
Appeal Decision

Site visit made on 11 November 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/E3335/W/25/3368219

4 The Mead, Rode, Frome, Somerset BA11 6PF

- 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 Messrs J & R Hill on behalf of Furlong Developments Ltd against the decision of Somerset Council.
 - The application Ref is 2025/0487/FUL.
 - The development proposed is the erection of a detached dwelling (Self-Build).
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a detached dwelling at 4 The Mead, Rode, Frome, Somerset BA11 6PF in accordance with the terms of the application, Ref 2025/0487/FUL, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site encompasses the side garden area of an existing two-storey semi-detached property which forms a corner plot, on the east-west section of 'The Mead', to the eastern side of a T-junction. This format is mirrored by the property at No.3, which forms the western corner of the junction opposite. The principal elevation of the properties on this section of the road, generally align with the highway, giving a regular building line, though there is a significant gap between the host property No.4 and the property at No.3 opposite. There is a waist height stone wall enclosing the front boundary of properties, though there are established gaps in this, providing vehicular or pedestrian access points.
4. The properties which run along the north-south section of 'The Mead' are situated at varying angles to the highway. This results in a lack of a defined building line on this section of road, where it is common to see principal elevations of properties, either stepping in front of each other or being at differing angles to the highway in the street scene, exposing the gables of adjacent properties. The angle of the pair of semi-detached dwellings No.5 and No.7 to the highway is greater than that of the pair of semi-detached dwellings of No.6 and No.8. This results in differing relationships between the principal elevations of the properties on the north-south section of the road, and the gables of the properties on the east-west section at the junction.

5. The proposal would introduce a modest detached two-storey dwelling into the former side garden of the host property at No.4. The principal elevation would align with that of the host dwelling. The gap between the gable of the proposal and that of the host dwelling would be similar to the gap between No.2 and a property adjacent to it known as 2a. Whilst there are windows in the gable of the host dwelling, these are small and the majority appear to serve non-habitable areas, principal windows being located in the front and rear elevations. I therefore conclude that the relationship of the proposal to the host dwelling would be acceptable and would not unduly harm the outlook or amenity of its occupiers.
6. The proposal would follow the scale, form and materials of the host dwelling, and surrounding properties, and so would respect the character of the area. Whilst the introduction of a new dwelling within the appeal site would result in the reduction in the gap between development at the T-junction, this would not be so great as to harm the character of the area. The visibility of the proposal within the street scene of the east-west section of the road would follow the building line and spacing of existing development. It would therefore assimilate the proposal with its surroundings.
7. Within views on the north-south section of the road, the gable of the proposal would project forward of the line of the principal elevation of the pair of semi-detached properties at No.8 and No.6. However, it would be little different to the pattern of development elsewhere on this north-south section of the road, where such relationships between properties are common. There would also be the single storey garage of No.6 sitting further in front of this. I therefore find this relationship would not result in harm to the character or appearance of the area.
8. The proposal would be provided with its vehicular access to a parking area within the western section of the plot, by the removal of a section of the existing hedge at this location, allowing access from the north-south section of the road, alongside the vehicular access of No.6. Whilst this is close to the T-junction, the extent of visibility available at this location, and restricted number of vehicles within this section of the cul-de-sac, results in this being acceptable in highways safety terms.
9. The Council raised concern over the removal of sections of the stone wall on the boundary within the east-west section of the road. However, at my visit it was clear that there is an existing wide opening to the appeal site, which provided vehicular access to the host property's former garage which sat alongside its gable. This was clearly a longstanding feature. There was also a secondary independent opening in the wall for pedestrian access to the host dwelling. The proposal would, therefore, not result in a loss in the overall length of stone wall on this boundary, merely the repositioning of the location of the existing openings, to suit the revised layout of the proposal and host dwelling. I therefore find this would not harm the character and appearance of the area.
10. I am aware that a previous development proposal on the site¹ was dismissed on 16 January 2025. However, the previous proposal consisted of two houses, which is a materially different scheme than the current scheme. The proposed single dwelling has, in my view, addressed the earlier Inspector's concerns about the spacing between existing development. As such, the previous appeal decision carries little weight.

¹ APP/E3335/W/24/3347836

11. For the above reasons, I conclude the proposal would not harm the character and appearance of the surrounding area. It would, therefore, accord with Policies DP1, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies (2014) (the Local Plan). These policies require, among other things, that development contributes positively to the maintenance and enhancement of local identity and distinctiveness, and that in terms of their scale, mass, form and layout, that new development is appropriate within their context.

Other Matters and Planning Balance

12. I have noted that the proposed drawings indicate a parking area for two cars in front of the host dwelling, together with bin storage facilities. I find that this would be acceptable in planning terms and would not harm the character and appearance of the area, due to other such development being common within the immediate vicinity. It would be formed by a relocation of the existing vehicular access and associated drop kerb, which would be substantially closed on the appeal site, other than for pedestrian access. However, this element of the proposal is not situated within the red line boundary of the application, but within the blue line boundary. It is therefore not within the application site but is within an area of land under the appellants ownership and control. This can be secured by an appropriately worded condition, to ensure acceptable parking provision for the host dwelling.
13. Neighbouring residents at No.6 have objected to the proposal, citing overlooking and the potential effect of restricting development on their property. Having examined this, I find that there would be little likely effect of overlooking either to the garden or living areas of the adjacent property, due to the separation distance and the plan relationship between No.6 and the proposal. The topography of the stepping in the boundary between the two properties is such that this would restrict the potential for development of No.6, such that even if a two-storey side extension were to be erected at No.6, there would still be several metres of separation between the properties, with the design of any such extension to No.6 being capable of being executed in a manner which maintained privacy and outlook between the properties for the occupants of both properties.
14. The council have confirmed their current 5 Year Housing Land Supply (5YHLS) figure as 2.84 years. The appellant has noted this as being 2.21 years as at the 6 February 2025. Whilst there is disagreement between the parties as to the exact figure, both are significantly below the 5-year supply required. Accordingly, paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged for decision making purposes. However, as I have found the proposal to accord with the development plan, it is unnecessary to further consider the question of housing supply, and the presumption in favour of sustainable development contained in national policy, as this would not alter the outcome of my decision.
15. The proposal would provide an additional unit of self-build accommodation, which can be appropriately secured by the submitted UU, and which would contribute, albeit in a small way, to the housing needs in an area with an acknowledged shortfall. I have found the proposal would not harm the character and appearance of the area. Consequently, I have found it would accord with the Local Plan policies in this regard, and with the development plan when considered as a whole.

Planning Obligation

16. The application is for the development of a self-build/custom-build dwelling. Accordingly, it benefits from an exemption to the statutory requirements of the Environment Act (2021) (the EA), to deliver a mandatory biodiversity net gain of at least 10%. However, it is essential that the self-build/custom-build form of development is secured.
17. The appellant has completed a deed of Unilateral Undertaking (UU) under s106 of the Town and Country Planning Act 1990, dated 1 December 2025. The appellant's signed and dated UU defines the development as self-build and legally binds the appellant to construct and occupy the property as a self-build dwelling. I have considered this in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. I am satisfied that the obligation is necessary to make the development acceptable in planning terms and is directly related to the development. Hence, on that basis this obligation is fairly and reasonably related to the development proposed and passes the statutory tests in this regard.

Conditions

18. I have had regard to the 5 conditions suggested by the Council and the comments provided by the appellant. Where necessary I have amended the wording, in the interests of precision and clarity, and to comply with the advice in the Planning Practice Guidance and the Framework.
19. In addition to the standard time limit for implementation, in the interests of certainty, I have attached a condition specifying the approved plans.
20. Conditions are necessary to ensure the control of materials used in the external envelope of the proposal in the interest of visual amenity, and to ensure provision of access and parking in accordance with the approved drawings in the interest of highway safety. A condition is also necessary to control the timing of construction works to protect the living conditions of the surrounding occupiers.

Conclusion

21. For the reasons set out above, I conclude that the appeal proposal would accord with the development plan, read as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal is allowed.

D R Kay

INSPECTOR

Schedule of Conditions

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.
- 2 The development hereby permitted shall be carried out in accordance with the following drawings: Location Plan - 1:1250@A4, Existing Block Plan - 1:200 @ A3, Proposed Block Plan - 1:200 @ A3, Proposed Ground Floor Plan - 1:50 @A3, Proposed First Floor Plan - 1:50@A3, Section A-A - 1:50 @ A3, Proposed Elevations - 1:100@A3.
- 3 No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4 The development hereby permitted shall not be occupied until the vehicle access and parking spaces for the development hereby permitted and the host dwelling have been provided in accordance with the details shown on the approved plans. The vehicular access and parking shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted and the host property.
- 5 Demolition or construction works shall take place only between the hours of 08:00 and 18:00 on Monday to Friday, and between 08:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

***** End of Schedule*****