



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: 15 January 2026

Appeal Ref: APP/E3335/W/25/3373113

**Higher Farm Cottages, Higher Farm Lane, Yeovilton, Yeovil, Somerset
BA22 8JQ**

- 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 Oliver Hopkins Estates Ltd against the decision of Somerset Council.
 - The application Ref is 25/00380/FUL.
 - The development proposed is conversion of the existing two dwellings into a single dwellinghouse and erection of a single storey extension to rear, erection of a detached garage along with associated works including landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing two dwellings into a single dwellinghouse and erection of a single storey extension to rear, erection of a detached garage along with associated works including landscaping at Higher Farm Cottages, Higher Farm Lane, Yeovilton, Yeovil, Somerset BA22 8JR in accordance with the terms of the application, Ref 25/00380/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the proposed development is as set out in the Council's decision notice and transcribed to the appeal application form by the appellant.
3. It is noted that Plan number 1762/030 Proposed Ground Floor Plan also includes the proposed layout for the first-floor conversion of the host dwelling.

Main Issues

4. The main issues are whether the proposed:
 - conversion and extension are commensurate to the scale of the original dwellings; and
 - extension would have effects on the setting of the existing non-designated heritage asset being the original dwellings.

Reasons

Amount of the development

5. The appeal site consists of an attached pair of former farm workers cottages. On the day of my visit, it was noted that the vestigial ground floor structure to the rear

elevation has been removed and that the shed to the rear of the garden has in part been demolished and overgrown with vegetation.

6. The proposal is to redevelop the internal layout and construct a single storey extension to the rear, to form a single dwelling. A garage would be offset from the line of the dwelling but would be located to the rear of the plot.
7. The principle of the conversion of the two dwellings to form a single dwelling and the materials proposed for the extension are not contended by the Council. However, the Council stated that *'the extension proposed would result in a dwelling that is disproportionate to the scale of the original dwelling'*.
8. On my visit to the site, being a clear, late autumn day, access was via the unmetalled public highway Higher Farm Lane that is also a Public Right of Way, both terminate at the vehicular entrance to the site and farm road. These are flanked by high dense hedgerows, which restrict views of the rear of the host dwellings. The proposed extension being single storey, and the garage, whilst having a combined footprint larger than the host dwelling, would not have higher ridge heights, and the overall width of the new accommodation would be less than that of the cottages. I consider that in terms of scale and massing; the extension would be subservient and subordinate to the host dwelling and that it is unlikely that unobscured views of the extension would be afforded from the nearest public viewpoint.
9. Views from the surrounding countryside would be distant and obscured, with screening from hedgerows and trees to the far boundary of the site. There are distant open views from the site to Higher Farm itself and closer views from the farm road that leads to Higher Farm Lane. The forms and finishes of the distant farm buildings, of which there are many and of a much larger scale, are similar in nature to those proposed for the extension and garage. In contrast to the sprawling layout of the farm, the proposed site layout would be compact, and the Council noted that in the previous appeal decision *'the inspector considered that a sizable addition would not result in harm to the landscape ... and it would be unreasonable to object to this application on such basis'*.
10. I conclude that the proposed development would not by virtue of scale, siting and design be disproportionate to that of the original dwelling and would be compatible with and sympathetic to the landscape character of the location as set out in Policy HG8 of the South Somerset Local Plan 2006-2028 (adopted March 2015) (SSLP).

Non-designated heritage

11. The National Planning Policy Framework (the Framework) at paragraph 216 sets out how consideration of the effects on non-designated heritage assets is applied, stating that *"In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset."* The appellant has pointed out that there is a fall-back position, considered in Appeal Ref: APP/E3335/W/23/3327749 in relation to the same site. The proposal, subject to that appeal, was the total demolition of the two dwellings and construction of a wholly new dwelling. The fall-back position, which remains, being the extension of each, to the rear, sides and roofs of the existing two dwellings, without the need for planning permission. In that case, the Inspector considered, that such a fall-back would somewhat compromise the heritage interest of the dwellings. The Inspector

concluded that this would be less harmful than the total loss of the buildings, to facilitate a new dwelling. This decision established that the two cottages were non-designated heritage assets.

12. It is noted that, in the Planning Officer's report, the Council's Conservation Officer objected to this scheme, based on scale and design of the extension and the appellant was invited to revise the proposed design. However, I consider that given the configuration of the newbuild to the rear of the heritage asset, the proposed development, as stated in the report '*would not impact the main historic and architectural significance of the cottages.*'
13. This proposal would retain the host dwellings front and side elevations, without perceivable modification. The newbuild to the rear, would not extend beyond the width of the host building. However, consideration is given to the scale of the extension and whether this would have a greater effect on the heritage interest than the fallback position. When observed from the farm road looking directly towards the frontage, the accommodation extension would be wholly obscured, thus preserving the appearance of two farm workers cottages, with the front elevation of the host building being predominant.
14. I judge that extending the existing dwellings, by exercising permitted development rights, would have a moderate harmful effect on the character and appearance of the heritage asset when considered against the proposed development. I regard the fall-back position of the erection of extensions to the sides and rear, as permitted development, to be a real prospect and hence a material consideration. In arriving at this conclusion, I have taken account of the earlier appeal decision, with regards to the fall-back position and consider that the proposed conversion would better preserve the character of the original building and does not conflict with Policies EQ2 and EQ3 of the SSLP which seeks to safeguard the significance, character, setting and local distinctiveness of heritage assets.

Other Matters

15. The site lies within the Somerset Levels and Moors Special Protection Area and the Ramsar Catchment. The proposal would be to convert two dwellings into one, which does not meet the criteria necessary to require mitigation.
16. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
17. Higher Farm House, a Grade II listed building, is approximately 400 metres north of the appeal site. However, as the former agricultural workers cottages have been identified as relating to Higher Farm, I have taken account of the overall design of the proposed development, as set out above, with special regard to the setting of the listed building.
18. I consider that due to the preservation of the front and side elevations of the host building, the materials proposed for the extension, and the separation distance and the intervening agricultural buildings of the main farmstead, the proposed development would have little effect on the setting of the listed building, which would be preserved. Consequently, the proposal would not conflict with Policy

EQ3 of the SSLP and Chapter 16 of the Framework that requires that heritage assets are conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place.

Conditions

19. The Council have suggested several conditions, and I have considered these against the advice in the Planning Practice Guidance (PPG) and the tests set out in the Framework. In addition to the standard time limit condition (1) and Condition 2 requiring the development to be carried out in accordance with the approved plans in the interests of certainty, I have amended some of the suggested wording.
20. In respect of Condition 3, given that the proposal relates to a non-designated heritage asset, I have removed *'unless agreed otherwise in writing by the Local Planning Authority'* thereby ensuring that the development is carried out so as not to compromise the character and appearance of the heritage asset, any changes would be better secured through other statutory routes to vary conditions. In addition, the following has been removed as no substantial changes to the appearance of the non-designated heritage asset have been proposed: *'the mortar mix and coursing of the external walls (best illustrated through the provision of a sample panel) where proposed;'*
21. Condition 4 is necessary in the interests of the 'Favourable Conservation Status' of populations of European protected species. However, the following has been removed *"Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority"*. As previously stated, any changes would be better secured through other statutory routes to vary conditions, given the identified presence of protected species.
22. Condition 5 is necessary to protect nesting birds and prevent ecological harm, given that nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended) however, the following has been removed: *'...accompanied by dated photos showing the site before and after clearance'*, as a written report by a competent ecologist is sufficient.
23. For Condition 6 the following has been removed: *'and marked by Heras fencing erected prior to works commencing. Measures will be put in place to ensure materials are not stored at the base of trees, hedgerows, and other sensitive habitats. The measures...'*. Insofar as BS 5837:2012 includes details of fencing requirements that are sufficiently prescriptive to ensure Root Protection Areas are established prior to construction commencing.
24. Condition 7 has been amended to require compliance with the mitigation enhancement provided by the appellant and accepted by the Council.
25. The PPG paragraph 017 (21a-017-20190723) states that *'Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity'*. Proposed Condition 8 is necessary to ensure that any modifications to scale and mass of the proposed new dwelling by virtue of Classes A, AA, B and E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GDPO), do not compromise the character and

appearance of the converted dwelling, being in part a non-designated heritage asset.

26. Regarding Class C, Part 1 of Schedule 2 of the GDPO, paragraph 55 of the Framework states that “*planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so.*” The Council have not provided a clear justification why permitted development rights of the type described in Class C of Part 1 should be removed, stating only that the Council wishes “*to exercise control over development in or safeguard the character and appearance of the development itself, and the locality in general by ensuring there are no inappropriate extensions to the dwelling*”. Such controls are adequately addressed by virtue of Classes A, AA, B and E of Part 1. Consequently, that part of the suggested condition removing permitted development rights subject of Class C, Part 1, is not reasonable, insofar as the matters therein, are restricted and any changes would be subservient to the character and appearance of the non-designated heritage asset. In respect of reasons relating to on-site parking, circulations areas and surface water run-off, these are of no relevance given the location and layout of the proposed development.
27. Condition 9 has been removed as the proposed development was not exempt from a requirement for biodiversity net gain (BNG) and the appellant has accordingly submitted a BNG Statement. Schedule 7A Part 2 of the Town and Country Planning Act 1990 sets out the legislative details regarding implied conditions on the grant of planning permission, in this instance paragraph 13(2) applies. The appellant has committed to some on-site biodiversity enhancement, secured through condition (7) together with the delivery of an orchard off-site. Consequently, as set out in paragraph 13(2), the appellant is required to submit a Biodiversity Gain Plan for approval by the Council prior to commencement of the development, together with a planning obligation as set out in paragraph 9(3), to secure 30 years post development maintenance.

Conclusion

28. I have found that there would be no harm to the non-designated heritage asset and as such, the proposal would comply with the development plan read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Accordingly, I find that the appeal should be allowed.

F Webber

INSPECTOR

Schedule

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1762/001 REV A Location Plan
 - 1762/003 REV A Proposed Block Plan
 - 1762/030 Proposed Ground Floor Plan
 - 1762/031 Proposed Garage
 - 1762/032 Proposed Roof Plan
 - 1762/040 Proposed Elevations
 - 1762/050 Sections
- 3) No work shall be carried out in relation to any of the below elements until particulars of that element have been submitted to and approved in writing by the Local Planning Authority:
 - i) materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - ii) the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - iii) all boundaries; and
 - iv) the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented.
- 4) Prior to construction of the extension hereby approved above damp-proof course level, where external lighting is to be installed, a lighting design for bats, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.
- 5) No building work or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the buildings, trees, shrubs and scrub and tall ruderal vegetation to be cleared, for active birds' nests immediately before works proceed. Written confirmation that no birds would be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site should be submitted to the Local Planning Authority by the ecologist. In no circumstances should netting be used to exclude nesting birds.
- 6) All trees and hedgerows will be protected during the works, including groundworks, by the establishment of Root Protection Areas in accordance with BS 5837:2012 and shall be maintained throughout the construction period.

- 7) Prior to occupation of the building as a single dwelling hereby approved the ecological enhancements set out in section 6.8 in the Ecological Impact Assessment [Summer Keeble-Carter, Abricon Ltd dated 15 February 2023] shall be installed and thereafter retained.
- 8) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:
 - i) Part 1, Class A (enlargements, improvements or other alterations);
 - ii) Part 1 Class AA (enlargement of a dwellinghouse by construction of additional storeys);
 - iii) Part 1, Class B (additions etc to the roof of a dwellinghouse); and
 - iv) Part 1, Class E (outbuildings).