
Appeal Decision

Site visit made on 22 July 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2025

Appeal Ref: APP/E3335/W/24/3351613

Land East Of Quarry Hill, Blackford, Somerset BA22 7EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Hopkins Estates Ltd against the decision of Somerset Council.
 - The application Ref is 23/02250/OUT.
 - The development proposed is the erection of one custom-build dwelling, extension of residential curtilage to existing properties known as Church Farm and Church Farm Cottage, woodland planting and ancillary works.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of one custom-build dwelling, extension of residential curtilage to existing properties known as Church Farm and Church Farm Cottage, woodland planting and ancillary works at Land East Of Quarry Hill, Blackford, Somerset BA22 7EA in accordance with the terms of the application, Ref 23/02250/OUT, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Hopkins Estates Ltd against Somerset Council. This is the subject of a separate decision.

Preliminary Matters and Main Issue

3. The preparation of the new Somerset Local Plan has commenced following the creation of Somerset Council. As the emerging plan has not reached publication stage no policies have been put forward as relevant to the determination of this case. In the meantime, the South Somerset Local Plan (the Local Plan) remains in place. Consequently, I have determined this appeal in accordance with it and the National Planning Policy Framework (the Framework).
4. The appeal is for outline planning permission with all matters, except access, reserved for future approval. Therefore, whilst not formally part of the appeal scheme, I have treated any details submitted relating to appearance, landscaping, layout and scale (the reserved matters) as indicative.
5. As Blackford is not defined within Policy SS1 of the Local Plan as a market town or a settlement with a defined retail and community role, for the purposes of the Local Plan, it is a Rural Settlement within the countryside where development is strictly controlled depending upon the number of services it has. However, since the appeal was submitted the Council has confirmed that in addition to a church, there is a further service located in Blackford. Given that Policy SS2 of the Local Plan

permits new housing in Rural Settlements that have access to two or more key services, and this has now been demonstrated at Blackford, the Council has withdrawn their sole reason for refusal.

6. Notwithstanding this, the proposed development is located within the catchment of the Somerset Levels and Moors Special Protection (SPA), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2007, as amended (the Habitats Regulations). It is, therefore, incumbent upon me as the competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA. As the main parties have addressed this situation within their respective appeal documentation, neither party would be prejudiced by this matter being dealt with as a main issue.
7. Consequently, the main issue is whether the proposal would be likely to have a significant effect on the integrity on the Somerset Levels and Moors SPA.

Reasons

8. The conservation interest of the SPA relates to its lowland wet grassland and wet habitat which supports internationally important wildlife including wildfowl and aquatic invertebrates. The protection and maintenance of these habitats and species is the core conservation objective for the SPA. One of the main issues preventing this objective from being met relates to the increase in wastewater being discharged into the SPA's rivers, including pollutants and nutrients such as nitrates and phosphates, which affect water quality. In turn, this threatens the ability of the habitats to support the wildlife.
9. As an increase in the number of people staying overnight in the area would increase the amount of wastewater being discharged, it is therefore likely that the proposal, taken both in isolation and cumulatively, would have a significant adverse effect on the integrity of the SPA. The Shadow Habitats Regulations Assessment¹ confirms the additional nutrients likely to be generated per year by the proposal, using the Council's calculator.
10. To avoid or mitigate the effects of the additional nutrients calculated, an area of land within the ownership of the appellant equivalent to the additional nutrients generated per year by the proposal is to be removed from agricultural use. The signed Unilateral Undertaking (UU) submitted with the appeal obligates the appellant to do this with further obligations restricting the sale of any parts of the mitigation land without the written consent of the Council and the requirement to prepare a Landscape and Ecological Management Plan (LEMP). In combination with the mitigation land, the proposal also incorporates a package treatment plant (PTP), to be secured via condition, given it is not possible to connect the development to a public sewer.
11. As the UU secures the necessary mitigation sufficient to address the level of harm likely to be caused by the proposal, I am therefore satisfied that it is necessary to make the development acceptable in planning terms. Additionally, as the UU is directly related, and fairly and reasonably related in scale and kind to the proposal, it meets the requirements of the Framework.

¹ Prepared by Abricon Ltd, Version 2.0 dated 14 February 2023

12. Consequently, I conclude that the proposal would not result in a significant effect on the integrity of the SPA, meeting the requirements of the Habitat Regulations and in accordance with Policy EQ4 of the Local Plan insofar as it relates biodiversity within internationally protected sites.

Other Matters

13. As the appeal site is located close to the Grade II* Church of St Michael² and the Grade II listed building identified as “Cottage about 50 metres south west of the Church of St Michael”³ (the Cottage), I have had regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) within the determination of this appeal. Amongst other things, this concerns the setting of listed buildings.
14. The Church of St Michael is an Anglian Parish Church believed to be from the eleventh or twelfth century although the listing notes it was reshaped in the fourteenth and fifteenth centuries with further restoration undertaken later. Nonetheless, its age, predominant use of local stone and simple architectural details which reflect its status as a Parish Church, together with its prominent siting adjacent to the central crossroads in Blackford, contribute to the Church’s special interest. The Church’s spacious grounds containing numerous mature trees and bounded by stone walls are also features which make a positive contribution to the listed building and its setting. Despite the scale of these trees, their positions allow views of the Church’s tower from Quarry Hill across the site, framed by the adjacent Church Farm and Church Farm Cottage. Given the historical importance of a parish church within a rural community, this view positively contributes to the setting of the Church.
15. Another Inspector concluded that the construction of a new dwelling on the site would partially obscure this view and increase the enclosure experienced within its grounds, resulting in less than substantial harm to the Church. However, that appeal⁴ related to the refusal of a full planning application and was, therefore, accompanied by detailed plans. As matters relating to the appearance, landscaping, layout and scale are reserved for a later date, the location and scale of the proposed dwelling, any ancillary structures and the landscaping scheme is, as yet, undefined. Nonetheless, given the size of the site and its relationship to the Church, I see little reason to conclude that a single dwelling could not be accommodated within the site whilst maintaining the aforementioned vista from Quarry Hill, thereby preserving the setting of the listed building.
16. The special interest of the Cottage relates to its age, its materials, including local rubble stone and thatch, as well as its simple and humble scale and roadside siting. Nonetheless, as this cottage has little visual interconnectivity with the appeal site and there are other buildings sited in the intervening area, the proposal would not harm this heritage asset.
17. Whilst the appeal site is not located within the Blackford Conservation Area (BCA) it abounds it. Therefore, I have taken account of the desirability of sustaining and enhancing the significance of the BCA, including any contribution made by its setting, as required by the Framework. Given the predominantly residential use of

² Listing entry: 1056557, dated 24 March 1961

³ Listing entry: 1056516, dated 6 March 1986

⁴ APP/E3335/W/23/3324772

the land immediately adjacent to the site, the size of the site and that matters relating to layout, scale, appearance and landscape are reserved, there is little evidence before me which indicate the development of the site could not be achieved in a way that would sustain the setting of the BCA.

18. In relation to the non-designated heritage assets immediately adjacent to the site, comprising the former Church Farm buildings, I conclude that the principle of residential development on the appeal site would not harm their setting.
19. Interested parties have raised concerns regarding the risk of surface water flooding as a result of the proposal. As further details are to be secured through the use of a suitably worded pre-commencement condition, no development is permitted on the site until an appropriate surface water drainage scheme has been approved by the Council.
20. Similarly, details relating to the existing trees and hedgerows along the boundaries of the site, including those within the visibility splays associated with the access, will be required as part of the landscaping reserved matters. I have little substantive evidence before me confirming that part of the appeal site is subject to a condition imposed on the grant of planning permission for the nearby Granary House.
21. Whilst the use of the Council's pre-application service is encouraged, it is not a requirement for all development proposals.

Conditions

22. I have imposed standard conditions relating to the submission and timing of reserved matters applications and the commencement of development. For precision and for the avoidance of doubt, a plans condition has also been attached.
23. Conditions relating to the submission and approval of surface water drainage and the provision of a PTP are required to avoid drainage problems including surface water flooding and pollution. In regard to the land required to secure the required phosphate offset, the submission and approval of a LEMP prior to the commencement of development is necessary.
24. To ensure there is no harm to other biodiversity interests, conditions requiring the submission and approval of a Biodiversity Enhancement Plan and any external lighting have been imposed. The condition stipulating the application of the precautionary approach seeks to provide protection to the site and its surroundings existing natural features. A further condition regarding water efficiency is also imposed to secure the required water consumption measures.
25. Pre-occupancy conditions relating to the provision of suitable parking and turning space, the gradient of the access and the position of any gates have been imposed to ensure safe access and egress for future occupiers and in the interests of the users of the highway. Although shown on the approved Site Access and Visibility Splays plan, for completeness a condition specifying the visibility splays must be free from obstructions above a certain height has been imposed.
26. Although suggested, conditions relating to materials and landscaping are not necessary as these are matters which will be considered as part of any future relevant reserved matters application. Whilst the use of a condition restricting the

dwelling to be a custom/self-build property has also been suggested, as new housing is permitted in Blackford by Policy SS2 of the Local Plan, as agreed by the main parties, a restriction on the type of dwelling proposed is not necessary.

Conclusion

27. For the reasons given above and taking into account all relevant matters raised, the appeal should be allowed.

Juliet Rogers

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing nos:
13210/001 Site Location Plan
1160-001E Site Access and Visibility Splays
- 5) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and including a timetable for implementation and a management and maintenance plan, has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be implemented, managed and maintained thereafter in accordance with the approved details.
- 6) No development shall take place until a Landscape and Ecological Management Plan (LEMP) for the phosphorous mitigation land has been submitted to and approved in writing by the local planning authority. The LEMP shall include, as a minimum:
 - i) Plan showing 100 trees/ha are being planted and that no fertilisers or herbicides are being used.
 - ii) An outline of the strategy concerning the legal land change/removal from its existing use and how it will be maintained in perpetuity (80-125 years).
 - iii) Description and evaluation of features to be managed.
 - iv) Ecological trends and constraints on site that might influence management.
 - v) Aims and objectives of management.

- vi) Appropriate management options for achieving aims and objectives.
- vii) Prescriptions for management actions.
- viii) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- ix) Details of the body or organization responsible for implementation of the plan. On-going monitoring and remedial measures.
- x) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- xi) Details on how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met).

The approved LEMP will be implemented, managed and monitored in accordance with the approved details.

- 7) Prior to the occupation of the dwelling hereby approved, the parking and turning space for vehicles shall be constructed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The approved turning space shall be retained thereafter and kept clear of obstruction at all times other than for the turning of vehicles in connection with the dwelling hereby permitted.
- 8) Prior to the occupation of the dwelling hereby approved, the access shall be constructed at a gradient no steeper than 1 in 10. The access shall be retained and maintained thereafter.
- 9) The 2.4m by 43.0m visibility splays shown on drawing 1160-001E - Site Access and Visibility Splays shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.
- 10) Any entrance gates erected shall be hung to opens inwards and set back a minimum distance of six (6) metres from the carriageway edge and shall thereafter be maintained in that condition at all times.
- 11) Prior to the occupation of the dwelling hereby permitted, the Package Treatment Plant (PTP) shall be installed, details of which shall first be submitted to and approved in writing by the local planning authority. Details shall include a scheme for the management, including monitoring, and maintenance of the PTP in perpetuity in accordance with Preliminary Ecological Appraisal and Phosphates Assessment prepared by Abricon dated 5 May 2022. The PTP shall be installed, monitored and maintained in accordance with the approved details and any timings therein.
- 12) Prior to the occupation of the dwelling hereby permitted, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The BEP shall include, as a minimum, the installation of the following features: habitat box; swift brick; two bee bricks; and a hibernacula/log pile for reptiles and/or amphibians. The development shall be implemented in accordance with the approved details and thereafter retained.

- 13) Prior to the occupation of the dwelling hereby approved, details of water efficiency measures shall be submitted to and approved in writing by the local planning authority. The water efficiency measures shall be designed to ensure potable water consumption does not exceed an average of 110 litres per person per day. The development shall be implemented prior to the occupation of the dwelling and in accordance with the approved details and thereafter maintained.
- 14) Throughout the construction period, the development hereby permitted shall be implemented in accordance with Appendix D - Precautionary Method of Working within Preliminary Ecological Appraisal and Phosphates Assessment prepared by Abricon dated 5 May 2022.
- 15) Prior to the installation of any external lighting, full details, including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The light installation shall be carried out in accordance with the approved details and retained thereafter.

**** End of Schedule ****