
Appeal Decision

Site visit made on 24 November 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/E3335/W/25/3372122

Land to the south of 96 & 97 Cleeve Park, Chapel Cleeve, Minehead TA24 6JE

- 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 Mr J Fowler against the decision of Somerset Council.
 - The application Ref is 3/26/24/003.
 - The development proposed is the erection of two holiday let chalets with parking and gardens.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with only details of access to be determined at this stage. Matters of appearance, landscaping, layout and scale are reserved for future consideration (the 'reserved matters'). I have therefore treated any references to reserved matters in documentation as illustrative.
3. I have taken the description of development in the banner heading above from the application form. However as 'Outline application (access only)' is not an act of development, I have removed this element.

Main Issues

4. The main issues are:
 - whether the appeal site would provide a suitable location for the proposal, having regard to the local development strategy and the accessibility to services and facilities, and if not, whether the benefits of the proposal outweigh any harm; and
 - the effect of the proposal on protected species.

Reasons

Location

5. The appeal site is outside of any named settlements as defined within the West Somerset Local Plan to 2032 – adopted November 2016 (LP), and as such is considered to be within the open countryside for development plan purposes. In such locations, LP Policy OC1 permits development in exceptional circumstances where this is beneficial for the community and local economy, as well as in certain other prescribed circumstances, none of which the proposal before me meets.

6. Nevertheless, LP Policy EC9 is permissive of tourism developments outside of settlements where, amongst other matters, it complements existing tourism service and facility provision in neighbouring settlements and surrounding areas without generating new unsustainable transport patterns.
7. Whilst the appeal site is within a large grouping of chalets, some of which I am told are permanently occupied, the nearest services and facilities are in Blue Anchor. These facilities include a small store, public house and café, and I am informed planning permission has been granted for a small shop.
8. However, to access these facilities, visitors occupying the proposal would need to travel along a highway which in places features steep topography, and lacks pavements and street lighting along significant sections of the route. As such, I observed that this route would not be attractive to, or indeed conducive to safe pedestrian use.
9. Therefore, even if the proposal were to be restricted for 10 months occupation a year as is suggested, when occupied, occupiers of the proposal are unlikely to access the services and facilities which are closest to the appeal site directly by foot. Moreover, I have not been directed to any nearby bus routes or other public transport modes which could be utilised by future occupiers.
10. It is also put to me that future holiday occupants could arrive by car and explore the area for leisure on foot or bicycle or use electric vehicles (given I am told a charging point would be installed). Nevertheless, the method of transport that future occupiers choose to travel to, or while at, the appeal site is not a matter that could be effectively controlled by a planning condition.
11. Consequently, there would be nothing to prevent individuals from driving to and from the appeal site in private vehicles. Given the limitations of access to public transport and nearby services and facilities described previously, I find that walking, cycling or public transport is unlikely to be preferential to the use of private vehicles to future occupiers, more so in the evening or during inclement weather. As such the proposal would result in new unsustainable transport patterns.
12. However, benefits would flow from the proposal including economic and social benefits relating to employment opportunities and support of other local businesses, shops and venues from future occupiers. Notwithstanding, I have not been presented with any substantive evidence of the breadth of such benefits, and given the relatively small scope and scale of the proposal relating to 2 units, I find such benefits are likely to be modest.
13. I therefore conclude that the appeal site would not provide a suitable location for the proposal, having regard to the local development strategy and the accessibility to services and facilities, and associated benefits would not outweigh the identified harm. The proposal would conflict with LP policies SD1, OC1, EC9, and TR2. These policies seek amongst other things, to promote sustainable tourism development and reduce reliance on the private car.

Protected Species

14. The appellant's Preliminary Ecological Appraisal¹ (PEA) outlines that the appeal site lies within a Stepping Stone and Dispersal Area for an Ecological Network associated with Broadleaved Woodland and comprises grassland bounded by mature trees with a non-native hedge to the north. The PEA also states that the sward is long and suitable to support reptiles. Furthermore, the centre of the site is open which provides opportunities for reptiles to bask, and that reptiles may be present on site. As such, the PEA recommends further reptile surveys are required prior to the submission of a planning application.
15. In the absence of the further survey, the presence or otherwise of protected species cannot be reliably established and the effect on biodiversity cannot be fully assessed. Even though the appeal relates to an outline application with only access to be considered at this stage, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposal is established prior to the granting of any planning permission.
16. Given the substantive evidence before me, I am unable to conclude that the proposal would be able to satisfactorily avoid or mitigate harm to protected species and biodiversity. Consequently, it would conflict with LP Policy NH6, which requires amongst other things that development will not generate unacceptable adverse impacts on biodiversity.

Other Matters

17. The appeal site is surrounded by modest chalets. Even if the proposal, subject to reserved matters, be of a design similar to the existing chalets with matching external materials and proportions, the lack of harm to the character and appearance of the area is a neutral factor.

Conclusion

18. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR

¹ Orbis Ecology ref:ORB_4363_AM