



Appeal Decision

Site visit made on 3 February 2026

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2026

Appeal Ref: APP/E3335/W/25/3374207

Meadow Way, Silver Street, Wells, Somerset BA5 1UN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) (the Act) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Messrs G and M Phelps (executors of the Estate of George Philip James Phelps) against the decision of Somerset Council.
 - The application Ref is 2025/1494/VRC.
 - The application sought planning permission for erection of agricultural workers dwelling without complying with a condition attached to planning permission Ref 105034/004, dated 28 March 2000.
 - The condition in dispute is No 2 which states that: *The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.*
 - The reason given for the condition is: *To accord with the policies in the Development Plan and to ensure an adequate availability of dwellings to meet agricultural or forestry needs in the locality.*
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Decision

1. The appeal is allowed and planning permission is granted for 'erection of agricultural workers dwelling' at Meadow Way, Silver Street, Wells, Somerset BA5 1UN in accordance with the application Ref 2025/01494/VRC, without compliance with the conditions previously imposed on planning permission Ref 105034/004 dated 28 March 2000.

Applications for costs

2. An application for costs has been made by Messrs G and M Phelps (executors of the Estate of George Philip James Phelps) against Somerset Council. This application is the subject of a separate Decision.

Background and Main Issue

3. Planning permission was granted for an agricultural workers dwelling in 1999¹, with a revised scheme granted in 2000² (the 2000 permission), the latter of which was built out. Condition 2 of the 2000 permission restricted the occupation of the dwelling, in summary, to a person solely or mainly working or last working in the locality in agriculture or forestry, or a dependent thereof.
4. Meadow Way has historically been associated with the adjoining Palace Farm and was built for and occupied by the late parents of the appellants. At the time of the 2000 permission, Palace Farm had a total of 850 head of livestock with a labour requirement in the region of 9.8 workers. Milking operations ceased in 2016 and

¹ Planning Ref: 105034/003

² Planning Ref: 105034/004

since then the farm enterprise has become a mixed beef and arable operation with some 300 head of beef cattle and a reduced labour requirement of around 2.45 workers. The appellants do not own Palace Farm, which includes Palace Farmhouse and an annexe, as well as Nos. 1 and 2 Camp Cottages. One of the appellants is a tenant of Palace Farm who, along with his son, both undertake the majority of the farming operations and occupy Palace Farmhouse and its annexe. No. 2 is occupied by a farm worker, whilst No.1 is rented out to a tenant who is not employed full-time in agriculture or forestry. Meadow Way does not form part of the farm tenancy and is indicated as being currently unoccupied. The removal of the occupancy condition is sought as Meadow Way does not have a functional need in connection with the current farming operations at Palace Farm, is surplus to the needs of agriculture in the area and would allow the property to be sold on the open market.

5. The main issue is, therefore, whether the disputed condition to limit the occupancy of the dwelling is necessary and reasonable, having regard to development plan policy.

Reasons

6. Meadow Way is a large detached, 4-bedroom, 2 storey dwelling set within generous grounds positioned south of Silver Street. Land to the north, and on the opposite side, of Silver Street falls within the settlement boundary of Wells and the appeal site is therefore classed as being located within the open countryside. The appeal site is predominantly enclosed on the southern side of Silver Street by farm buildings, including the dwellings, and open fields associated with Palace Farm.
7. Policy DP13 of the Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies (MDLP) relates to the accommodation of rural workers. Part 3 of the policy sets out 3 criteria to be met for the removal of occupancy conditions to be supported. The accompanying text sets out that the removal of conditions will be considered on a case by case basis and will need to be supported by documentary evidence.
8. Criterion a) relates to the dwelling being surplus to the needs of the holding and criterion b) covers any continuing housing need for agricultural workers in the locality. There is no dispute between the parties that these first 2 criteria have been met and based on the evidence before me, including the lack of anything to the contrary, I find no reason to come to a different conclusion.
9. Criterion c) requires the dwelling to have been widely marketed for a suggested period of at least 12 months in a manner that reflects its occupancy condition and no interest in occupation has been indicated.
10. No marketing of the property has been undertaken. Unchallenged evidence places the valuation of Meadow Way, including an appropriate discount to reflect the occupancy condition, at such a level that it would be undoubtedly out of reach of a full-time farm worker on an average wage. A claim that mortgage repayments alone would be likely to exceed the average wage of a full-time farm worker has not been called into question.
11. There are noticeably more modest houses within the built-up area of Wells in close proximity to Palace Farm. Evidence before me contains substantially less expensive dwellings, including 4-bedroom dwellings, that are for sale within Wells.

Though not foreseen, if there was a requirement for a further agricultural workers dwelling at Palace Farm that could not be accommodated utilising the existing dwellings linked to the holding, the open housing market of Wells would represent a more affordable option.

12. There is no evidence before me of any proposals for a new agricultural workers dwelling anywhere reasonably near the appeal site or the existence of another farm close to Meadow Way. It is acknowledged that agricultural workers dwellings often need to be located in the open countryside, so they are within sight and sound of the farm or livestock buildings. Due to the sandwiched positioning of Meadow Way between the built-up area of Wells and land that forms Palace Farm, there is no reasonable likelihood that an agricultural worker from a farm located elsewhere would take up residence in the appeal property.
13. I recognise that a possible option is that Meadow Way might be purchased by a retired farmer with significant financial reserves. However, I agree with the findings of the appeals³ submitted in support of the proposal, that the purpose of the occupancy condition is not to provide subsidised retirement homes for wealthy farmers. The purpose is to allow occupation by those last employed in agriculture in the locality as a means of ensuring that occupiers might not be forced to move from their homes on their retirement.
14. It is understandable that marketing is a common way to test for any interest in Meadow Way with an occupancy condition. Nevertheless, a compelling argument pertaining to the site-specific circumstances of Meadow Way has been made and, for the reasons given above, I have found that marketing is not essential in this particular case. Although, the lack of marketing conflicts with MDLP Policy DP13 Part 3 c), I attribute only limited weight to this conflict due to the material considerations that identify the very limited marketability of Meadow Way.
15. Therefore, the disputed condition to limit the occupancy of the dwelling in this case is neither reasonable nor necessary, having regard to development plan policy. Despite the conflict with MDLP Policy DP13 Part 3 c), I have found that, overall, the proposal complies with MDLP Policy DP13, which seeks to support the accommodation for rural workers outside of defined development limits, including the retention of occupancy conditions unless adequately evidenced.

Other Matters

16. The appeal site is located within the catchment area of the Somerset Levels and Moors Ramsar site and within the impact risk zone of a Site of Special Scientific Interest. As the removal of the condition would not increase the number of dwellings at the site, the appeal proposal would have no impact and an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) is not required.
17. Wells Conservation Area (WCA) is located to the opposite side of Silver Street from the appeal site. Setting of a heritage asset is defined in the National Planning Policy Framework (the Framework) as the surroundings in which it is experienced. Paragraph 213 of the Framework establishes the need to consider any negative impact of development within the setting of all designated heritage assets.

³ Appeal Ref: APP/F1230/W/17/3178024, APP/D0840/W/23/3318576

18. I have not been provided with a Conservation Area Appraisal or Statement and from my observations, the significance of the WCA primarily lies in the number and variety of buildings of architectural and historical interest in the central area of Wells. The Council has raised no concerns on this matter. On the basis of my own observations and that the appeal scheme seeks the removal of an occupancy condition, I have come to the same conclusion as the Council on this matter.

Conditions

19. By allowing this appeal, a new planning permission is created. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 of the Act should also reinstate the conditions imposed on the earlier permission that continue to have effect.
20. As the development has been completed, I see no reason why the time limit, drainage works, archaeological work, means of vehicular access, landscaping and external materials conditions should be reimposed.
21. No demonstrable harm has been presented to me should Meadow Way be enlarged or externally altered. Therefore, it is not necessary for permitted development rights, as originally imposed, to be restricted.
22. As I have concluded that condition 2 should be removed, no conditions are therefore attached.

Conclusion

23. For the reasons given above, I conclude that the appeal should be allowed.

P Barton

INSPECTOR