



Appeal Decision

Site visit made on 19 January 2026

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th February 2026

Appeal Ref: APP/E3335/W/25/3375618

Adcombe Cottage, Stapley Road, Stapley, Taunton, Somerset TA3 7QB

- 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 C Joliffe against the decision of Somerset Council.
 - The application Ref is 10/25/0010.
 - The development proposed is provision of agricultural field access.
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Decision

1. The appeal is not determined, for the reasons set out below.

Procedural Matters

2. Section 79(1) of the Town and Country Planning Act 1990 (the Act) allows the Secretary of State to deal with an appeal as if it had been made to him in the first instance. Section 79(6) confirms that if during the determination of an appeal in respect of an application for planning permission, the Secretary of State forms the opinion that planning permission for the development could not have been granted by the local planning authority, he may decline to determine the appeal.
3. Furthermore, Section 327A of the Act also states that inter alia: “(1) This section applies to any application in respect of which this Act or any provision made under it imposes a requirement as to (a) the form or manner in which the application must be made; (b) the form or content of any document or other matter which accompanies the application. (2) The local planning authority must not entertain such an application if it fails to comply with the requirement”.
4. Regulation 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 confirms that an application for planning permission must be accompanied by a plan which identifies the land to which the application relates. Although not part of the legislation, the Planning Practice Guidance (PPG) advises that “The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings)”¹.
5. In the case of this appeal, the red line extends to cover the point of access but does not cover the extent of a relatively large, engineered ramp proposed within submitted plans. Given the elevational changes I observed, it is my view that the ramp illustrated on the proposed plans would be required to facilitate the proposed

¹ Making an application Paragraph: 024 Reference ID: 14-024-20140306

development and create a useable access. As such, I find that the engineered ramp is required for the proposal, and given it appears on the proposed plans, intended to be an integral part of the scheme. The submitted plans therefore do not adequately identify all the land to which the application relates within the provided red outline.

6. I understand that the Council had validated the application on the basis of the red line matching the description of development provided on the application form. Nevertheless, the Council now consider that if the proposal includes the engineered ramp, the application would likely be invalid. Moreover, the Council state that the issue of the redline was raised with the appellant during the course of the application. This is a point which should have been comprehensively addressed prior to the original determination of the application by the main parties.
7. There is a discretion to allow an appeal to proceed notwithstanding a failure to comply with the statutory requirements. This discretion should only be exercised following full regard to all the circumstances. In this case, the appeal site is within the Black Hills National Landscape (NL) where the National Planning Policy Framework directs that great weight should be given to conserving and enhancing landscape and scenic beauty.
8. Whilst it is put to me that this is a matter that could be dealt with by imposition of planning conditions, the lack of the engineered ramp appearing within the red line could result in interested parties (including consultees) being unaware of the full extent of required work and associated effects, particularly given its location within the NL. Indeed, representations have been made voicing concerns with site area discrepancies in application documentation and alleging that such discrepancies could 'downplay' the effect of the proposal. Furthermore, the inclusion of the engineered ramp within the red line could give rise to further issues which may be relevant to interested parties in this case. I could not be certain that there would not be prejudice to those parties were further representations to be made.
9. I have found that the planning application the subject of this appeal was not validly made as the plans submitted with it did not identify all the land to which it related. Consequently, the full extent of the proposal may not have been clear to all parties. There would be the potential for there to be prejudice to interested parties were measures taken to address this during the appeal process. I therefore decline to determine the appeal.

S Harrington

INSPECTOR