



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/25/3374796

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 2025/1343/PIP.
 - The development proposed is described as a phased development of up to 3 self-build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site does not have a postal address. The location can be identified by Grid Reference Easting: 380257 and Northing: 153619.
3. There is a second appeal (APP/E3335/W/25/3374795) 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 area, and the effect of the proposal on character and appearance with regard to the setting of Rode Conservation Area.

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

Reasons

Location

7. As defined by the development plan the appeals site is located in the open countryside and set away from the development limit of Rhode village. It is the most northern section of a larger field and is surrounded by fields and open space on all sides. 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 as part of a larger field, has an open character and verdant appearance with hedging on 3 sides. It is separated from the edge of Rode by an enclosed area with some fruit trees on it, the appeal site for 3374795., which is part of the Rode Conservation Area (CA).
11. It is evident² the CA is significant due to the coherence and quality of its built environment. However, its countryside location emphasises the complexity of the townscape. The appeal site is set back from the edge of Rode and slopes up and away from it thus creating a verdant back drop to this part of the village and emphasises the semi-rural character of its edge. By forming part of the open countryside that surrounds the village, it forms part of the setting of the CA.
12. Paragraph 213 of the National Planning Policy Framework (the Framework) establishes the need to consider the impact of development on the setting of designated heritage assets.
13. The proposal would urbanise the appeal site by creating an enclave of development separate to the village. Even though it could be considered that the size of the site would be generous for 3 dwellings, the construction of even modest houses with the necessary additional development, such as parking, driveways, fences, and domestic gardens, would significantly and permanently alter the verdant and open appearance of the appeal site and its countryside character, and so detrimentally impact on the setting of the CA.
14. Thus, in terms of location, proposed land use and amount of development, the proposal would cause significant harm to the character and appearance of the area

² As set out in the Conservation Area Appraisal for Rode

and fail to preserve or enhance the setting of 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.

15. The proposal would therefore cause less than substantial harm to a heritage asset and Paragraph 215 of 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

16. 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.
17. Both parties have also brought numerous appeals to my attention³, 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.
18. Matters relating to design, biodiversity net gain, parking, surface water flooding, highway access, and ecology would be dealt with under a TDC.
19. 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.
20. 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.
21. 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

22. 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.
23. The Council cannot provide a 5-year housing land supply. Through reference to a planning appeal which was decided in September 2025⁴, 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.

³ 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

⁴ APP/E3335/W/25/3363643

24. 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 3 new dwellings would be a public benefit. It is also acknowledged new dwellings 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.
25. The proposed dwellings are described as self-build and the appellant has identified in various appeals⁵ 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 plots⁶ and there is nothing before me to conclude otherwise.
26. However, as set out in the PPG⁷, 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.
27. Moreover, to be considered as SBCH, beyond the description of development, it is necessary for the proposal to be clear that the initial owner of each proposed home will have primary input into its final design and layout⁸.
28. The PPG⁹ also states the TDC stage requires full details to be submitted in a single application with no option for a phased approach. Therefore, as 3 dwellings are proposed, it would be necessary for all 3 unspecified future occupants to collaborate in submitting a single TDC application incorporating their individual design and layout details for each separate home. Although this is not impossible, there is not enough detail or specific mechanism proposed that would ensure this would occur in a timely and coherent manner. As such, and taking account of the identified need for SBCH, as a public benefit the self-build nature of the proposal, in this instance, would only attract limited weight.
29. 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.
30. Accordingly, in this case it is found that the public benefits of the proposal would not outweigh the less than substantial harm to a heritage asset.

Planning Balance

31. As the Council cannot provide an adequate housing land supply Paragraph 11d) of the Framework indicates that permission should be granted, unless the application

⁵ 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

⁶ Appendix 3 of the appellant's Planning Statement

⁷ PPG: Permission in Principle Paragraph: 020 Reference ID: 58-020-20180615

⁸ PPG: Self-build and Custom Housebuilding Paragraph: 038 Reference ID: 57-038-20210508

⁹ PPG: Permission in Principle Paragraph: 019 Reference ID: 58-019-20180615

of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The application of heritage policy provides that to be the case here. As such, the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.

Conclusion

32. For the reasons given above the appeal should be dismissed.

RJ Redford

INSPECTOR