



Appeal Decision

Site visit made on 9 April 2026

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

Appeal Ref: APP/E3335/W/25/3376870

Land at 375206/151113, Sands Cross Lane, Buckland, Dinham, Frome, Somerset BA11 2QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Gage against the decision of Somerset Council.
 - The application Ref is 2024/1591/OUT.
 - The development proposed is the erection of one self-build dwelling.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 01 May 2026.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed wording from the description above that does not describe development.
3. The application is in outline with all matters (access, layout, appearance, scale and landscaping) reserved for future consideration.
4. The Council's first reason for refusal refers to Policy CP9 of the Mendip District Local Plan 2006 – 2029, Part 1: Strategy and Policies (2014) (LP). This relates specifically to the Shepton Mallet Town Strategy. As such, it is not determinate in these main issues.

Main Issues

5. The main issues in this case are:
 - whether the appeal site is a suitable location for housing having regard to the development plan for the area;
 - the effect of the proposed development on the character and appearance of the area including whether the proposal would preserve or enhance the character or appearance of the Buckland Dinham Conservation Area (CA);
 - the effect of the proposed development on the integrity of the Mells Valley Special Area of Conservation (SAC);
 - highway safety; and

- whether the appeal site is a suitable location for housing having regard to the accessibility of services and facilities.

Reasons

Location

6. LP Policies CP1 and CP2 set out the spatial strategy for the area. These policies seek to direct the majority of development towards the principal settlements with new development tailored to meet local needs in primary and secondary villages. Development in the open countryside will be strictly controlled but may exceptionally be permitted in line with the provisions of Policy CP4.
7. The appeal site comprises a parcel of land which is part of an open field adjacent to Sands Cross Lane which leads south out of Buckland Dinham. Buckland Dinham does not have a defined development limit and for the purposes of the development plan, the appeal site is located in the open countryside. None of the circumstances outlined in LP Policy CP4 are applicable to the appeal scheme and consequently the proposal conflicts with the development plan for the area.
8. I conclude that the appeal site is not a suitable location for housing having regard to the development plan for the area. It therefore conflicts with LP Policies CP1 and CP2 which together seek to direct development towards larger settlements and to strictly control development in the open countryside.

Character and appearance

9. The appeal site at present forms part of a wider field at the edge of the settlement. Whilst there are some extended garden areas or allotments immediately to the rear, there is a clear separation between the built form to the north and open countryside to the south. There are some dwellings on the opposite side of the road extending out further from the centre of the settlement, and I observed that there is a caravan at present on the site. Nevertheless, by virtue of its mostly open undeveloped appearance, the appeal site has more in common with the open rural surroundings than the built form of the settlement. It therefore contributes positively to a distinct separation between urban built form and the surrounding open countryside.
10. The site forms part of the Buckland Dinham CA. I observed that the significance of the CA as a whole largely derives from the rich and cohesive number of vernacular historic buildings that denote its evolution, in addition to the open fields which reflect the importance of its rural farming surrounds. The countryside setting and historic vernacular buildings all contribute to its distinctiveness.
11. In sitting on the boundary between the built form and the countryside setting, the generally rural open character of the appeal site contributes positively to the character and appearance of the CA as a whole.
12. A new dwelling in this location would be seen as an extension of built form and an encroachment into the surrounding open countryside. There would be some urbanisation and domestication of the site, which would harm the existing semi-rural character.
13. Given the dwellings opposite and the domestication of land immediately to the rear, in addition to most of the surrounding field remaining undeveloped and open,

the proposal would not result in a significant impact on the wider landscape. Moreover, there is permission for the caravan on the site¹ in connection with the adjacent dwelling, albeit this does not compare with the visual impact of a larger new independent permanent dwelling (to meet minimum floorspace standards) and the domestication of the entire site. The harm to the wider character and appearance of the site and surroundings would therefore be modest, particularly given the existing caravan on site.

14. Nevertheless, through the urbanisation and domestication of the site and the introduction of a new independent dwelling, this modest harm would also translate into in some residual harmful effect to the character and appearance of the CA. It would not therefore preserve the character and appearance of the CA as a whole and would harm its significance as a designated heritage asset. Given the fairly localised nature of the works relative to the CA as a whole, I find the harm to the heritage assets to be at a minor level of 'less than substantial' but nevertheless is of considerable importance and weight.
15. The development would add one dwelling to the district's housing stock. There would also be associated social and economic benefits related to the construction of the development and the contributions of future occupiers to services and facilities in the area. I attach moderate weight to these benefits.
16. Paragraph 212 of the National Planning Policy Framework (the Framework) indicates that, when considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. On balance, in giving considerable importance and weight to the harm to the significance of this designated heritage asset, I find that this would not be outweighed by the public benefits that the proposal would generate.
17. Whilst I note the lack of objection from the Council's Conservation Officer, this does not alter the conclusions I have reached.
18. I conclude that the proposal would harm the character and appearance of the area, and would neither preserve nor enhance the character or appearance of the Buckland Dinham CA. It would therefore conflict with LP Policies DP1, DP3, DP4 and DP7 which seek to ensure that development proposals achieve high quality design which responds positively to local distinctiveness, have an appreciation of the context of the locality and would preserve and, where appropriate, enhance the significance and setting of the district's Heritage Assets.

SAC

19. The appeal site is located within Consultation Zone Band B of the Mells Valley Special Area of Conservation (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 SAC.
20. The Mells Valley SAC is important for the Greater Horseshoe Bat. The Conservation Objectives for the SAC is to ensure the integrity of the site is

¹ Application reference 2017/2330/CLP

maintained or restored as appropriate and ensure that the site contributes to achieving the Favourable Conservation Status of the Greater Horseshoe Bat.

21. The Council's 'Guidance on Development' that was produced in partnership with Natural England, highlights that landscapes around the SAC are important in providing foraging habitats needed to maintain the favourable conservation status of the Horseshoe Bats. The proposal could lead to a permanent loss of vegetation and potential for loss of habitat and has the potential to impact a feeding and commuting area used by qualifying features of the SAC. A likely significant effect therefore cannot be ruled out. An appropriate assessment is therefore required under the Habitat Regulations 2017 (as amended).
22. I observed linear features within the appeal site, such as hedgerows which the development has the potential to affect, in addition to potentially introducing new lighting to the site. As such the guidance on development document is clear that sets out that in relation to development within Zone B, early discussions with the local planning authority (who will consult Natural England as necessary) are essential, in order 'to ensure adequate data is obtained and appropriate bespoke mitigation measures are designed in at an appropriately early stage.'
23. No information nor surveys on this matter have been submitted. It is not incumbent on the Council to request this information prior to determination, and in undertaking this AA, I must take a precautionary approach. As such securing such information and any mitigation measures at a later stage does not provide me with the necessary certainty that an adverse effect on the integrity of the SAC would be avoided.
24. For the above reasons, the development would therefore not comply with the protection of ecological networks and provision of all necessary information to enable compliance with the Habitats Regulations goals of LP Policies DP5 and DP6, in addition to the Conservation of Habitats and Species Regulations 2017 (as amended).

Highway safety

25. The site has an existing access, evidently utilised by cars and larger vehicles. It is proposed to utilise this existing access. Whilst permanent residential use could lead to an intensification of the use of the access, details of sight lines, radii etc could be secured at reserved matters stage. The highway nearby the site provides access for a number of dwellings, and from the evidence before me, the layout and access associated with just one additional dwelling would be feasible in actual operation and the associated vehicle movements would be accommodated without harm.
26. I am satisfied that suitable visibility, to mirror the access of the property opposite for example, is possible at the site and this would also be considered at reserved matters stage, along with any consequential effect on matters such as character and appearance or biodiversity.
27. I conclude safe access to the site would be possible. As such, there is no conflict with the highway safety goals of LP Policy DP9.

Services and Facilities

28. Buckland Dinham is a relatively small settlement with a limited range of services and facilities. These include a pub, car garage, village hall and church. These would provide some social, recreational, and retail opportunities and services within safe and convenient walking distance from the appeal site
29. I acknowledge that the services and facilities which exist nearby would not be sufficient to meet all the requirements of future residents and bus services in the area are limited. It is therefore likely that they would be reliant on a private car to travel to higher order settlements. However, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
30. There are bus stops within the village which would be some access to sustainable transport options and the services and facilities available locally at Midsomer Norton and Frome. Consequently, whilst future residents are likely to own a private car, there are some alternatives available nearby which mean that not all trips would require the use of the car.
31. I conclude that the appeal site has reasonable access to services and facilities. There is no conflict therefore with the sustainable transport and development goals of the Framework in this respect.

Planning Balance

32. The Framework supports small sites coming forward for self-build and custom-build housing. However, notwithstanding that there is no evidence before me that the Council is failing in its statutory duty to meet the demand for self-build and custom housebuilding, no mechanism is before me to secure the development. As such, I cannot give this matter any weight in favour of the proposal.
33. It is common ground that the Council is not able to demonstrate a 5-year supply of deliverable housing sites. Paragraph 11d of the Framework is applicable due to the Council's housing supply position. It sets out that permission should be granted unless the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development proposed.
34. In this light, Footnote 7 of paragraph 11 of the Framework specifically refers to habitats sites (in addition to designated heritage assets). This includes SAC's. The policies in the Framework that seek to conserve and enhance the natural environment and set out clearly that if significant harm to biodiversity cannot be avoided or adequately mitigated, then planning permission should be refused. This provides a strong reason for refusing the development. The Framework does not therefore indicate in favour of the scheme.
35. Nevertheless, the proposal would result in 1 additional unit of accommodation which would contribute to the Government's broader objective of significantly boosting the supply of homes. As set out above, given the location of the site, it has good access to services and facilities. The development would make efficient use of the site, as supported by the Framework. The proposal would also result in a short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwelling.

However, given the quantum of development in this case, each of these benefits would be modest.

36. Planning decisions should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons set out above, the proposal would not be located in a suitable location for housing having regard to the development plan for the area, would harm the character and appearance of the area and would neither preserve nor enhance the character or appearance of the Buckland Dinham CA, and would not comply with the Conservation of Habitats and Species Regulations 2017 (as amended), which is an overriding consideration. The minor benefits outlined above do not outweigh this identified harm.

Conclusion

37. The identified harm means the proposal would not accord with the development plan policies when read as a whole. The benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. As such, I conclude the appeal is dismissed.

B Phillips

INSPECTOR