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## Appeal Decision

Inquiry held on 27 August, 2-4 September 2025

Site visit made on 4 September 2025

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> September 2025

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**Appeal Ref: APP/E3335/W/25/3363643**

**Land at 353314 146683, Glencot Road, Wookey Hole, Wells BA5 2NU**

- 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 Gladman Developments Ltd against the decision of Somerset Council.
  - The application reference is 2024/1322/OUT.
  - The development proposed is erection of up to 78 dwellings with public open space, landscaping, sustainable drainage system and vehicular access point.
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### Decision

1. The appeal is allowed, and outline planning permission is granted for erection of up to 78 dwellings with public open space, landscaping, sustainable drainage system and vehicular access point, at Land at 353314 146683, Glencot Road, Wookey Hole, Wells BA5 2NU in accordance with the terms of the application, reference 2024/1322/OUT, subject to the conditions set out in the schedule at the end of this decision.

### Preliminary Matters

2. The application was made in outline with all matters except access reserved for future consideration. I have treated all other plans submitted as indicative. However, insofar as these show the general locations of development within the site, indicate a point of connection between its northern and southern halves, and demonstrate scope for ecological compensation and mitigation, I consider that they provide a reasonable guide to the scheme likely to be advanced at reserved matters stage. They have informed my assessment accordingly.
3. The application was partly refused on grounds that the submitted travel plan was unsatisfactory, bat surveys were inadequate, and that the development did not demonstrate nutrient neutrality. Following the provision of further information at appeal the Council has withdrawn its objections. I will however consider these matters further below to the extent that it remains necessary.
4. With the agreement of the parties, I have edited the description of development in the banner heading above, removing superfluous text.

### Main Issue

5. The main issue is whether the site is a suitable location for the proposed development having regard to its effects on the character and appearance of the area.

## Reasons

### *Policy Background*

#### *(a) Core Policy 1*

6. Core Policy 1 of the Mendip District Local Plan 2006-2029 Part I: Strategy and Policies (the LPP1) sets out the former district's spatial strategy. This seeks to achieve a sustainable pattern of growth by directing development towards a hierarchy of settlements defined by 'development limits', within which Wells is identified as a principal settlement. The site adjoins but nonetheless lies beyond the development limit of Wells. Within such countryside locations development is strictly controlled, unless in accordance with exceptions set out within part (3) of Core Policy 1, or within Core Policy 4 of the LPP1. As none of these exceptions would apply the development would conflict with Core Policy 1.
7. The development limits set by Core Policy 1 act to constrain development in accordance with housing figures which are now long out of date. This is even before consideration of the significant shortfall in the Council's supply of deliverable housing sites (5YHLS) which currently stands at 2.84 years.
8. Despite dissolution of the district to which it relates, I have however been provided with no reason to believe that the hierarchy set out within Core Policy 1 is itself similarly out of date. In this regard the Council considers that the location would be sustainable. Though interested parties nonetheless claim that recent development within the parish has been excessive, I share the Council's view that future occupants would be supported by and would have easy access to services and facilities in Wells. Notwithstanding the site's location outside the development limit, the appeal scheme would not therefore undermine the sustainable pattern of growth envisaged by Core Policy 1 but would instead help to reinforce it. For this and the above reasons I place greater weight on the sustainability of the location than I do the fact that the site lies outside the development limit.

#### *(b) Core Policy 10*

9. Core Policy 10 sets out an again now dated strategy for development in Wells, including housing allocations. Allocation CP10B includes the site within its Northern Development Area, in relation to which the supporting key diagram and plan shows it as a 'green gap'. The policy states that this, together with land within the Southern Development Area of allocation CP10B, will be safeguarded as a Local Green Space (LGS). However, following its rejection during examination of the Mendip District Local Plan Part 2, no such designation was ever made. Moreover, the site has not otherwise been secured as open space in conjunction with development brought forward on allocation CP10B towards the east.
10. Core Policy 10 clearly envisaged that the site would not be developed. The green gap has also been recognised by other Inspectors in relation to land to the south. However, whilst I accept that gaps might hold value as spatial planning tools, Core Policy 10 does not designate the site, and the term 'green gap' does not appear within the policy text. The latter does not otherwise explicitly prohibit nor seek to regulate development within the site. It follows that whilst the policy lists a number of somewhat generalised reasons why designation as an LGS was thought necessary, including bats, amenity, and fears of coalescence between Wells and Haybridge, these do not constitute criteria against which to assess the scheme.

Nor, based on the limited information provided, can it be assumed that they represent a comprehensive list of concerns equally applicable to all parts of the identified gap.

11. This appears illustrated by the key diagram's indication that the otherwise undefined settlement of Haybridge does not share a boundary with the site, but that it is separately located towards the southwest. The distinction is emphasised by the demarcation of the Strawberry Line between. Having regard to the age of development and features on the ground, the situation does not appear to have changed since the key diagram was drawn. Concerns surrounding coalescence with Haybridge reported within Core Policy CP10 thus appear to have been more specifically applicable to the Southern Development Area. Within that context a relevant gap between the edge of Wells and Haybridge has already been retained.
12. The Council's assertions that Core Policy 10 forms a basis to conclude that development within the site is unacceptable in principle, and that this would necessarily result in coalescence with Haybridge do not therefore stand up to scrutiny. True, the appeal scheme would appear inconsistent with what Core Policy 10, its supporting text and diagrams envisaged for allocation CP10B. However, as my findings above indicate that such inconsistency cannot be properly characterised as 'conflict', this is a matter to which I attach limited weight. For much the same reasons I attach limited weight to the Council's fallback on the claim that public confidence in the planning system would be undermined were the gap to be developed.
13. As the site does nonetheless form a periodically green space between the edge of Wells and other development towards the west, its role as a gap exists regardless of Core Policy 10. In this regard the appeal scheme sensibly falls to be assessed against policies which generally address character and appearance. Notably neither Core Policies 1 nor 4 cover the matter. However, Policy DP1 of LPP1 which seeks to secure development which contributes positively to the maintenance and enhancement of local identity and distinctiveness is directly relevant.

#### *Character and appearance*

14. The site is roughly rectangular with long axis running north-south. It is reasonably level across its southern half but with ground levels markedly rising toward the northwest corner. It is made up of 2 agricultural fields towards the centre of which lies another field which has been excluded from the site. As historic maps evidence past removal of hedgerows from within the site, its overall layout has been subject of some past change, limiting any sense of time-depth.
15. The fields are generally enclosed by hedgerows, which include a group of mature oak and ash trees. Whilst the treed boundary of the Strawberry Line defines the south side of the site, the overgrown hedge along the east side currently marks the edge of Wells. A cluster of suburban housing usefully described by one contributor to the Inquiry as 'Glencot hamlet' lies immediately towards the northwest, and a historic paper mill towards the west. As such, and as noted above, the site forms a space between Wells and development towards the west. This is most appreciable in views across the site from the mill, from the public right of way which crosses the northwest corner of the site, and more generally in views from higher ground along Lime Kiln Lane towards the north.

16. The site has most recently been used for growing maize. Though this might not represent a typical agricultural land use within the surrounding area, the maize is presumably grown to provide cattle feed. Its presence within that appears to be an otherwise largely pastoral landscape is therefore complementary in functional if not visual terms.
17. The scheme would see development extend beyond the western edge of Wells. Within the northern part of the site this would modestly reduce the separation of Wells and Glencot hamlet. A reasonable gap would however remain given retention of a large area of open space covering the highest ground within the northwest corner of the site. This would continue to provide a sense of physical and visual separation, albeit the character of the retained space would change from that of agricultural land. Here I share concerns expressed by the Council's landscape witness that if treated in a similar way to retained open space within the Southern Development Area its quality and effectiveness could be limited. It nonetheless falls within the scope and definition of the reserved matter of landscaping for the Council to secure a more sensitively designed and managed scheme.
18. The southern part of the site would be fully developed. This would physically and visually close the gap between Wells and the mill, notwithstanding a broad band of vegetation that would remain and could be provided between. Designing the proposed dwellings in a contrasting style to the mill would not make any difference, and even in the improbable event that all external views were successfully screened, the developments would still occupy opposite sides of the same road. This would be obvious to anyone travelling through the site. Some perceptible coalescence would therefore occur.
19. Insofar as Haybridge remains relevant, the mill pre-dates its existence, and continues to stand in isolation a short distance to the north of the Strawberry Line. In its original incarnation as a railway line the latter itself also pre-dated the settlement. The mill still remains sufficiently distinct from residential development towards the south of the Strawberry Line that any coalescence between the mill and Wells would not be perceived as coalescence with Haybridge. This impression is and would not be altered by presence of the Haybridge name sign on the north side of the bridge over the Strawberry Line. It is of some further relevance to note, that despite the gap retained to the south, the effective coalescence of Haybridge and Wells has already occurred at the other end of the settlement. Within this context the appeal scheme would do little to affect the ability to perceive Haybridge as an entity distinct from Wells or somehow transform it into a 'suburb'.
20. The mill has recently been added to the Local List, confirming its status as a non-designated heritage asset. To the extent that it is relevant, the significance of the mill is derived from its long establishment, the various forms of power it has utilised in the past, and its design and visual presence. The latter is broadly appreciable despite modern screening. No historic connection between the mill and the site has been drawn to my attention, and though the mill has always stood in isolation, it is apparent that its original positioning was perhaps chiefly influenced by the desire to utilise water power. As noted above, the development and mill would remain separated by the road between, and the more immediate setting of the mill would remain unchanged. The significance of the mill and the ability to appreciate its significance would therefore be unaffected. That and the above being so no obvious harm would arise solely from coalescence between Wells and the mill.

21. The development would obviously have a transformative effect on the character of the site, and its southern half in particular. But despite asserting that the site holds 'amenity' value as an undeveloped rural landscape, the Council sought to distance itself from many of the objections presented by its landscape witness at the Inquiry. Indeed, it stressed that it raised no objection to the scheme on landscape grounds, reflecting its earlier case officer assessment of compatibility with landscape character and compliance with landscape policy. The logical distinction drawn between this conclusion and the scheme's refusal on grounds of loss of trees and hedges described as 'significant landscape features', remains unclear. Interested parties have nonetheless raised objections which require further consideration.
22. In views from higher ground towards the north, including from along Lime Kiln Lane, development would form a more continuous feature in the foreground than it does at present. From some limited perspectives this would close what appears to be a narrow visual corridor across the site towards the countryside beyond. Insofar as such views would be from public rights of way both within and tracing the edge of the Mendip Hills National Landscape (the NL), I have considered whether the NL would be affected, thus triggering the duty to further the purposes for which it was designated.
23. The fact that the development would be partially visible from within the NL does not in itself indicate an effect. This is because the site does not appear to make any direct contribution either to the natural beauty of the NL or to its appreciation within the views in question. Alongside the strong visual presence of existing development, it is unlikely that that added by the scheme would noticeably disturb the tranquillity, sense of remoteness or darkness of the NL. Though the adjacent development constructed as part of allocation CP10B is nonetheless conspicuous, the proposed development would not have a similarly strong frontage on Wookey Hole Road or the same level of visual presence overall. Furthermore, it falls within the scope and definition of the reserved matter of appearance for the Council to secure a more sensitively designed scheme. In this regard the need to achieve a better response to local distinctiveness and to utilise a more carefully considered palette of materials can each be clarified by condition.
24. With distance, the site is an increasingly small and insignificant component of an expansive vista within which attention is principally directed towards the wider landscape and prominent features within it such as Glastonbury Tor. It also plays no more than a minor role in views towards the NL itself. Though a clear line of view towards the NL is available from the footpath crossing the northwest corner of the site, as has been noted above, this land would be retained as open space. Whilst it is open to question therefore whether the NL would be affected at all by the development, either way I am satisfied that the natural beauty of the NL would be conserved.
25. As noted above, the removal and realignment of an established hedgerow would be required to form the proposed access. The hedge in question is dense, broad, and species rich, and so appears to be both long established and in relatively good condition. Its loss and realignment to form a visibility splay would harm the established character and identity of the site. Subject to specification and care, a hedge of similar construction, composition and dimensions could however be reestablished reasonably quickly in compensation for the loss. Moreover, additional hedgerows would be introduced to the retained open spaces in connection with mitigation for effects on protected species. This can be secured by condition.

26. It has been indicated that connecting the northern and southern parts of the site would require removal of a mature oak tree (T28) which is currently the subject of a provisional Tree Preservation Order. This was made in response to the scheme. T28 is around 200 years old, and of substantial height and spread. It appears to form one of group of trees planted along the same boundary. Though not publicly accessible, it is visible from various public viewpoints both inside and outside the site, and is a both noble and attractive feature.
27. As no plan which specifically details the link between the 2 parts of the site is before me, the removal of T28 would remain a matter to be further clarified within the context of the reserved matter of layout. Proceeding on the basis its removal is nonetheless likely to be required, the harm caused could not be directly or swiftly compensated. Though 3 large sized replacements have been proposed, it is questionable whether the indicative planting positions shown on the plans would provide the potential for them to attain the same spread and stature of T28. Sufficient opportunities for this would however exist within areas of retained open space in the northern half of the site if not, and oak trees could also be planted as a broader feature of the scheme's design. The matter can therefore be resolved within the context of the reserved matter of landscaping.
28. Policy DP1 indicates that harm arising from the loss of features recognised as being distinctive stands to be balanced against the wider benefits of the scheme, taking mitigation into account. With proper compensation, as discussed above, the overall level of harm would be much reduced. Set against this, the principal benefits of the scheme would be provision of up to 78 dwellings, 40% of would be affordable. If considered 'deliverable' this would help to address the Council's significant shortfall in 5YHLS. Though the scale of contribution would be modest, I am satisfied that the associated social and economic benefits would outweigh the harm identified.
29. For the reasons outlined above I conclude that the effect of the development on the character and appearance of the area would be acceptable.

### *Conclusion on the Development Plan*

30. I have attached limited weight to the Council's assertion of conflict with Core Policy 10, and greater weight to the scheme's contribution towards the sustainable pattern of growth envisaged by Core Policy 1, than on conflict arising from the site's location. I have furthermore established that the benefits of the scheme would outweigh harm arising from loss of hedges and T28. Though these findings do not allow me to conclude that the scheme would comply with the development plan taken as a whole, it remains the case that it would not cause any unacceptable harm. This finding indicates that the development would be acceptable despite the identified conflict.

### **Other Matters**

#### *(a) Habitats sites*

31. The site lies near to the North Somerset and Mendip Bats Special Area of Conservation (SAC), and within the catchment of the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar Site (collectively, the habitats sites). The SAC is partly designated for habitat and support it provides for lesser and greater horseshoe bat. Both species use the site for nighttime foraging and

commuting, chiefly along hedgerows. The SPA and Ramsar site are principally designated in relation to wetland species and birds. As the appeal scheme would entail loss of hedgerows and introduction of artificial lighting, each could have an adverse effect on bats. Nutrient enriched wastewater discharged from the site could also enter the SPA and Ramsar site, contributing to harmful eutrophication. Potentially significant effects on the integrity of the habitats sites cannot therefore be excluded. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) an Appropriate Assessment (AA) is required.

32. Where available, the conservation objectives of the habitats sites seek to maintain or restore integrity, and to sustain the favourable conservation status of their qualifying features and species. The above effects would be at odds with these objectives.
33. The appellant has produced a Shadow Habitats Regulations Assessment (sHRA) which has undergone revision during the course of the appeal, in consultation with Natural England (NE). NE has expressed its satisfaction with the most recent revision of sHRA subject to relevant measures being secured. I am therefore generally content to base my AA on Revision E of the sHRA.
34. In relation to the SAC, the appellant has calculated the required mitigation using a methodology drawn from the North Somerset and Mendip Bats SAC Guidance on Development: Supplementary Planning Document. This would include maintenance of a dark corridor along the east side of the site, new hedgerow planting, and the provision of hop-overs where openings are to be formed in new hedgerows. It would also include sensitive lighting, together with provision of improved foraging habitat. These measures and their management can be secured by condition.
35. In relation to the SPA and Ramsar site, improvements at waste water treatment works are scheduled for completion by 2030. These, in combination with the implementation of a sustainable urban drainage scheme, and the optional building regulations requirement limiting water consumption, would achieve neutrality. 2030 falls within the timeframe for commencement of the development, and even if the development was commenced at an earlier date, occupancy could occur later. However, in the event that the development was commenced and first occupied prior to 2030, measures would be required in the interim to avoid and offset any increase in the level of nutrients discharged. It has therefore been proposed to purchase of credits within the catchment from a P-Credit provider. As the Council is confident that an ample ongoing supply of credits from providers with legal agreements in place exists, it sees no need for reservation in advance. This is a change in position to that adopted in its own guidance, and a lack of reservation reduces certainty. However, given that credits might not ultimately be required for the scheme to progress, I am content to proceed on the same basis. Purchase of credits, if required, has been secured within a Unilateral Undertaking (UU).
36. My findings above allow me to conclude that the appeal scheme would not adversely affect the integrity of the habitats sites. This finding will require review, as necessary, in clearance of the reserved matters.

*(b) Protected species*

37. Aside from horseshoe bats, the presence of at least 12 other species of bat have been recorded foraging within and commuting across the site. Within this context

the measures required in relation to horseshoe bats would also be broadly applicable and/or beneficial to other bat species.

38. The presence of hazel dormice has been identified in one of the hedgerows enclosing the site. It has therefore been assumed that they are present in all suitable habitats on site. Whilst any adverse effects on dormice would for the most part be avoided by the retention of hedgerows and trees and by their buffering during construction, those removed would result in loss of habitat and connectivity, and disturbance could be caused. The scale of impact is considered low, and on this basis recent guidance indicates that more detailed survey work is not required to clarify the likely impact. Whilst appropriate working methods can be secured through a Construction Environmental Management Plan, new hedgerow planting and hop overs provided in relation to bats would also be suitable for dormice, providing mitigation and compensation for loss of habitat and connectivity. Provision and management can be similarly secured by condition. In addition, further hedgerow and woodland planting required in fulfilment of separate biodiversity net gain requirements (BNG) could also be suitable for dormice. These measures would in time increase and enhance the habitat available for dormice on site. Insofar as a license would be required to carry out works that would affect dormice, based on the above, I have no reason to believe that such a license would be withheld.
39. The Construction Environmental Management Plan would likewise secure measures to avoid and mitigate any harm to slow worms.

*(c) Other concerns*

40. A range of additional concerns have been raised by interested parties, including flooding, pollution and traffic. Whilst concerns relating to flood risk have been addressed through the submission of further information, other regulatory regimes exist to manage pollution which might be generated by processes undertaken in the future at the adjacent mill. The Highways Authority has not indicated the likelihood of congestion, and the development would otherwise be subject of a Travel Plan which would promote sustainable travel. I therefore share the Council's view that these matters would not give rise to any unacceptable effects.

*(d) Housing land supply*

41. I have outlined above the Council's 5YHLS position above. Based on my findings it is apparent that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Framework (the Framework) taken as a whole. Alongside my conclusion on the development plan above, this provides an additional indication that the scheme would be acceptable.

*(e) Planning obligations*

42. Alongside nutrient mitigation secured by the submitted UU, a range of planning obligations have been secured within a submitted S106 Agreement. These obligations include the provision of affordable housing and open space; contributions towards improvement/support of the adjacent Strawberry Line, local medical facilities, hospitals and schools; implementation of the scheme Travel Plan; necessary highways works; payment of monitoring fees; and governing the provision of site drainage. Having regard to justification set out within the Council's

CIL Compliance Statement, together with supplementary evidence, I am satisfied that the obligations contained within the UU and S106 meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended), and paragraph 58 of the Framework.

### **Conditions**

43. Conditions (1) – (4) are standard conditions required to set the timescales for submission of details and commencement of the development, and to identify the approved access plan and reserved matters.
44. Condition (5) requires provision of a Sustainability Strategy covering energy efficiency and generation, addressing requirements set out within Policy DP7 of the LPP1.
45. Condition (6) secures the provision of hedgerow and tree planting required to compensate for losses and to mitigate related effects on bats and dormice, each to be detailed as part of the reserved matter of landscaping.
46. Condition (7) secures provision of finished floor levels in relation to the reserved matter of scale. This is in order to allow for more detailed assessment in relation to the surrounding setting.
47. Condition (8) secures details of a pedestrian/cycle link to be provided up to the site's boundary with the Strawberry Line as part of the reserved matter of layout. This will enable a connection to be formed through adjoining Council land and for future occupants to use the Strawberry Line to access Wells.
48. Condition (9) requires details submitted in relation to the reserved matter of appearance to reflect/reinforce local distinctiveness and minimise the visual presence of the development in long views. This is in order to help the development to visually integrate with its landscape setting.
49. Conditions (10) and (11) each address measures required to avoid adverse effects on horseshoe bats, including the provision of a dark corridor along the east side of the site, to be detailed within the context of the reserved matters of layout and appearance.
50. Condition (12) secures provision of an arboricultural method statement and tree protection plan, required to help safeguard retained trees on site.
51. Condition (13) secures provision of a Construction Environmental Management Plan required to ensure that the construction process does not have any adverse effect on protected species and other wildlife. Licencing is added as a topic to be covered. There is no need for a standalone condition requiring a license, as this is a separately established legal requirement.
52. Condition (14) secures provision Construction Management Plan in the interests of neighbour amenity and highway safety. The necessity for this plan to be compatible with those required under Conditions (12) and (13) is emphasised.
53. Condition (15) secures provision of a Landscape Ecological Management Plan which is required to ensure the long term management and proper function of measures provided to mitigate and compensate for the scheme's effects on trees, hedges, protected and other species.

54. Condition (16) secures provision of a sustainable drainage scheme, helping to ensure proper drainage of the site and reduce nutrient discharge.
55. Condition (17) secures the provision and maintenance of visibility splays at the site access in the interest of highway safety.
56. Condition (18) secures application of the optional building regulations requirement to minimising water use both as a general sustainability measure and reduce nutrient discharge.
57. Condition (19) secures completion of roads and footpaths to a serviceable standard prior to first occupation in the interests of highway safety and general amenity.
58. Conditions (12) – (16) are required to be pre-commencement either because they are drafted to address impacts which are likely to arise from the outset of works, or management actions which may be similarly required from the point of commencement.
59. I have not imposed a condition limiting building heights to 2.5 storeys as insufficient evidence exists at this stage to support the need for such a restriction. Building height otherwise remains a matter to be considered as part of the reserved matter of scale.
60. Conditions have also been proposed in relation to BNG. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is however that planning permission is deemed to have been granted subject to the condition that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. That being so, there is no need to impose any further condition. It is important to note that whilst there may be some overlap, these BNG requirements are separate from those of the mitigation, compensation and management required in relation to protected species and habitats sites secured by other conditions imposed below, which are not similarly time limited.

## **Conclusion**

61. For the reasons set out above, material considerations indicate that a decision other than accordance with the development plan is appropriate in this case. I therefore conclude that the appeal should be allowed.

*Benjamin Webb*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) Details of appearance, landscaping, layout, and scale (hereinafter called "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 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Insofar as it details the site access, the development hereby permitted shall be carried out in accordance with the following approved plan: 1880-01-B.
- 5) Details submitted with the reserved matters shall include a Sustainability Strategy. The statement shall demonstrate how the design of the development maximises opportunities to incorporate and achieve sustainable construction, renewable energy generation, and energy efficiency. The development shall then be constructed in accordance with the approved strategy.
- 6) Details to be submitted for approval in relation to the reserved matter of landscape shall include:
  - a) at least 279m of new hedgerow whose composition, construction and location shall be suitable for and accessible to dormice and Greater and Lesser Horseshoe bats;
  - b) hop overs to be provided by suitable sized native planting to bridge the site access and any other breaks formed in the hedgerows on site;
  - c) at least 3 large sized specimen English oak trees whose planting positions will allow them space to achieve their natural height and spread; and
  - d) an implementation timescale/phasing plan, and planting schedule.
- 7) Details to be submitted in relation to the reserved matter of scale shall include finished floor levels.
- 8) Details to be submitted in relation to the reserved matter of layout shall include provision of a pedestrian/cycle link to site's boundary with the Strawberry Line.
- 9) Details submitted in relation to the reserved matter of appearance shall include a specification of all external roofing and facing materials, whose type, colour and texture shall be selected to both reflect and reinforce local distinctiveness and to minimise the visual presence of the development in long views across the site.
- 10) Details submitted in relation to the reserved matter of appearance shall include a bat sensitive lighting scheme which shall be consistent with the strategy outlined within the submitted Technical Note – Lighting dated 4 July 2025 and the Shadow Habitats Regulations Assessment Rev.E, and supported by lux diagrams which demonstrate the provision of a dark corridor along the east boundary hedgerow.
- 11) Insofar as it is relevant to the reserved matters of layout and appearance, the design of dwellings with any elevation(s) facing the hedgerow forming the eastern boundary of the site shall not incorporate any glazing or external lighting within or attached to the elevation(s) in question.
- 12) The development hereby permitted shall not be commenced until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) prepared in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved AMS and TPP.
- 13) The development hereby permitted shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in

accordance with BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and the measures set out within the submitted Ecological Impact Assessment Rev.C, and the Shadow Habitats Regulations Assessment Rev.E. The CEMP shall include the following details:

- a) a risk assessment of potentially damaging construction activities;
- b) identification of biodiversity protection zones;
- c) mitigation method statements;
- d) any licensing requirements;
- e) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- f) the location and timing of sensitive works to avoid harm to biodiversity features, including protective fences, exclusion barriers and warning signs;
- g) the times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken;
- h) responsible persons and lines of communication; and
- i) the role and responsibilities on site of an ecological clerk of works or similarly competent person.

Construction of the development shall then proceed in accordance with the approved CEMP.

- 14) The development hereby permitted shall not be commenced until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall be fully compatible with the TPP and AMS approved in relation to Condition (12), CEMP approved in relation to Condition (13) and the and shall include details of:

- a) parking for site operatives and visitors;
- b) areas for loading, unloading and storage of plant and materials;
- c) details of hoardings/security fencing;
- d) measures to control the emission of water, dust, dirt and odour;
- e) measures to minimise light spill, noise and vibration;
- f) waste management measures;
- g) hours of work, including deliveries;
- h) management of arrivals and departures including HGV routing; and
- i) a point of public contact.

The construction phase of the development shall then proceed in accordance with the approved Construction Management Plan.

- 15) The development hereby permitted shall not commence until a Landscape Ecological Management Plan (LEMP) produced in accordance with BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall encompass all new habitats and landscaping to be provided on site in accordance with the submitted Ecological Impact Assessment Rev.C, and Shadow Habitats Regulations Assessment Rev.E, including trees and hedges to be provided in accordance with Condition (6). The LEMP shall cover the operational lifetime of the development and include the following details:

- a) a description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) a work schedule including provision to be made for watering during establishment, and an annual work plan;
- g) identification of the body or organization responsible for implementation of the LEMP; and
- h) provision to be made for ongoing monitoring and remedial measures.

The development shall then be implemented and shall thereafter be managed in accordance with the approved LEMP.

- 16) The development hereby permitted shall not commence until a detailed Sustainable Urban Drainage Scheme which includes a timetable covering its implementation and a maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with CIRIA Guidance 808, the Nutrient Neutrality Assessment and Mitigation Budget V.3 dated June 2025, and the Shadow Habitats Regulation Assessment Rev.E. The scheme shall then be implemented and maintained as approved.
- 17) The site access hereby permitted shall not be brought into use until the visibility splays shown on the approved plan have been provided. At all times thereafter, the visibility splays shall be retained and kept free from obstructions >600mm above the level of the adjacent highway.
- 18) The dwellings hereby permitted shall be constructed in accordance with the optional requirement limiting consumption of wholesome water to 100 litres per person per day set out within Part G of Schedule 1 and Regulation 36 to the Building Regulations 2010 (as amended).
- 19) No dwelling hereby permitted shall be occupied until the roads and footpaths linking it to the public highway have been constructed to at least base course level.

## **APPEARANCES**

### **For the Appellant**

Christian Hawley

Counsel for the appellant, No.5 Chambers

#### *He called:*

Kurt Goodman

(Ecology) FPCR Environment

Laurie Lane

(Planning) Lane Town Planning

Dick Longdin

(Character and appearance/landscape) Randall Thorp

### **For the Local Planning Authority**

Olivia Davies

Counsel for the LPA, Cornerstone Barristers

#### *She called:*

Andrea Clenton

(Character and appearance/landscape) Somerset Council

Ed Winter

(Planning) Somerset Council

### **Interested Parties**

Jim Reeves

St Cuthbert (Out) Parish Council

Ivor Tetley

Local resident

John Winstone

Local resident

## **INQUIRY DOCUMENTS**

- ID1. Appellant's technical note: ecological clarification.
- ID2. Appellant's appearance.
- ID3. Appellant's opening statement.
- ID4. LPA's opening statement.
- ID5. Statement by St. Cuthbert Out Parish Council.
- ID6. Mendip Local Plan Part 1 Policies Map.
- ID7. Interested party submission regarding hedgerow boundary ownership.
- ID8. Interested party submission on Non-Designated Heritage Asset St Cuthbert's Mill, 3 September 2025.
- ID9. Somerset Council Nutrient Neutrality in Somerset: Guidance for Applicants, August 2025.
- ID10. Natural England Hazel Dormice Standing Advice for making planning decisions, 23 April 2025.
- ID 11. Hazel Dormouse Mitigation Handbook, 2025.
- ID 12. Somerset HER – 24350 St Cuthberts paper mill with gas works, S of Wookey Hole - Local listing, 17 June 2025.
- ID 13. Somerset HER - 24350 St Cuthberts paper mill with gas works, S of Wookey Hole - Local listing Map, 17 June 2025.
- ID 14. Development contributions to the Strawberry Line. Somerset Council.
- ID 15. Somerset Council Planning Fees and Charges (2025-2026), March 2025.
- ID 16. Draft Conditions Version 8.
- ID 17. Draft Unilateral Undertaking.
- ID 18. Draft S106 as of 4 September 2025.
- ID 19. Ecology SoCG Addendum.
- ID 20. LPA's Closing Statement.
- ID 21. Appellant's Closing Statement.