



Appeal Decision

Site visit made on 18 November 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2026

Appeal Ref: APP/E3335/W/25/3369699

Land East of Manor Park, Keinton Mandeville, Somerton TA11 6EP

- 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 H&S Developments Ltd against the decision of Somerset Council.
 - The application Ref is 21/01762/FUL.
 - The development proposed is the erection of 7 No. dwellings and associated access, parking and landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 7 No. dwellings and associated access, parking and landscaping works at Land East of Manor Park, Keinton Mandeville, Somerton TA11 6EP in accordance with the terms of the application, Ref 21/01762/FUL, subject to the conditions in the attached schedule.

Preliminary Matters and Main Issues

2. I have removed details that aren't development from the banner head and decision above.
3. The appeal site lies within the catchment of the Somerset Levels and Moors Special Protection (SPA) and Ramsar site, a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2007, as amended (the Habitat Regulations). Whilst not indicated as a reason for refusal, it is incumbent upon me as the competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA/Ramsar site. As the main parties have addressed this situation during the appeal, neither party would be prejudiced by this matter being dealt with as a main issue.
4. Consequently, the main issues are:
 - whether the location of the site is suitable for the proposal, having regard to the local development strategy and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would be likely to have a have a significant effect on the integrity of the Somerset Levels and Moors SPA/Ramsar site.

Reasons

Character and appearance

5. The historic core of Keinton Mandeville is focussed along the key routes through the village comprising Queen Street and High Street/Castle Street, with the prevalent built form along these routes consisting of single depth residential plots. Despite the originating as a linear settlement, many gaps between the built form, where visual and physical connections to the agricultural fields and open countryside beyond may historically existed, are now blocked by later developments. This includes the Manor Park cul-de-sac immediately adjacent to the appeal site. As a result, the dominance of the linear nature of the settlement, when experienced on the ground, has been eroded and the strength of the relationship between the built form and the wider landscape diminished.
6. As identified within The Landscape of South Somerset 1993¹, the key features of the wider landscape surrounding the appeal site include ancient hedgerows, pollarded willows, species-rich hedges and wetland corridors. However, these are not features of note within the site. Nonetheless, hedgerows bounding the larger agricultural field within which the site is located, together with similar landscape features that define the patchwork of fields in the wider area do contribute to the character of the surroundings.
7. There is no dispute that the proposal would extend the built form of Keinton Mandeville to the east and would alter the visual context of this edge of the village when seen from the surrounding area. However, given its scale, such an extension would not be substantial. Furthermore, the presence of the proposed dwellings would be experienced against the back drop of the existing built form. Together with their siting on a low-lying part of the site and their 1.5 storey heights, the proposed landscape buffer and planting along the site's southern and western boundaries softens these views. Additional containment of the built form would be provided via the proposed offsite orchard planting, secured by a Unilateral Undertaking² (UU), whilst reintroducing a feature which was previously a key component of the area's landscape character.
8. The layout of the proposal has been designed to reflect a farm complex comprising a farmhouse and converted barns orientated towards a central courtyard. Given its proximity to the open countryside and relationship with adjacent agricultural fields, the site's location for such an arrangement would be wholly appropriate, even if it is not a form commonplace within Keinton Mandeville. Additionally, the incorporation of rural vernacular design and the use of stone, slate and clay rooflines seeks to meet the development management principles encouraged within the Somerset Landscape Assessment – Landscape Character 2025³. While the Landscape Masterplan⁴ indicates the dominant use of hardstanding within the proposed courtyard, this is not, in itself, a reason to refuse the proposal. Furthermore, such details form part of the hard and soft landscaping scheme secured by a condition requiring its submission to and approval by the Council.
9. Therefore, the proposal reflects the local character, context and distinctiveness of Keinton Mandeville as a whole, even if elements of the built form differ from the

¹ Visual Character Region 1 – The Fivehead and High Ham Escarpments, Valleys and Moors

² Signed and executed on 21 July 2025, pursuant to Section 106 of the Town and Country Planning Act 1990

³ Landscape Character Area LCA26c, within LCT 26 – Tributary Valley Farmland

⁴ Dwg No. 4077/201 rev A, prepared by Boon Brown

pattern of development within its immediate surroundings, principally that of Manor Park.

10. Aside from the desirability of maintaining an area's character and setting, the Framework supports the efficient use of land, highlighting the importance of making decisions that avoid homes being built at low densities and ensure that developments make optimal use of the potential of a site. It further recommends the use of minimum density standards for city and town centres, with the application of density minima for other areas given consideration. However, in respect to Keinton Mandeville or other similar settlements, no density minima is set out within the Local Plan.
11. Given the lack of either quantitative or qualitative measures to assess whether a development makes an efficient use of land, little substantive evidence is before me to justify the proposal would not make optimal use of the potential of the site. Indeed, the use of terraced forms, with shallow front gardens is generally more likely to achieve higher densities than developments comprising detached dwellings set back from the road, including those identified by the Council as forming a large component of the village.
12. I conclude that the proposal would not harm the character and appearance of the area, in accordance with Policy EQ2 of the Local Plan⁵ which supports development that is designed to a high quality, promotes local distinctiveness and preserves, or enhances, the character and appearance of the district. It also complies with the Framework's approach to securing well designed places, as amplified within the National Design Guide.

Location

13. Keinton Mandeville is a Rural Settlement where, in accordance with Policy SS2 of the Local Plan development will be strictly controlled and limited to employment opportunities, community facilities and/or to meet identified housing need. This policy does not, therefore, preclude residential development on the appeal site, provided it also: is commensurate with the scale and character of the settlement and generally increases the sustainability of a settlement in general; and is consistent with relevant community led plans; and should generally have the support of the local community following robust engagement and consultation.
14. In terms of an identified housing need, my attention has been drawn to the Keinton Mandeville Local Community Plan which indicates there is a preference in the village for two- and three-bedroom homes. However, as these needs were based on a consultation exercise undertaken in 2005, how relevant to the current housing need in the village is unclear.
15. The Executive Summary of a Housing Needs Survey, commissioned in support of the emerging Keinton Mandeville Neighbourhood Plan, is also before me. This focuses on the need for additional affordable housing and the size of such homes. However, as the scale of the site does not exceed the Framework's threshold where such housing should be provided, the lack of affordable housing is not determinative in this case. Notwithstanding this, no substantive evidence has been presented demonstrating that there is an identified housing need for three- and four-bedroom homes in Keinton Mandeville.

⁵ South Somerset Local Plan 2006-2028 (Local Plan)

16. As set out in the main issue above, I have found that the proposal would be commensurate with the scale and character of the settlement. Through the provision of additional homes within walking distance of a range of services and facilities within Keinton Mandeville, the proposal provides the opportunity to contribute to the sustainability of the settlement in general. However, given the number of objections made by interested parties, including many residents of Keinton Mandeville, during the consultation periods for both the planning application and this appeal, I am unable to conclude that there is general support for the proposal.
17. Consequently, as not all the provisions of Policy SS2 of the Local Plan have been met, I conclude that the location of the site is not suitable for the proposal, having regard to the local development strategy and the Framework.

Integrity of the SPA/Ramsar site

18. Insofar as is relevant to the appeal site, the conservation interest of the SPA/Ramsar site relates to the numerous species of invertebrates it supports. The overarching conservation objective for the management of the site is, therefore, to ensure its ongoing maintenance and restoration, as appropriate, thereby supporting the extent, structure and distribution of the habitats on these qualifying species rely, including their processes.
19. One of the issues which this prevents this objective being met relates to an increase in the amount of nutrients within sewerage and surface water discharging into the drainage catchment which, in turn, reduces water quality. This results in a process called eutrophication which causes the excessive growth of sunlight blocking algae, a depletion of oxygen as aquatic plants die, leading to an adverse effect on the invertebrate species the SPA/Ramsar site supports.
20. As the proposal would increase the number of people living in the area, it would therefore lead to an increase in nutrients being discharged into the SPA/Ramsar site and a reduction in water quality. Consequently, when considered alone or in combination with other plans or projects, the proposal would be likely to have a significant adverse effect on the integrity of the SPA/Ramsar site.
21. The total phosphorus loading from the proposal, using the South Somerset Phosphate Calculator, is set out in the Shadow Habitat Regulations Assessment⁶. To mitigate this level of loading, the proposal includes the following of an area of land in Langport (the mitigation site). This is secured by the aforementioned UU, which has been signed by the appellant as landowner of the appeal site, their lender who has a registered charge over it and the mitigation site landowner.
22. Aside from obligating the following of the requisite area of land to mitigate the phosphorus loading from the additional dwellings, the UU also requires a Landscape and Ecological Management Plan (LEMP) to be submitted to, approved by the Council, and implemented prior to the occupation of the dwellings. The LEMP is required to detail the ongoing management and maintenance of the mitigation site. Other covenants within the UU obligate the appellant to pay a monitoring fee to the Council and submit an annual maintenance report. As these provisions are necessary to make the appeal scheme acceptable in planning terms, are directly related to the development and are fairly and reasonably related

⁶ Prepared by Encompass Ecology Ltd, dated July 2022

in scale and kind to it, the UU meets the three tests required by the Framework for planning obligations.

23. I conclude that, subject to mitigation, the proposal would not be likely to have a significant effect on the integrity of the SPA/Ramsar site and accords with Policy EQ4 of the Local Plan in this respect.

Other Matters

24. My attention has been drawn to three Grade II listed buildings within the vicinity of the site. These comprise Manor Farmhouse⁷, the Barn two metres south east of it⁸, and the adjacent Sunnycroft⁹. The special architectural and historic interest of each of the listed buildings includes their ages, together with the type and condition of their construction materials and specific architectural features. In particular, the Barn is believed to date from the fifteenth century and has Roman clay tiles, whereas Sunnycroft represents a very good surviving example of a farmhouse complex. In respect to the Manor Farmhouse, although its seventeenth- or eighteenth-century form is much altered, nonetheless its traditional construction materials and rural vernacular features remain.
25. The close proximity of the three listed buildings means they are experienced as a group or cluster of structures. Given the distance between the appeal site and these listed buildings, with other built form and landscape features between, the proposal would not encroach on the setting of these heritage assets. As similarly conclude on another appeal¹⁰ on the site, the proposal, therefore, would preserve the setting of these heritage assets.
26. Several interested parties have made representations relating to the appeal scheme with concerns about the increase of traffic through Keinton Mandeville, traffic congestion, highway safety impacts and that the settlement's existing infrastructure wouldn't be capable of accommodating the appeal scheme. Given the scale of the proposal and the lack of objections from relevant statutory consultees, no substantive verification of these concerns are before me.

Planning Balance

27. The proposal would provide social and economic benefits from the construction and occupation of seven additional homes, boosting the supply of housing and supporting employment opportunities as well as existing shops, services and facilities in Keinton Mandeville. The proposal is also supported by the Framework's recognition that small sites can make a positive contribution to the local housing stock in a short period of time as they can be built out quickly. Environmental benefits would be derived from the landscape buffer, orchard planting and the provision of solar panels on all dwellings. Given the sites' location within walking distance to a range of services and facilities, environmental benefits would be derived from the ability of the proposed occupiers to use other modes of transport to the private vehicle. Taken together, due to the scale of the proposal, these public benefits would be moderate.

⁷ List Entry Number: 1056706; date first listed 30 September 1985

⁸ List Entry Number: 1056707; date first listed 30 September 1985

⁹ List Entry Number: 1244941; date first listed 2 February 1999

¹⁰ PP/R3325/A/14/2217950, dated 11 July 2014

28. The Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework, with the latest published position being 2.07 years (26 March 2025). This represents a substantial shortfall. In such circumstances, paragraph 11d of the Framework specifies that permission for proposals should be granted unless:
- i. the policies therein that protect areas or assets of particular importance, including habitat sites and designated heritage assets, provide a strong reason for refusing it; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
29. Given my conclusions relating to the SPA/Ramsar site above, I have not found that there is a strong reason for refusing the proposal in this regard. Therefore, paragraph 11di does not apply. In respect to paragraph 11dii, the proposal is contrary to the local development strategy and, as Policy SS2 of the Local Plan is broadly consistent with the Framework's hierarchical approach to the use of strategic policies to direct development, it attracts great weight within my decision.
30. Nonetheless, the net gain of seven dwellings as a result of the proposal would be valuable in supporting the Framework's objective of significantly boosting the supply of housing where there is a shortfall. Due to the scale of this shortfall, the proposal would make a moderate, yet important, contribution to the local housing supply which, due to the number of dwellings, could be constructed quickly. I therefore attach significant weight to this benefit. In addition, I attach moderate weight to the environment, social and economic benefits which would be derived from the proposal, as set out above.
31. Consequently, when assessed against the Framework as a whole, I conclude that the adverse impacts of granting permission for the proposal would not significantly and demonstrably outweigh the benefits that would be derived from it. Therefore, paragraph 11dii of the Framework applies and the granting of permission in this case is supported.

Conditions

32. In addition to the standard conditions relating to the commencement of the development and the approved plans, I have imposed conditions relating to a Construction Method Statement (CMS), foul and surface water drainage, means of access, and hard and soft landscaping. It is necessary for these to be pre-commencement conditions to ensure there are no adverse impacts on the living conditions of neighbouring occupiers, flood risk, highway safety or the character and appearance of the area. As the CMS is required to include working hours and a restriction on burning materials on site during the construction period, it is not necessary for me to impose the separate conditions related to these issues. Nor has it been sufficiently justified that it is necessary to impose a separate condition relating to any damage caused to the highway during construction. In any event, this can be incorporated into the CMS.
33. To protect the site and its surroundings from flooding and to ensure adequate services are provided for the future occupiers of the dwellings, a condition requiring foul and surface water drainage schemes to be approved prior to the commencement of development has been imposed. A separate condition relating

to the discharge of surface water onto the highway is not necessary as this will be addressed within the drainage schemes.

34. Given the existing landscape features on the site are located along one boundary, conditions specifically relating to the protection of hedgerow and trees, and an updated arboricultural method statement are unnecessary. I have, however, imposed a pre-commencement condition relating to hard and soft landscape works in the interests of the character and appearance of the area. This includes the requirement to provide an implementation programme which ensures the protection of birds during nesting periods.
35. In the interests of the character and appearance of the area, it is necessary for the details of the external materials to be used in the development to be submitted to and approved by the Council, prior to the commencement of works above ground level. In the same time limit, a condition requiring the submission and approval of a Biodiversity Enhancement Plan has been imposed, in the interests of ecology and biodiversity.
36. To promote the use of alternative forms of transport to the private vehicle and to promote the use of electric powered cars, conditions are imposed requiring the provision of bicycle storage and electric charging points prior to the first occupation of each dwelling. As the site is relatively flat, I see no reason for a maximum gradient for the means of access to each dwelling to be required by condition. Details and installation of appropriate refuse and recycling stores are required by a pre-occupation condition, in the interests of the living conditions of future occupiers of the dwellings and the character and appearance of the area.
37. In the interests of the health and safety of those working or visiting the site during the construction of the development, I have imposed a condition which requires any contamination to be reported immediately to the Council and works suspended until a risk assessment has been approved. Should lighting, other than domestic lighting for the dwellings, be installed, I have imposed a condition requiring details of these to be approved by the Council. This also ensures that any additional lighting is bat sensitive. Further and/or separate conditions relating to other forms of lighting, including street lights, are not necessary as such details will fall under the aforementioned condition or other mechanisms or legislation.
38. I have not imposed a condition regarding a reptile mitigation strategy as it has not been demonstrated that this is necessary, nor has Somerset Ecology indicated that further ecological surveys are required. Similarly, the necessity for the removal of permitted development rights have not been clearly justified, as required by the Framework. As the submission to and approval by the Council of a LEMP and the timing of its implementation are set out in covenants within the UU, it is not necessary for a condition to be imposed which would replicate this requirement.

Conclusion

39. For the reasons given above and taking into account all other relevant matters raised, I conclude that the appeal should be allowed.

Juliet Rogers

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three (3) years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:

4077/100 rev A	Location Plan
4077/001 rev C	Site Layout Plan
4077/201 rev A	Landscape Masterplan
4077/002 rev D	Floor Plans Plot 1
4077/003 rev D	Elevations Plot 1
4077/004 rev B	Floor Plans – Ground & First Plots 2 & 3
4077/005 rev D	Roof & Section Plots 2 & 3
4077/006 rev D	Elevations 1 or 2 Plots 2 & 3
4077/007 rev C	Elevations 2 or 2 Plots 2 & 3
4077/008 rev C	Floor Plans Plot 4
4077/009 rev D	Elevations Plot 4
4077/010 rev B	Floor Plans Plot 5
4077/011 rev C	Elevations Plot 5
4077/012 rev C	Floor Plans Plot 6
4077/013 rev D	Elevations Plot 6
4077/014 rev B	Floor Plans Plot 7
4077/015 rev C	Elevations Plot 7
4077/016 rev C	Street Scene
4077/017	Roof Plan and Section Plot 1
4077/018	Roof Plan and Section Plot 4
4077/019	Roof Plan and Section Plot 5
4077/020	Roof Plan and Section Plot 6
4077/021	Roof Plan and Section Plot 7
4077/023	Solar PV Location
- 3) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide, as a minimum, for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;

- vi) traffic management measures, including the protection of all road and pavement users, handling abnormal loads and turning areas;
- vii) measures to control the emission of dust and dirt during construction;
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- ix) a confirmation that no materials will be burned on site during the site clearance or construction phases;
- x) delivery, demolition and construction working hours; and
- xi) methods of communicating the Construction Method Statement with staff, visitors and neighbouring residents and businesses.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall commence until details of the implementation, adoption, maintenance and management of the foul and surface water drainage scheme, based on sustainable drainage principles, have been submitted to and approved in writing by the local planning authority.

The approved drainage system shall be carried out in accordance with the approved details, prior to the first occupation of the development, and managed and maintained in accordance with the approved management and maintenance plan thereafter.

- 5) No development shall commence until details of the means of access for vehicles, pedestrians and cyclists, including vehicle parking and turning spaces, have been submitted to and approved in writing by the local planning authority. The means of access shall be carried out in accordance with the approved details, prior to the first occupation of the dwellings hereby approved and retained for these purposes thereafter.

- 6) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include, as a minimum:

- i) a statement setting out the design objectives and how these will be delivered;
- ii) planting plans including retained landscape features and protection measures to be implemented during the construction of the approved development;
- iii) plan showing any landscape features to be removed;
- iv) any earthworks showing existing and proposed finished levels or contours;
- v) boundary treatment, means of enclosure and retaining structures;
- vi) management and maintenance plan for all hard and soft landscaping;
- vii) hard surfacing materials;
- viii) an implementation programme, including phasing of work where relevant; and
- ix) scheme of management and maintenance.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied, in accordance

- with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with the approved scheme.
- 7) Notwithstanding the details set out on the approved plans, no development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings 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.
 - 8) No development above ground level shall take place until a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The enhancements shall be provided in accordance with the approved BEP, prior to the first occupation of the dwellings and retained thereafter.
 - 9) No dwelling shall be occupied until an electric vehicle charging point (EVCP) has been provided for each dwelling, in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The EVCP shall be maintained and available for the charging of an electric vehicle thereafter.
 - 10) No dwelling shall be occupied until covered space has been provided for the storage of bicycles, in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The bicycles shall be retained for these purposes thereafter.
 - 11) No dwelling shall be occupied until space has been provided for refuse and recycling storage, in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The refuse and recycling storage shall be retained for these purposes thereafter.
 - 12) Prior to the installation of external lighting, other than in private gardens, full details including height, design, location, intensity and shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
 - 13) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

**** End of Schedule ****