



Appeal Decision

Site visit made on 23 September 2025

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th October 2025

Appeal Ref: APP/E3335/W/25/3364074

Home Farm, Back Lane, Stoney Stratton, Shepton Mallet, Somerset BA4 6EA

- 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 James Beazer against the decision of Somerset Council.
 - The application Ref is 2024/2090/FUL.
 - The development proposed is described as 'The proposal is for three new dwellings in place of Part Q Consent for three new dwellings.'
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Mendip Local Plan Part II Limited Update was adopted following the submission of this appeal. However, the scope of this Update was limited to addressing a High Court judgment and largely relates to housing allocations at large settlements and one village, Coleford. The local policies on which the Council's original decision was made therefore remain relevant.

Main Issues

3. The main issues are:
 - Whether the location would be suitable for the proposed dwellings having regard to spatial policies; and
 - The effect of the proposal on the character of the area.

Reasons

Location

4. Stoney Stratton appears somewhat fragmented, with development largely focused on High Street and Back Lane. The appeal property is a farmstead at the outer edge of Back Lane. Although accessed via a ford and separated from other properties by this feature, the main farmhouse is still close to other dwellings in this locale. The appeal site is the rear yard adjacent to buildings that form the front yard close to the farmhouse. As such, even though the rear yard is otherwise edged by countryside, the wider appeal property is visually connected to this settlement. Therefore, while it could be considered somewhat remote from services and significant settlements, a matter which I will return to later in this decision, the site is not isolated from existing development.
5. Core Policy 1 of the Mendip District Council Local Plan Part 1 (Local Plan) provides support for development in hamlets in line with provisions set out in Core Policy 4 of the Local Plan.

Core Policy 1 goes on to state, with regards development in the Countryside, this will be strictly controlled but may exceptionally be permitted in line with the provisions of Core Policy 4. Therefore, the requirements of Core Policy 4 is applicable if I accept either of the main parties' assertions regarding the location of the appeal site.

6. Addressing these requirements, the settlement is not defined as primary or secondary in the Local Plan and the proposal does not make provision for social housing. Although it is suggested that the units would be used by family members, I find no compelling evidence or certainty that these would be occupational dwellings where there is a proven and essential functional need to support rural enterprises. Moreover, essentially residential use, the proposal would not qualify as an exception set out in clauses 4 and 5 of Core Policy 4, which provide support for growth of rural enterprises and improvement in local infrastructure.
7. Also, even though the appeal site is adjacent to existing dwellings in Stoney Stratton, the Policies Map shows that this hamlet does not have defined development limits. And in this regards development at this location does not find support in Core Policy 2.
8. Consequently, I find the location would be unsuitable for the proposed dwellings having regard to spatial policies. The proposal would fail to accord with Core Policies 1, 2 and 4 of the Local Plan in respect of this matter.

Character

9. The appeal site is the rear yard of a farmstead at the edge of the hamlet. Comprising a hardstanding with a collection of barns and edged by orchards and grazing land the site has a distinct agricultural rural character with a positive verdant setting.
10. The proposal would arrange three sizeable dwellings around the yard. While two of the dwellings would replace existing buildings, proposed house 2 would cover a part of the site currently set out as a silage clamp. This existing feature cuts into sloping pastureland, and while some of its hardstanding is visible in the yard, fringed by vegetation and relatively free of structures, it has an undeveloped quality.
11. This new dwelling would be set towards the back of this clamp. The built form would be one and a half storey, but it would be sizeable and would fill much of the width of this area. Its form would significantly encroach into the existing green sloping agricultural land. Moreover, with a plot of land surrounding this dwelling and space for parking at its front, this part of the site would appear distinctly domestic, and the prevailing rural character would be considerably diminished with this addition.
12. Turning to the wider site, although one of the existing barns would be retained, the site would nonetheless be dominated by the three dwellings. The design of the proposed built forms takes reference from traditional rural buildings, but with domestic fenestration, a garage in one of the dwellings, and garden space in each plot, the site would have an overwhelming residential aesthetic, with a cul-de-sac appearance that would not be out of keeping in a suburban setting. The encroachment of a dwelling into the clamp area, combined with the overall layout of the rear yard would substantially alter the prevailing rural character of the site and this would appear an insensitive development beyond the main farmstead.
13. The site benefits from prior approval for the conversion of two of the existing barns into three residential units. With this approval in place, there is a greater than theoretical possibility that that scheme will be developed. Accordingly, I attach significant weight to that approved scheme as a fallback position.

14. It is suggested that the building materials in this proposal would be more sensitive to this setting than the fabric of the existing barns. It is also highlighted that the proposed dwellings would have a smaller footprint than those existing structures. However, under the prior approval scheme, structures will be largely limited to that existing on the site. Parking for the units will be focused on the silage clamp, but unlike the appeal proposal, under that approved scheme, this edge of field area will remain free of significant built form.
15. It is stated that the clamp contains tyres, rubble and plastics. But even if this is so, these detracting features will need to be cleared to provide the parking for the approved scheme. Also, the approved parking area shows spaces for just six vehicles, while the submitted plans of this scheme show the site would comprise eleven parking spaces.
16. Moreover, under the approved scheme, although the use of the rear yard will change to residential, the layout will appear largely the same as existing as opposed to the distinct domestic plots that would be created in this case. This along with the limited changes to the appearance of the existing agricultural buildings, will ensure a much greater semblance of rural character will be retained by the prior approval than would be the case if this appeal was allowed. The extant scheme would be significantly less harmful than the proposal before me.
17. The residential use already permitted at the site is highlighted in relation to local policy support for demolishing and replacing residential units. But even if I accept the appellant's point on this matter, unlike the appeal scheme, the prior approval does not allow a dwelling in the clamp area; there is no residential unit to replace in this part of the site. This matter attracts very little weight accordingly.
18. The submitted plans show a new orchard at the wider site, and this could be secured by condition. However, in visual terms, this area is already pastureland that contributes positively to the setting of this property. Even with an orchard at its side, the development would still appear incongruous in this location. This matter has not altered my findings for this reason.
19. I therefore find that the proposal would have a significant harmful effect on the character of the area. In this regard the proposal would conflict with Policies DP1, DP4 and DP7 of the Local Plan. These Policies collectively seek high quality design and state proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district.

Other Matters

20. The rubble built farmhouse and garden wall in the wider site is Grade II listed. Dating from the early 19th Century, this is a traditional style building with slate roof, dressed stone details and a symmetrical frontage. A hardstanding with farm buildings are located at its front, and this setting, along with the quaint ford access that fronts the property, allows the appreciation of historic interest and detail of the listed building.
21. Changes proposed in the appeal scheme would be largely confined to the rear yard area of the property. While this would harmfully alter the distinct rural character in this vicinity, generally screened from the Farmhouse and its immediate setting, the incongruous development would not harmfully encroach on the historic interest of this designated heritage asset and how it is currently appreciated. Given these factors, this proposal would preserve the special features of this wider setting of the listed building.
22. The intent for the units to be used by family members to assist the existing occupant of the farm is noted. However, I find no compelling evidence that the fallback approval could not address this need.

23. Regarding the provision of housing over the plan period, the Local Plan requires a development rate of 420 dwellings per annum until 2029. The current housing land supply (HLS) for the eastern area of the County is less than 2.5 years. Indeed only 1 of the five areas can demonstrate a 5 year HLS. Therefore, the provisions set out in paragraph 11 of the Framework are applicable in this case.
24. The proposal is identified as a self-build development and for this reason it is stated that the scheme qualifies as an exemption in respect of the statutorily required biodiversity gain. Regarding self-build, Planning Practice Guidance (PPG) makes clear that in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.
25. PPG clarifies that off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing. I do not doubt that the appellant's family are seeking self-build plots. However, circumstances change, and this can involve the transfer of land.
26. No mechanism has been submitted with this appeal, such as a legal agreement, that provides the necessary certainty that the three plots would be developed in the manner proposed and would contribute to the supply of the particular type of home intended in this case. Accordingly, in the absence of certainty on this matter, the proposal would not comprise self-build units as defined in the Self-build and Custom Housebuilding Act 2015.
27. Also, while this proposal would provide three new residential units, as already stated, this property already benefits from an extant approval for three new dwellings, and I find no compelling evidence that that lawful development could not go ahead. This counters the benefit of the resultant three family sized dwellings, and the weight this matter attracts in this decision.
28. This is previously developed land, but even if I accepted the site needs remediation or is derelict, again an approval for a similar use is already in place. Moreover, as outlined the proposal subject of this appeal would be harmful to the character of the area. It is not well-designed in this regard and consequently this would not be an effective use of this land.
29. It is asserted that the property is well related to services. However, Stoney Stratton is a small hamlet with very few services. While the primary village, Evercreech, is only a 15 minute walk away, this is via a country road without pavements. This would not be a reasonable option for people with children and those with mobility issues. Indeed, even with streetlights and a 30mph speed limit, it would not be a realistic option for most people to walk or cycle this route on a regular basis, particularly during winter months.
30. In any event, while there may be more services at Evercreech than there is in the hamlet, these are local facilities, and future occupants would have to travel further to access a reasonable range of services. Given these circumstances, future occupants of these dwellings would be largely dependent of motorised vehicles to access a wide range of services. The location is not sustainable in this regard.
31. Furthermore, while the local spatial policy is restrictive regarding development in the countryside, it does not preclude it and aims to sustain rural communities. This appears generally consistent with provisions of the Framework which seek to enhance and maintain the vitality of rural communities. The local policies related to this matter therefore have significant weight in this case. There is already an approval in place at the site that will deliver some social benefits, in terms of future occupants contributing to the vibrancy of the rural

- area, and as outlined this benefit will be achieved in a less harmful manner than would be the case with this scheme.
32. There would be some economic benefit during the construction phase. The proposed dwellings could also incorporate low carbon sustainable construction features by condition, and the development would include electric vehicle charging points, which would be a small environmental benefit.
 33. As outlined, a new orchard is proposed, and this could add to the biodiversity of this area. This would be a relatively modest benefit given the scale of the development proposed.
 34. It is suggested that this proposal would improve farm vehicle access in the site. The existing access between the two yards at the site seemed reasonable and the hardstanding is spacious. Also, similar to this case, under the extant approval, farm traffic would likely be reduced in this part of the appeal site.
 35. In any event, conditions of Class Q approvals require the consideration of transportation and highway impacts. While it is stated that the prior approval should have made provision for more onsite parking, it was nonetheless found to be acceptable in that respect, and I find nothing to dispute this. Moreover, for the reasons stated, I find no compelling evidence that the access will be unsafe for future occupants of the units permitted under that approval. That no highway or parking harms have been identified in this appeal scheme should be expected but given that the prior approval is also acceptable in terms of access and parking, there is no significant benefit in this regard from this proposal. This matter attracts very limited weight accordingly.
 36. It is also highlighted that the appeal property is within the zone of influence of internationally protected areas. Studies have shown that these areas are in unfavourable conditions due to excessive nutrients, and wastewater from households is a contributing factor.
 37. Where there is a net gain in dwellings at the property, likely significant adverse effects cannot be ruled out and therefore an appropriate assessment must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017. As the competent authority in this case, this is a matter that needs addressing if I was to allow this appeal. Related to this, the appellant asserts that the waste treatment plant proposed in this case would be more beneficial than arrangements for wastewater management in respect of the extant prior approval.
 38. However, the Town and Country Planning (General Permitted Development) (England) Order 2015 grants planning permission for classes of development subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations. These Regulations require that where likely significant adverse effects may occur, an application must be made to the Council under Regulation 77.
 39. In short, the Council must make an appropriate assessment of the implications of that development and would need to approve the Regulation 77 application only after ascertaining that the development will not adversely affect the integrity of the European site. Given these requirements for the extant approval, the benefit derived from the water treatment plant in this proposal only attracts limited weight at most.
 40. The adverse impacts, with regard impact on character and conflict with the local spatial policies, would significantly outweigh the limited social, environmental and economic benefits identified above, when assessed against the policies of the Framework taken as a whole. The presumption in favour of sustainable development does not apply in this case.

41. As I am not persuaded that this would be a self-build project in the terms that would qualify it as an exemption with regards the statutory biodiversity net gain condition, the minimum national information required by article 7(1A) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 should be submitted. However, as I am dismissing this appeal on different grounds it is not necessary to address these matters further.
42. Attention is drawn to other policies not in dispute. However, I find harm in respect of character and inconsistency with spatial policy. This proposal conflicts with the development plan when read as a whole.

Conclusion

43. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR