



Appeal Decision

Site visit made on 25 November 2025

by F Webber BSc (Hons), MSc, MRTPI, ACSM

an Inspector appointed by the Secretary of State

Decision date: 02 January 2026

Appeal Ref: APP/E3335/W/25/3372078

2 Playseyes Green, Hambridge, Langport, Somerset TA10 0AP

- 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 Kenneth Winstone against the decision of Somerset Council.
 - The application Ref is 24/02469/FUL.
 - The development proposed is to demolish existing double garage and erect a new 2/3 bedroom house. Form new plot to rear of existing property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site is that used by the Council in the decision notice and transcribed to the appeal application by the appellant. The description of the development is that used by the appellant in the application to the Council.
3. The appellant has stated on the appeal form that the application type is for 'Outline' planning permission, however it is clear from the submitted documentation that both the Council and the appellant have identified that this application was for a full planning permission.
4. An amended plan has been submitted to support this appeal which seeks to address the Council's concerns regarding loss of light. The Council have been given the opportunity to comment on the revision to the roof design. Although the appeals process should not be used to evolve a scheme, I am satisfied that in this case, given my overall decision, accepting the plan would not prejudice other interested parties. Therefore, I have considered the amended plan.
5. A shadow Habitat Regulations Assessment ('sHRA') has been submitted by the appellant, I have considered this to be in draft form only, given the absence of an entry in Appendix 1. Consequently, the sHRA is incomplete and I do not consider it evidential for the purpose of this appeal.

Main Issues

6. The main issues are whether the proposal would have an effect:
 - on the living conditions of neighbouring residents with regard to light; and
 - on the integrity of the Somerset Levels and Moors Ramsar site and Special Protection Area ('the Habitat Sites').

Reasons

7. The appeal site lies within a small estate of detached two storey dwellings leading into a cul de sac of bungalows, all benefitting from off-road parking and garages. The orientation, plot size and garage provision of 2 Playses Green is similar to that of the property on the opposite side of the road and both of these buildings are at right angles to the next dwellings in the road. The proposed dwelling would have a principal elevation onto the road, with no windows on either of the side elevations. The overall dimensions of the new building would be common with the built form of the host dwelling and larger than the other buildings further into the cul de sac. The existing garage wall forms the boundary with the next property in the road with the proposed dwelling replicating this arrangement at the boundary.
8. The original design for the proposed dwelling was, considered to be, an appropriate built form and broadly in keeping with the surrounding properties by the Council and thus conformed to Policy EQ2 of the South Somerset Local Plan 2006-2028 ('SSLP'). However, that design has been modified for the purpose of this appeal to address the loss of light. A light assessment has been undertaken and submitted in respect of the hipped roof but there is no comparable assessment for the original gable end design.
9. Notwithstanding, the appellant contends that the garden room extension to 2 Playses Green is the principal room used in the daytime and that the living room most affected has peak usage from 6pm to 10pm. I consider that whilst this may represent the current use, the same cannot necessarily apply to future occupants and as stated by the Council *'cannot be used to justify unacceptable levels of overshadowing to the various internal rooms'* of the host dwelling. Regardless, of the current use of living rooms, the assessment illustrates that due to the limited separation distance from the proposed dwelling, there would still be overshadowing to the living rooms of 2 Playses Green, and the area of garden between, in the morning.
10. In support of the appeal, my attention was drawn to other developments in the county. However, I do not have full details of the circumstances that led to planning permission being granted and so I cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of scale, location and development plan policy. In any case, I have determined the appeal on its own particular facts and merits. I do not find these other developments which the appellant mentions to be a strong argument in support of this appeal.
11. Consequently, I consider that the living conditions for any occupiers of 2 Playses Green would be compromised and regardless of the roof design, the proposed dwelling would conflict with Policy EQ2 of the SSLP that seeks to protect the residential amenity of neighbouring properties.

The Somerset Levels and Moors Ramsar site

12. The appeal site is within the catchment area of the Habitat Sites. These are a series of wetlands located in Somerset. The landscape includes rivers and wetlands, which are artificially drained, irrigated and modified to allow productive farming.
13. The Habitat Sites are protected by the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Regulations'). In order for development to be

acceptable, these Regulations require it to be demonstrated that it will have no likely significant effect on the Habitat Sites, either alone or in combination with other proposals. If it cannot, measures must be proposed to remove the impact, for example, a satisfactory scheme of mitigation (i.e. that can demonstrate the nutrient neutrality of the proposed development), or the proposal should be refused.

14. Currently, there are high nutrient inputs into the water environment of the Habitat Sites catchment with evidence that this is causing eutrophication of the Habitat Sites. These nutrient inputs are currently thought to arise predominantly from wastewater from existing housing and agricultural sources. This nutrient enrichment is contributing towards adverse impacts on the protected habitats and species within the Habitat Sites.
15. Natural England advises that the addition of residential development within the catchment area of the Habitat Sites is likely to have a significant effect on them either alone or in combination with other proposals.
16. Adopting a precautionary principle and without mitigation, new residential development is likely to have a significant effect on the sensitive interest features of the Habitat Sites, from increased nitrate and phosphate levels either alone or in combination with other proposals causing harm to nature conservation. It is necessary for me, as the competent authority for the purposes of the Regulations to conduct an appropriate assessment (AA) in relation to the effect of the development on the integrity of the Habitat Sites.
17. The application is supported by a Nutrient Neutrality Assessment and Mitigation Strategy ('NNAMS') this quantifies the level of phosphate generated by the development as being a load of 0.11 kg / year and identifies mitigation measures to demonstrate that nutrient neutrality can be achieved.
18. The NNAMS identifies that the proposed development can achieve nutrient neutrality through one of two methods. The first method relies on a private wastewater treatment works, however in this instance the appellant has indicated that the proposed dwelling would connect to the Wessex Water foul water mains.
19. The second approach to achieving nutrient neutrality involves acquiring phosphate credits through mitigation schemes now operating in Somerset. The NNAMS identified a specific provider of a phosphorous mitigation scheme. However, the appellant has not provided evidence that such credits have been purchased, or a planning obligation drawn up indicating that these credits would be secured from the supplier before any development begins.
20. It would not be appropriate to attach a planning condition seeking the purchase of credits. To carry out an AA there must be clear evidence of where, and how mitigation will be secured. This is to ensure that the proposed measures are sufficient, secured, deliverable and capable of being enforced. The competent authority must employ the precautionary principle to prevent harm to Habitat Sites and avoid granting a permission that cannot be lawfully implemented. In this instance, no specific scheme has been secured, leaving a significant gap in the information needed to confirm effective mitigation.
21. As the competent authority, I must be satisfied at the point of making my Decision that the proposal will not compromise the integrity of the Habitat Sites. Without

confirmation of the defined source for the required credits, the level of scientific certainty demanded by the Regulations is not met.

22. For the above reasons, the proposal would adversely affect the integrity of the Habitat Sites and is therefore in conflict with Policy EQ4 of the SSLP and the National Planning Policy Framework ('the Framework') which along with other matters requires that development proposals demonstrate that should they proceed it will not result in any adverse impact on the integrity of national and international wildlife and landscape designations.

Other Matters

23. The Council has indicated that it is currently unable to demonstrate a 5-year supply of housing land. Therefore, paragraph 11 d) of the Framework is engaged. Irrespective of this the application of policies in the Framework as far as they protect habitat sites provide a strong reason for refusing the development proposed. This is reiterated in paragraph 195 of the Framework and as such, the proposal would not benefit from the presumption in favour of sustainable development set out in the Framework.
24. The proposal is intended to be a Self-Build dwelling, the Framework supports small sites to come forward for community-led development for housing and self-build and custom-build housing and whilst the Council has provided a condition to secure this as an exemption from the provision of Biodiversity Net Gain, I attach limited weight to this.
25. Nevertheless, if the appeal were to succeed the proposal would secure a new dwelling. There would also be jobs created during construction of the development. When complete the new dwelling and its occupiers would support local services and contribute to the economy. As such there would be some social and economic benefits. Although, the proposal would support some of the aims of the Framework with regard to these matters, given the small scale of the proposal (1 dwelling) this and the benefits associated with it attract limited weight.
26. The amended plans would introduce a roof form not in keeping with the host or neighbouring properties. During my site visit I toured this and other areas of the village and no other hipped roofs were evident and consequently I consider that a hipped roof would introduce a built form that would be out of character with the immediate and wider area and conflict with Policy EQ2 of the SSLP which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district.

Planning balance and conclusion

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
28. I have found that the proposal is not suitable in this location with regard to the development plan. More significantly, I am unable to conclude that the development would not add to the unfavourable phosphate levels within the Habitat Sites. The harm associated with these matters and conflict with the development plan and similar aims of the Framework, attract substantial weight.

29. Having taken account of the other consideration in support of the proposal to which I attach limited weight, I do not consider these to be sufficiently forceful to outweigh the harm and conflict with the development plan I have identified. Consequently, in the circumstances of this case, the material considerations do not justify a decision other than in accordance with the development plan taken as a whole.
30. For the above reasons, I conclude that the appeal should be dismissed.

F Webber

INSPECTOR