
Appeal Decision

Site visit made on 16 December 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

Appeal Ref: APP/E3335/W/25/3371745

Land Adjoining 3 Everton Road, Yeovil BA20 1UF

- 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 Studley on behalf of Studley Roofing SSAS against the decision of Somerset Council.
 - The application Ref is 21/02992/FUL.
 - The development proposed is the erection of an apartment block of 9 No. flats with associated bin store, cycle store, parking spaces and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the integrity of the Somerset Levels and Moors Special Protection Area and Ramsar Site (the Protected Site).

Reasons

Character and appearance

3. The appeal site is located at the junction of Manor Road with Everton Road and the immediate area is generally suburban in character. Manor Road and Everton Road mainly comprise detached, semi-detached and terraced properties of traditional design and materials that are predominately over two-floors, some with further accommodation within the pitched roofs. To the rear of the site, however, part of Tudor Court that is set back from the road is larger and taller comprising a steeply pitched roof albeit also over two floors with rooms in the roof. Tudor Court is of a more modern design and appearance.
4. The appeal site is adjoined on both sides by two-storey dwellings under pitched roofs that do not show external signs of rooms within their roof. Compared to the prevailing pattern of development in the immediate area, the appeal site benefits from a longer road frontage. It also occupies a prominent position at the junction of Manor Road and Everton Road with direct views of the site down Manor Road when travelling toward the site from West Henford road.
5. The proposal comprises the construction of a four-storey building with flat roofs seeking to echo elements of the surrounding residential features such as bay

windows and brick detailing. I note that the design also seeks to serve as a contemporary interpretation of the existing buildings through its use of materials with its second and third floors set back.

6. However, the use of flat roofs combined with the four-storey height would result in a building significantly at odds with the generally two-storey pitched roof character of the immediate area. While I acknowledge the height of Tudor Court approximately equivalent to a three-storey building, its location to the rear of the site does not occupy a prominent position, is not reflective of the wider prevailing character and comprises a pitched roof. It would also be screened by the proposed development with only glimpsed views available from Manor Road.
7. Furthermore, as the proposed building rises in height, and although each floor is proposed to be set back further and becomes smaller in area, the upper floors would result in a significantly taller building than the adjacent properties emphasizing its greater height and differing roof form and appearing undersized or dwarfed by the proposal.
8. As a result, when viewed from Manor Road and Everton Road, the proposal would be significantly taller than the adjoining dwellings and prevailing character of the immediate area. As such, and rather than acting as a positive focal point, the height in combination with the number of floors and flat roof, would exceed and be at odds with the prevailing character and appearance of the area and be more prominent and over scaled than would be appropriate.
9. Moreover, the additional floors and their set back nature over the floor below, would create a building with an overly tall and tapering emphasis. This disparity would also be at odds with, and out of scale with the general uniformity of buildings in the immediate area that are of similar heights and proportions with less vertical or tapering emphasis.
10. While I noted at my site visit the presence of some commercial development to the east of the site, these buildings are limited in size and number and do not connect with further commercial uses. These buildings also reflect the two-storey plus rooms in the roof nature of development in the area. As such, I do not find that the appeal site acts as a transition site between residential and commercial uses.
11. I acknowledge that the appearance of the site at the time of my site visit does not enhance the character and appearance of the area. Nonetheless, it is not particularly harmful in itself given its open nature, enclosure by walling and gates and visual backdrop against Tudor Court. As such, this does not justify or overcome the harm I have identified above from the scale and design of the building.
12. Accordingly, for the above reasons, the proposal would cause harm to the character and appearance of the area. As such, it is contrary to Policy EQ2 of the South Somerset Local Plan (2006 – 2028) Adopted March 2015 (LP). Amongst other things, this requires development to be designed to achieve a high quality which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district considered against reinforcing local distinctiveness and respect for local character.

Integrity of Protected Site

13. The appeal site is within the catchment of the Protected Site. The Habitat Regulations 2017 (as amended) require that where a project is likely to result in a significant effect on a European site, the competent authority is required to undertake an appropriate assessment of the implications on the integrity of the European site in view of its conservation objectives. Any likely significant effects arising from the proposal need to be considered alone and in combination with other development in the area.
14. The Protected Site is in an 'unfavourable' condition due to poor water quality as a result of elevated concentrations of phosphorus. This ultimately results in harm linked to eutrophication in the form of excessive algae growth adversely affecting the ditch invertebrate and plant communities. A proportion of the phosphorus entering the Protected Site catchment is from human sewage discharge. As a result of an increase in residential accommodation, the development is likely to result in an increase in the discharge of phosphorus entering the Protected Site causing a likely significant effect on its integrity. Consequently, as the competent authority, I am unable to conclude through my Appropriate Assessment that the proposal will not adversely affect the integrity of the habitat sites through increased recreational pressure.
15. The Council's strategy for avoiding an adverse effect from phosphorus is to ensure that all planning applications for residential development, amongst others, demonstrate phosphate neutrality. In relation to this, the appeal is accompanied by a Phosphates Budget Calculator confirming the need for mitigation.
16. I acknowledge that the appellant proposes to purchase credits from a phosphate credit provider and states that this can be secured via a condition. However, I note that the correspondence to the appellant from Natural Cap states that the Phosphate Calculator has changed since its original quotation resulting in a higher figure of 0.6 P Credits and need for a Shadow Habitats Regulation Assessment (sHRA) document to accompany the appeal. I do not have substantive evidence before me demonstrating that 0.6 P Credits fully mitigates the effect of the proposal.
17. With regard to a sHRA, I note that the Council guidance in relation to Nutrient Neutrality in Somerset: Guidance for Applicants August 2025 requires the submission of a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) and sHRA including details to ensure that it can be concluded beyond reasonable scientific doubt that no likely significant effects are likely to arise. Although I do not have confirmation before me that these documents have been formally adopted, they have nonetheless been produced to aid applicants and to assist consideration of phosphate mitigation solutions. In the absence of a NNAMS and/or sHRA or similar, and in light of my findings above, I do not have substantive evidence before me demonstrating that 0.6 P Credits fully mitigates the effect of the proposal.
18. In light of this, from the information before me, I cannot conclude beyond all scientific doubt that the proposal would not result in likely significant adverse effects. As I need to be able to conclude that the detailed mitigation would fully address the likely significant effects before granting permission, I do not find the use of a condition seeking the agreement of details of the mitigation at a later date acceptable in this instance.

19. Furthermore, and while the Planning Practice Guidance¹ does not rule out the use of a condition to require an applicant to enter into an agreement or make a payment, it states that this is unlikely to be appropriate in the majority of cases. While the PPG goes on to state that in exceptional circumstances a negatively worded condition requiring an agreement (in this case the purchase of P-Credits/mitigation) to be entered into before development can commence may be appropriate, this is where there is clear evidence that the delivery of the development would otherwise be at serious risk and states that this may be in the case of particularly complex development schemes. Neither apply in this case. As such, securing the details of the mitigation via a condition would not be appropriate or meet the tests of necessity and enforceability in this instance.
20. While I have had regard to a condition referenced by the appellant securing similar mitigation in relation to an appeal², I have very limited information in relation to this and note that it relates to a different local planning authority where a different mitigation scheme has been accepted by the Council and Natural England. As such, I cannot be sure that it is directly comparable to the appeal before me that I must consider on its merits.
21. I have also had regard to the Council advising that it has adopted a new approach to securing credits for phosphates by securing Allocation Certificates through a pre-commencement condition removing the need for a Reservation Notice prior to determination. However, this relates to the process once the level of mitigation has been agreed rather than at the stage where the suitability and level of mitigation is being considered.
22. It therefore follows that I am not satisfied that likely significant effects to the ecological integrity of the Protected Site would be avoided in accordance with LP Policy EQ4 and the related provisions of the Framework. Amongst other things, these do not allow development 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.

Other Considerations

23. My attention has been drawn to a previous planning appeal allowed on the site³ for four three-storey dwellings. However, in the absence of full details of the proposal, I cannot be sure that it is directly comparable to the current proposal. Moreover, that appeal was some time ago and I am required to consider the current appeal on its merits.
24. I have had regard to the comments in support of the design of the proposal provided in the Yeovil Real News 17th March 2025. However, these comments do not alter my assessment of the suitability of the proposal detailed above.
25. As the provision of high-quality healthy accommodation, suitable overlooked amenity spaces providing security, location close to services and facilities, good access to the highway network, and lack of harm to living conditions are requirements of local and national planning policy and guidance, I give these matters limited weight.

¹ Paragraph: 010 Reference ID:21a-010-20190723

² APP/B1740/W/23/3324227

³ APP/R3325/A/11/2166380

26. The development would harm the character and appearance of the area and fails to adequately mitigate harm to designated habitat sites. The relevant policies are largely consistent with the Framework where it states that planning proposals should reflect the character of an area and safeguard the natural environment. Therefore, the proposed development would be contrary to the development plan as a whole and I give significant weight to the conflict with these policies.
27. There is no dispute between the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. I have found above that the proposal would cause harm to habitat sites. This is contrary to the provisions of Chapter 15 of the Framework that protects such assets. Given footnote 7 to Paragraph 11 d) i. of the Framework, and the harm I have identified to the asset of particular importance, this provides a strong reason for refusing the development and there is no need for me to carry out the assessment in Paragraph 11. d) ii. of the Framework.
28. Nevertheless, I have had regard to the addition of 9 dwellings which would contribute towards the supply of housing, create development jobs and increased expenditure by future residents, provide increased receipts for the Council from New Homes Bonus, Council Tax and the Community Infrastructure Levy, would be in a large town located close to a range of services and facilities and redevelop an under-utilised site with green roofs. I give these benefits moderate weight given the scale of the proposal. Conversely, I have found that the proposal would cause harm to the character and appearance of the area and fails to adequately mitigate harm to designated habitat sites and I give this significant weight. As such, in any case, the adverse effects would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

29. Overall, for the reasons given above, the proposal conflicts with the development plan taken as a whole. There are no other considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan. I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR