
Appeal Decision

Site visit made on 13 October 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/E3335/W/25/3360495

Land at Combe Street Lane, Yeovil BA21 3PG

- 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 John Snell and Julie Tomsett against the decision of Somerset Council.
 - The application Ref is 20/00534/FUL.
 - The development proposed is the erection of 6 No. dwellings along with associated, access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 6 No. dwellings along with associated, access, parking and landscaping at land at Combe Street Lane, Yeovil, BA21 3PG, in accordance with the terms of the application, Ref 20/00534/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's statement confirms that the evidence submitted with the appeal¹ and subject to relevant planning conditions, adequately addresses the second reason for refusal in relation to ecology. As I find no reason to disagree, the focus of the appeal is on the remaining reason concerning landscape and visual effects.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the landscape character and visual quality of the area.

Reasons

4. The appeal site comprises approximately 0.49ha of undeveloped land, forming part of a pasture field at the northern edge of Yeovil. The site is rural in character but abuts the northern boundary of the existing built extent of Yeovil. The wider field is primarily enclosed by thick hedgerow and mature trees, though the southern boundary with Coombe Street Lane has a post and wire fence with interspersed trees and bushes that leave some open gaps. On the other side of Combe Street Lane are a number of large, detached dwellings and extending east from the site are other residential dwellings, set back from the road. Directly to the west is an electricity substation building with access directly from Combe Street Lane. To the west of the substation are a number of buildings which appear associated with the keeping of horses.

¹ Update Preliminary Ecological Appraisal, BN Ecology Ltd, January 2025

5. The appeal proposal would involve the creation of a single point of access onto Combe Street Lane and the construction of six dwellings in a linear arrangement set back, but fronting onto the highway in a similar manner to other existing dwellings on both sides of the road. The dwellings would be bungalows at the eastern most end of the road (2 No) and chalet bungalows from the middle to the westernmost end. The gardens, parking and access road with turning head would be to the rear (north) of the dwellings, with associated drainage infrastructure. A new northern boundary hedgerow feature would be created to separate the appeal site from the agricultural land that would remain to the north.
6. The appeal has been submitted with a *Landscape and Visual Appraisal* (The Landscape Workshop September 2024) which outlines the site's location within the 'Yeovil Scarplands' national character area (NCA) (140)². This NCA is described as offering open views across the hills and ridges which give an impression of sparsely settled land. The appeal site is also within local landscape character zone *Northern Escarpments, Dips, Slopes and foothills* (LCA1)³. It sits in a relatively prominent position atop the northern escarpment which is one of two that cradle the town and affords views of the expansive and pleasant rural landscape, framed by its vegetated boundaries. Overall, the appeal site is a modest component of a distinctive landscape, which whilst not formally designated or 'valued', contributes to the quality and sense of place.
7. The appeal scheme would be set at a lower land level to the road and would be a relatively shallow frontage form of development along a similar contour but would nonetheless still exert an urbanising influence over Combe Street Lane, infilling the rural gap that exists between the existing urban components. Some views of the Yeovil Scarplands landscape would remain available from higher ground over the dwellings and between them, but some of the visual connection with the extensive adjoining rural landscape would be compromised from very local viewpoints, particularly along Combe Street Lane. The character of the development would be in keeping with the neighbouring dwellings and would provide continuity to the urban streetscene context and a landscaping scheme would provide some benefit over time, but the development would still result in the loss of some of the attractive rural qualities that the site currently possesses.
8. My attention has also been drawn to the *Yeovil Peripheral Landscape Study*⁴ which has found the *LCA 2a Yeovil North escarpment* area within which the site sits as having a moderate to low capacity to accommodate built development. However, the appeal site is arguably the part which has the greatest capacity to accept development given its relationship with the existing streetscene and other urban influences, such as the busy highway network. The effects of the proposal would also be limited by the modest number of dwellings proposed and their low overall heights and logical, linear arrangement.
9. Reference has been made to the previous appeal on the site⁵, but that was for a higher number of dwellings and an alternative layout; limited details of which are before me. In any event, I have determined the appeal on its own merits.

² Natural England - National Character Area Profiles (NCA)

³ South Somerset District Landscape Character Assessment, 1993

⁴ Published 2013

⁵ APP/R3325/W/20/3256703

10. Therefore, drawing these points together, the proposal would be harmful to the character and appearance of the area and would thus conflict with Policy EQ2 of the *South Somerset Local Plan* (2006-2028), (adopted 2015) (Local Plan). This policy seeks to ensure that proposals conserve and enhance the landscape character of the area, as well as reinforce local distinctiveness.
11. The Council's refusal reason on this main issue also refers to Policy EQ4 of the Local Plan. I have not referenced this in my conclusion, as it more specifically relates to ecological matters which the Council has agreed has been addressed.

Other Considerations

12. The evidence refers to an emerging *Local Plan Review 2016 – 2036* which is at an early stage in its production. Neither party has indicated that any policies of the emerging plan should be attributed more than limited weight at this stage, and I do not find reason to reach an alternative conclusion.
13. The parties also acknowledge that the site lies outside of Yeovil's development limits, thus raising conflict with Local Plan policy SS2. However, the site is well related to South Somerset's primary town and area of focus for development and would extend the existing built form along Combe Street Lane. The parties at least agree that the site is a sustainable location with good access to public transport and services, notwithstanding this policy conflict.
14. The Council's evidence refers to the changes to its housing land supply position following the publication of the *National Planning Policy Framework* in 2024 (the Framework). Whereas the Framework requires the demonstration of a five year housing land supply with appropriate buffer, the Council indicates that it is only able to demonstrate around a 3.4 year supply. Though the appellant claims that the supply position may be as low as 2.1 years, there is limited cogent evidence on which to reach a robust conclusion on which figure is more accurate. However, I have therefore taken the supply position to be between a range of 2.1 to 3.4 years and thus, the provisions of paragraph 11 d) of the Framework are engaged.
15. I have taken account of the numerous neighbour representations submitted in respect of the scheme which cover aspects such as highway impacts, drainage and effects on biodiversity. Whilst the loss of views has also been raised, this would not be to the extent that the development would be overbearing. Additionally, the devaluation of neighbouring dwellings is not a material planning consideration.
16. In respect of highways effects, no objections have been raised by the Council's highways consultee, subject to the imposition of planning conditions. Notwithstanding that the local highway network can be busy at times; I do not reach an alternative conclusion about the capacity of the local highway network or its effects on highway safety.
17. In terms of the effects on ecology and locally present species, the site is relatively modest in size and the effects have been assessed and found to be acceptable, subject to planning conditions.
18. In respect of drainage matters, the proposal has been submitted with a Drainage Statement, the implementation of which could be required by a planning condition.

Somerset Levels and Moors Ramsar Site

19. The appeal site lies within the rainfall catchment area for the Somerset Moors and Levels Ramsar site (the Ramsar Site) which consists of an area of lowland wet grassland and associated wetland habitat that provide habitat for internationally important numbers of wildfowl and is a site of importance in southern Britain for breeding waders.
20. The conservation objectives for the Ramsar Site are to ensure that its integrity is maintained or restored as appropriate, and ensure that the site contributes to achieving the wise use of wetlands across the UK, by maintaining or restoring; the extent and distribution of qualifying habitats and habitats of qualifying species; the structure and function of qualifying habitats and habitats of qualifying species; the supporting processes on which qualifying habitats and habitats of qualifying species rely; the populations of each qualifying species, and, the distribution of each qualifying species within the site.
21. The interest features of the Ramsar Site are considered to be at unfavourable, or at risk, from the effects of eutrophication caused by excessive phosphates. These are largely derived from a combination of point and diffuse pollution sources, which result in algal blooms. Additional residential units within the rainfall catchment are likely add phosphate to the designated site via the wastewater treatment effluent, thus contributing to the existing unfavourable condition and further preventing the site in achieving its conservation objectives. As such, the development of six dwellings would have a likely significant effect on the Ramsar Site and an Appropriate Assessment under the Conservation of Habitats and Species Regulations (2017) (as amended is necessary) (the Habitats Regulations).
22. The appellant has submitted a *Nutrient Neutrality Assessment and Mitigation Scheme* (NNAMS)⁶ which accepts that without mitigation, the scheme would result in harm to the integrity of the Ramsar Site. Taking into account the number of dwellings proposed, water usage, rainfall catchment characteristics relevant to the area, changes to land use, the total annual nutrient load generated would be 0.59kg pa. The NNAMS proposes to mitigate for the additional phosphorus by purchasing 0.59 of nutrient credits from Woodrow Farm Phosphorus Credits Scheme (each credit equivalent to mitigate 1kgTP/yr) which is in the same sub-catchment as the appeal site. Evidence of a transactional agreement/purchase between the applicant and Woodrow Farm Phosphorus Credits Scheme to purchase 0.59 of Nutrient Credits has been provided and a pre-commencement planning condition would be imposed to secure an 'Allocation Certificate' confirming the allocation of the full phosphate credit requirement generated by the development.
23. Therefore, taking all of the evidence before me into account, I am satisfied that there would not be harm to the integrity of the Ramsar Site arising from the development either alone or in combination with other plans or projects, pursuant to Regulation 63(1) of the Habitats Regulations. I have consulted with Natural England as statutory nature conservation body to this effect and have taken its comments into account.

⁶ Enviren, Ref 2400318-ENV-S1-SW-TR-E-0001, dated 24/10/24

Planning balance

24. Owing to the site's location outside of the development limits for Yeovil and in respect of the landscape and visual harm that would result, the proposal conflicts with the development plan.
25. In light of the absence of a five year supply of housing land, I attribute reduced weight to the locational conflict with the Local Plan, particularly given the sustainability of the site's location adjacent to the built extent of Yeovil.
26. Local Plan policy EQ2 seeks to conserve and enhance the landscape character of the area and is still capable of attracting weight due to its consistency with the aims of the Framework to contribute to the natural environment in recognition of the intrinsic character and beauty of the countryside.
27. However, in this case, there would be no impacts on areas or assets of particular importance⁷ that are protected by Framework policies that provide a clear reason for refusal. Therefore, under paragraph 11 d) ii), I am required to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
28. The delivery of six dwellings to the local housing stock attracts great weight as a benefit of the scheme in view of the housing supply shortage. Additional construction phase economic benefits attract limited weight.
29. The adverse impacts from the landscape character and visual harms would not significantly and demonstrably outweigh the aforesaid benefits of the scheme. Consequently, the presumption in favour of sustainable development forms a consideration of such weight that it indicates that permission should be granted other than in accordance with the development plan when taken as a whole.

Conditions

30. As the application is made in detailed form, planning conditions are necessary to specify the time limit for commencement and the approved plans.
31. In the interests of the character and appearance of the area, conditions are needed to specify the external materials and implementation of a scheme of landscaping.
32. In the interests of the safety and efficiency of the highway, conditions are needed to secure the implementation of the visibility splay, provision of the access, estate roads, footways and parking provision.
33. To maintain the site's biodiversity value and contribution to the verdant character of the area, conditions are needed to protect trees during construction works and to secure the oversight of the works by an ecologist. Further conditions are also needed to ensure that the lighting scheme design is suitable for light-sensitive species and to ensure that construction works are undertaken in an ecologically sensitive manner.

⁷ as defined in Framework footnote 7

34. In the interests of the environmental effects of the proposal, a condition is required to limit the water usage of each dwelling over its lifetime.
35. Lastly, a condition is needed to secure the confirmation of the allocation of the phosphates credits necessary to offset the impact of the development on the Ramsar Site.

Conclusion

36. For the reasons given above the appeal should be allowed.

H Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan 3914-PL-101 Rev A
 - Site Layout Plan 3914-PL-102 Rev A
 - Floor Plans Plot 1 3914-PL-103
 - Elevations Plot 1 3914-PL-104
 - Floor Plans Plots 2 to 4 3914-PL-105
 - Elevations Plots 2 to 4 3914-PL-106 Rev A
 - Floor Plans Plots 5 and 6 3914-PL-107
 - Elevations Plots 5 and 6 3914-PL-108
 - Garages Plots 1, 4 and 5 3914-PL-109
 - Site Sections 3914-PL-110 Rev A
- 3) The external surfaces of the development hereby permitted shall be of materials as shown on the plans hereby approved.
- 4) A landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented within the dormant planting season (November to February inclusively) following the first occupation of any dwelling hereby approved. If any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location, unless the Local Planning Authority gives written consent to any variation.
- 5) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Such provision shall be installed before first occupation of the dwelling hereby approved and thereafter maintained at all times.
- 6) Prior to the development hereby permitted being first brought into use the proposed access over at least the first 5 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.
- 7) The areas allocated for parking and turning shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
- 8) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and

- surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- 9) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
 - 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.
 - 11) There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the accesses and extending to points on the nearside carriageway edge 43 metres in both directions. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.
 - 12) All boundary trees, hedgerow and mixed scrub will be protected during the works, including groundworks, by the establishment of Root Protection Areas in accordance with BS 5837:2012. All boundary features situated on the southern, western and northern boundaries will be marked by Heras fencing erected prior to works commencing. No materials or construction plant(s) should be allowed within the allocated buffer zone.
 - 13) Prior to the commencement of any works, construction operatives shall be inducted by a suitably qualified ecologist to make them aware of the possible presence of protected species, and briefed on their legal protection, how to identify them, the habitats they are most likely to be found in and the working practices to avoid harming them.
 - 14) Where external lighting is to be installed, prior to construction above damp-proof course level, a sensitive lighting design for bats which follows Guidance Note 08/23 Bats and artificial lighting in the UK (ILP and BCT 2023), should be prepared by a suitably qualified consultant. The design should show how and where external lighting will be installed and supported, where appropriate, with technical specifications. The sensitive lighting design for bats should also ensure that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/23. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
 - 15) No scrub, hedgerow and/or tree shall be removed between 1st March and 30th September. If this is not feasible and vegetation works are needed to be undertaken within this period, a suitably qualified ecologist should undertake a detailed check of the vegetation to be cleared for active birds' nests immediately before works proceed. If nesting birds are recorded during this inspection(s), then the vegetation must remain with a sufficient delineated

exclusion zone marked around the nest site until any dependent young have fledged.

- 16) During construction, if excavations or large pipes are created (>200mm diameter) these must be covered at night. If excavations are left open, then it is essential that a means of escape is created. As an example, this may include a plank to allow badgers and other small mammals to escape if they fall in. If further signs of badgers are encountered during the works, then works should stop until advice is sought from a suitably qualified ecologist at the earliest possible opportunity.
- 17) No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.
- 18) The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site. The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development.

ENDS -----