



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 March 2026

Appeal Ref: APP/E3335/W/25/3375181

The Hollies, East End, Stoke St. Michael BA3 5LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr N Drew against the decision of Somerset Council.
 - The application Ref is 2025/1607/PIP.
 - The development proposed is detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first (or permission in principle stage) establishes whether a site is suitable in principle and the second (technical details consent stage) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development proposed. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly and have considered the submitted block plan as indicative.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for a minimum, and a maximum, of 1 dwelling on the appeal site.
5. Article 5B (1) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (the Order) identifies that certain types of development are excluded from the grant of permission in principle. This includes habitats development. This is defined in Article 5B (5) of the Order as development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site; and for which the competent authority has not given consent, permission, or other authorisation in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations).

6. If a proposed permission in principle development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigation measures in place, an Appropriate Assessment (AA) must be carried out. If the outcome of the AA is unfavourable, it would preclude the grant of permission in principle.
7. The appeal site is located within Consultation Zone (CZ) Band C of the Mells Valley Special Area of Conservation (MV SAC), which is a European Site as defined by the Habitats Regulations. Consequently, it is necessary for me to consider the effect of the proposal on the integrity of the MV SAC.

Main Issue

8. In light of the above, I identify the main issue to be whether the proposal would constitute habitats development under Article 5B of the Order.

Reasons

9. The MV SAC is important for the Greater Horseshoe Bat. The Conservation Objectives for the MV SAC is to ensure the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the Favourable Conservation Status of the Greater Horseshoe Bat.
10. The Council's 'Guidance on Development' (GD), that was produced in partnership with Natural England, covers the MV SAC. It highlights that landscapes around the SAC are important in providing foraging habitats needed to maintain the favourable conservation status of the Horseshoe Bats. A CZ identifies where Horseshoe Bats may be found and the zone is divided into Bands A, B and C, reflecting the likely importance of the habitat for the bats and the proximity to maternity and other roosts.
11. Depending on the sensitivity of the site within the CZ, development is likely to be subject to particular requirements. In terms of surveys, the GD identifies that within Band C it will depend on whether a commuting structure is present and the suitability of the adjacent habitat to support prey species hunted by Horseshoe Bats.
12. The appeal site consists of undeveloped land that steps up from Tadhil Road and continues to rise in a southerly direction. I observed during my site visit that the front boundary had a thick covering of scrub and also contained a number of small trees. A line of larger trees was located along the site's western boundary. Natural England identifies that the site is located within a dark area, and I noted that there were no street lights on Tadhil Road.
13. Due to the level of vegetation on the site, including along its boundaries, and the lack of lighting, as well as its location with CZ Band C, there is the potential that Greater Horseshoe Bats use the site. The development of the site would result in a change to the existing vegetation and introduce lighting associated with the use of the site for residential purposes where there is currently none. In the absence of appropriate surveys and supporting ecological information, the impact of the proposal on Greater Horseshoe Bats cannot be fully appraised. In light of the above, the proposal would be likely to have a significant effect on the integrity of the MV SAC.

14. The PPG states that permission in principle can be granted, if after taking into account of mitigation measures in the AA, a decision-maker concludes the development would not adversely affect the integrity of a habitats site. In order to come to such a conclusion, I must be satisfied beyond all reasonable scientific doubt that an adverse effect on the integrity of the MV SAC would be avoided. This means there must be certainty that the mitigation proposed would be delivered.
15. The appellant contends that ecological survey would be provided at the technical details consent stage. However, without knowing the impact, it is not possible to know what mitigation measures might be required and there is no certainty that they would be secured. Moreover, in undertaking this AA, I must take a precautionary approach and as such securing such information and any mitigation measures at technical details consent stage does not provide me with the necessary certainty that an adverse effect on the integrity of the MV SAC would be avoided. Furthermore, imperative reasons of overriding public interest of a social or economic nature are not present that would be sufficient to overcome the harm that would be caused to the MV SAC.
16. For the above reasons, the proposed development would constitute habitats development, which is excluded from a grant of permission in principle under Article 5B of the Order.

Other Matters

17. The Council's other reason for refusal related to; whether the site would be a suitable location for the proposal, having regard to local and national policies, and accessibility to services and facilities; and the effect of the proposed development on the character and appearance of the area. However, I am unable to grant permission in principle, for the reasons set out above. As such, it is not necessary for me to go on to address these matters.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed as it constitutes habitats development and does not comply with Article 5B of the Order.

P Barton

INSPECTOR