



Appeal Decision

Site visit made on 12 September 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

Appeal Ref: APP/E3335/W/25/3368340

Land at Owl Street, Stocklinch, Somerset TA19 9JN

- 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 Dillington Estates against the decision of Somerset Council.
 - The application Ref is 24/01579/FUL.
 - The proposed development is described as 'The proposal will demolish the existing barns, which have a previously approved Class Q change of use, and rebuild into 5 no. new habitable dwellings'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Dillington Estates against the decision of Somerset Council. This application is the subject of a separate decision.

Preliminary Matter

3. A notification of prior approval, Ref.: 25/01168/PAMB was granted since the refusal of this appeal development, and I shall take into account to the extent that this is relevant.

Main Issues

4. The main issues are:
 - the effect on the integrity of the Somerset Levels and Moors Ramsar site, with particular to phosphates; and
 - whether the site is suitably located for 5 dwellings having regard to its accessibility to services and facilities.

Reasons

Ramsar site

5. From the information provided, the appeal site is located within the catchment area of the Somerset Levels and Moors Ramsar Site (the Ramsar site), which has suffered significant harm as a result of phosphate loadings in the area. As such, there is a requirement to mitigate phosphates, generated by development, affecting the condition of the Ramsar site. Therefore, by reason of paragraph 194(b) of the National Planning Policy Framework (the Framework), the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) are engaged as are Local Plan Policies EQ2 and EQ4.

6. Policy EQ2 states that development must not risk the integrity of internationally, nationally or locally designated wildlife and landscape sites. Policy EQ4 states that all proposals for development will protect the biodiversity value of land and buildings and minimise fragmentation of habitats and promote coherent ecological networks. It further states that development will not be allowed to proceed unless it can be demonstrated that it will not result in any adverse impact on the integrity of national and international wildlife and landscape designations, including features outside the site boundaries that ecologically support the conservation of the designated site.
7. The evidence indicates that the appeal site benefits from an extant approval for 5 dwellings under the Class Q prior approval process. The Council has indicated that its position is that as there is a current Class Q approval with sufficient time left to implement it. In this regard, clarity has been sought from both main parties on what regulation is relied on to support this position, but I have not been provided with any evidence to support the position of the parties. Therefore, the appeal development is subject to a Habitats Regulations assessment. Nothing has been provided to lead me to a different conclusion, and this conclusion is consistent with the response provided from Natural England.
8. The Council states that the 'replacement' of 5 new dwellings would not lead to an increase in phosphates. Be this as it may, the appeal proposal is not a 'replacement' of dwellings. This is because none currently exist on the appeal site. I say this, as at the time of writing, the aforementioned Class Q approval has not been implemented and nothing has been provided to lead me to a different conclusion in this regard. Crucially, the Class Q fallback position I have been referred to is therefore of no consequence in respect of this main issue. In other words, the Class Q fallback position does not mean that a Habitats Regulations assessment is not required.
9. In a case such as this, a Habitats Regulations assessment needs to be informed by nutrient budget calculations to consider the impacts, alone and in combination with other plans/projects, proceeding to appropriate assessment stage where likely significant effects cannot be ruled out. But in this regard, no information has been provided. I have also not been provided with any information on the conservation objectives for the relevant Ramsar site or any mitigation measures proposed to be secured as part of the appeal development, to ensure there would be no adverse effect on the integrity of the Ramsar site.
10. It seems to me that new dwellings on the appeal site would likely increase phosphate loadings, resulting in likely significant effects on the Ramsar site and there is no statutory basis for the approach described by the Council, set out above. The appellant has not provided any information to support the Council's position either. Therefore, taking a precautionary approach, as I am required to do, I cannot rule out harm and I have no reason to believe the appeal development would not have likely significant effects for which no mitigation would be secured.
11. It is necessary for me, as the competent authority, to conduct an appropriate assessment under Regulation 63 of the Habitat Regulations. Under the Habitat Regulations, I may agree to the project after having ascertained that it will not adversely affect the integrity of the relevant designated site. But in light of the limited information provided in this case, I cannot conclude that the appeal proposal will not adversely affect the integrity of the Ramsar site.

12. In light of the above, the Habitat Regulations require consideration as to whether there are alternative solutions and if not, whether there are any imperative reasons of overriding public interest. I have not been provided with any imperative reason of overriding public interest and there are other locations where new dwellings may be sited. In other words, alternative solutions exist. Nothing has been provided to lead me to believe otherwise.
13. Taking all of the above into account, I conclude that the appeal development would have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar site, with particular regard to phosphates. As such, in this regard, the appeal proposal does not comply with Local Plan Policies EQ2 or EQ4 or the Habitat Regulations.

Location

14. Policy SS2 of the South Somerset Local Plan Adopted March 2015 (the Local Plan) states that development in rural settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which provides employment opportunities, and/or creates or enhances community facilities and services; and/or meets identified housing needs.
15. Paragraph 5.23, 5.24 and 5.25 of the Local Plan further explain that rural settlements are considered locations where there is a presumption against development unless key sustainability criteria are met. It states that this approach does not preclude development, however, the future delivery of housing and economic activity in rural locations needs to carefully balance the sustaining of communities with protecting and enhancing the rural environment. Furthermore, Policy SS2 of the Local Plan states that proposals for housing development should only be permitted in rural settlements that have access to two or more key services, as listed in paragraph 5.39 of the Local Plan.
16. The appeal site is located to the southeast of Stocklinch and lies within the open countryside. Although Stocklinch contains a church and a village hall, which are listed as key facilities in the Local Plan, the site is situated considerable distance from other essential services and facilities required for day-to-day living.
17. The access lane from Owl Street to the appeal site is narrow, uneven, and lacks street lighting. Given these constraints, I feel that residents would be heavily reliant on private vehicles for day to day journeys. This reliance would undermine the objective of promoting sustainable modes of transport and reducing dependency on the private cars.
18. Overall, I conclude that the appeal site would not be suitably located for 5 dwellings, having regard to the Council's spatial strategy and its accessibility to services and facilities. This would be contrary to Policy SS2 of the Local Plan, which seeks, amongst other matters, to limit development in the open countryside, and to direct the majority of new development to the settlements, like Market Towns and Rural Centres, where services and facilities can be easily accessed.

Other material consideration

19. Details of the consented Class Q scheme, 22/00743/PAMB, which expired on the 14 April 2025, and the subsequent consented Class Q scheme, 25/01168/PAMB, which will expire on 17 June 2028, were provided as a fallback position. I have no

reason to doubt that the fallback has a real prospect of being implemented, as the existing buildings remain intact and are in good condition, as I observed at my site visit. Consequently, this fallback position is a material consideration in the determination of the appeal scheme. However, as I referenced earlier, the identified possibilities of harm being caused to the Ramsar site means that limited weight can be attached to this fallback position.

Planning Balance

20. Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise. Paragraph 195 of the Framework also states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
21. In this instance, although the Council does not benefit from a 5-year housing land supply as required by the Framework and the fallback may have a real prospect of being implemented, the presumption in favour of sustainable development does not apply given that I conclude that the appeal proposal would have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar site, with particular regard to phosphates.
22. The Council did not refuse permission in respect of other matters, including archaeology, highway safety, design, scale, visual amenity, living conditions, ecology, waste, flood risk and drainage. The absence of harm in these respects means they are neutral factors in the planning balance.
23. The appellant made reference to the previous scheme, Ref. 22/03397/FUL, that was refused when the Council compared it with the consented scheme, Ref. 22/00743/PAMB. The appellant suggests that the Council did not refuse the application, Ref. 22/03397/FUL, on the grounds of it being an unsustainable location. However, from the information provided, the refused scheme appears to have involved larger residential curtilage, with differences in both the number and distribution of dwellings. As such, it is not directly comparable to the appeal proposal before me, and it does not alter my findings above.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

O Tresise

INSPECTOR