



Appeal Decision

Site visit made on 21 January 2026

by F Webber BSc (Hons), MSc, MRTPI, ACSM

an Inspector appointed by the Secretary of State

Decision date: 10th March 2026

Appeal Ref: APP/W3330/W/25/3375620

Heathfield Nursery, Halse Road, Oake TA4 1DL

- 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 and Mrs R Pinkerton-Hiron against the decision of Somerset Council.
 - The application Ref is 27/25/0014.
 - The development proposed is for 4 new dwellings as replacement for 4 dwellings previously approved 27/21/0030.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is noted that the appellant has, in completing the appeal form, identified the Local Planning Authority as being Somerset West and Taunton. However, as a result of local government reorganisation Somerset Council was established from the 1 April 2023. Consequently, Somerset Council ("the Council") issued the decision notice in respect of this application. Nevertheless, the policies of the former district council continue to form part of the development plan.
3. The Oake Neighbourhood Plan ("the NP") was made on 10 December 2025 and both main parties have had an opportunity to comment on the implication of this for the appeal. The NP now forms part of the development plan.
4. Three listed buildings have been brought to my attention, Grade II Church of St John the Baptist, Grade II Manor Farmhouse and Grade II Heathfield Lodge. In considering whether to grant planning permission, I have been mindful of my statutory duties under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, special regard is paid to the desirability of preserving the listed buildings, their setting and any feature of historic or architectural interest when deciding whether to grant planning permission.
5. The appellant has indicated that this appeal relates to a previously withdrawn application Ref: 27/24/0036 that was subsequently resubmitted following amendments to the design of the development. Whilst some details of that application have been submitted with this appeal, I consider that there is insufficient information to make comparisons. Consequently, this application is considered on its own merits.
6. The appellant has also referred in the statement of case to procedural errors by the Council in determining the application. However, in the case of an appeal, the Inspector as the decision-maker must base the decision on the development plan

policies in force at the time of the appeal decision, not how an application was managed in respect of an issued decision notice.

Main Issues

7. The main issues are whether there are effects:
- on the character and appearance of the rural area, the surrounding development and the natural environment; and
 - heritage assets.

Reasons

Character and appearance and natural environment

8. The site is located in the countryside, near the settlements of Oake and Hillcommon and 0.3 kilometres from the hamlet of Heathfield and has been characterised as a rural landscape. The site was a former plant nursery, that has an association with the adjacent property Higher Acres. The site has two large glass houses occupying most of the appeal site. To the north of the glasshouses are two single storey block-built buildings referred to as Barn A and Barn B. To the south of the site is a large agricultural shed referred to as Barn C.
9. This proposal seeks the demolition of all existing buildings on the site and the erection of four detached two storey, four / five bedroomed dwellings located to the centre of the site and around a shared road to the existing access. It is noted that Barn C is also scheduled for removal although it lies outside of the red-line area.
10. In turning to the effects on the character and appearance of the rural area arising from development in this location, much of the site is currently screened by mature hedgerows and trees. Although the landscape statement infers at 7.4 that the hedges between the site and the host property, which are currently very tall conifers, may be reduced in height to 1.5 to 2.5 metres. Consequently, there would be significantly more intervisibility than is currently the case, affording clear views of much of the built forms being proposed from the neighbouring property. Looking further afield there would be glimpses into the site from public viewpoints with the route of Public Right of Way ("PRoW"), Footpath T18/20, being the most likely to afford prolonged views. These would be seasonally intermittent, and whilst there are proposals to reinforce the planting along this boundary it is likely that the site would remain visible from the PRoW and that the roofs and upper storeys would be visible for most of the year.
11. The proposed dwellings would be large, each having a considerable footprint, which when combined with the height produces a scale and mass which would not reflect the local vernacular. Each would have an individual design, and they would all be of similar size and scale rather than the traditional principal building with subservient outbuildings style which would not reflect the traditional vernacular pattern or building layouts characteristic of the local area. Consequently, they would form obtrusive structures, which would not integrate satisfactorily with the existing build form.
12. I note that the appellant has fulfilled the requirements in respect of Biodiversity Net Gain ("BNG") and has sought to introduce green infrastructure within the development. Whilst BNG is a statutory requirement, the additional green

infrastructure would only mitigate to a limited extent, the harmful effects on the rural landscape and would not therefore justify the proposal.

13. I therefore consider that the proposed development would result in a harmful effect on the character and appearance of the rural area, surrounding development and the natural environment. The proposed dwellings through siting, mass and scale would conflict with the requirements of Policies CP1, CP8 and DM1 of the Taunton Deane Borough Council Core Strategy 2011 – 2028 (“TDCS”), BEH1 of the NP and the Somerset West and Taunton Council District wide Design Guide that seeks to control development in terms of scale and form, to assimilate into the landscape and not harm the character of these areas, support development at sustainable locations to improve visual amenity, and make effective and efficient use of land giving preference to previously developed land.

Heritage assets

14. The significance of the listed buildings is largely derived from their special architectural or historic interest. Heathfield Lodge and Manor Farmhouse are well preserved examples of early domestic architecture. Their setting is limited to their immediate plots and are adequately screened from the site by virtue of the topography and the existing hedgerows and trees. The church of St John the Baptist is approximately 250 metres to the east of the proposed development. However, this heritage asset is also largely screened from the proposed development site by existing hedgerows, trees and the topography of the area. It is considered that the distance from the site and intervening vegetation is sufficient to ameliorate effects on the building and its immediate setting. The proposed development is therefore considered to have no impact on the heritage assets, and the proposal is therefore consistent with Chapter 16 of the National Planning Policy Framework (“the Framework”) that seeks to conserve heritage assets.

Other Matters

15. The site benefits from a number of extant permissions including the demolition of buildings and erection of 4 No. detached dwellings with associated works (application Ref: 27/21/0030). This was approved as a betterment scheme of an earlier prior approval, being a change of use of three agricultural buildings to two detached and two semi-detached dwellings. Consequently, there are two extant permissions which constitutes the fallback position.
16. The fallback position provides adequate justification for the provision of dwellings in the open countryside and outweighs any conflict with the development plan in this respect.
17. Some details relating to the extant permission have been provided by both parties, including a comparative breakdown of the size of the consented dwellings and those now being proposed. The amount of accommodation would remain the same, with the difference being layout, footprint and heights of the proposed dwellings. The extant betterment permission included a restriction on height to 6 metres, so as to not have an effect on the character and appearance of the locality. I have found that the proposal would be harmful to the character and appearance of the area, and therefore the fallback position would be the preferable development. It consequently attracts limited weight in the determination of this appeal.

18. The appellant has indicated that the height restriction on the extant fallback position significantly impacts their quality and market demands. Even if that were the case, as the appellant pointed out economic preference is not a planning consideration and conditions will change over time and the consented scheme may become viable.
19. The appellant contends that the site is brownfield. However, given that one fallback position was an approved application for prior approval under the General Permitted Development Order (as amended) 2015 (GDPO) Class Q of Part 3, the site must be considered agricultural land. The Framework specifies that previously developed land excludes: land that is or was last occupied by agricultural buildings. Consequently, Policy DM1a) of the TDCS in seeking to make the most effective and efficient use of land, identifies that there is a preference to the recycling of previously developed land, has not been determinative in respect of this appeal.
20. My attention was drawn to other developments including those relating to agricultural holdings, in and around the area, both residential and commercial. In respect of the other developments outside of the site, I do not have full details of the circumstances that led to planning permission being granted. Therefore, I cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of scale, location and development plan policy. I have therefore determined the appeal on its own particular facts and merits. I do not find these other developments which the appellant mentions to be a strong argument in support of this appeal.
21. The Council has indicated that it is currently unable to demonstrate a 5-year supply of housing land. Therefore, paragraph 11 d) of the Framework is engaged. This proposal, however, does not seek to increase the number of dwellings already approved, through two fallback positions as set out above. Consequently, limited weight is attached to the economic and social benefits and the adverse impacts I outline above would significantly and demonstrably outweigh those benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
23. Having taken account of the other considerations in support of the proposal, including the Framework and the fallback position, to which I attach limited weight, I do not consider these to be sufficiently forceful to outweigh the harm and conflict with the development plan I have identified. Consequently, in the circumstances of this case, the material considerations do not justify a decision other than in accordance with the development plan taken as a whole.
24. For the above reasons, I conclude that the appeal should be dismissed.

F Webber

INSPECTOR