
Appeal Decision

Site visit made on 19 January 2026

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2026

Appeal Ref: APP/E3335/W/25/3373197

Holly Tree Farm, Longstrings Lane, Crewkerne, Somerset TA18 7EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended)
- against a grant of planning permission subject to conditions.
- The appeal is made by Mr Jacobs against the decision of Somerset Council.
- The application Ref 24/00735/OUT was approved on 18 July 2025 and planning permission was granted subject to conditions.
- The development permitted is outline application with some matters reserved for the erection of 2 No. dwellings with access and landscaping.
- The conditions in dispute are Nos 1, 5, 10, 13, 14 and 17 which state that:
 - 1) Details of the appearance, layout, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 5) No development shall take place, including any demolition work, until there is no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access (the junction of Longstrings Lane and the A356 Broadshard Road). Such visibility shall be thereafter be maintained in perpetuity.
 - 10) Prior to the first occupation of the development hereby approved, written confirmation from a qualified ecologist shall be submitted to the Local Planning Authority confirming that all measures set out in Section 4 ('Biodiversity Mitigation and Enhancement Plan') of the approved Ecological Assessment Report have been fully implemented. All works shall be carried out under the supervision of a competent ecologist and retained and maintained thereafter in perpetuity.
 - 13) No building or use hereby permitted shall be occupied until the Package Treatment Plant has been installed in accordance with the details set out within the Phosphates and Nutrient Neutrality Report including the provision made for maintenance and monitoring. Written confirmation of the installation should be submitted to the Local Planning Authority prior to occupation. Thereafter, the Package Treatment Plant shall be maintained and monitored in perpetuity in accordance with the details approved for the lifetime of the development.
 - 14) Should the Package Treatment Plant hereby approved reach the end of its operational life during the lifetime of the proposed development, it must be replaced with an alternative Package Treatment Plant of equivalent or better phosphate discharge rate of 1.6mg/l.
 - 16) 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:
 - Part 1, Class AA (additional storey)
 - Part 1, Class A (enlargements, improvements or other alterations);
 - Part 1, Class B (additions etc to the roof of a dwellinghouse);
 - Part 1, Class C (other roof alterations).
 - 17) The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015. (i) The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling (beyond first fix) and who will live in the dwelling for at least 3 years; (ii) Prior to the first occupation of the dwelling the Council shall be notified of the person(s) who will take up first occupation of the dwelling.

- The reasons given for the conditions are:
 - 1) To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy EQ2 of the South Somerset Local Plan and the National Planning Policy Framework.
 - 5) In the interests of highway safety and to accord with Policy TA5 of the South Somerset Local Plan and the National Planning Policy Framework.
 - 10) To ensure the protection and long-term safeguarding of protected and priority species, in accordance with Policy EQ4 (Biodiversity) of the South Somerset Local Plan.
 - 13) In order to ensure the provision of satisfactory drainage and avoid pollution of the environment with specific regard to the Somerset Levels and Moors Ramsar Site and associated potential impact on ecology in accordance with South Somerset Local Plan - Policy EQ4 Biodiversity as well as Chapter 15 of the National Planning Policy Framework.
 - 14) To ensure that the proposed development is phosphate neutral in perpetuity in accordance with South Somerset Local Plan - Policy EQ4 Biodiversity as well as Chapter 15 of the National Planning Policy Framework.
 - 16) To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions or alterations to the dwellings, to ensure there is no resultant detriment to ecological, environmental and biodiversity interests and to safeguard on-site parking and circulation areas; having regard to Policy EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the National Planning Policy Framework.
 - 17) To ensure the development is for a self-build dwelling and therefore exempt from providing biodiversity net-gain.
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Decision

1. The appeal is allowed and the planning permission Ref 24/00735/OUT for Outline application with some matters reserved for the erection of 2 No. dwellings with access and landscaping at Holly Tree Farm, Longstrings Lane, Crewkerne, TA18 7EA granted on 18 July 2025 by Somerset Council, is varied by deleting conditions 5, 16 & 17, and amending the description of development proposed to 'the erection of 2 No. dwellings'.

Applications for costs

2. An application for costs was made by Mr Brett Adam Jacobs against Somerset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal has been made pursuant to Section 78 of the Town and Country Planning Act 1990 (the Act) which provides the right to appeal where an application for planning permission is granted subject to conditions. Section 79 of the Act provides that I may allow or dismiss such an appeal, or reverse or vary any part of the decision of the local planning authority, and I have considered the appeal on that basis.
4. As such, I am able to consider the matter afresh and deal with the application as if it has been made to me in the first instance. Therefore, I am also able to amend the description of the development should it be considered necessary. In this instance, I have removed reference to 'outline application with some matters reserved' and 'access and landscaping', in the decision above as these are not acts of development, with specific reserved matters required by planning condition.
5. My decision above sets out that I am allowing the appeal. However, in this case, and despite the terminology that the appeal is allowed, this does not mean that I have concluded that disputed conditions 1, 10, 13 and 14 should not be imposed.

This is because, in an appeal of this type, where disputed conditions are retained, but another condition is deleted, the appeal is allowed.

Background and Main Issues

6. The appeal is made directly against the imposition of a number of conditions on the subject outline planning permission. In short, condition 1 relates to the submission of reserved matters, condition 5 relates to highway safety, condition 10 relates to biodiversity, conditions 13 and 14 relates to drainage and biodiversity, condition 16 relates to character and appearance, biodiversity and highway safety and condition 17 relates to self-build housing. The appellant contends that these conditions do not meet the relevant tests set out within the National Planning Policy Framework (the Framework).
7. However, the Council have confirmed within their appeal statement that condition 17 was imposed in error and accept that this condition does not meet the tests of necessity or is fairly or reasonably related in scale and kind to the development. Given the evidence before me, I see no reason to disagree, and thus, the main issues are whether:
 - conditions 1 & 16 meet the tests set out in the Framework for imposing conditions, having regard to the character and appearance of the area, biodiversity and highway safety;
 - conditions 10, 13 and 14 meet the tests set out in the Framework for imposing conditions, having regard to biodiversity and drainage; and
 - condition 5 meets the tests set out in the Framework for imposing conditions, having regard to Highway safety.

Reasons

Conditions 1 & 16

8. Whilst the appellant had agreed for landscaping to be dealt with at reserved matters as reflected within condition 1, the description of development was not amended. The appellant therefore contends that landscaping is approved within this outline planning permission. Nevertheless, a sufficiently detailed landscaping scheme has not been provided.
9. The immediately surrounding area has a pleasant rural and verdant character. Notwithstanding nearby planning permissions, the proposal would be seen to introduce residential development and associated paraphernalia into this rural landscape. A landscaping scheme would be necessary in order to help successfully soften the appearance of and assimilate residential built form into its rural surroundings.
10. Landscaping is therefore required as a reserved matter and a condition requiring such is necessary and reasonable and would meet the tests of the Framework in the interests of the character and appearance of the area. Furthermore, given that reference to the reserved matters are not acts of development in themselves, I will amend the description accordingly as outlined within the preliminary matters.
11. Condition 16 seeks to restrict permitted development rights as outlined in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as

amended) in respect Schedule 2, Part 1 Classes AA (additional storey), A (enlargements, improvement or other alterations), B (additions etc to the roof of a dwellinghouse), and C (other roof alterations).

12. Although of a rural character as previously outlined, residential built form is not unusual in the wider area, and the final appearance of the proposal would be subject to reserved matters. In relation to Classes A, B and C, given the existing and proposed residential built form in the area, which includes dwellings of various appearance and heights, any potential future development that may be permitted by these classes are unlikely to significantly harm the character of the area.
13. Moreover, even if an additional storey would be uncharacteristic of the area, development under Class AA is not permitted in relation to any dwellinghouse constructed after 28th October 2018.
14. The Council's reason for condition 16 also refers to potential detriment to ecological, environmental and biodiversity interests, as well as on-site parking. The appeal site is a sufficient size to ensure that following reserved matters, parking and turning would be available notwithstanding any permitted development, with no resultant highway safety concerns. It is not clear in the substantive evidence before me how permitted developments would result in significant detrimental harm to ecological, environmental and biodiversity interests.
15. Consequently, although I find that landscaping is required as a reserved matter within condition 1, condition 16 is not necessary to make the development acceptable in planning terms or reasonable having regard to the character and appearance of the area, biodiversity and highway safety. Its removal would not result in conflict with policies EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan 2006-2028 (LP). These policies seek amongst other things, to achieve high quality places that conserves and enhances landscape character, ensuring vehicle parking is design led and does not have a detrimental impact on the character or amenity of an area.

Conditions 10, 13 and 14

16. Whilst the planning application was made prior to the requirement for mandatory Biodiversity Net Gain (BNG), condition 10 does not seek mandatory BNG, but requires compliance with ecological recommendations in terms of mitigation and enhancement. There is a clear requirement of the development plan for harm to biodiversity to be mitigated and, where appropriate, compensated, reflected within LP Policy EQ4.
17. In terms of conditions 13 & 14, it is put to me that these are in tension with condition 8, which requires that future reserved matters shall be accompanied by a foul and surface water drainage strategy. However, whilst condition 8 is necessary to ensure that the development is satisfactorily drained without increasing risk of flooding or pollution on or adjacent the site, conditions 13 & 14 are specifically related to the Somerset Levels and Moors Ramsar Site and Special Protection Area (SPA).
18. The application site is within the hydrological catchment of the SPA. At present the levels of phosphates within the SPA exceed water quality objectives, with the designated site therefore in an unfavourable condition. Interim guidelines on small-scale thresholds and nutrient neutrality principles (May 2021) have been agreed

between the Council and Natural England. The proposal, subject to the utilisation of an appropriate Package Treatment Plant (PTP) referred to within conditions 13 & 14, associated low level of discharge and location of the drainage field, would result in low levels of phosphate production that is unlikely to add significantly to nutrient loading on the SPA.

19. Therefore, whilst relating to pollution, each condition is specific and necessary. I see no reason why the resulting foul and surface water drainage strategy as required by condition 8 could not encompass a PTP as referred to within conditions 13 & 14.
20. For these reasons, I conclude that disputed condition 10 is reasonable and necessary in the interests of biodiversity, whilst conditions 13 & 14 are necessary and reasonable in the interests of drainage safeguarding biodiversity at the Somerset Levels and Moors Ramsar Site and to ensure the proposal accords with LP Policy EQ4. This Policy seeks amongst other matters, to protect and maximise enhancement of natural habitats and biodiversity and ensure no adverse impacts on the integrity of national and international wildlife designations.

Condition 5

21. Condition 5 seeks to ensuring that there is adequate visibility at the junction of Longstrings Lane and the A356, and that it is maintained in perpetuity. However, I observed that the visibility works have already been carried out, having been subject to a planning condition of a differing nearby planning permission. Furthermore, I am told the visibility spays have been adopted in accordance with Somerset Council highway requirements.
22. Given that the visibility has been provided, and the splays are adopted, the use of the junction from future occupiers or visitors to the proposal would not result in unacceptable highway safety concerns or any conflict with LP Policy TA5. This Policy seeks, amongst other things, to ensure that traffic generated by the development would not compromise the safety of the highway network. Consequently, I find that condition 5 is not reasonable or necessary to make the development acceptable in planning terms.

Conclusion

23. For the reasons I have given, conditions 1, 10, 13 and 14 in dispute are reasonable, relevant to the development permitted and necessary. As a result, they should be imposed. However, conditions 5, 16 and 17 are not reasonable or necessary. I conclude that the appeal should be allowed, and the planning permission varied by deleting disputed conditions 5, 16 and 17.

S Harrington

INSPECTOR