



Appeal Decision

Site visit made on 13 January 2026

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 February 2026

Appeal Ref: APP/E3335/W/25/3374795

Land at Crooked Lane, Rode, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr John Rowley of Livedin against the decision of Somerset Council.
 - The application Ref is 2025/1342/PIP.
 - The development proposed is described as a phased development 1 self-build dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a maximum of 1 self-build dwelling at Land at Crooked Lane, Rode, Somerset in accordance with the terms of the application, Ref 2025/1342/PIP.

Preliminary Matters

2. The appeal site does not have a postal address. The location can be identified by Grid Reference Easting: 380245 and Northing: 153679.
3. There is a second appeal (APP/E3335/W/25/3374796) by the same appellant on an adjacent site which I have also been appointed to determine. However, this has been dealt with on its own merits in a separate decision. Nevertheless, due to similarities between the 2 appeals, there is some overlap in considerations.
4. Planning Practice Guidance (PPG) advises that the permission in principle consent is an alternative way of obtaining planning permission for housing-led development. This is a two-stage process and planning permission is only created once both stages have been completed. The first stage, Permission in Principle (PiP), establishes whether a site is suitable in-principle, and the second stage, Technical Details Consent (TDC), is when the detailed development proposals are assessed.
5. For PiP the scope of considerations are limited to location, land use and the amount of development permitted¹. All other matters are considered as part of the subsequent TDC application if the PiP is granted. This appeal has been determined accordingly.

Main Issues

6. The main issues, with specific regard to location, the proposed land use, and the amount of development, are whether the appeal site is a suitable location for the proposed development having regard to relevant local policies relating to the rural

¹ set out within PPG: Permission in principle Paragraph: 012 Reference ID: 58-012-20180615 Revision date: 15 06 2018

area, and the effect of the proposal on character and appearance, and heritage assets.

Reasons

Location

7. As defined by the development plan the appeals site is located in the open countryside but abuts the development limit for Rode village. The Mendip District Local Plan 2006-2029: Part 1 Strategies and Policies (LP) Policy CP1 sets the spatial strategy for new development. As the development plan does not class Rode as either a primary or secondary village and the appeal site is within the open countryside, LP Policy CP1 requires new development to comply with LP Policy CP4.
8. LP Policy CP4 seeks to sustain rural communities by controlling development in the rural area. However, the proposal would not provide rural affordable housing or be for occupation by persons with proven and essential functional need to support total bases enterprises. Nor would it constitute development to support the rural economy, community infrastructure, or safeguard community facilities. As such the proposal would fail to comply with LP Policy CP4.
9. Therefore, with specific regard to location and the proposed residential land use, the proposal would fail to comply with LP Policies CP1 and CP4. So, the appeal site would not be a suitable location for the proposed development in regard to local policy.

Character and appearance

10. The appeal site is an area of land surrounded by hedging and purported by the Council to have been an orchard linked to nearby farms. It abuts housing to one side which is located at the edge of Rode. Visually on all other sides it is surrounded by open land. Although this is predominately fields which slope up and away from the site and edge of the village, it is noted that to the east this is a school playing field and so is less rural in its character.
11. The housing to the side of the appeal site looks like an L shaped complex of traditional farm buildings that have been converted. This aligns with the semi-rural edges of Rode marking the transition from dense village centre to open countryside. There are examples of development within the open countryside in the wider area, but these are predominantly established small pockets surrounded by fields.
12. The appeal site is a large plot compared to the adjacent properties but is reasonably defined and is largely enclosed by hedging and walls. The natural containment of the site is emphasised by the slope of the field beyond it and therefore visually it appears to have a truly transitional location between the village and open countryside. As transitional locations by their nature often incorporate a low level of development, there is potential for some development of the site without harmfully impacting its character, but this would have to be of a low density, and a modest scale reflecting that of the immediately adjacent dwellings.
13. Along with the hedging, the appeal site has some fruit trees planted on it. This means the site has a semi-domesticated appearance albeit quite naturalistic.

Therefore, where a modest dwelling built on the site, well considered landscaping could ensure any effect on the site would not be detrimental to its appearance.

14. As design and layout matters would be reserved for the TDC, I am satisfied that with regard to location, land use and amount of development, the proposal would not cause harm to the general character and appearance of the area, in accordance with LP Policy DP1, insofar as it seeks new development to contribute positively to local identity and distinctiveness.

Heritage Assets

15. The appeal site is within the Rode Conservation Area (CA). '2 High Street' (LB1) is a house beyond the L shaped complex of buildings, and, with its garden abutting the appeal site, 'Mayfield House and Attached Mill to Right' (LB2) is a late 18th Century house with early 19th Century mill. Both are grade 2 listed buildings² which the Council considers the appeal site to be in the setting of.
16. As potential impact on heritage assets has been identified, special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) must be taken. Therefore, it is necessary to consider whether the proposed development would preserve or enhance the character or appearance of the CA and preserve the setting of LB1 and LB2.
17. The CA is separated into 2 separate areas, with the appeal site sitting within the Rode Village Area (RVA). The Conservation Area Appraisal for Rode (CAA) notes the significance of the RVA is the coherence and quality of built traditions that provides the interplay between the post-medieval 'Cotswold' vernacular and polite Classical architecture which creates a rich and complex townscape.
18. The CAA makes no specific reference to the appeal site, referring only to the trees to the western end of the High Street. This could be broadly considered to include the trees along the boundaries of the site which can be seen beyond the buildings facing High Street. Nevertheless, the existing fruit trees would be entirely screened from views along High Street into and out of the RVA by the interceding buildings.
19. It is noted that the Council has referred to the appeal site potentially being a former orchard and this is supported by the appellant's Heritage Assessment³ in section 3.3.3 and 6.2, and the associated map regression. Such a use would not be uncommon at the transitional edge of a village such as Rode, hence its significance to the RVA is limited to its verdant character and potential historical use as an orchard. Accordingly, any form of development on the appeal site has the potential to reduce the verdant character of the appeal site and orchard-like appearance so cause harm to the significance of the CA by failing to preserve its character and appearance.
20. LB1 is a good example of a 19th Century house which represents the change in built vernacular as Rode grew and became more prosperous during that century. That prosperity was reliant on the expansion of commerce and LB2 is an example of how that occurred by its extension to include the mill. Therefore, the significance of both LB1 and LB2 is reliant on their age, architectural style, and historic interest. However, LB1 is clearly separated from the appeal site by the intervening L shape buildings, and although the garden of LB2 abuts the appeal site this connectivity

² Referenced as 1175285 for LB1 and 1058089 for LB2 on the National Heritage List for England.

³ Heritage Assessment by Millar and Howard Workshop and dated June 2025.

appears incidental rather than significant to their setting. Accordingly, due to the somewhat urban character of LB1 and LB2 and their obvious connection to the central core of Rode both in terms of design, orientation, and purpose, I do not consider the appeal site to be within their setting.

21. Nevertheless, this does not overcome the harm identified in relation to the CA. Accordingly, the proposal would fail to comply with LP Policy DP1 and DP3 insofar as they seek to protect features which generate a sense of place and local identity, and preserve and, where appropriate, enhance the significance of heritage assets.
22. The proposal would therefore cause less than substantial harm to a heritage asset and Paragraph 215 of the National Planning Policy Framework (the Framework) requires this to be weighed against the public benefits of the proposal and the appeal site's optimum viable use. This has been undertaken below.

Other Matters

23. The appellant has referred to the conversion of a garage (Ref: 2024/0356/HSE) and an agricultural barn (Ref: 2025/0916/PAA) as indicative of the pattern of development within the immediate area of the appeal site. However, both these applications refer to the conversion of existing buildings and were not new build, so are not comparable to that proposed.
24. Both parties have also brought numerous appeals to my attention⁴, all of which relate to the provision, or lack, of a mechanism to secure self-build and custom housebuilding (SBCH), and whether it is required. There is a mix of approaches, and with only the decision letters before me, it can only be concluded that this is due to the evidence presented to each individual inspector. This decision has therefore been made in light of the evidence provided in relation to the appeal before me.
25. Matters relating to design, biodiversity net gain, parking, surface water flooding, highway access, and ecology would be dealt with under a TDC.
26. Interested parties have mooted that other sites within the Council area would be better suited for SBCH as Rode has an oversupply of new housing. No requirement for site assessment or sequential testing has been put before me; therefore, the location of the appeal site has been considered on its own planning merits.
27. The Council has submitted a section of the Inspector Training Manual as part of its evidence. This is an evolving document and so is only valid for the date specified on it, in this case 12 June 2025.
28. The appellant also considers that the Council has failed to work proactively. Although unfortunate this does not alter the planning merits of the case.

Heritage and Planning Balance

Heritage Balance

29. In terms of the less than substantial harm to a heritage asset identified, Paragraph 212 of the Framework confirms 'great weight' should be given to their conservation.

⁴ APP/P0119/W/21/3288893; APP/J3720/W/23/3336035; APP/W0530/W/24/3352408; APP/D3125/W/25/3362574; APP/W0530/W/25/3367160; APP/Y2620/W/25/3368039; APP/H1840/W/25/3371357; APP/H1840/W/25/3371358; and APP/T0355/W/25/3372912

30. The Council cannot provide a 5-year housing land supply. Through reference to a planning appeal which was decided in September 2025⁵, the appellant has identified the housing land supply for the former Mendip area is 2.84 years. There is nothing before me to conclude otherwise on this.
31. Therefore, in accordance with the Framework, which seeks to boost significantly the supply of housing whilst recognising the importance small sites have in meeting house requirements, the provision of 1 new dwelling would be a public benefit. It is also acknowledged a new dwelling could provide economic and social benefits to the local community with new residents using local services. Further, through the TDC process, potential ecological and environmental benefits could also be secured. In combination these public benefits would attract moderate weight as they would be limited by the small number of new residents the proposal would provide and small scale of that proposed.
32. The proposed dwelling is described as self-build and the appellant has identified in various appeals⁶ that when there is a substantial and currently unmet need for SBCH, the provision of such plots or properties could attract significant weight. The appellant has also provided evidence that the Council area has an unmet need for SBCH plots⁷ and there is nothing before me to conclude otherwise.
33. However, as set out in the PPG⁸, it is not possible to attach obligations or conditions to a PiP, although an adequately worded and signed unilateral undertaking to run alongside the PiP and TDC maybe appropriate in some cases. A draft unilateral undertaking has been submitted, but as it is not signed it does not hold weight in this instance.
34. Therefore, to be considered as SBCH, beyond the description of development, it is necessary for the proposal to be clear that the initial owner of the proposed home will have primary input into its final design and layout⁹.
35. The PPG¹⁰ also states the TDC stage requires full details to be submitted in a single application with no option for a phased approach. So, as a single dwelling is proposed, on a balance of probabilities, it is conceivable that the design and layout details within a future TDC could include the primary input of the initial owner of that dwelling. This in conjunction with the identified need for SBCH means as a public benefit the self-build nature of the proposal would attract significant weight.
36. Taking account of the location of the appeal site's proximity to Rode, and the numerous services it provides appropriate for day-to-day living, and the adjacent residential uses, there is nothing before me to conclude that a residential use on the appeal site could not be viable, but there is nothing before me to confirm this is its optimum use.
37. Nevertheless, in this instance, it is found that the public benefits of the proposal would outweigh the less than substantial harm to a heritage asset.

⁵ APP/E3335/W/25/3363643

⁶ APP/D3125/W/21/3274197, APP/R3650/W/22/3300262, APP/T2350/W/23/3335737, APP/E3335/W/24/3348456, and APP/U2750/W/25/3359933

⁷ Appendix 3 of the appellant's Planning Statement

⁸ PPG: Permission in Principle Paragraph: 020 Reference ID: 58-020-20180615

⁹ PPG: Self-build and Custom Housebuilding Paragraph: 038 Reference ID: 57-038-20210508

¹⁰ PPG: Permission in Principle Paragraph: 019 Reference ID: 58-019-20180615

Planning Balance

38. As the Council cannot provide an adequate housing land supply and the proposal would not be contrary to the Framework policies in relation to heritage, Paragraph 11d) of the Framework is engaged.
39. The proposal would provide a singular SBCH dwelling reasonably quickly due to its small size. In combination with the previously described economic and social benefits and potential ecological and environmental enhancements, these benefits would attract significant weight based on the premise that with such a low 5-year housing land supply even a singular property would improve the situation.
40. Whilst the proposal is acceptable in relation to its impact on the character and appearance of the area, this absence of harm would be neutral in the planning balance. This would also be the case in relation to the lack of harm identified by the Council in terms of phosphates, highways, and alternative transport.
41. Although it has been found that the public benefit could outweigh the less than substantial harm to a heritage asset, in the planning balance the harm identified must still be considered. Nevertheless, this harm would only impact a small area of the CA, which has not been identified as important to the CAs significance and details of the specific design can be controlled by the TDC, so the less than substantial harm would be of the lower order.
42. Further the proximity to Rode with its numerous services means the conflict with LP Policies CP1 and CP4, would carry only limited weight.
43. Therefore, in these circumstances, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and with regard to sustainable locations and making effective use of land.

Conclusion

44. For the reasons given above, I conclude that the appeal should be allowed.
45. In allowing the appeal, the PPG makes it clear that it is not possible for conditions to be attached to a grant of PiP, whose terms may only include the site location, the type and amount of development. However, where PiP is granted by application, the default duration of that permission is 3 years. Applications for the TDC must be determined within the duration of the permission granted.

RJ Redford

INSPECTOR