



Appeal Decision

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

Appeal Ref: APP/E3335/C/23/3331368

Land and buildings adjacent to Unit 1 Station Works, Dyehouse Lane, Glastonbury, Somerset

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Colin White against an enforcement notice issued by Somerset Council.
- The notice was issued on 9 August 2023.
- The breach of planning control as alleged in the notice is within the last ten years and without planning permission the change of use of land at Unit 1 Station Works, Dyehouse Lane, Glastonbury, Somerset from industrial (manufacturing recycling equipment) to a mixed use consisting of industrial and residential being the stationing of three caravans and their weekday residential occupation by employees of the company.
- The requirements of the notice are to:
 - i) Permanently remove from the land the three caravans being used as residential employee accommodation; and
 - ii) Cease the residential occupation of the land.
- The period for compliance with the requirements is: 6 months from when the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld, with a correction.

The Enforcement Notice

1. Before determining the appeal, I have a duty to put the Enforcement Notice (“the Notice”) in order. I have powers to make corrections to the Notice, provided that doing so would cause no injustice to the appellant or the Council. Where an enforcement notice seeks to remedy the breach of planning control, it is important, to ensure that the requirements of the Notice (“the Requirements”) are consistent with the alleged breach of planning control (“the Allegation”).
2. The Allegation in this case is that a change of use to a mixed use has taken place. However, the Requirements are to cease only the residential occupation of the land. Therefore, it is necessary to correct the Requirements to cease the mixed use of the land, by ceasing the residential occupation of the land. I have canvassed the views of the parties on such a correction and neither have suggested that injustice would arise. Moreover, compliance with the Notice would allow a return to the previous lawful use. As the existing use is stated as industrial, and that is the other component of the alleged mixed use, I am satisfied that such a correction would cause no injustice to the appellant or the Council.

The appeal on Ground (a)

3. Ground (a) is that planning permission should be granted for the matters alleged in the Notice. The main issues are:

- (i) The effect on the local economy, with regard to the provision of employment land;
 - (ii) The effect on the character and appearance of the area;
 - (iii) The effect on the living conditions of the occupiers of the caravans, with particular regard to the provision of external garden space, privacy and the potential for noise disturbance;
 - (iv) The effect on the Somerset Levels and Moors Ramsar site with particular regard to the potential for increases in phosphate levels; and
 - (v) Whether the development is appropriately located with regard to flood risk.
4. An appeal against the refusal of planning permission to retain the 3 caravans at the site (Ref APP/Q3305/W/22/3314152) was dismissed on 8 January 2024. The reasons for refusal of that application were given within the reasons for issuing the Notice. The submissions before me indicate that the same evidence was submitted in respect of both appeals and the Inspector identified main issues consistent with those I have outlined above.
5. Before determining this appeal, I sought the views of the main parties as to whether there had been any material change in circumstances since the previous appeal was determined. No material change in circumstance has been identified, although the appellant raised some additional points that I have taken into account. Given the findings of the previous Inspector, similarity of the cases, and the nature of the outstanding matters in dispute, it has not been necessary for me to visit the site in connection with this appeal.

The first three issues

6. Irrespective of whether he correctly identified former uses of the land on which the caravans are sited, and notwithstanding that there are other established and new dwellings in the area, the previous Inspector found the proposal acceptable in respect of the first three main issues. I have no new evidence to lead me away from that conclusion. As such, I find that the caravans would assist in supporting the local economy, without causing harm to the character and appearance of the area. Given their use, by employees during the week, satisfactory living conditions would be provided.
7. Accordingly, the development accords with those aims of policies CP3 of the Mendip District Local Plan Part I 2014 ("LP1") that seeks to support business development and growth. It results in no conflict with those aims of LP1 policy DP20 relating to the reuse of employment sites, or policy DP25 of the Mendip District Local Plan Part II 2021 that seeks to maintain the integrity of employment land and support investment in jobs.
8. There would also be no conflict with those aims of LP1 policies DP1 and DP7 that seek to ensure the maintenance and enhancement of local identity, and secure development that is appropriate to its local context, that provides a satisfactory environment for future occupiers.

Somerset Levels and Moors Ramsar Site

9. The site is within the hydrological/fluvial catchment of the Somerset Levels and Moors Ramsar site. Amongst other things, the area supports an assemblage of rare aquatic invertebrates. Poor water quality, due to nutrient enrichment from elevated levels of phosphorus, has resulted in a loss of biodiversity within the protected area. Additional residential development could result in unacceptable increases in phosphate levels from foul water discharge entering into the catchment. That could have further adverse effects upon biodiversity and prevent the site from reaching its conservation objectives.
10. In the original evidence, it was clarified that there is no foul connection from the site that would lead to the Somerset Levels and Moors catchment. Instead, there is connection to a cess tank on the site. This has been reiterated in updated evidence before me, where it is clarified that this is also used by nearby bungalows and flats. Furthermore, 3 new houses are also served by a cess tank system and I am told that permission was given for this as there would be no risk to the environment.
11. I have no doubt that the tanked system is emptied by a reputable contractor who removes the waste to be processed at a registered disposal site elsewhere. However, I still have no detailed evidence as to where this disposal site is. Importantly, even if it is outside the Somerset Levels and Moors catchment, there is no mechanism before me to safeguard the ongoing use of that disposal site, the continued use of the present contractor, or a future company that does not use a disposal site within the catchment. I equally have no substantive information about any arrangements and safeguards put in place for the 3 new dwellings and whether they could be repeated here.
12. Therefore, on the basis of the evidence before me, I reach the same conclusion as the previous Inspector that there is a realistic possibility that the development would contribute to an increase in phosphate levels within the Somerset Levels and Moors Ramsar site. It has not been demonstrated, beyond reasonable scientific doubt, that the development can avoid this. Such would result in conflict with LP1 Policies DP5 and DP8 that seek to ensure that development does not give rise to unacceptable adverse environmental impacts on the quality of water resources or biodiversity and that designated habitat areas and species are protected. It would also result in conflict with those parts of the National Planning Policy Framework ("the Framework") that seek to protect those interests.

Flood Risk

13. The reasons for issuing the Notice indicate that the site lies within Flood Zone 2, the medium risk zone. As noted by the previous Inspector, the development plan and the Framework require application of the sequential test to consider whether there are alternative sites available at a lower risk of flooding that could accommodate the development. The original evidence in connection with this appeal does not demonstrate consideration of the sequential test, and the previous Inspector found that it had not been shown to be passed.
14. I understand that the appellant can attest to there having been no flooding events in the 40 years that he has operated from the site, nor has there been any flooding at the adjoining bungalows and flats that are said to be at the same level as the land on which the caravans have been sited. The floor of the caravans would be

further raised above this ground level. Permission was also given for the 3 new houses immediately to the north, which I understand to also be at a similar level.

15. Although the Council's approach between those new houses and this development may seem inconsistent, I have no detailed information about the circumstances or available evidence leading up to the grant of that permission. I have no substantive evidence in this case to justify a departure from the findings of the previous Inspector, or the clear requirements of local and national planning policy.
16. Despite their short-term occupation, I, therefore, find that the occupiers of the caravans could be placed at unacceptable risk of flooding. It has not been shown that other sites at lower risk are not available, so the development results in conflict with LP Policy DP23, and the Framework, that require a sequential approach to flood risk management.

Other matters

17. The Council indicated that, at the time of the original evidence, it could demonstrate a 2.87-2.94 years supply of deliverable housing land. In this scenario, paragraph 11 d) of the Framework should be considered. In the first instance, that indicates that permission should be granted unless the application of policies of the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development. The Framework, at footnote 7, indicates that those areas include habitats sites – such as the Somerset Levels and Moors Ramsar – and areas at risk of flooding, with which I have found conflict.
18. Accordingly, notwithstanding the housing supply situation, the policies of the Framework, taken as a whole, do not indicate that permission should be granted. There is no obvious reason why granting permission for a temporary period would lead to a different conclusion.

Conclusion on the ground (a) appeal

19. For the reasons given, the development conflicts with the development plan. Material considerations, including the Framework and any support from the Parish Council, do not indicate that permission should be granted otherwise than in accordance with the development plan. Accordingly, planning permission should not be granted for the matters alleged in the Notice and the appeal on ground (a) should fail.

Formal Decision

20. It is directed that the enforcement notice is corrected by:

In section 5 'what you are required to do', paragraph ii), the insertion of the words "mixed use of the land by ceasing the" before the word "residential".

21. Subject to the correction, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Town and Country Planning Act 1990 as amended.

M Bale

INSPECTOR