
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: 19 March 2026

Appeal Ref: APP/E3335/W/25/3375377

Knotts Farm, Brimclose Road, Dinnington, Somerset TA17 8SU

- 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 Colin McGill against the decision of Somerset Council.
 - The application Ref is 24/00767/FUL.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling at Knotts Farm, Brimclose Road, Dinnington, Somerset TA17 8SU in accordance with the terms of the application, Ref 24/00767/FUL, subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal site lies within the catchment of the Somerset Levels and Moors Special Protection Area (SPA) a European designated site and a Ramsar Site afforded protection under Reg 63 (3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Regulations"). it is incumbent upon me as the competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA / Ramsar site. As the main parties have addressed this situation during the appeal, neither party would be prejudiced by this matter being dealt with as a main issue.
3. The proposal has been considered by the Secretary of State in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017). A screening direction has been issued which states that the proposal is not Environmental Impact Assessment development.

Main Issues

4. The main issues are whether the proposed development:
 - is in a suitable location, having particular regard to the spatial strategy in the development plan and the accessibility of services and facilities; and
 - would be likely to have a significant effect on the integrity of the Somerset Levels and Moors (SPA / Ramsar site).

Reasons

5. Dinnington village is defined by two distinct clusters of dwellings one centred on the public house and the other centred on the church. The appeal site lies within a

former farmyard that forms part of the latter cluster. The entrance to the site is on the junction of Brimclose Road and Chapel Lane. Beyond the farmyard is open countryside, with views to the former cluster and the wider landscape.

6. Both parties acknowledge that in planning policy terms the site lies within a rural settlement where, in accordance with Policy SS2 of the South Somerset Local Plan (2006-2028) (adopted 2015) (SSLP) development will be strictly controlled and limited to employment opportunities, community facilities and / or to meet identified housing need. This policy does not, therefore preclude residential development on the appeal site, provided it is also: commensurate with the scale and character of the settlement and generally increases the sustainability of a settlement in general; and should generally have the support of the local community.
7. The Council has provided an example of another appeal, Reference APP/R3325/W/24/3347253, that was dismissed, in part because of sustainability. However, whilst there may be similarities, the location is within a hamlet that did not have the requisite number of key services as set out in Policy SS2 of the SSLP, being two or more. In the case of Dinnington the village has both a public house and faith facility. Consequently, I have considered this proposal on its own merits and particular facts.
8. The Council considers that there are safety concerns for non-motorised users of the highway, to access the main facilities within Dinnington. The consultation response from the Highways Authority focused principally on the immediate access onto the public highway and the standing advice did not give rise to an objection to the adequacy of the site access.
9. It is noted that the Place Making Principles for Somerset, adopted August 2024 ("the PMP") and in common with Policy TA5 of the SSLP acknowledges that the principles and policies within, primarily apply to the main urban settlements and market towns and are reflective of the fact that these are the locations where most of the site allocations in the adopted local plans are. Notwithstanding the PMP does seek to ensure safe connectivity within rural communities and the Council has identified that the village lacks footways and lighting. However, on the afternoon of my visit the roads in and around the village were very quiet and whilst the highway is single carriageway and some stretches are single track; the site is a short walking / wheeling distance to the church. I therefore consider that the appeal site location meets the requirements of the National Planning Policy Framework ("the Framework") paragraph 115 b) in providing safe access for all users.
10. The Council has referred to paragraph 84 of the Framework which directs that decisions should avoid the development of isolated homes in the countryside, however in this instance the proposed site lies within a cluster of dwellings and within a settlement boundary. Whilst paragraph 115 a) of the Framework does promote sustainable transport modes, in doing so, it also takes account of the vision for the site, the type of development and its location. Consequently, in the case of this site I consider that paragraph 110 of the Framework is of relevance, insofar as it recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

11. I therefore conclude that the proposed dwelling in this location is consistent with Policy SS2 of the SSLP that requires that housing development should only be permitted in Rural Settlements that have access to two or more key services. I also find that there is no conflict with Policy TA5 of the SSLP that recognises that the criteria identified applies primarily to main urban settlements and market towns. With regard to the PMP, the status of this document is not fully explained, however I have taken it into consideration and conclude that safe connectivity is not wholly reliant on the footways and lighting, as the proximity of the site to the church is a mitigating factor.

SPA / Ramsar site

12. Currently, there are high nutrient inputs into the water environment of the SPA / Ramsar site catchment with evidence that this is causing eutrophication of the SPA / Ramsar site. These nutrient inputs are currently thought to arise predominantly from wastewater from existing housing and agricultural sources. This nutrient enrichment is contributing towards adverse impacts on the protected habitats and species within the SPA / Ramsar site.
13. Natural England (NE) advises that the addition of residential development within the catchment area of the SPA / Ramsar site is likely to have a significant effect on them either alone or in combination with other proposals. However, in this instance NE has not advised that the SPA is adversely impacted by phosphorus and therefore the SPA can be screened out from further assessment.
14. Notwithstanding, NE does advise that due to excessive levels of phosphorus loads within the catchment, the Ramsar is in an unfavourable condition. The Ramsar, is composed of a number of Sites of Special Scientific Interest ("the SSSI's"). NE has identified that the potential impacts of phosphorus are considered to be limited to the aquatic environment (Ramsar criterion 2 – A wetland should be considered international import if it supports vulnerable, endangered, or critically endangered species or threatened ecological communities), rather than the Ramsar's bird interests (criterion 5 and 6).
15. The evidence before me indicates that additional accommodation within the catchment area for the Ramsar site adds to the existing issues of eutrophication arising from phosphate levels from wastewater. A likely significant effect therefore cannot be ruled out. An appropriate assessment (AA) is therefore required under the Regulations.
16. The Council's strategy for avoiding an adverse effect from phosphorus is to ensure that all planning applications for residential development, amongst others, demonstrate phosphate neutrality. In relation to this, the appeal is accompanied by a Phosphates Budget Calculator, which identifies that a total phosphate surplus of 0.16 kg / year would arise from the proposal as set out in the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) Ref: 2500262-ENV-S1-SW-TR-E-0001 dated 17 July 2025. Therefore, mitigation is required to achieve phosphate neutrality. The proposed dwelling would manage foul water drainage through a package treatment plant (PTP). In addition, the appellant has committed to the purchase of nutrient credits (P-Credits). This commitment is evidenced by a 'Reservation Notice' dated 03 October 2025, for the purchase of a specified development from the portfolio of WCI P-Credits as approved under the

Overarching Agreement signed between Somerset Council and WCI Group Ltd on the 22 March 2024.

17. NE is content with this mitigation scheme, and the Council has indicated in the Statement of Case that it considers Reason for Refusal 01, as it appears on the Decision Notice Ref: 24/00767/FUL, to have been addressed and that Nutrient Neutrality can be achieved. To secure this the Council has drafted a condition requiring the appellant to provide an Allocation Certificate before development can commence.
18. Notwithstanding the position of the Council and NE, paragraph: 010 (Reference ID:21a-010-20190723) of the Planning Practice Guidance ("the PPG") does not rule out the use of a condition to require an applicant to enter into an agreement or make a payment, it states that this is unlikely to be appropriate in the majority of cases. The PPG goes on to state that, in exceptional circumstances, a negatively worded condition requiring an agreement (in this case the purchase of P-Credits / mitigation) to be entered into before development can commence, may be appropriate. This requires clear evidence that the delivery of the development would otherwise be at serious risk and advises that the Council should discuss with the applicant the need for the agreement and the appropriateness of the condition. In this case it is clear that the proposal would be unacceptable without the agreement to purchase P-credits. The appellant has been given an opportunity to review a negatively worded condition and has indicated the acceptance of such a condition.
19. As the competent authority, I am therefore satisfied that with the proposed mitigation, the development would not have an adverse effect on the integrity of the Ramsar site and the proposal therefore complies with the Regulations and Policy EQ4 of the SSLP, which among other aspects, seeks to conserve and enhance the natural environment and requires development to demonstrate that it would not result in any adverse impact on the integrity of national and international wildlife and landscape designations.

Other Matters

20. My attention has been drawn to listed buildings within proximity of the site including the host farm complex. These comprise Grade II Knotts Farmhouse and boundary wall, Grade II The Orchard (or Little Orchard) and front boundary railings, Hollow Lane and Grade II Former Bible Christian Chapel, Chapel Lane. All are listed for their special architectural or historic interest.
21. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
22. The special architectural and historic interest of each of the listed buildings includes their ages and purpose, together with the type and condition of their construction materials and specific architectural features. The farmhouse is closest to the site, and it is noted that it is much altered, nonetheless its traditional construction material and rural vernacular features remain, and the boundary treatment adds to the setting of the farmhouse and the streetscene.

23. It is notable that the other newbuilds and conversions are the main structures screening the site from the farmhouse, thus reducing the intervisibility between both, however in combination these buildings form the setting of the listed building. The proposed dwelling has been designed to complement the scale and form of the new and converted buildings and is of a scale subordinate to all and would not encroach on the setting of the principal heritage asset being the farmhouse.
24. I consider that given the scale and design of the proposed dwelling, it being in keeping with the other buildings within the farm complex and the intervening heavily vegetated hedgerows and separation distance, there would be little effect of the setting of the listed buildings. Consequently, the settings of all the cited listed buildings would be preserved, and the proposed development would not be contrary to Policy EQ3 of the SLLP that seeks to conserve and where appropriate enhance the historic significance of heritage assets and make an important contribution to local distinctiveness, character and sense of place.
25. A number of responses from local residents have been received highlighting issues relating to ecology, overlooking, lighting, noise and odour. Overall, the Council has not raised issues in terms of the proposal's effects on ecology or on the living conditions either to the occupants of surrounding properties or future occupiers of the proposed dwelling. Having visited the site, I see no reason to conclude otherwise on these matters.

Planning Balance

26. The Council acknowledges that it cannot demonstrate a 5-year supply of deliverable housing land in accordance with the Framework, although the extent of the shortfall has not been specified. However, the Council did not contradict the figure of just over 2 years put forward by the appellant. Therefore, subject to the provisions of footnotes 7 and 8, paragraph 11 d) i and ii of the Framework are engaged. This sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
27. My earlier consideration above, in respect of the Habitats Regulations and the effects on the Ramsar site; and in respect of the effects on the setting of listed buildings, I judge that there is no evidence that there is a strong reason for refusing the development as set out in paragraph 11 d) i.
28. In respect of paragraph 11 d) ii, the proposal is not contrary to the local development strategy and, as Policy SS2 of the SLLP is broadly consistent with the Framework's hierarchical approach to the use of strategic policies to direct development, it attracts great weight within my decision.
29. Consequently, when assessed against the Framework as a whole, I conclude that there would be no adverse effects of granting permission and that there are none that significantly and demonstrably outweigh the benefits that would be derived from it. Therefore paragraph 11 d) ii of the Framework applies and the granting of permission in this case is supported.

Conditions

30. The Council has suggested 12 conditions, and I have considered these against the advice in the PPG and the tests set out in the Framework. In addition to the

standard time limit Condition 1 and Condition 2 requiring the development to be carried out in accordance with the approved plans in the interests of certainty, I have amended some of the suggested wording to meet the tests.

31. The condition relating to nutrient neutrality is pre-commencement and the appellant has confirmed that this is acceptable. It is necessary to ensure that the integrity of the Ramsar is not compromised, although I have simplified the wording used in the Council's suggested condition. I have added a condition requiring the PTP specified in the NNAMS to be installed and maintained which is necessary for the same reason.
32. Given the existing landscape features on the site located along one boundary, I have imposed a condition relating to hard and soft landscape works in the interests of the character and appearance of the area and to provide protection of retained trees and nesting birds during site clearance and construction. In the interest of biodiversity, I have specified the native species required for planting at the boundary.
33. In the interests of the character and appearance of the area, it is necessary for the details of the external materials to be used in the development, to be submitted and approved by the Council, prior to the commencement of works above damp-proof level.
34. Should any external lighting be proposed, a condition has been included to require the submission of an external lighting design, to address light sensitivity of protected species.
35. The condition relating to surface water management has been modified to reflect the details set out in the approved drawing and removed *"unless otherwise agreed in writing by the Local Planning Authority"*, insofar as any changes relating to flood risk would be better secured through other statutory routes to vary conditions.
36. Further mitigations require the following conditions, all triggered by the occupancy of the proposed dwelling:
 - ecological enhancements, which has been modified to relocate the specific native planting to the landscape scheme above and to remove the requirement for photographic evidence insofar as it is imprecise, and there can be no guarantee that photographs, being provided to the Council are of the installed features at the site;
 - parking and the provision of electric vehicle charging are necessary in the interests of highway safety and to address climate change and reduce carbon emissions; and
 - limiting consumption of wholesome water to improve sustainability of the dwelling.
37. The PPG paragraph 017 (21a-017-20190723) states that *'Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity'*. Proposed Condition 11 is necessary to ensure that any modifications to the proposed new dwelling are not inappropriate, given the configuration of the proposed development in relation to its surroundings. It is exceptionally necessary to remove certain permitted development rights for the enlargement, addition, or alteration of

the dwelling or its roof as well as outbuildings / hard surfaces in order that the Council can exercise control over these aspects given the proximity to the setting of heritage assets.

Conclusion

38. I have found that the proposal would comply with the development plan read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Accordingly, I find that the appeal should be allowed.

F Webber

INSPECTOR

Schedule

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 7191-60 Location Plan and Proposed Site Plan
 - 7191-62 Proposed Site Plan
 - 7191-63 Proposed Floor Plans, Section, Elevations and Roof Plan
- 3) No development shall commence until an Allocation Certificate for the number of required P-credits as set out in Reservation Notice Ref: 27654 dated 03/10/2025 has been submitted to and approved in writing by the local planning authority.
- 4) No development above damp-proof level shall take place until the package treatment plant as set out in the Nutrient Neutrality Assessment and Mitigation Strategy dated 14 July 2025 [Enviren Ref: 2500262-ENV-S1-SW-TR-E-0001] has been installed in accordance with the manufacturers specification and shall thereafter be maintained.
- 5) Notwithstanding the details set out in the approved plans, no development above damp-proof level shall take place until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:
 - i) trees and hedgerows to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
 - ii) all proposed hardstanding and boundary treatment; and
 - iii) all proposed planting, accompanied by a written specification setting out the species, size, quantity, density with cultivation details; and all planting along the site boundary, shall comprise of the following native species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle.

All planting, seeding or turf laying in the approved landscaping shall be carried out in the first planting season following the completion of the development. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved scheme.
- 6) Notwithstanding the details set out on the approved plans, no development above damp-proof level shall take place until details or samples of materials to be used externally on walls and roofs (including any solar / pv panels) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) No external lighting shall be installed, until a lighting design for bats, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed. Lux levels should be below 0.5 Lux on key and supporting features or habitats. All external lighting shall be installed in accordance with the

- specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.
- 8) All surface water shall be managed in accordance with the drainage system set out in Drawing No 7191-62 Proposed Site Plan.
 - 9) The development hereby permitted shall not be occupied until the following ecological enhancements have been installed:
 - i) an integrated bat box installed at least four metres above ground level and away from windows, on the south and / or west facing elevations and maintained thereafter;
 - ii) an integrated bird box (such as a swift brick or sparrow terrace) directly under the eaves and away from windows on the north and / or east elevations and maintained thereafter;
 - iii) any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site; and
 - iv) A bee brick built into the wall about 1 metre above ground level on the south or east elevation. Please note bee bricks attract solitary bees which do not sting.
 - 10) The development hereby permitted shall not be occupied until the parking spaces for the dwelling, secure cycle parking and a properly consolidated and surfaced turning space for vehicles have been constructed within the site in accordance with details which shall have been submitted to and approved in writing by the local planning authority. Such parking and turning spaces shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles.
 - 11) The development hereby permitted shall not be occupied until the precise technical details of the electric vehicle charging point have been submitted to and approved in writing by the local planning authority. Each charging point should be at least 7kW, an untethered connection i.e. only a socket without a built-in cable, and capable of Mode 3 charging. The charging point must be installed in accordance with the approved details and, thereafter, be retained, maintained and kept free from obstruction.
 - 12) The dwelling shall not be occupied until water efficiency measures have been installed to ensure the potential consumption of wholesome water by persons occupying the new dwelling does not exceed 110 litres per person per day, in accordance with 36 (2)(b) of Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 (as amended), and these measures shall be maintained thereafter.
 - 13) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:
 - Part 1, Class AA (additional storey)
 - Part 1, Class A (enlargements, improvements or other alterations);
 - Part 1, Class B (additions etc to the roof of a dwellinghouse);
 - Part 1, Class C (other roof alterations);

- Part 1, Class E (incidental buildings, enclosures, swimming or other pools);
- Part 1, Class G (chimney, flues, soil or vent pipes); and
- Part 2, Class A (gates, fences, walls or other means of enclosure).