
Appeal Decision

Site visit made on 23 September 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th October 2025

Appeal Ref: APP/E3335/W/25/3365983

Land Adjoining Willow Barn, Stowey Road, Fivehead TA3 6PR

- 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 Mr and Mrs Chedzoy against the decision of Somerset Council.
 - The application Ref is 24/02872/FUL.
 - The development proposed is the change of use of agricultural field and erection of a self-build dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Stowey Farmhouse and wall, and an adjacent outbuilding are grade II listed buildings. As required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard has been paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

3. The main issues are:-
 - whether the dwelling would be in a suitable location for residential development, having regard to national and local policy; and
 - the effect of the scheme upon the Somerset Levels and Moors Ramsar.

Reasons

Location

4. Positioned near to the northern boundary of a field laid to grass, the proposed single storey dwelling with attached garage would have a contemporary style and appearance with gently pitched roofs and large windows positioned within cladded walls. The existing field access would be utilised, and a long sweeping drive would run approximately parallel to the hedge along Stowey Road. The access would be shared with users of the public right of way that diagonally crosses the field. To the south and west are arable and grassland fields, many of which are delineated by hedges and hedge trees. Separating the dwelling from the nearby Willow Barn and its gardens would be part of the existing field.
5. Policy SD1 of the South Somerset Local Plan (2015) (LP) supports a proactive approach when considering development to reflect the National Planning Policy

Framework's (the Framework) presumption in favour of sustainable development. LP Policies SS1 and SS2 set out the development hierarchy for the Council's area, with the focus being upon towns and larger villages to accommodate growth. LP Policy SS1 refers to rural settlements being considered as part of the countryside to which national countryside protection policies apply, subject to the exceptions identified in LP Policy SS2. Although the appellants point out that the Council has not referred to LP Policy SS2 in the decision notice, it is mentioned in both the Council's appeal statement and officer report. This Policy also informs the development hierarchy for the Council's area as it requires that development in rural settlements will be strictly controlled, with housing being limited to that which meets an identified housing need and in locations where the rural settlements have two or more key services.

6. Despite the loose scatter of dwellings near to the appeal site, the dwelling would be positioned within the countryside rather than within or near either of the nearby villages of Fivehead and Curry Mallet. Within both these villages there are a variety of services and facilities, and the Transport Statement (2024) of the appellants has shown that many of these, including a bus service to nearby towns, would be within a 2000m walk distance away for future occupiers. Even with the option of home working, electric vehicles and home deliveries, the location of the dwelling would necessitate future occupiers traveling to nearby villages to access services and facilities.
7. Stowey Road is a narrow country lane that is unlit, with no footway, often being closely bounded by hedges and trees with occasional, mostly informal passing places along its length. Although the appellants and local residents have described the road as lightly trafficked, popular with walkers and with no accident record, the narrow and enclosed nature of the road is such that walking and cycling along it would create conflict with vehicles, particularly so given the distances involved. Whilst the Transport Statement refers to good lines of sight, the road's undulating, curvaceous nature is such that long sight lines are often precluded. In such circumstances, walking along the road for the distances required may not be an option for some future occupiers, particularly at night or during inclement weather. There might be an expectation of car use in rural areas, as found in appeal decision APP/E3335/W/24/3348456, but this scheme was within a former nursery that was close to the edge of the village. As the proposed dwelling would be within a field in the open countryside set apart from any nearby settlement, future occupiers would be largely dependent upon private vehicles to access services and facilities.
8. Given this and the open countryside position of the dwelling, it would not be a suitable location for housing having regard to the objectives of the above referenced LP Policies, nor would it accord with objectives of the Placemaking Principles for Somerset (2024) (PP) with its requirement of providing safe connectivity to facilities and services, including by means other than the private car.
9. The appellants and local residents have drawn attention to inconsistencies of the Council's decision making, citing other nearby decisions concerning homes within the countryside, namely a gypsy and traveller site and a permission for a dwelling at Lower Swell (ref: 21/03729/FUL). Details of the former have not been provided including the location of the site and the number of homes provided, but even if they had, such a permission would be very different to the appeal scheme thereby significantly limiting any comparison with it. As regards the Lower Swell permission, although located in the countryside deriving access to the village via a

narrow unlit lane with no footways, this dwelling would be closer to Fivehead than the appeal site. In addition, the scheme was for the demolition of an existing barn rather than the erection of a new building within a field. Given these differences, this comparison does not form a binding precedent for approving the appeal.

Habitat Sites

10. The Somerset Levels and Moors Ramsar is an internationally important habitat site, designated because of its extensive lowland wet grasslands and wetlands that attract internationally important numbers of wildfowl, aquatic invertebrates and breeding waders. Nutrient pollution is a particular problem for these habitats as it can cause eutrophication that disrupts and destroys them thereby detrimentally impacting upon the species they support. Unacceptable levels of phosphates are entering the Ramsar and the resultant eutrophication has now put its interest features in an unfavourable condition. It is imperative that no additional phosphates enter the catchments, and it follows that new residential development should demonstrate that it is nutrient neutral to ensure that additional nutrients do not enter the Ramsar.
11. To make the dwelling phosphate neutral, the scheme proposes connection to the existing septic tank in the rear garden of Willow Barn, which in turn will be upgraded to a package treatment plant. The appellants have provided a Nutrient Neutrality Assessment and Mitigation Strategy (2024) that refers to the package treatment plant being an acceptable mitigation measure to Natural England, and one which would result in a net reduction in total phosphates entering the catchment.
12. However, there is disagreement between the main parties concerning the accuracy of the phosphate budget assessment calculations. Irrespective of this disagreement, no means of securing the package treatment plant has been provided, including when it would be installed, by whom and how it would be maintained. Furthermore, this plant would be in a separate ownership to the appeal site, and the house's connection to it would be across a field that is also not owned by the appellants. Whatever the level of mitigation required, in the absence of a means of securing the proposed mitigation and its ongoing maintenance, the scheme has failed to conclusively demonstrate that it would be nutrient neutral.
13. The Framework makes it clear that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated, then planning permission should be refused. In this case the scheme has not demonstrated that it would be nutrient neutral and that it would not adversely affect the integrity of the Ramsar. This harm would conflict with the requirements of the Conservation of Habitats and Species Regulations (2017) (the Regulations) and with those of LP Policy EQ4. As this policy seeks amongst other things, that development will not be allowed to proceed unless it can be demonstrated that it would not result in any adverse impact upon the integrity of national and international wildlife designations, the scheme would fail to accord with this objective.
14. The Regulations require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects on a habitat site, either alone or in combination with other schemes, and this duty falls to occur with the appeal. However, given the above findings, it has not been necessary to examine

this matter in greater detail, including undertaking an Appropriate Assessment to assess the likely significant effects of the proposal on the integrity of the Ramsar.

Other Matters

15. Stowey Farmhouse, its wall, and an adjacent outbuilding are grade II listed buildings. This eighteenth century farmhouse and its seventeenth century outbuilding form a historic cluster of buildings that have a legible presence as a former farmstead. The age of the buildings, the use of local materials such as the coursed rubble stone and the thatched roof of the outbuilding, are part of their special architectural and historic interest. The presence of detailing and embellishments, such as stone mullioned windows, a tiled roof, finials and leaded lights, serve to define the residential status and social importance of the farmhouse, particularly as it is positioned to front the road. These elements of the buildings, along with their clustered grouping is also part of their significance, and they make an eye-catching group that belies their historic importance and function within the area. Their impact can be seen from long distances away, and this visual impact is part of the setting and significance of these listed buildings.
16. The dwelling and its gardens would be set apart from this historic group, being separated from them by the remaining part of the field and by Willow Barn and its gardens. Although a single storey home, Willow Barn is close to the listed outbuilding and farmhouse and has a conspicuous, eye-catching form and appearance as well as being positioned within extensive gardens. Given the presence and impact of this dwelling within the setting of the listed buildings, along with the separation of the proposed dwelling from the farmhouse and outbuilding, the addition of another single storey home and its associated residential paraphernalia would have a neutral impact upon the setting of these listed buildings.
17. Concerns of the appellants and local residents regarding the Council's handling of the application and consistency of decision making, relate to procedural matters and have no bearing on the consideration of the planning merits of the case.

Planning Balance

18. The Framework requires that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. For the reasons found above, the scheme would conflict with policies in the LP. LP Policies SD1, SS1, and SS2, are broadly consistent with the Framework with regards to its requirements to seek a presumption in favour of sustainable development, locating new homes near to facilities and services to reduce the need to travel by private vehicles, to protect the countryside, and rural housing being responsive to local circumstances and needs. LP Policy EQ4 reflects the Framework's requirements whereby if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated, then planning permission should be refused. The consistency of these policies with the Framework should be afforded significant weight.
19. The Council has acknowledged that it cannot demonstrate a five-year housing land supply, with the appellants referring to a supply of 2.11 years. In such a situation, an additional home would be a benefit of the scheme that would weigh in its favour, particularly as the Framework advises that small sites can make an important contribution to meeting housing requirements. The Framework also requires

housing for various needs. This includes provision for people wishing to commission or build their own homes, and that housing in rural areas should be responsive to local circumstances and reflect local need.

20. The appellants are on the Council's local register of custom and self-builders, and they attribute substantial weight to the Council's shortfall of supply of serviced plots as was found in appeal decision ref: APP/E3335/W/24/3348456, with appeal ref: APP/H1840/W/19/3241879 recognising that the Council's absence of a policy regarding the delivery of self-build homes would conflict with the requirements of the Framework. In such circumstances the provision of an additional self-build home would be a benefit of the scheme that would accrue moderate weight. Further modest though time limited benefits would arise from the construction of the dwelling.
21. Although the dwelling would be a self-build home, it would result in sporadic development in the countryside, and one with no physical or visual relationship with any nearby village. The appellants have not provided an explanation or justification of why they need to live in an open countryside location, nor has any means of securing the home as self-build been provided. An additional household would have a modest impact in supporting local services and facilities, but future occupiers would be reliant on private vehicles to access them. Furthermore, a self-build dwelling in the countryside would not meet any of the specified needs cited within paragraph 84 of the Framework. These harms would thereby considerably outweigh the modest benefits arising from the scheme.
22. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The Framework makes it clear that where protected areas and assets are harmed by a proposal, and this includes habitat sites, then the harm to them provides a strong reason for refusing the development. As there would be harm to the Somerset Levels and Moors Ramsar, it follows that despite the above benefits, the strong reasons for refusing the scheme outweigh them.

Conclusion

23. For the above reasons the scheme would result in significant harms that could not be overcome by conditions, and there would be conflict with the development plan when considered as a whole. There are no other considerations, including the requirements of the Framework, that outweigh this finding. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR