
Appeal Decision

Site visit made on 2 September 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/E3335/W/25/3360984

Woodcock Lodge (Annex to Skylark, Plot 21), Mill Meadow, Parsonage Lane, Kingston St Mary, Taunton, Somerset, TA2 8HL.

- 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 Heayns against the decision of Somerset Council.
 - The application Ref is 20/24/0020.
 - The development proposed is change of use of annexe to a separate dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of annexe to a separate dwellinghouse at Woodcock Lodge (Annex to Skylark, Plot 21), Mill Meadow, Parsonage Lane, Kingston St Mary, Taunton, Somerset TA2 8HL in accordance with the terms of the application, Ref 20/24/0020 and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby approved relates to the following approved plans: Mill Meadow Location Plan, Plan Reference Number: TQRQM24066065322756, Scale: 1:1250; Block Plan: Drawing WLB/01 and Existing and Proposed Floor Plan Drawing no. 01, Scale: 1:1250.
 - 3) Prior to its installation, the details and specifications of any external lighting for the development site shall be submitted to and approved in writing by the local planning authority. Thereafter, any external lighting shall be installed and maintained in accordance with the approved details and specifications.

Background and Main Issues

2. This appeal site is occupied by an annex known as Woodcock Lodge ('the site'). This is located to the south of its host property, Skylarks (Plot 21).
3. The appeal site forms part of a wider development which was initially for the erection of a number of log cabins for holiday use and through subsequent planning permissions has been extended. Some of the plots have been developed and subsequently varied through planning consents, removing the requirement for them to be used solely for holiday use. Collectively, the wider development is known as Mill Meadow.
4. The appeal before me relates to a site within Mill Meadow and is one of six linked appeals relating to sites at Mill Meadow that I am currently determining.

5. The Council's first reason for refusal says that the proposed development lies outside the designated settlement boundary, placing it within open countryside and that this location is considered unsustainable, as future residents would be heavily reliant on private vehicles.
6. Following the December 2024 revision of the National Planning Policy Framework ('the Framework'), the Council can no longer demonstrate a five-year housing land supply, which on the evidence available to me is about 3.1 years. Consequently, and although the Council maintains that the site is in an unsustainable location, having regard to paragraph 11(d) of the Framework, it has concluded, that the harm does not clearly outweigh the benefits of a new dwelling. Therefore, the Council is no longer pursuing refusal of the proposal based on its location, provided other outstanding issues are resolved. However, as this is largely a matter of planning judgement, it remains a main issue for the purposes of my Decision.
7. Accordingly, the main issues are:
 - i) Whether the appeal site is in a suitable location for market housing with regard to the spatial strategy for the area; and,
 - iii) Whether the proposal would affect the integrity of the Somerset Levels and Moors Ramsar Site, Special Area of Conservation and Special Protection Area ('the Habitat Sites').

Reasons

Suitability of location for housing

8. There is no dispute between the main parties that the appeal site is outside of settlement boundaries defined under Policy SP1 of the Taunton Deane Core Strategy 2011 – 2028 Development Plan Document, September 2012 ('CS'). Therefore, the location of the appeal site is treated as countryside for planning policy purposes. Policy KSM9 of the Kingston St Mary Neighbourhood Plan ('NP'), only supports new build housing within the settlement limits.
9. Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan (2016) ('DMP') says that in order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of settlement boundaries will be treated as open countryside. It further says that such proposals will be assessed against CS policies CP1, CP8 and DM2 unless it accords with a specific development plan policy. Policy CP8 of the CS, largely relates to environmental matters and is not directly relevant to this main issue.
10. CS Policy DM2 specifically supports community uses, business use, holiday and tourism, non-residential agriculture and forestry buildings, replacement dwellings, affordable housing, conversion of existing buildings and essential utilities infrastructure. As a result, and although the policy does not specifically exclude residential development, this does not offer specific support for the proposal.
11. Policy CP1 of the CS says that development proposals should contribute to a sustainable environment and, among other objectives, minimise the need to travel through strategic locational choices. In support of this, and with regard to

accessibility, Policy A5 of the DMP requires that residential developments be situated within walking distance of essential services and facilities. Specifically, acceptable walking distances are defined as up to 400 metres to bus stops and up to 800 metres to local shops.

12. Policies SP1 of the CS, SB1 of the DMP and Policy KSM9 of the NP, appear more restrictive than the Framework, particularly in relation to development outside defined settlements. Nevertheless, when taken together, these policies form the areas spatial strategy and support key principles such as reducing the need to travel through strategic locational choices, promoting suitable rural uses, and ensuring new residential development is well-connected to essential services and facilities. These aims are consistent with the Framework's overarching goal of fostering sustainable, inclusive, and well-integrated communities.
13. The village of Kingston St Mary does offer some amenities, including a primary school, village hall, post office, public house and church. While there is a permissive path through "The Spinney" Forest to the northeast of the appeal site towards this village, I do not consider this route suitable for use during inclement weather or for those with mobility issues. A bus stop is located about 300 metres from the entrance to Mill Meadow. Nevertheless, the walk to this bus stop is along a rural lane with limited lighting and pavements and therefore does not appear to be particularly safe for walking.
14. Although the site is located on the designated Taunton Deane Cycle Route, I have limited information regarding the quality of this. As such, I cannot be certain that this route is suitable for all cyclists, including the elderly.
15. The appellant advises that the site is within 20 minutes of Taunton by bus. However, the bus service from Kingston St Mary operates only every two hours on weekdays. This level of service is insufficient to support regular, reliable access to employment, education, healthcare, and shopping. Moreover, access to the bus service from the appeal site is via roads, which are largely designed for vehicular traffic. Overall, this route is unattractive and potentially unsafe for pedestrians, further reinforcing car dependency.
16. While the site may be 10 minutes from Taunton by car, this undermines the local and national planning policy aims to reduce reliance on private vehicles.
17. In light of the above, I do not consider the site's location to be easily accessible and therefore the occupiers of the development would be largely reliant on private vehicles to access day to day services. It follows from this that the site is not suitable for market housing development with regard to the spatial strategy for the area. As such, the proposal is contrary to the requirements of policies CP1, SP1 and DM2 of the CS, policies A5 and SB1 of the DMP.
18. However, the proposal relates to the change of use of an existing building, which is an annex to a holiday home. Based on the information before me, this annex contains all the essential facilities required for independent living, including a bedroom, bathroom, toilet, lounge, and kitchen. The appellant has confirmed that the annex is used as a self-contained unit, separate from the main dwelling, and is occupied independently year-round. Therefore, there is already some travel associated with the use of the annex, which is unlikely to change as a consequence of the proposal.

19. Irrespective of the above, NP Policy 9, part b), supports the conversion of holiday homes to full residential. Therefore, in my view the proposal is supported by this Policy. It follows from this that the proposed change of use of the annex for market housing is acceptable with regard to the overall spatial strategy for the area.

The Somerset Levels and Moors Ramsar site

20. The appeal site is within the catchment area of the Habitat Sites. These are a series of wetlands located in Somerset, reaching from Clevedon near Bristol in the north, to Glastonbury in the east and Ilchester and Langport in the south. The landscape includes rivers and wetlands, which are artificially drained, irrigated and modified to allow productive farming.
21. The Habitat Sites are protected by the Conservation of Habitats and Species Regulations 2017 (as amended). In order for development to be acceptable, these Regulations require it to be demonstrated that it will have no likely significant effect on the Habitat Sites, either alone or in combination with other proposals. If it cannot, measures must be proposed to remove the impact, for example, a satisfactory scheme of mitigation (i.e. one that can demonstrate the nutrient neutrality of the proposed development), or the proposal should be refused.
22. Currently, there are high nutrient inputs into the water environment of the Habitat Sites catchment with sound evidence that this is causing eutrophication at the Habitat Sites. These nutrient inputs are currently thought to arise predominantly from wastewater from existing housing and agricultural sources. This nutrient enrichment is contributing towards adverse impacts on the protected habitats and species within the Habitat Sites.
23. Natural England advises that additional residential development within the catchment area of the Habitat Sites is likely to have a significant effect on them either alone or in combination with other proposals.
24. Adopting a precautionary principle and without mitigation, new residential development is likely to have a significant effect on the sensitive interest features of the habitat sites, from an increased nitrate and phosphate levels either alone or in combination with other proposals causing harm to nature conservation. It is necessary for me, as the competent authority for the purposes of the Regulations, to conduct an Appropriate Assessment ('AA') in relation to the effect of the development on the integrity of the Habitat Sites.
25. As already stated, the annex functions as a fully self-contained unit with all necessary facilities for independent living and is occupied separately from the main dwelling. The only aspect that might suggest the annex is 'ancillary' to the host dwelling is the familial relationship between the appellant and the owners of Skylarks. However, this connection does not alter the nature of the occupation or affect the phosphate load generated by the annex. In practical terms, there would be no discernible difference in its use if it were occupied by someone unrelated to the owners.
26. As such, the proposed change of use would not result in any increase in phosphate loading, over and above the extant annex use.
27. For the above reasons, the proposal would not adversely affect the integrity of the Habitat Sites, and the proposal accords with Policy CP8 of the CS which says that

proposals that will have an adverse impact on Natura 2000 and Ramsar sites and/or features which provide ecological support for their conservation objectives will not be supported. Accordingly, I find no conflict with and DMP Policy DM1, which along with other matters seeks to safeguard protected wildlife species and their habitats from harm.

Conditions

28. In addition to the standard timescale condition for the implementation of the planning permission, I have imposed a condition specifying the approved plans in the interests of certainty. A condition requiring the details of external lighting for the development is necessary to safeguard the character and appearance of the area and to protect nocturnal animals sensitive to external lighting.

Conclusion

29. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR