



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: 13 August 2025

Appeal Ref: APP/E3335/W/25/3359983

Land Opposite 28 Watercombe Lane, Yeovil, Somerset, BA20 2ED

(GR:353897/115988)

- 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 Bee Housings against the decision of Somerset Council.
 - The application Ref is 24/02307/FUL.
 - The development proposed is the erection of 2 bed dwelling and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site location in the banner heading above is taken from the Council's decision notice, as opposed to the original application form, as this more accurately describes the site's location.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the area;
 - ii) the setting of Grade II Listed Buildings known as 'Watercombe Farmhouse' and 'The Cottage';
 - iii) the living conditions of neighbouring occupiers of 'The Cottage', with respect to outlook, loss of light and privacy; and
 - iv) the effect of the development on protected species, namely badgers.

Reasons

Character and Appearance

4. The appeal site is located on a prominent corner plot, in a predominantly residential area. The site has an undeveloped appearance, save for its enclosure by boundary fencing. It also sits alongside a wider area of grass and treed open amenity space, that provides a green buffer space between residential development and an adjoining airfield. The verdant nature of this space, including the appeal site, also helps to soften the surrounding built form and positively contributes to the character and appearance of the area.

5. Dwellings close by are not uniform in design or appearance. Indeed, there is a notable difference in the scale, design, and layout of a modern housing estate nearby, referred to as 'Century Park'. However, the appeal site's location is such that it is primarily viewed and experienced with dwellings along Watercombe Lane. The prevailing layout of development in this immediate vicinity is largely characterised by dwellings fronting onto the highway, along similar building lines, behind small front gardens in well-proportioned plots. As such, despite differences in precise appearance there remains a rather regular rhythm and sense of continuity along the streetscene.
6. Despite being two-storeys in height, the proposed dwelling is rather diminutive in scale. Indeed, it has a limited footprint in comparison to immediately adjacent properties. Nonetheless, due to the small plot size, the dwelling would be sited extremely close to the site boundaries, resulting in a highly cramped appearance. It therefore would not respect the more spacious layout of development along Watercombe Lane, which it would be read in conjunction with.
7. Due to a lack of consistency with existing building lines, and its blank side elevation prominently on view along Watercombe Lane, the proposed dwelling would further appear in stark contrast to the prevailing layout of built form. In the context of the street, it would also have an unusually close relationship to the dwelling located directly opposite, again emphasising the cramped nature of the proposal. As such, the appeal scheme would be detrimental to the streetscene.
8. Given the limited space available within the site, landscaping is unlikely to sufficiently soften or visually improve the proposed development, nor would it address my fundamental concerns with the design and layout of the proposed dwelling. Similarly, the use of appropriate materials and precise detailing would not result in a suitably designed proposal.
9. In respect of trees, there are several nearby to the site that positively contribute to the character of the area. Since the original planning application was determined, a tree protection order (TPO) has been made on trees near the boundaries of the appeal site. From the available arboricultural evidence, two of these trees (a Small Leaved Lime and a Common Oak) are high value category A trees, while a Field Maple is also of moderate value. Although already fairly mature, the evidence before me also indicates that these trees have significant future growth potential.
10. Even if, the imposition of tree protection measures could ensure that the development could be constructed without causing harm to the trees, there are likely to be significant pressures to subsequently reduce crown spread or remove some of the trees beside the site boundaries in future. This is because the limited size of the plot together with the extremely close proximity of the trees, namely the Common Oak and Field Maple, is such, that their future growth would likely lead to adverse effects on the living conditions of future residents through loss of light and overshadowing. As such, despite the presence of the TPO offering some protection, the development would still likely result in pressures that would put the future of the trees at risk.
11. Overall, in respect of this main issue, the appeal scheme would cause harm to the character and appearance of the area. As such, it would conflict with Policy EQ2 of the South Somerset Local Plan (adopted 2015) (the Local Plan). This policy seeks

to promote high quality design, that amongst other things, reinforces local distinctiveness and respects local context.

Setting of Listed Buildings

12. The appeal site lies adjacent to Watercombe Farmhouse and The Cottage, both of which are Grade II Listed Buildings. The special interest and significance of these heritage assets are greatly informed by their architectural interest as buildings dating back several centuries with the survival of key features and vernacular. Their significance also lies in their age and likely historic connections as part of the early rural development of the area.
13. The appeal site has historically, contained an assemblage of buildings, possibly a small farmstead, associated with Watercombe House. However, there is uncertainty over the precise use of the buildings, or whether the site ever became part of the wider ownership/occupation of Watercombe Farmhouse or The Cottage. The site was also historically within an orchard, while belts of trees remain nearby.
14. The setting of the listed buildings has seen marked change, notably, through the development of the neighbouring airfield and truncation of Watercombe Lane, as well as extensive housing development nearby. Despite the neighbouring suburban residential development, the listed buildings retain a distinctive, separate identity and feel, particularly due to their more spacious and verdant setting.
15. Indeed, the appeal site and wider vegetated amenity space that it sits alongside help to provide a semi-rural character to the historic buildings. Therefore, the appeal site, in its current form contributes positively to the setting and significance of the listed buildings.
16. Notwithstanding the precise materials and detailing of the proposed dwelling, for reasons previously outlined the proposal would be an unsympathetic addition to the streetscene. Furthermore, in respect of the setting of the listed buildings, the proposal would erode its semi-rural character and result in an ill-fitting form of development in highly close proximity to the listed buildings, particularly The Cottage.
17. The proposal's prominent position would also dominate views along this section of Watercombe Lane and also reduce key, attractive, views of the front elevation of The Cottage, thereby detracting from the appreciation of the listed building. Consequently, I find the proposal would have a negative effect on the setting of the listed buildings and cause harm to their significance.
18. The level of harm would be less than substantial in the context of the Framework, and at the lower end of the scale. Still the Framework requires that great weight should be given to the conservation of heritage assets.
19. There would be socio-economic benefits associated with the delivery of a self-build dwelling, and its subsequent occupation, in a location with good access to facilities and services. Such benefits though would be limited given the proposal involves only a single unit. Furthermore, the potential benefits do not provide clear or convincing justification to allow for the identified harm to the designated heritage assets.

20. Overall, the proposal would cause harm to the setting of the listed buildings known as Watercombe Farmhouse and The Cottage. It would also fail to comply with Local Plan Policies EQ2 and EQ3. Together amongst other matters these policies seek to promote high-quality design, which preserves the significance, character, setting, and local distinctiveness of heritage assets.

Living Conditions

21. There would be very limited separation distance between the principal front elevations of the proposed dwelling and The Cottage, opposite. The proposed two-storey dwelling is not sizeable. Nevertheless, due to its proximity and a slight change in levels between the sites, the proposal would lead to a dominant and overbearing form of development when viewed from the front rooms of The Cottage. Indeed, I consider the proposed built form would have a more dominant and overbearing feel than that of the trees and vegetation already present near the appeal site's boundaries.
22. The proposal due to its close relationship with The Cottage, is also likely to lead to a harmful loss of light to the neighbouring property, while no robust evidence has been provided by the appellant to demonstrate otherwise.
23. The position of windows within the front elevation of the proposed dwelling, along with the limited separation distance to The Cottage, would also give rise to an uncomfortable level of close-range views into rooms at the front of the neighbouring property. From my observations, the relevant rooms within the neighbouring dwelling are likely to be habitable rooms. As such, the proposal would also lead to a significant level of overlooking and harmful loss of privacy to the neighbouring residents. Meanwhile, the appellant's suggested use of obscure glazing to the front bedroom window of the appeal unit (to be secured via a condition) would not be appropriate, given this is the principle window serving that habitable room.
24. The appeal scheme therefore would result in harm to the living conditions of neighbouring occupiers of The Cottage, with respect to outlook, loss of light and privacy. Accordingly, the proposal conflicts with Local Plan Policy EQ2, in so far as it seeks to promote high standards of design that respect local contexts and site specific considerations.

Protected Species

25. An extended Phase 1 Preliminary Ecological Assessment (the PEA) of the appeal site has been undertaken. As part of the survey a search for signs of badgers within the application area and within 30m of the site, where accessible, was carried out in line with standard methodology. This included survey for badger setts, along with a survey of linear features and boundaries for signs of badger activity including dung pits, foraging marks, feeding signs and pathways.
26. No badger setts or evidence of badgers using the site were identified during the survey. The site was though found to offer suitable foraging and commuting habitat for badgers, while third party evidence including from the Somerset Badger Group suggests there have been previous badger sightings at the site or nearby area.
27. Nevertheless, the PEA has identified the suitable on-site habitats as being limited in extent, while there also being an abundance of similar and more suitable habitat

in the surrounding area. It therefore identifies the site to only be of importance to badgers within the immediate zone of influence. These findings appear to me to be realistic given the limited scale of the site and its wider surrounding context.

28. Although a winter survey period may be optimal for considering badger activity, no robust evidence has been presented to demonstrate that the findings of the Phase 1 habitat survey are inaccurate. Furthermore, even if a badger sett was found in the wider surrounding area, this would not in itself demonstrate that the proposed development of the appeal site would cause a discernible harm to the species. As such, subject to an appropriate condition for example, compliance with an ecological construction management plan, I do not consider the proposal would adversely affect badgers.
29. Accordingly, based on the evidence before me, I am satisfied that the proposal would not cause harm to protected species, namely badgers. The appeal scheme therefore complies with Local Plan Policy EQ4, which seeks to protect biodiversity.

Other Matters

30. The appeal site lies within the fluvial catchment of the Somerset Levels and Moors Ramsar site, which is designated for its rare aquatic invertebrates. 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 site. However, as I am dismissing the appeal on other grounds it has not been necessary for me to consider this further.
31. Although the general principle of new residential development within the settlement boundary for Yeovil may be considered acceptable, this does not obviate the need to comply with other development plan policies.
32. Although the design of the appeal proposal may have taken into account feedback from a previously refused application and pre-application advice from the Council, it remains of an inappropriate design for its context.

Planning Balance and Conclusion

33. Given the above identified harms, I do not consider that the proposal would make an efficient use of the land. Nonetheless, I have taken account of the Framework's aims to boost significantly the supply of housing, and that it identifies that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The proposed dwelling would also be within the built-up area of Yeovil and the Framework indicates that windfall sites should be supported. Still, as previously indicated, the benefits of the proposal would be limited.
34. The appeal scheme has not been found to harm protected species and may comply with other development plan policies. Nevertheless, due to its harm to the character and appearance of the area, designated heritage assets, and the living condition of neighbouring residents, the proposal conflicts with Local Plan Policies EQ2 and EQ3. These are important policies that govern design expectations and the protection of the historic environment. Consequently, the proposal is contrary to the development plan as a whole.
35. The fact that the Council cannot demonstrate a 5-year housing land supply triggers the circumstances in paragraph 11 d) of the Framework. However, in this case the

application of policies in the Framework that protect designated heritage assets provide a strong reason for refusing the proposed development in accordance with paragraph 11 d)(i). As such, the presumption in favour of sustainable development does not apply.

36. The proposal would conflict with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR