



Appeal Decision

Site visit made on 6 January 2026

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2026

Appeal Ref: APP/E3335/W/25/3374410

Greenway Farm, North Street, Wiveliscombe, Somerset TA4 2UA

- 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 Mrs A Underhill against the decision of Somerset Council.
 - The application Ref is 49/24/0015.
 - The development proposed is Erection of 1 No. Dwelling including the change of use of part of the land to residential and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site comprises part of a larger agricultural field and an associated access track. It lies on the outskirts of Wiveliscombe but is separated from the settlement by intervening agricultural land. Despite the proximity of Wiveliscombe the site and its surroundings are largely undeveloped and exhibit a pronounced rural character. The landscape in which the site sits is a managed agricultural environment with gently rolling landforms—valleys, slopes and small hillocks—with scattered tree cover. The wider area contains dispersed farmsteads, agricultural buildings and occasional dwellings, generally in small clusters.
4. The site is not subject to statutory landscape designations, nor does it constitute a valued landscape for the purposes of the National Planning Policy Framework (the Framework). Nonetheless, it contributes positively to the character and appearance of the locality and exhibits several characteristics of the West Deane Landscape Character Type¹ in which it sits. These include its small-to-medium scale, irregular field form, partial hedgerow enclosure and position within undulating terrain. Its elevated location adjacent to a key pedestrian and vehicular route also gives the site a notable degree of visibility from local vantage points. On this basis, I consider the site to have a medium to high sensitivity to change.
5. Care appears to have been taken in the design of the dwelling to seek to minimise its visual impact. Design measures include its single-storey form set into the slope of the hillside, the use of natural materials and a sedum roof, limited domestic

¹ Character Area 14a: West Deane of the Landscape Character Assessment (2011), as detailed within the appellant's Additional Landscape and Visual Information Report (June 2024)

curtilage, re-use of the existing access, discrete parking arrangements with the introduction of an earth bund.

6. However, notwithstanding these measures, the introduction of a dwelling close to the high point of the field would still result in a fundamental change to the site's character and an encroachment of residential built form into open countryside. While the building's profile would be relatively subdued, the extensive glazing and its orientation would make the dwelling conspicuous during twilight and nighttime. Moreover, the domestic activity and paraphernalia associated with residential occupation would introduce urbanising influences that would erode the rural character and appearance of the area.
7. Although the proposal would be sited in proximity to the buildings at Greenway Farm, the dwelling's specific design, siting and orientation mean that it would not be perceived as part of that group, particularly from key public viewpoints along North Street.
8. The appellant's submitted landscape and visual information identifies the theoretical visibility of the site. From my own observations, the combination of topography, existing mature vegetation and the dwelling's form would limit most long-distance views, including from public rights of way. Nevertheless, the development would remain prominent from public viewpoints along North Street, especially during hours of darkness, where its impact on local character would be readily apparent.
9. A significant proportion of the appellant's proposed landscaping lies outside the boundary of the appeal site. Even if a suitable mechanism exists to secure these measures, including the reinstatement of a historic orchard on adjoining land, I am not persuaded that such planting would sufficiently mitigate the impact of the development. In any event, landscaping should not be relied upon to make a development acceptable, particularly where its long-term retention cannot be guaranteed.
10. Bringing these findings together, the proposal would amount to an encroachment into the countryside that would harm the site's rural character and openness. Although wider landscape effects would be limited, there would be moderate, localised impacts. Overall, the scheme would cause a moderate degree of harm to the character and appearance of the area. Policy CP8 of the Adopted Taunton Deane Core Strategy 2011 – 2028 (the Core Strategy) and Policy D7 of the Taunton Deane Adopted Site Allocations and Development Management Plan (adopted 2016) (the 'SADMP'). Together, amongst other matters, these policies seek to secure high-quality design and protect the landscape character of the countryside.
11. Core Strategy Policy DM2 has also been referred to by the Council, including in its reason for refusal on the decision notice. This policy offers support to some specified forms of development within the countryside, subject to various criteria including design considerations. However, as the appeal proposal does not involve any of the specified development types, I have not found the policy to be directly applicable to the proposal in this instance.

Other Matters

12. Outline planning permission (ref: 49/24/0057) has recently been granted for up to 25 dwellings on a neighbouring site. I have only very limited details of that permission. Notably though the site appears to share a much closer relationship to the existing built form of Wiveliscombe. Additionally, the scheme of up to 25 dwellings is likely to offer far greater planning benefits than the current appeal proposal, that may outweigh any potential harm to the character and appearance of the area. I therefore do not find that recent decision to be directly comparable or weigh in favour of the current proposal.
13. Similarly, I have only limited details of application ref 49/23/0020 for outline permission for up to 6 dwellings on a neighbouring site, including whether permission has been granted. Although that site is positioned directly opposite the vehicular access to the current appeal site, it sits below the main road. As such, it is a less prominent location compared to the elevated nature of the appeal site. Meanwhile, although the landscape officer's comments indicate that scheme is not considered to be wholly out of character with the surrounding area, the comments were based on outline proposals without fixed detailed design information. Ultimately though the landscape officer still recommended that the scheme should be refused due to its position in the open countryside narrowing the gap between Wiveliscombe and Langley.
14. Additionally, I cannot be certain that potential future developments earmarked for the surrounding area will be complete and result in contextual changes such that the current appeal proposal would be acceptable.
15. The proposed development has the potential to affect the integrity of the Somerset Levels and Moors Ramsar site. However, as I am dismissing the appeal on other grounds, the development would not take place and would not affect the habitat site. An appropriate assessment is therefore not required in this instance. Furthermore, even if I were to find suitable mitigation would be appropriately secured, including via the appellant's submitted unilateral undertaking, a lack of harm to designated habitat sites would only amount to a neutral factor in the planning balance.
16. Similarly, compliance with other development plan policies, for example in relation to the living conditions of future occupiers, are neutral matters in the planning balance.
17. The appellant has indicated that the proposal would involve a self-build dwelling. Even if there is a lack of supply of such homes within the authority area, there is no appropriate mechanism before me to ensure that the proposal could be secured as a self-build dwelling².
18. The proposed dwelling may be individually designed, incorporate energy efficient measures, as well as renewable technologies such as an air source heat pump and rainwater harvesting. Such features though are not uncommon in the design of modern dwellings, and there is no suitably detailed evidence for me to find that the proposal is of an outstanding or an innovative design which promotes high levels of sustainability or helps to raise the standard of design more generally in

² As defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

the area. As such, the proposal does not benefit from the weight afforded to such developments under paragraph 139b) of the Framework.

Planning Balance and Conclusion

19. The proposal would contribute to housing supply in an area where there is currently a shortage. There would also be socio-economic benefits associated with the construction and subsequent occupation of the proposed dwelling. Given the scale of the proposal, such benefits would though be minor in nature.
20. Through its harm to the character and appearance of the area, I find the appeal scheme to conflict with Core Strategy Policy CP8 and SADMP Policy D7. These represent the most important policies in the consideration of this appeal, with the proposal thereby conflicting with the development plan taken as a whole.
21. Both main parties have indicated the development plan and its policies are out-of-date. Even so, insofar as the relevant parts of the above policies apply to this proposal, I find the above policies to be in broad consistency with the Framework; notably in respect of promoting development that is sympathetic to local character, including the surrounding built environment and landscape setting. I therefore attach significant weight to the identified policy conflicts.
22. A previous Inspector³ has found that several of the Council's development plan policies are '*manifestly out of date as a result of inconsistencies with the Framework*'. However, that decision concerned different policies and did not address SADMP Policy D7. While the Inspector also found Policy CP8 to be inconsistent with the Framework this was based on differences in approach to considerations surrounding heritage assets, which is not of direct relevance to this current appeal. Consequently, the weight I apply to the conflict with Policies CP8 and D7 is not swayed by the findings of that earlier decision.
23. Nonetheless, the Council cannot demonstrate a 5-year housing land supply, with the evidence before me suggesting an available supply of around 3.1 years. In this instance, and due to the circumstances of the site, the test set out in Paragraph 11(d)(ii) of the Framework is engaged.
24. The shortfall in housing land supply results in me attributing increased weight to the socio-economic benefits associated with the delivery of a dwelling, in an area with reasonable access to facilities and services. However, given the minor nature of the appeal scheme these benefits remain modest. Potential biodiversity benefits have not been robustly quantified by the appellant, again though, given the scale of the proposal these are likely to be modest.
25. Against the above, the proposal would cause moderate and irrevocable harm to the character and appearance of the area. It would therefore be contrary to the aims of the Framework in respect of promoting development that is sympathetic to local character, including the surrounding built environment and landscape setting. This is a matter to which I give significant weight. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore does not apply.

³ Appeal Reference: APP/E3335/W/24/3349986 Brookfield Nursery, Ruishton Lane, Ruishton, Somerset, TA3 5NR

26. For the reasons outlined above, the appeal scheme conflicts with the development plan as a whole and there are no material considerations, including the provisions of the Framework, that justify a decision other than in accordance with it. Accordingly, the appeal is dismissed.

Lewis Condé

INSPECTOR