



Appeal Decision

Hearing held on 3 March 2026

Site visit made on 3 March 2026

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th April 2026

Appeal Ref: APP/E3335/W/25/3369834

Woodlands Castle, Ruishton Lane, Ruishton, Taunton TA3 5LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline and full planning permission.
 - The appeal is made by Mr Tim Jones, Belstone Fox against the decision of Somerset Council.
 - The application Ref is 31/24/0009/HYB.
 - The development proposed is application for a Hybrid Planning application for Outline Planning permission with some matters reserved (except access, scale and layout) for the erection of 16 No. dwellings and Full Planning permission for the change of use of Woodlands into 1 No. dwelling and erection of 2 No. dwellings and erection of a 70 No. bedroom care home at Woodlands Castle, Ruishton Lane, Ruishton.
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Decision

1. The appeal is allowed and planning permission is granted for application for a Hybrid Planning application for Outline Planning permission with some matters reserved (except access, scale and layout) for the erection of 16 No. dwellings and Full Planning permission for the change of use of Woodlands into 1 No. dwelling and erection of 2 No. dwellings and erection of a 70 No. bedroom care home at Woodlands Castle, Ruishton Lane, Ruishton, Taunton TA3 5LU in accordance with the terms of the application, Ref 31/24/0009/HYB, subject to the conditions in the attached schedule.

Application for costs

2. At the Hearing the appellant advised that an application for costs was to be made by Mr Tim Jones on behalf of Belstone Fox against the refusal of planning permission by Somerset Council. It was agreed at the Hearing that the application for costs would be submitted in writing following the close of the Hearing with the Council provided an opportunity to respond in writing. This application is the subject of a separate decision.

Preliminary Matters

3. The evidence before me refers to the Grade II Listed Woodlands Castle. However, the Official List Entry refers to the property as Woodlands House and Stable Block Adjoining. For the purposes of this decision, reference to Woodlands Castle relates to the listed Woodlands House and Stable Block Adjoining.

4. At the Hearing, the appellant agreed that in light of the grant of Listed Building Consent by the Council¹ in relation to Woodlands Castle for 'Change of use, repair and reinstatement of Woodlands into 1 No. dwelling with alterations to boundary walls and erection of 2 No. Mews dwellings' the reference in the Description of Development to Listed Building Consent should be removed. This is therefore reflected in the Description of Development above and I have also removed reference to it being a 'Planning Consent Appeal' as this is not an act of development.
5. The appeal is accompanied by a signed Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990. This seeks to secure repairs to the listed building on a phased basis and secures the submission and approval of a Travel Plan. I will return to this below.
6. The appeal is also accompanied by updated viability reports from both main parties. The appellant submitted a Development Viability Assessment (DVA) with the appeal subsequently supplemented by two Viability Updates dated 17 February 2025 (the First Viability Update) and 27 February 2026. The Council submitted a Review of the DVA dated December 2025 and subsequently supplemented by a Second Review of the First Viability Update dated 20 February 2026.
7. The site falls within the catchment area of the Somerset Levels and Moors Special Protection Area and Ramsar site (the Protected Sites) and Hestercombe House Special Area of Conservation (SAC). Although the Council have confirmed that it agrees to the mitigation for effects on the Protected Sites put forward by the appellant in the form of purchasing off-site credits, and that conditions would ensure no harm to bats within the SAC, as the competent authority in relation to this appeal, I am required to consider these matters and the related duties under the Conservation of Habitats and Species Regulations 2017. As a result, I will deal with this as a Main Issue.

Agreed Matters

8. Before the Hearing the parties submitted a Statement of Common Ground (SoCG). This describes the appeal site, planning history, the appeal scheme, relevant development plan policies, the material considerations, and indicates other matters agreed and not agreed. Those not agreed reflect the three reasons for refusal.
9. The SoCG also confirms that the Council cannot currently demonstrate a 5 year supply of deliverable housing sites, that the location of the site is outside of the settlement boundary for Ruishton, and states that it is agreed that the delivery of housing and a care home are public social benefits. Furthermore, it lists agreed public benefits from the proposal, and states that the setting and significance of the Listed Building has been degraded but that the associated parkland setting still makes an important contribution to the significance of Woodlands Castle. The SOCG clarifies that the proposals would enable a comprehensive programme of repairs and modernisation to Woodlands Castle and the outbuildings with the building being in a poor condition requiring an extensive restoration programme, that the increased phosphate loading would be mitigated through the purchase of credits and that biodiversity net gain would be achieved. I will return to these matters below.

¹ 31/24/0010/LB

Main Issues

10. In light of the Preliminary and Agreed Matters above, the main issues are:

- whether the appeal site is an appropriate location for the proposed development, with particular regard to the local development strategy and effect on the character and appearance of the area,
- whether the development would preserve the Grade II listed building, Woodlands Castle,
- whether the type and amount of enabling development is justified, and
- the effect of the proposed development on the integrity of the Protected Sites and SAC.

Reasons

11. The proposal seeks planning permission for enabling works to Woodlands Castle to create a single dwelling with the construction of 2 mews houses in the courtyard of Woodlands Castle, 9 dwellings along the eastern boundary of the site, 7 dwellings in the northern part of the site (the Lodge Houses), and a 70-bed care home in the northern part of the site on the opposite side of the access to the Lodge Houses. The proposal also seeks to improve the grounds and parkland related to Woodlands Castle.
12. Full planning permission is being sought for the conversion of Woodlands Castle to a dwelling, for the 2 mews houses and care home, with outline permission being sought for the 16 dwellings.

Whether appropriate location

13. There was no dispute at the Hearing between the main parties that the proposal results in some conflict with Policies SP1 and CP8 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 (CS), and Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan December 2016 (SADMP). This is on the basis that the proposal is not one of the types of development supported in the countryside under CS Policy DM2. The appellant also agreed at the Hearing that there is some conflict with CS Policy CP4 as no affordable housing was being proposed.
14. Furthermore, it was agreed by the main parties at the Hearing that CS Policies SP1 and SB1 are out of date and carry limited weight as identified in the Appeal Decision for Brookfield Nursery². From the evidence before me, I have no reason to disagree.
15. At the Hearing, the Council and appellant agreed that CS Policy SD1 is the main determinative policy. This policy reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (the Framework). This policy states that where policies relevant to an application are out of date, the Council will grant permission unless material considerations indicate otherwise taking into account whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against policies in the

² Appeal Ref: APP/E3335/W/24/3349986

Framework taken as a whole, or specific policies in the Framework that indicate that development should be restricted.

16. At the Hearing the appellant also agreed that there would be some conflict with Policy C1 of the Ruishton and Thornfalcon Neighbourhood Plan 2016-2028 (NP) by virtue of the introduction of further built form onto parts of an open site outside of Ruishton. However, the appellant went on to state that the supporting text to NP Policy C1, whilst identifying the gap to the west of Ruishton between Ruishton Lane and Bushy Cross Lane creating a “cordon sanitaire” between the built-up area of Ruishton and the encroachment of urban Taunton, states that ‘The Motorway junction, Park and Ride, Toby Carvery, Premier Inn and Woodlands Castle are part of the infrastructure of Taunton and the M5’. By virtue of this, the appellant argues that the appeal site does not fall within the important gap.
17. Nonetheless, by reason of the introduction of further built form to the appeal site frontage with Ruishton Lane in the form of the Lodge Houses and care home, the proposal would bring additional built form closer to Ruishton and within an open area that forms part of open land to the west of Ruishton. The proposal would erode this open setting and approach to Ruishton by reason of an increase in the extent of built form visible between the infrastructure of Taunton and the village. As a result, and although a gap would remain between the proposed development and Ruishton, there would be some loss of character and loss of openness in conflict with NP Policy C1.
18. However, in light of the findings in the appeal decision for Brookfield Nurseries that identifies tensions between Policy C1 and the Framework, and in the absence of substantive evidence from the Council or Interested Parties disputing this, the weight that I give to the conflict with NP Policy C1 is limited.
19. Finally, with regard to the loss of trees, and although Policy ENV1 of the SADMP does not provide a blanket restriction to the loss of trees, the location of the Lodge Houses would be in close proximity to a significant group of trees that includes a TPO tree. These trees are visible from Ruishton Lane. Although I acknowledge that this part of the proposal is in outline form, Layout is for consideration with the plans before me indicating dwellings in place of the trees with the appellant’s Arboricultural statement indicating their removal. As such, and even with some replacement planting, this loss of this significant group of trees would cause some harm to the character and appearance of the area.
20. Although there is no dispute between the main parties that the appeal site is well located close to a range of services and facilities, overall, the proposal conflicts with the local development strategy for the location of development and as a result of the loss of openness around Ruishton is contrary to NP Policy C1, and would result in a harmful effect on the character and appearance of the area. Nonetheless, on the basis that a gap would be retained between the appeal site and Ruishton, I do not find that the proposal would lead to a significant loss of village identity, even when considered in combination with the Brookfield Nursery development. However, it would nonetheless conflict with the local development strategy, result in some landscape harm and conflict with NP Policy C1. These are factors that weigh against the appeal scheme in the overall balance despite their reduced weight.
21. I will return below to the overall planning balance and compliance or otherwise with CS Policy SD1.

Listed building

22. The significance of Woodlands Castle is derived from its architectural, artistic and historic interest as a good example of a Regency and Tudor revival design by the prominent architect Richard Carver who was well known for his ecclesiastical buildings across Somerset in the C19. The historic interest stems from the survival of Woodlands Castle with the majority of the original plan form, some intact historic fabric and landscaped grounds.
23. The setting of Woodlands Castle has altered over time originally comprising the immediate designed landscape and grounds around the house. The style of landscaping with its designed parkland and gardens informs the setting of the house as was common in the C18-C19. While considerable development has taken place, and is planned, nearby, the grounds of Woodland Castle remain generally undeveloped apart from car parking and the marquees associated with the wedding venue. However, the grounds have become degraded over time. Whilst the original sweeping driveway has been long removed, there are still views of the house on approach within the grounds that demonstrate its grandeur. As a result, the land around Woodlands Castle forming the appeal site still makes an important and positive contribution to its significance, with the original parkland and lawns to the south and west related to the principal elevation of the building making the strongest contribution.
24. There is a clear distinction between the architectural treatment of the principal elevation and the rear in terms of detailing and windows with ancillary buildings located to the rear of lower importance to its significance.
25. For these reasons, there is no dispute between the main parties that development to the northern part of the site would cause the least harm to the setting and significance of the Listed Building. This is reflected in the comments from the Somerset Quality Review Panel (SQRP). I have no reason to disagree.
26. In this regard, the Lodge Houses and care home would be located within this area, enabling the generally unaltered retention of the original parkland and lawns to the front of the principal elevation of Woodlands Castle. With regard to the location of the Lodge Houses, and although positioned to the north of Woodlands Castle, I have sympathy with the Council's concerns regarding the effect of the location on the setting of Woodlands Castle from the location of the dwellings at the site entrance clearly visible from Ruishton Lane. This is the case despite the location being preferable to a previous location closer to Woodlands Castle and the chronology of the site layout as detailed by the appellant at the Hearing.
27. Despite the location for the care home and Lodge Houses generally being in the least impactful locations in relation to the listed building, they would still be harmful.
28. At the Hearing, Ms Keller stated that she had not looked in detail at the design of the care home but went on to state that she raised no concerns in relation to its design in isolation. I have no reason to disagree.
29. While I note the comments made by Mr Garlick at the Hearing with regard to the considerable effort put into the external appearance and internal layout of the care home, not least to ensure a quality living environment for future occupiers, by virtue of its single footprint and resulting scale and mass the proposal is for a building of a considerable size. From the evidence before me, and particularly that given at the

Hearing by Mr Garlick, I was left with the impression that the scale and mass of the care home was fixed, with little room for amendment, and generally designed from the inside out. This is the case even acknowledging efforts to provide an external appearance that goes some way to reflecting the listed building with regard to materials, use of gables, chimneys, traditional design and single access point.

30. As a result, and although I acknowledge that the design elements of the proposal seek to reduce the visual scale and mass of the care home, it would nonetheless be a building of a footprint, scale and mass that would be considerably larger than Woodlands Castle. As a result of its size, alone and in combination with the Brookfield Nursery development, and as the position of the care home would reduce any intended separation distance to Ruishton, it would draw attention away from the listed building and harmfully detract from its setting and significance.
31. The Council's written evidence also raises some concern regarding the close relationship of the car park for the care home to Woodlands Castle. However, given that this part of the site is already hardsurfaced and to the north of Woodlands Castle with the possibility for intervening planting, I find no additional harm in this regard.
32. At the Hearing, the Council also reiterated concerns regarding the houses to the eastern boundary projecting southwards and therefore being visible from the principal elevation to Woodlands Castle and visible from its associated parkland and lawns. Although this part of the proposal is in outline form, and despite the presence of landscaping in close proximity to Woodlands Castle that would screen views towards some of the dwellings, I have sympathy with the Council's argument that the extension of these dwelling southwards beyond an east-west line depicting the principal elevation to Woodlands Castle is regrettable and harmful to a part of the site that makes a greater contribution to the significance of Woodlands Castle than the land to the north.
33. At the Hearing Emma Keller stated orally that due to the scale of the development proposed and, in particular due to the scale and mass of the care home, the proposal results in less than substantial harm to the significance of the designated heritage asset. Emma Keller stated that the level of harm is at the higher end of the spectrum of harm. While this is consistent with the Council's Statements of Case, this is a change of position from the Planning Officer Report that references substantial harm.
34. In contrast, the appellant reiterated their case that whilst the proposal would cause less than substantial harm to the significance of the designated heritage asset, such harm is at the lower end of the spectrum.
35. In light of my findings above and given that any harm to the significance of the heritage asset is at a local level, I find no reason to disagree with the main parties with regard to the proposal resulting in less than substantial harm. However, by virtue of the scale and mass of the care home, location of the Lodge Houses, and by virtue of the eastern boundary houses extending southwards such that parts would be visible from and viewed in association with the principal elevation of Woodlands Castle and its original lawns and parkland, I find that the level of harm from the proposal as a whole would be nearer the middle of the spectrum.
36. There is no dispute between the main parties that any impact from the Mews Houses is acceptable given that they replace the existing marquees, and I have no

reason to disagree. It is noteworthy in this regard that the Mews Houses benefit from listed building consent.

37. However, it follows from the above that the proposal would fail to preserve the setting and significance of the Grade II listed building, Woodlands Castle. As such, it is contrary to CS Policies CP8, DM1 d., and policies E3 and H5 parts 1 and 2(v) of the NP. Amongst other things, these seek to conserve and enhance the historic environment, landscape and townscape, not unacceptably harm the appearance and character of any affected landscape or building, protect designated heritage assets for their historic value and contribution to local character, conserve and enhance heritage assets and their setting, have no adverse impact on the historic value and character of the asset and its setting, and demonstrate a high standard of design and complement and enhance the local character of the area.
38. The Council's second reason for refusal references NP Policy H4 but it is clear to me from the references to specific parts of the policy, and from the copy of the made NP before me, that this now relates to NP Policy H5. I have therefore dealt with the appeal on this basis.
39. I will consider below whether the identified harm is outweighed by public benefits as required by paragraphs 215 and/or 221 of the Framework.

Enabling development

40. Paragraph 221 of the Framework makes clear that decision-makers should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweighs the disbenefits of departing from those policies. Guidance on matters relating to enabling development is provided in the Historic England publication 'Enabling Development and Heritage Assets' (Note 4). Note 4 sets out core principles and guidance for making this assessment. Given I have found above that the development would conflict with several development plan policies, consideration of its appropriateness as an enabling development is relevant in this appeal.
41. There is no dispute between the main parties that the listed building is in significant disrepair and would continue to deteriorate without a new use. Although I note an email from the appellant stating that they could return the listed building to a wedding venue, I accept the explanation at the Hearing by Tim Jones that this comment was made out of frustration and unlikely to be viable. I therefore accept that the use of the building as a single dwelling represents the optimum viable use. I have no substantive evidence that the state of the building results from wilful or deliberate neglect, as suggested by interested parties.
42. Although Emma Keller stated orally at the Hearing that the Council could secure urgent works and repairs to the listed building, the Council's evidence does not dispute that there are no other avenues of funding from public sources which would adequately cover the conservation deficit and I accept that the only real solution is from private commercial intervention, as proposed.
43. Section 4 of Note 4 describes a seven-step approach for assessing whether the requirements of paragraph 221 would be met. The steps include a condition survey of the heritage asset(s) in need of repair, assessment of alternative solutions by which the asset's future might be secured, assessment of the asset's market value

- in current and repaired condition to calculate whether a conservation deficit exists, and a delivery plan to demonstrate how the heritage benefits would be secured in a timely manner.
44. In relation to these steps, the proposal is accompanied by a condition survey of the listed building, repair costs, assessment of its market value in a repaired condition, benefits from listed building consent for conversion works and is accompanied by a development appraisal with delivery secured via the submitted UU. The main areas of dispute between the main parties relate to consideration of alternative solutions, and viability with regard to whether the proposal represents the minimum necessary to secure the future of the heritage asset.
 45. With regard to the consideration of alternative solutions, it is noteworthy that paragraph 29 (2) of Note 4 states that an options analysis should be undertaken comprising an assessment of alternative solutions by which the assets' future might be secured. At the Hearing, the appellant agreed with this advice.
 46. At the Hearing, the appellant also stated that they had numerous meetings with the Case Officer on site discussing alternative options that included a potential hotel and care village but that no wider community consultation took place on alternatives. This is supported by evidence within Appendix 12 of the Belstone Fox Ltd Development Viability Assessment. In response to this the Council stated that the appeal should be supported by other viability appraisals demonstrating the lack of other viable solutions.
 47. While I have some sympathy with the Councils position, and it would have been helpful to have other viability appraisals demonstrating that other options were less viable, the appellant has provided evidence of discussions on alternative uses for the site and the Council could have provided its own viability appraisals if it considered that there were viable alternatives. In light of this, and although the appellants case appears predicated on the inclusion of a care home of the size proposed, I have limited substantive evidence before me indicating that there are alternative solutions available. There is no requirement for the applicant to consult the local community on alternatives. I come to these conclusions given the discussions at the Hearing detailing that the removal of the care home and replacement with a number of dwellings is very unlikely to achieve the same land value as the Care Home proposal. On balance, I am therefore satisfied that alternative solutions have been considered by the appellant and suitably evidenced.
 48. With regard to viability and whether the proposal represents the minimum necessary to secure the future of the heritage asset ,it is noteworthy that paragraph 14 of Note 4 states that 'The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets.' At the Hearing, the appellant orally agreed with this statement.
 49. From the viability information and appraisals before me, and from discussions at the Hearing, the main areas of dispute with regard to inputs into the viability appraisals relate to the following: the existing use value of Woodlands Castle; the value of Woodlands Castle once refurbished; the value of the building plots for the Lodge Houses; need for the erection of a waterproof envelope during construction;

- need for a 25-year maintenance commuted sum for landscape management; planning costs; interest; and developer's profit.
50. These differences lead to the appellant stating that their viability appraisal shows that the costs of the proposal exceed the revenue income by approximately £1.5m. As a result, the appellant confirmed orally that a combination of value engineering and reduction in cosmetic finishing and furnishing of Woodlands Castle would be required to make the proposal viable. However, the Council's viability evidence shows that the proposal results in a Residual Land Value of approximately £1.3m, clearly above its Benchmark Land Value of £100,000 and shows that the proposed scheme would be viable with a reduced number of units or size of care home.
 51. It is noteworthy at this stage to confirm that the main parties agree that the cost of conversion of Woodlands Castle is £2,293,306.
 52. At the Hearing, the parties ran through their respective positions with regard to the differences in the inputs into the viability appraisals. With regard to the existing use value of Woodlands Castle, in light of the condition of the building and extent of conservation deficit requiring enabling development, I am not convinced by the appellants £300,000 valuation. As such I find the existing use value put forward by David Coate to be more convincing. This is the case despite the valuations put forward by the appellant that I was advised were for mortgage purposes.
 53. With regard to the value of Woodlands Castle once refurbished, David Coate confirmed that the valuation in his viability appraisals was based upon his own judgement. In the absence of other substantive evidence and given the possible need to value engineer and reduce the cosmetic finish to make the proposal viable, I find the appellant's evidence more convincing in relation to this matter.
 54. With regard to the land value of the Lodge Buildings, there is relatively little between the main parties, but I am more convinced by the Council's evidence and valuations bearing in mind that these take into consideration the fact that the plots would be offered for sale benefitting from connections to services.
 55. There is a disagreement between the main parties regarding the need for a waterproof envelope to cover Woodlands Castle during refurbishment. Given the condition of the building, likely length of any refurbishment period, and that the provision of covers is not unusual to large buildings, I do not find the inclusion of these costs to be unreasonable.
 56. With regard to the 25-year maintenance commuted sum, there was discussion at the Hearing regarding the need for this. The appellant advised that it is necessary following the comments of the SQRP, identified by their Arboricultural expert with the landscaping an important part of the setting of the listed building. Furthermore, the appellant stated that without this sum, the value of the dwellings would be reduced. In response to this, the Council advised that it would be for the owner occupiers of the dwellings and Care Home to manage the grounds through a management company and that there is little evidence that such costs would reduce sale values, particularly given that a separate sum has been identified to provide landscaping across the site. I agree that the presence of a commuted sum would be likely to be more attractive to the owners/occupiers of the dwellings and care home, and that the management and maintenance of the grounds are important to the setting of the listed building and need to be secured. In light of this, I find the provision of a commuted sum to be reasonable with regard to ensuring

- the long-term management of the park and suitable management of the setting to the listed building.
57. There is a dispute between the main parties with regard to the planning fees being separate to other professional fees with David Coate identifying this as being unusual. Regardless of this, and although I acknowledge that planning fees are legitimate costs that need to be accounted for, I was not provided with compelling evidence to justify the level of costs or why they cannot be covered by the allowance for other fees.
 58. The appellant has included the costs of CIL within their proposal on the basis that it is not certain that CIL relief will be granted. To cover the scenario that the proposal gains CIL relief, the UU requires the amount to be put towards the improvements to Woodlands Castle. This is a reasonable approach.
 59. David Coate clarified at the Hearing that the difference between the main parties with regard to interest costs relates to a reduced risk as some of this risk is passed on to those that would construct the care home and Lodge Houses. I find this to be a reasonable approach in this instance.
 60. With regard to developers' profit, the difference between the parties mainly relates to whether profit should be taken from the enabling development. While I acknowledge that Note 4 advises that an appropriate margin of profit should be allowed for, given that the sale of the care home and other plots carries little risk, and as the proposal is for enabling development, I do not find the developer profit scenario put forward by the appellant to be convincing. However, I also find that the Council's restriction of developer profit to Woodlands Castle only to be unreasonable in light of the need for an appropriate margin of profit to ensure that the enabling development goes ahead. I therefore find that a reasonable level of developer profit falls somewhere between the two parties.
 61. Regardless of the exact figure, as a result of my findings above with regard to the inputs into the viability appraisal, the residual land value figure provided by the Council would be significantly reduced and would not be significantly in excess of the benchmark land value of £100,000 stated by the Council. In this scenario, the proposed scheme would not be viable with the number of residential units or size of the care home considerably reduced. It would also be likely to make development of the proposal without the 7 Lodge Houses unviable.
 62. While my findings above would also result in the development being more profitable than that suggested by the appellant, the costs of the proposal would still be in excess of revenue. However, this would reduce the extent of necessary value engineering and reduction in cosmetic finishing and furnishing of Woodlands Castle.
 63. In relation to the enabling works, the submitted UU secures repairs to the listed building on a phased basis and includes the erection of the scaffold tent. It also secures the submission and implementation of a Travel Plan. As part of each phase of development the UU secures an updated budget and scheme of repairs to ensure that repairs to Woodlands Castle are secured and provided. At the completion of each phase, the UU secures the submission of final accounts. The UU therefore adequately secures the repair and refurbishment of Woodlands Castle, and I find that the planning obligations within the UU meet the tests of

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

64. In conclusion in relation to the above, I find that the type and amount of enabling development is justified.

Integrity of Protected Sites and SAC

65. The appeal site is within the catchment area of the Protected Sites. These are a series of wetlands.
66. The Protected Sites are protected by the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Regulations'). In order for development to be acceptable, these Regulations require it to be demonstrated that it will have no likely significant effect on the Habitat Sites, either alone or in combination with other proposals. If it cannot, measures must be proposed to remove the impact, for example, a satisfactory scheme of mitigation (i.e. that can demonstrate the nutrient neutrality of the proposed development), or the proposal should be refused.
67. Currently, there are high nutrient inputs into the water environment of the Protected Sites catchment with evidence that this is causing eutrophication of the Protected Sites. 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 Protected Sites.
68. Without mitigation, the addition of new residential development is likely to have a significant effect on the sensitive interest features of the Protected Sites, from increased phosphate levels either alone or in combination with other proposals causing harm to nature conservation. It is necessary for me, as the competent authority for the purposes of the Regulations to conduct an appropriate assessment in relation to the effect of the development on the integrity of the Protected Sites.
69. The application is supported by a Shadow Habitats Regulations Assessment (sHRA) that quantifies the level of phosphate generated by the development as being a load of 4.22 kgP / year and identifies mitigation measures to demonstrate that nutrient neutrality can be achieved.
70. The sHRA identifies that the proposed development can achieve nutrient neutrality through the purchase of nutrient credits from a Natural England and Somerset Council approved credit scheme. This approach has been agreed by Natural England and Somerset Council, subject to conditions to secure an Allocation Certificate and restriction of water consumption levels.
71. The submission and approval of an Allocation Certificate before the commencement of development will enable the Council to ensure that the correct credits have been purchased from a suitable provider and would comply with the latest Nutrient Neutrality in Somerset Guidance for Applicants December 2025 published by the Council.
72. The appeal is accompanied by appropriate bat surveys that the Council considers demonstrate that the proposed development, subject to conditions will not impact on the SAC. I have no reason to disagree.

73. For the above reasons, and subject to conditions, the proposal would not have a harmful effect on the integrity of the Protected Sites and SAC.

Other Considerations

74. The Interested Parties at the Hearing raised concerns regarding the demolition of a Scout Hut on the appeal site and lack of replacement facility contrary to NP Policy C2. The Interested Parties advised that the Scout Group were asked to remove its contents before it was demolished. In relation to this, the Council advised that as the Scout Hut was no longer present on site, it finds no conflict with NP Policy C2.
75. At the Hearing, Tim Jones advised that the Scout Hut was unused (except for storage of equipment), that there was no public access to it and that it was abandoned with replacement facilities provided elsewhere in the village.
76. In light of the Council and appellant's position and evidence, and in the absence of substantive evidence to the contrary, I do not find conflict with NP Policy C2 as it has been adequately demonstrated that the land/facility was no longer required for play, sports or recreational use with the proposal providing wider community benefit in the form of the refurbishment of the listed building and provision of a care facility and additional housing.
77. The Interested Parties also raised concerns orally at the Hearing that the proposal would result in additional vehicular and other traffic with connectivity to Ruishton restricted due to the narrow nature of parts of Ruishton Lane and lack of pavements. The Interested Parties further raised concerns regarding the cumulative effect alongside the Brookfield Nursery development. In response, the Council raised no highway concerns. From the appellant in response, David Black provided evidence that the traffic generation and flows would remain below the capacity of the road with the site only a few minutes' walk to the Park and Ride. In light of this, and although I acknowledge the potential for increased traffic and pedestrian use, I have little substantive evidence before me demonstrating that the proposal would result in an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe. I come to this conclusion in light of the previous use of Woodlands Castle as a wedding venue that would have the potential to generate considerable movements, albeit at limited times.
78. Concerns were raised orally at the Hearing by the Interested Parties that the proposal would result in a gated community with few details available regarding energy consumption. However, I have little substantive evidence before me that the proposal would result in a gated community, with energy consumption matters covered by building regulations.
79. The Parish Council have stated that the proposal is contrary to NP Policies H1, H2, H3, T1, T2, E4 and Ec1. Made NP Policy H1 states that development proposals that could increase the extent of the settlement into the countryside will only be supported where they are in conformity with other policies in the Development Plan. I have dealt with the location of the development above and will consider conformity with the Development Plan as a whole below.
80. Made NP Policy H2 seeks to provide dwellings for family occupation and smaller dwellings for occupation by older people. It also seeks to provide a mix of housing for each suite based on up-to-date local needs evidence. While I have little

evidence before me that the proposal would meet local needs, the proposal is for enabling development. Furthermore, the Care Home would provide occupation for older people with some of the houses likely to be for family occupation. In light of this, I find no substantive conflict with NP Policy H2.

81. Made NP Policy H3 relates to the provision of accommodation for elderly residents which the proposal seeks to provide. Furthermore, there is no highway objection to the proposal, and a phosphate solution is proposed. As such, I find no conflict with NP Policy H3. I have dealt with made NP Policy H4 above.
82. With regard to NP Policies T1 and T2, the footpath link to the south of the site would be an improvement for occupiers of the proposed buildings. However, as enabling development, there are viability considerations with regard to the provision of further footway and cycle improvements. In light of this and given that the Council find no highway safety concerns with the proposal, I find no harm in these regards. Furthermore, there is no public access to the site at present and I have not been directed to a planning policy requirement for such access.
83. I have little substantive evidence before me demonstrating that the proposal is at risk of flooding or would cause flooding elsewhere. As such, I find no conflict with NP Policy E4.
84. While the proposal would technically result in the loss of employment associated with the previous wedding venue, this use ceased a number of years ago with the care home providing alternative employment. As such, there would be no conflict with NP Policy Ec1 or CS Policy CP2.
85. In light of the viability position and given that the proposal comprises enabling development where any funds generated by the proposal are required to refurbish the listed building and its grounds, I do not find a need for the proposal to provide affordable housing, play space or equipment. It is noteworthy that the Council came to similar conclusions in these regards.
86. There was discussion at the Hearing, and the Council have raised in its evidence whether there is a need for a care home. While the evidence before me does not demonstrate a shortfall in the provision of care homes in the area, Paul Sherman acknowledged orally that this does not mean that there is not a market demand. In light of this, I am satisfied that there is a need for a care home in this location.
87. The care home would be located a considerable distance from the rear and side elevations of the closest residential properties. These properties and the care home would also be separated by open land. I am therefore satisfied that the care home would not result in a detrimental loss of privacy to nearby occupiers. It is noteworthy that the Council came to a similar conclusion in this regard.
88. The Courts have taken the view that planning is concerned with land use in the public interest. As such, the protection of purely private interests such as the impact of a development on the value of a neighbouring property are not material considerations

Planning Balance

89. I have found above that the proposal conflicts with the local development strategy and as a result of the loss of openness around Ruishton contrary to NP Policy C1,

would result in a harmful effect on the character and appearance of the area. These factors weigh against the appeal scheme in the overall balance.

90. I have also found that the proposal would fail to preserve the setting and significance of the Grade II listed building, Woodlands Castle. I have found that this would lead to less than substantial harm to the significance of the heritage asset within the middle of the spectrum. This therefore also weighs against the appeal scheme.
91. However, it is important to note that less than substantial harm does not equate to a less than substantial planning objection. Paragraph 215 of the Framework requires that less than substantial harm be weighed against public benefits of the proposal. In this regard, it is common ground between the main parties that the proposal would provide benefits in the form of 18 open market dwellings, changing the use of Woodlands Castle to a single dwelling, provision of a 70-bed care home, construction and supply chain jobs, resident expenditure benefits and local authority revenue in the form of council tax, new homes bonus payments and CIL receipts. The proposal will also add to the housing stock at a time that the Council cannot demonstrate a 5 year supply of deliverable housing sites and is well located close to a range of services and facilities. These matters weigh in favour of the proposal.
92. Furthermore, I have found above that the type and amount of enabling development is justified. In this regard, and whilst Woodlands Castle would remain private property, the proposal would result in a heritage-related public benefit of the conversion and preservation of the listed building and its grounds, and a viable use for the foreseeable future. Paragraph 212 of the Framework makes it clear that great weight should be given to the conservation of a designated heritage asset. In this case, I give the enabling benefits of the proposal very substantial positive weight in the planning balance.
93. As a result, given the combination of the benefits, and particularly the benefits from the enabling works, I find that the public benefits would be sufficient to outweigh the less than substantial harm I have identified above to the significance of Woodlands Castle by way of harm to its setting and significance. As that does not therefore provide a strong reason for refusing the development proposed, I have gone on to consider paragraph 11 d)ii. of the Framework. In my view the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, I also find that the proposal complies with CS Policy SD1.
94. Consequently, while the proposal would be in conflict with the development plan as a whole, there are material considerations, including the Framework which would outweigh that conflict.

Conditions

95. I have had regard to the conditions discussed at the hearing, subsequent to the hearing, and to the conditions provided by the Council and amended by the appellant. I have considered these against the advice in the Framework and Planning Practice Guidance. I have amended some of the conditions in the interests of precision, brevity and clarity and to reflect the possible phased nature of the development and need for some details prior to commencement to ensure suitable provision and timing.

96. In addition to the standard time conditions for the full and outline elements of the proposal, and standard timing conditions for the submission of reserved matters, it is necessary for a condition to confirm the approved plans in the interests of certainty.
97. Conditions are necessary to ensure the submission and approval of details of materials to be used and details of hard and soft landscaping of the site. These are necessary in the interests of protecting the character and appearance of the area.
98. A condition is necessary to ensure the submission and approval of tree protection measures during construction in the interests of protecting the character and appearance of the area.
99. A condition is necessary to ensure that details of surface water drainage for the site are submitted to and approved by the Council in the interests of preventing flood risk.
100. A condition is necessary to ensure the submission and approval of a construction environmental management plan (Biodiversity) in the interests of protecting ecology. I have amended the Council's suggested condition to simplify it and to remove reference to elements covered by other conditions and legislation.
101. A condition is necessary to ensure the submission and approval of an Allocation Certificate to ensure that a suitable phosphate credit provider has been selected and additional nutrient load of the proposal would not have an adverse effect on the integrity of protected species.
102. A condition is necessary to ensure the submission and approval of a Phasing Plan including the timing and delivery of the development in the interests of ensuring that the development is carried out in appropriate phases.
103. A condition is necessary to ensure the submission and approval of a landscape and environmental management plan including details of the management and maintenance of the retained parkland grounds in the interests of protecting the character and appearance of the area. I have amended the suggested condition to simplify it.
104. A condition is necessary in order to restrict the consumption of water to the dwellings in the interests of protecting biodiversity.
105. Finally, a condition is necessary to ensure that external lighting details are submitted to and approved by the Council in the interests of protecting bats.

Conclusion

106. For the reasons given above the appeal should be allowed.

C Rose

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Caroline Waller – LLB (Solicitor) – Clarke Wilmot LLP

Robin Upton – BSc (Hons) MRTPI – Planning Consultant and Director at Carney Sweeney

Thomas Copp – BA(Hons) MA (Urban Conservation), Managing Director of TCMS Heritage Ltd

Ben Garlick – BA, MArch, RIBA, Director of Harris Irwin, Architect for Care Home Element

David Minns BA(Hons) Dip Arch MSc RIBA Director of Prime Meridian - Architect

Judith Gannon FRICS Managing Director of Abbey Manor Group Limited - Viability

Tim Jones FRICS – Director Belstone Fox Ltd - Viability

David Black MICE, FIHT, CEng – Transport and Highways

FOR THE LOCAL PLANNING AUTHORITY:

Paul Sherman - BA MSc MRTPI, Development Team Leader, Somerset Council

Emma Keller - BSc (Hons), Conservation Officer, Somerset Council

David Coate – BSC (Hons) Building Technology & Management (residential option) ICIQB ACIH, Director DJC Housing Consultants

INTERESTED PARTIES:

Mr Peter Claydon - Local Resident

Mr M Mullins - Chairman of Ruishton & Thornfalcon Parish Council

DOCUMENTS submitted at the Hearing:

1. A written copy of the Appellant's Opening Submissions.
2. A Site Visit Orientation Plan.
3. An updated list of conditions agreed between the main parties but with additional amendments by the appellant.

SCHEDULE OF CONDITIONS

1. The development for which full planning permission is hereby permitted shall be begun within three years of the date of this permission.
2. Approval of the details of the (c) appearance and (e) landscaping of each phase of the site for those parts of the development for which outline planning permission is hereby granted (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before that phase is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

- (A1) DrNo 645 01/PL01A Location Plan
- (A1) DrNo 3405-HIA-01-00-DR-A-0102-Proposed Site Plan with Landscaping-D0-P4
- (A1) DrNo 3405-HIA-01-00-DR-A-0201-Proposed Ground Floor Plan-D0-P4
- (A1) DrNo 3405-HIA-01-01-DR-A-0211-Proposed First Floor Plan-D0-P4
- (A1) DrNo 3405-HIA-01-02-DR-A-0221-Proposed Second Floor Plan-D0-P2
- (A1) DrNo 3405-HIA-01-RF-DR-A-2701-Proposed Roof Plan-S0-P3
- (A1) DrNo 3405-HIA-01-XX-DR-A-0301-Proposed Elevations - Sheet 1 of 2-D0-P4
- (A1) DrNo 3405-HIA-01-XX-DR-A-0302-Proposed Elevations - Sheet 2 of 2-D0-P5
- (A1) DrNo 3405-HIA-01-XX-DR-A-0303-Proposed West Elevation with context-S3-P3a
- (A1) DrNo 3405-HIA-01-XX-DR-A-0304-Courtyard Elevations-D0-P3
- (A1) DrNo 645.01/PL47A Proposed Plans Woodlands Castle
- (A1) DrNo 645.01/PL48A Proposed Woodlands Castle and Mews Elevations
- (A1) DrNo 645.01/PL53A Mews Proposed Ground Floor Plan
- 645.01 PL 45 Proposed Site Plan Rev A
- 645.01 PL 46 Proposed Coloured Site Plan Rev A
- 645.01 PL 55 Proposed Lodge Semis Plans and Elevations Rev A
- 645.01 PL 56 Proposed Lodge Detached Plans and Elevations Rev A
- 645.01 PL 57 Proposed Lodge End Pair Plans and Elevations Rev A
- 645.01 PL 58 Proposed Coloured Lodge Elevations
- 645.01 PL 59 Proposed Eastern Boundary Plans and Elevations 1 Rev B
- 645.01 PL 60 Proposed Eastern Boundary Plans and Elevations 2 Rev B
- 645.01 PL 61 Proposed Eastern Boundary Plans and Elevations 3 Rev B

4. Prior to the construction of any buildings comprised in a phase above damp-proof course samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

5. (i) A landscaping scheme for each phase shall be submitted to and approved in writing by the Local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme for the relevant phase shall be completely carried out within the first available planting season from the date of commencement of the development on the relevant phase. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.
6. Retained trees and hedgerows shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats.
 - i) Before development commences (including site clearance and any other preparatory works) on a phase a scheme for the protection of trees to be retained on the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
 - ii) Such fencing shall be erected prior to commencement of any other site operations and at least 7 working days' notice shall be given to the Local Planning Authority that it has been erected, together with photographs of the measures which shall be submitted to the Local Planning Authority for approval prior to the commencement of any vegetative clearance or groundworks on the relevant phase.
 - iii) The fencing shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.
7. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.
 - a. The submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and,
 - iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other

arrangements to secure the operation of the scheme throughout its lifetime.

- b. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
8. No development shall take place (including demolition, ground works, vegetation clearance) on a phase until a construction environmental management plan (CEMP: Biodiversity) for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of “biodiversity protection zones”.
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones etc.
 - i. The avoidance of the use of any external lighting and/or implementation of a sensitive lighting plan ensuring that the boundary/adjacent habitats are not impacted by light spill. Sensitive lighting will be implemented allowing for bats to continue using the Site. Any proposed lighting in proximity to the eastern boundary and retained parkland setting should follow the principles in line with the Bat Conservation Trust (BCT) and Institute of Lighting Professional (ILP) guidance (BCT/ILP, 2023)
 - ii. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
 - iii. Surface water will be controlled through the use of a SuDS strategy.
 - iv. Any vegetation within the construction area should be initially hand-strimmed down to a height of 10cm above ground level. Additionally, any brash piles or cuttings should be removed from the site in phases; beginning from the centre of the field moving slowly outwards to give any protected species present within the grassland areas time to disperse away from the clearance team and to avoid being isolated from ecological corridors that will provide a means of escape. Clearance can occur at a maximum rate of 2ha per day, immediately followed by a 48 hour dispersal period which will occur during warm suitable weather [(limited rain and wind, with temperatures of 10°C or above)] to encourage any protected species that may be present in the vegetation to disperse to the surrounding habitats. After the 48-hour dispersal period, a

further 2ha will then be cleared. This process will then be repeated until the site clearance is completed. Any features such as rubble piles which potentially afford resting places for reptiles [and / or amphibians] will be dismantled by hand by a competent ecologist in April or August to October and any individuals found translocated to a location agreed with the Local Planning Authority prior to works commencing on site.

d. The location and timing of sensitive works to avoid harm to biodiversity features.

e. The times during construction when specialist ecologists need to be present on site to oversee works.

f. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.

g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases).

h. Use of protective fences, exclusion barriers and warning signs.

i. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

j. Evidence (written statement and or photos) of meetings, toolbox talks, protection measures etc will be required upon completion of works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

9. The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway.

The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

10. No phase of development approved by this permission shall commence until a Phasing Plan for the timing and delivery of the development, in terms of the relationship between the phases of development and the proposed infrastructure,

has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the Phasing Plan.

11. Before the commencement of development of each phase a landscape management plan, including long term design objectives, management responsibilities, funding mechanism and maintenance schedules for all landscape areas within that phase, shall be submitted to and approved in writing by the local planning authority. The approved plan will be implemented and managed in accordance with the approved details for each phase.
12. No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.
13. Where external lighting is to be installed on a building, prior to construction of the relevant building above damp-proof course level of a relevant phase, a lighting design for bats, following Guidance Note 08/23 Bats and artificial lighting in the UK (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. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

END OF SCHEDULE