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## Appeal Decision

Site visit made on 11 July 2025

**by Lewis Conde BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25 July 2025**

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**Appeal Ref: APP/E3335/W/24/3358073**

**Land to the west of Blagdon Hill Road, Blagdon Hill, Easting (x): 321057**

**Northing (y): 118009**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Messrs M and G Tottle against the decision of Somerset Council.
  - The application Ref is 30/24/0009.
  - The development proposed is the erection of a single storey dwelling with detached garage.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for the award of costs against Somerset Council has been made by Messrs M and G Tottle. This is subject to a separate decision.

### Procedural Matters

3. The designation of National Landscapes<sup>1</sup>, or the varying of their boundaries, within England is the responsibility of Natural England as established through the Countryside and Rights of Way Act 2000 (the CROW Act).
4. Although the Council's online policy map suggest that the appeal site is located outside the Blackdown Hills National Landscape (the BHNL), this appears to be displaying a longstanding error and does not tally with Natural England's own online map of the designation. Furthermore, a robust level of evidence<sup>2</sup> has been presented to me to demonstrate that the appeal site is located within the BHNL.
5. The Judgement in Fox Land & Property Ltd v SoS ([2015] EWCA Civ 298) clarified how the supporting text and development plan proposal maps are relevant to the interpretation of development plan policies. That case, however, did not examine the approach to be taken in the event of an inaccurate development plan policy map. Nor does it suggest a development plan policy map should override a national statutory designation formed under separate legislation.
6. Accordingly, I have found the appeal site to be within the BHNL and the appeal has been determined on this basis. Given this finding, in line with the requirements under section 85(1) CROW Act<sup>3</sup>, I must seek to further the purposes for which the BHNL is designated.

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<sup>1</sup> Formerly referred to as Areas of Outstanding Natural Beauty.

<sup>2</sup> Including extracts of Natural England's 'Magic Map' GIS plan; the original 1991 Countryside Commission designation map; the Blackdown Hills National Landscape web-based map; as well as commentary from the Blackdown National Landscape Partnership.

<sup>3</sup> As amended by the Levelling Up and Regeneration Act 2023.

## Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area, having regard to its location within the BHNL.

## Reasons

8. The appeal site encompasses a gently undulating and broadly rectangular field, lined by mature boundary hedgerows and vegetation. It lies at the edge of the village of Blagdon Hill, set behind existing residential built form, and is significantly bordered by domestic gardens.
9. Blagdon Hill contains numerous dwellings, which vary in their precise design and appearance, but display a highly appreciably linear arrangement. Indeed, dwellings predominantly sit alongside and face onto the main road behind front gardens. Majority of the built form in the village lies outside of the BHNL. However, the surrounding network of fields, including the appeal site, are largely within the BHNL and provides the village with a highly verdant setting.
10. The Blackdown Hills Area of Outstanding Natural Beauty Management Plan 2019 – 2024 (the Management Plan) sets out that the BHNL contains a distinctive and diverse rural landscape with unique geology. It further highlights the largely undisturbed character of the area, including the traditional pattern of villages, hamlets, that provide an identifiable and characteristic vernacular.
11. Due to the presence of mature boundary vegetation and adjacent built form, the appeal site does not form part of an expansive landscape in which long range views can be appreciated. The adjacent built form also somewhat reduces the landscape sensitivity of the appeal site. Nevertheless, the appeal site remains part of a highly scenic and attractive pastoral landscape. Indeed, through being part of a mosaic of undulating small and medium fields, bound by mature hedgerows, between the scarp and lower slopes of the valleys and at the edge of a 'small spring line village' it shares some of the key characteristics of the Blackdown Hill Scarp Landscape Character Area<sup>4</sup> in which it falls.
12. These above characteristics are not unique to the appeal site, nonetheless, I still find the site to make a positive contribution to the character and appearance of the area and the National Landscape, albeit a rather modest one.
13. Although single storey in nature the proposed development would have an urbanising effect, through introducing a sizeable, detached dwelling at the site, along with associated hard-surfacing and domestic paraphernalia. The relationship of the appeal site to adjoining residential development would moderate the harm to some degree, but the contribution of the field's greenness and openness to the landscape would still be disturbed and diminished.
14. Additionally, the siting of the proposed dwelling would not respect the highly linear arrangement of built form within the villages, while its footprint would far exceed that of nearby dwellings. As such, the proposal would be at odds with the existing surrounding built form.

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<sup>4</sup> As identified in the Devon Landscape Character Study (2018) and detailed within the submitted Landscape Assessment (April 2024) prepared by Swan Paul Partnership Ltd.

15. Boundary vegetation is proposed to be retained and could be reinforced through additional landscaping measures, thereby further filtering views of the proposal. Still, although limited, localised views of the proposal would remain, particularly in the winter period when vegetation may not be in full leaf. Meanwhile, additional landscaping would not compensate for the urbanising effect of the proposal, nor should landscaping be used to screen unacceptable development, particularly as its retention in perpetuity cannot be guaranteed.
16. There is an extant outline planning permission (LPA ref: 30/18/0001) for up to two dwellings on the adjacent site. I have only limited details of that permission, including whether reserved matters have subsequently been approved. Still, if development at the adjacent site does take place it will alter the immediate surroundings of the area, likely adding depth to the current highly linear built form. Much though will depend on the precise arrangement of development that may be brought forward. Moreover, despite the proximity of the sites, there remains contextual differences, most notably, the adjacent site is located outside of the BHNL. Additionally, the adjoining site already appeared to have a more domestic character, including because of the presence of a barn and sizeable extension to the neighbouring property. As such, I do not consider the neighbouring outline permission to suitably justify the appeal proposal.
17. Overall, I find that the proposed development would cause harm to the character and appearance of the area, including the BHNL. Indeed, the appellant's landscape assessment does not rule out harm to the landscape or views in the area but instead concludes that the proposal would not cause substantial harm in respect of these matters.
18. Although the adverse impacts of the proposal on the character and appearance of the area and the BHNL would be relatively minor, it remains that the proposal would conflict with Policies DM1 and CP8 of the Taunton Deane Core Strategy 2011 – 2028 (adopted 2012) (the Core Strategy) and Policy D7 of the Taunton Site Allocations and Development Management Plan (adopted 2016) (the SADMP). Together amongst other matters, these policies seek to ensure new development conserving and enhance the natural environment, including through respecting existing landscape and townscape character. Furthermore, the proposal would not conserve or enhance the special characteristics of the National Landscape, contrary to the expectations of the CROW Act.

### **Other Matters**

19. Other appeal decisions in the authority area have been cited, whereby Inspectors found development outside of designated settlement boundaries to be acceptable. I have only limited details of these other schemes, including their site-specific contexts. However, the fact that the current appeal site is outside the settlement boundary for Blagdon Hill has not been determinative in me finding the proposal unacceptable.
20. The Council's Landscape Officer may not have any objections to the proposed scheme, while the appeal proposals may be an improvement compared to a previously submitted scheme at the site. Nevertheless, these matters do not alter my above findings.
21. Some support for the proposal has been raised from members of the local community, including due to the need for housing and a shortage of bungalow

developments nearby, as well as the proposal offering improvements to an existing private access.

22. The appeal site lies within the fluvial catchment of the Somerset Levels and Moors Ramsar site. The Conservation of Habitats and Species Regulations 2017, require that permission may only be granted after having ascertained that it will not affect the integrity of the relevant protected sites. However, as I am dismissing the appeal on other grounds it has not been necessary for me to consider this further.

### **Planning Balance and Conclusion**

23. The appeal scheme would provide socio-economic benefits associated with the delivery of a new dwelling, both during construction and through its subsequent occupation. The proposal may also result in improvements to the existing access arrangements for a small number of properties in the village. Given the scale and nature of the proposals such benefits though would be limited.
24. Notwithstanding that the appeal scheme may comply with other development plan policies, due to its harm to the character and appearance of the area and the BHNL, the proposal conflicts with Core Strategy Policies DM1 and CP8, as well as SADMP Policy D7. These are important policies that govern design expectation and the protection of the natural environment. Consequently, the proposal is contrary to the development plan as a whole.
25. There is no dispute between main parties, that the Council is unable to demonstrate a current five-year housing land supply. Still, I have found the proposal would cause harm to the BHNL. Whilst the harm is modest, the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues.
26. The policies of the Framework that protect National Landscapes as an area or assets of particular importance, therefore provide a strong reason for refusing the development proposed. The appeal scheme therefore does not benefit from the presumption in favour of sustainable development outlined within the Framework.
27. The proposal conflicts with the development plan as a whole and there are no material considerations, including the provisions of the Framework, which outweigh the conflict. Accordingly, the appeal is dismissed.

*Lewis Condé*

INSPECTOR