
Appeal Decisions

Site visit made on 16 October 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal A Ref: APP/E3335/W/25/3363366

Higher Kedget Farm, Churchstanton, Taunton, TA3 7RQ

- 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 Keith Sparks (K&A Sparks & Sons) against the decision of Somerset Council.
 - The application Ref is 10/24/0003.
 - The development proposed is the erection of a poultry shed (broiler house).
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Appeal B Ref: APP/E3335/W/25/3363369

Higher Kedget Farm, Churchstanton, Taunton, TA3 7RQ

- 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 Keith Sparks (K&A Sparks & Sons) against the decision of Somerset Council.
 - The application Ref is 10/24/0004.
 - The development proposed is the erection of a poultry shed (broiler house).
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Applications for costs

3. For both Appeal A and Appeal B, an application for an award of costs was made by Mr Keith Sparks against Somerset Council. These applications will be the subject of a separate decision.

Preliminary Matters

4. Each of the appeal schemes proposes one additional poultry shed to add to the existing permitted shed on site. Given the reason for refusal, the collective effect of the two additional sheds needs to be assessed in combination. As such, to avoid repetition I have provided one reasoning section, detailing my findings for both appeals. Notwithstanding this, each proposal and appeal has also been considered individually, and on its own merits.

Main Issue

5. The main issue is the effect of the proposed developments on the integrity of the Southey and Gotleigh Moors SSSI.

Reasons

6. The two original planning applications were refused on the basis of a lack of information relating to the impact of ammonia and nitrogen deposition upon nearby designated sites. It is noted that, as part of the application process, Natural England (NE) were consulted and objected to the schemes.
7. As part of their original applications, the appellant produced a 'SCAIL' report which forecasts the impact of the proposed sheds on air quality at various protected sites nearby. Furthermore, as part of their appeal evidence, the appellant has also provided a report by AS Modelling & Data Ltd, March 2025 (the ammonia report) which seeks to assess the combined impact of the two proposals upon such sites. While late evidence such as this is normally only permitted in exceptional circumstances, I have elected to accept it on this occasion.
8. The ammonia report identifies that there are thirteen SSSIs within 10km of the appeal site, one of which, is also a Special Area of Conservation (SAC). One of the SSSIs is the Southey and Gotleigh Moors SSSI (SGMSSSI) which is noted within the ammonia report as being a species rich example of alder carr, valley mire and acidic marsh grassland. The SCAIL report notes that, in relation to the SGMSSSI, likely increases in ammonia and nitrogen arising from the two proposed sheds would require mitigation. Furthermore, Table 6 of the ammonia report concludes that the level of ammonia predicted would exceed the 1% threshold for this protected site.
9. As part of the two appeals, I have found it necessary to consult NE who have elected to maintain their previous objections to each proposal. In essence, the SCAIL report has been noted by NE to be insufficient on the basis that it provides information extracted from a SCAIL report, rather than the actual report itself. NE has also suggested that the ammonia report is insufficient in relation to the SGMSSSI on the basis that the habitats within it include a number of bog communities which have a lower nitrogen deposition threshold which is not reflected within the report.
10. On the basis of NE's comments, and my own conclusions, it is clear to me that there are significant deficiencies with the appellant's evidence, and in particular, that the impact on the SGMSSSI has been underplayed within the appellant's appeal statement. Indeed, paragraph 193(b) of the National Planning Policy Framework sets out that development on land within or outside of a SSSI, which would likely have an adverse effect on it, should not normally be permitted.
11. The appellant has provided some details of potential mitigation measures that could be introduced in order to reduce harm to an acceptable level. These include the planting of a tree belt around the proposed poultry sheds and the provision of scrubber units to remove ammonia. However, very few details on the nature of the proposed tree belt have been provided. Moreover, while the appellant has provided some further information on scrubber units as part of their comments on the NE response, this is quite limited and merely states that their use would 'likely' reduce relevant emissions to acceptable levels. It is not for this appeal process for

existing deficiencies in evidence to be addressed. Indeed, I must make my decision based on the evidence currently before me.

12. Taking account of all of these matters, I do not have sufficient certainty that the effect of the proposed sheds, in combination, would not result in an unacceptable level of harm to the SGMSSSI. Indeed, I can see no reason to depart from the advice received from NE, as the statutory body, in this instance.
13. On that basis, both appeal proposals would therefore conflict with Policy CP8 of the Taunton Deane Core Strategy 2011-2028, the relevant aspects of which, seek to protect and enhance designated sites.

Other Matters

14. The appellant's evidence, and the responses from NE, refer to several other protected sites in the area, including the Quants Special Area of Conservation (SAC). As a result of the comments from NE during the course of these appeals, it is not entirely clear to me whether the ammonia report adequately addresses the issues that NE identified within the SCAIL report, and therefore whether the proposals would be acceptable in that regard. Had I not found sufficient potential harm to the SGMSSSI to dismiss the appeals, I would have found it necessary to engage further with the main parties and NE on this matter. Given the location of the SAC, this may have included the need to undertake an appropriate assessment. However, given my findings on the SGMSSSI, delaying my decision further is neither reasonable nor necessary.
15. The site is within the Blackdown Hills National Landscape (the NL). Paragraph 189 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty within NL's. Furthermore, the Levelling Up and Regeneration Act 2023 requires decision makers to actively seek to further the statutory purposes of NL's.
16. In this instance, the proposed poultry sheds would be of a similar design to the existing shed on site, and their overall appearance is reflective of the rural surroundings in which they would be located. As such, I am satisfied that the proposals would not result in harm to the scenic beauty of the NL, or conflict with the statutory purposes of such areas. I note that the Council does not disagree with this conclusion.
17. There would be some economic benefits associated with the two proposals. However, given the scale of the schemes, these benefits are afforded modest weight and do not outweigh the identified harm.

Conclusion

18. The proposed development schemes conflict with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that Appeal A should be dismissed, and Appeal B should also be dismissed.

C Butcher

INSPECTOR