall minimum floorspace standards prescribed under the NDSS. In any case, due to my above findings in relation to the size of the third bedrooms, it remains that the

proposed development would provide cramped and poor living conditions for potential future occupiers.

10. Accordingly, the proposal would result in unacceptable living conditions for future residents in respect of the availability of internal space. It therefore conflicts with Policy EQ2 of the South Somerset Local Plan (adopted 2015) (the Local Plan). The policy seeks for developments to be of a high-quality of design and to create quality places.

Highway Safety

11. The appeal site has a rural setting and is located off the B3151, which is a relatively busy main vehicular route in the area.
12. Policy TA6 of the Local Plan establishes that parking provision in new developments should be based upon site characteristics, location and accessibility. It further sets out that the parking standards within the Somerset County Council Parking Strategy (adopted 2013) (the Parking Strategy) will be applied.
13. Based on the standards identified within the Parking Strategy, the proposed development would have an under provision of three parking spaces. Notably, the car parking standards set out in the Parking Strategy are optimum, as opposed to maximum, standards.
14. From my observations on site, there are a limited range of facilities and services nearby to address the day to day needs of occupants of the proposed development. Footpaths are present within the vicinity of the site that could be used to access those limited facilities and services that are available locally. The footpaths are mainly beside the busy main road and are often narrow in places. Additionally, footpath provision is not continuously along the same side of the road, such that pedestrians may need to cross the busy highway, while there is also a general absence of streetlighting. Given this context, and the distances involved, I do not consider that walking or cycling to services and facilities would be an attractive option for most residents of the appeal site, especially during periods of darkness or inclement weather.
15. The appellant claims the appeal site is well connected to surrounding towns via public transport, albeit without providing specific details. A bus stop is located close to the front of the site, but I have no information of the available services, including destinations and frequency.
16. Accordingly, based on the available evidence, I consider that future residents of the appeal proposal would be largely dependent on private vehicles to access facilities and services to sustain typical everyday needs. I therefore do not find the locational context of the appeal site to justify a reduced level of parking provision.
17. Even if the third bedrooms of the relevant plots were used by children that could not drive, I still consider it likely that 3-bedroom family homes would typically attract a greater level of vehicle ownership than a two-bedroom property. In any case, the use of the third bedroom could not suitably be controlled.
18. No robust justification has therefore been provided as to why the proposed development should not accord with the levels of parking specified under the Parking Strategy.

19. In the absence of sufficient on-site parking, the proposal may lead to vehicles being displaced onto roads in the near vicinity of the site. From my observations, the availability of parking in nearby streets was highly limited. As such, there is a real risk that the appeal scheme may lead to the inappropriate parking of vehicles in the surrounding area, as potential future residents still seek to park within convenient distance of their properties. In turn, this would likely result in risks to highway safety, for example, through causing obstructions in traffic flow, obscuring visibility lines, and increasing the risk of collisions.
20. I therefore find that the proposal would have an adverse effect on highway safety. The proposal would also not accord with the requirements of Policy TA6 of the Local Plan in respect of parking provision.
21. In reaching the above view, it is noted that no formal objection to the proposed development was raised by the local highway authority (LHA). However, the LHA expressed concerns with the application scheme's parking provision and advised of the need for alterations to the scheme or for appropriate justification for the reduced parking provision to be provided. Such matters have not been suitably addressed by the appellant.

Mix and Balance of Community

22. Policy HG5 of the Local Plan sets out that on small sites, housing types and sizes should be provided that, taken in the context of existing surrounding dwellings, contribute to the provision of sustainable, balanced communities. The policy though does not specify the mix of units that are expected to be delivered as part of residential developments, or in specific locations. Nor have I been presented with any other detailed policy requirements in this regard.
23. The Parish Council has been advocating for two-bedroom houses to be delivered in greater numbers in the area. The current proposal, meanwhile, would result in a reduction in the number of two-bedroom dwellings at the site compared to the reserved matters approval (ref: 23/01464/REM). Nevertheless, this does not necessarily equate to a harmful effect on the mix and balance of the community.
24. Neither main party has provided any detailed evidence in relation to the context of existing surrounding dwellings. For example, the composition of house types and sizes nearby. I also have not been provided with any robust details of the housing need requirements of the area. Still, it appears that the surrounding area contains a range of dwelling types, including detached, semi-detached and terraced properties that vary in scale. Given the variations in type and size of dwellings nearby, it is also likely that residential properties have a mix of bedroom numbers.
25. The proposed development meanwhile would offer seven 3-bedroom units (c.78%) and two 2-bedroom units (c.22%). As such, alongside family homes the appeal scheme would also include smaller properties potentially suitable for first time buyers, young persons, individuals, or those seeking to downsize. The mix of proposed dwellings also appeared appropriate having regard to the nearby residential context, while no robust evidence has been presented to indicate otherwise.
26. Accordingly, I find that the proposal would appropriately contribute to a mixed and balanced community. The appeal scheme therefore accords with Policy HG5 of the Local Plan. In respect of this main issue, I also find no conflict with Policy EQ2

of the Local Plan, which amongst other matters, seeks for development proposals to reinforce local distinctiveness and respect local context.

Other Matters

27. No robust evidence has been presented to demonstrate the current proposal is required to deliver a viable scheme.
28. Given my above findings in respect of the living conditions of potential future residents and highway safety, I do not consider the proposal to be a sustainable form of development or that it would make for an efficient use of the land.
29. The proposal would not involve external alterations to the previously approved scheme. It may also comply with other development plan and national policies, for example, in respect to the character and appearance of the area.
30. Individually, or cumulatively, the other matters that have been raised do not overcome the appeal scheme's previously identified harm.

Conclusion

31. For the reasons outlined above, the appeal scheme conflicts with the development plan as a whole and there are no other considerations, that indicate a decision should be taken other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR