



Appeal Decision

Site visit made on 14 October 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: **APP/E3335/W/25/3369032**

Land at Pear Tree Farm, Cullen Farm Road, Glastonbury, Somerset BA6 8FT

- 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 T & A Land Associates Ltd against the decision of Somerset Council.
 - The application Ref is 2024/1051/OUT.
 - The development proposed is outline planning permission with some matters reserved for up to 24 dwellinghouses with details of access.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission with some matters reserved for up to 24 dwellinghouses with details of access, at land at Pear Tree Farm, Cullen Farm Road, Glastonbury, Somerset BA6 8FT, in accordance with the terms of the application Ref 2024/1051/OUT, and subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by T & A Land Associates Ltd against Somerset Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was submitted for outline planning permission seeking approval at this stage for access. The submitted drawings show a proposed layout and drainage scheme, and these drawings have been annotated as being indicative. This is the basis upon which the Council considered them, and for the avoidance of doubt, the appeal has been determined in the same way, with approval being sought at outline stage only for access and all other matters being reserved for future consideration.
4. St Michaels Church Tower is a grade I listed building, and the Tower, monastic remains, and other settlement remains on Glastonbury Tor are a Scheduled Ancient Monument (SAM). Special regard has been paid to the national importance of the SAM, and also as required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
5. The appeal site is within the catchment that flows into the Somerset Levels and Moors Ramsar. The Conservation of Habitats and Species Regulations (2017) (the Regulations) require the decision maker to undertake an Appropriate Assessment (AA) where there are likely to be significant effects from the

proposal, either alone or in combination with other schemes. The AA needs to establish that the effects of the proposal, including in combination with other development, does not impact upon the integrity of the protected site. This responsibility falls to be considered in the context of this appeal, and the matter will be returned to later.

6. During the appeal process, the appellants submitted a completed planning obligation (S106), with the Council having been provided with an opportunity to comment.

Main Issue

7. The main issue in this case is the effect of the proposal upon the character and appearance of the area, having particular regard to whether the scheme would preserve the listed St Michaels Church Tower and its setting or any features of special architectural or historic interest which it possesses, and also the effect upon the setting and significance of Glastonbury Tor Scheduled Ancient Monument.

Reasons

8. The appeal site comprises a field of pasture positioned to the east of Old Wells Road that is adjacent to a recently constructed housing estate. Access onto Old Wells Road would be via the estate roads. To the northern boundary of the site is an elevated area of public open space that serves the new estate, whilst to the east and south are fields, mostly laid to pasture. The rear gardens of 34 and 38 Old Wells Road and the houses and a bungalow within the estate also border the site, with a variety of boundary treatments evident. There are mature mixed native hedgerows to the other site boundaries.
9. A distinctive feature of the area is Glastonbury Tor, on the top of which is St Micheals Tower. The Tower is what remains of a 13th century medieval church, and its age, its ornamentation, and construction from local stone, are part of the architectural and historic special interest of this listed building. The Tower is an iconic landmark and has a strikingly dominating presence in the area. The church has been an important destination for pilgrims throughout history and in the present day. The extensive visual impact of the Tower, along with its cultural and social significance are part of the special historic interest of this listed building.
10. The Tower also contributes to the significance of the Glastonbury Tor SAM. The prominence of the Tor in the landscape has rendered it an attractive destination since the 5th Century. Settlement remains, graves, building foundations, and the Tower indicate that the Tor has been used for defensive purposes, as a place of spiritual and religious pilgrimage, and as a monastic retreat and settlement. The Tor and the Tower together are distinctive landmarks, having a commanding presence above the low-lying peat moors that is evident from very long distances away. These features and the Tor's visual impact, along with its documented confirmation as a religious pilgrimage centre, and its association with the legends surrounding King Arthur, are all part of the significance of the SAM.
11. Outline planning permission is sought for up to 24 dwellings. Built form would extend into the countryside beyond the development limits of Glastonbury, thereby conflicting with the requirements of Policy CP1 of the Mendip Local Plan (2014) (LP) and its objective of directing the majority of development to the principal

settlements of the area, one of which is Glastonbury, whilst strictly controlling development in the open countryside. The development limits set out in LP Policy CP1 were based on housing figures that do not reflect the Council's latest deliverable supply of housing sites being 2.2 years. Although outside the town's development limit, the proximity to the town's services, facilities, and employment opportunities, would achieve the sustainable pattern of housing growth sought by this policy.

12. The countryside around the appeal site is characterised by the repeated presence of pasture fields bounded by mature hedgerows. Land to the south of the site is designated as the Glastonbury Tor Special Landscape Feature (SLF), as identified in the Assessment of Special Landscape Features (2012). Whilst the appeal site is not within the SLF, it forms part of the attractive, verdant cohesion to the landscape that characterises the slopes to the north of the Tor. The hedges around the site contribute to the sinuous tapestry of linking hedgerows that are a distinctive element of the character and appearance of the landscape both within the SLF and outside it. The gentle slope of the land uphill towards the Tor exposes the attractive linear continuity of the hedges and the network of fields they enclose.
13. The scheme would result in the loss of an open area of pasture, and there would be a change to the character and appearance of the area, including during dark hours as a result of light spill. However, the dwellings would be seen as an extension of the existing estate which has itself projected housing into the countryside. Furthermore, the area of public open space for this estate forms a discrete projection into the pastureland well beyond the line formed by the nearby dwellings. The impact of this area is particularly noticeable given that it has been elevated above the surrounding field levels, including above the level of the appeal site. Given this, the site would appear as a continuation of the estate and its public open space, thereby minimising the intrusion of the scheme into the surrounding countryside.
14. Although landscaping would be a reserved matter, the retention and enhancement of the existing hedgerows would provide a verdant edge to the development. Such measures would maintain the linear continuity of the hedges, as well as creating a softer, more harmonious transitional appearance with the rural landscape than that which occurs with the existing estate. The scheme would thereby appear as an extension to the town and one that would not significantly detract from the setting to the SLF.
15. Despite the dominance and long range views of the Tor and Tower, the combination of the nature of the topography and the extent of the separation between the appeal site and the Tor, would be such that the development would be effectively screened from views, particularly when trees would be in leaf. When viewed from the top of the Tor by the Tower, the slope of the hillside would largely conceal the site, and this concealment is evidenced by only the top of the roofs of a few of the houses at the northernmost end of the existing estate being visible. From within the site, only glimpses of the very top of the Tower are visible, with such views being restricted to the northernmost part of the field.
16. Housing would be brought closer to the Tor and Tower than the existing estate, but it would not extend further south than 34 Old Wells Road. Furthermore, when the area is viewed from the top of the Tor it is the hospital buildings that draw the eye.

An additional area of housing would be seen as part of the town, with the play area and the hospital forming an existing urbanised backdrop. Given the separation between the site and the Tor and Tower and the strong visual presence of the town in this area that also forms part of the settings of the listed building and SAM, the scheme would be seen as part of this diversity and would not detract from their significance.

17. Historic England's good practice guide on the Setting of Heritage Assets advises that cumulative change to settings including those to views, can impact upon significance. The development would result in a change to the area, but the scale of the change and its spatial relationship to the town, and to the Tor and the Tower, would neither erode their imposing dominance nor detract from the cultural and spiritual importance and experiences that they give to the area. The scheme would thereby have a neutral impact upon the settings of the Tor and upon that of the Tower and its special interest.
18. For these reasons the scheme would not significantly harm the character and appearance of the area and would have a neutral impact upon the significance and settings of the Tower and Tor. The scheme would conflict with the requirements of LP Policy CP1 regarding restricting development in the countryside, but would accord with the requirements of LP Policies DP3 and DP4, which seek, amongst other things, the preservation of the significance and setting of heritage assets, and that development within the settings of SLFs has regard to their specific qualities.

Other Matters

19. The appeal site is within the catchment that flows into the Somerset Levels and Moors Ramsar, designated because of its extensive lowland wet grasslands and wetlands that attract internationally important numbers of wildfowl, aquatic invertebrates and breeding waders. Nutrient pollution is a particular problem for these habitats as it can cause eutrophication that disrupts and destroys them thereby detrimentally impacting upon the species they support. Unacceptable levels of phosphates are entering the Ramsar and the resultant eutrophication has now put its interest features in an unfavourable condition. Nutrients entering the catchment, including that deriving from new dwellings, would increase phosphate levels to the detriment of the integrity of the Ramsar.
20. Natural England advises that AAs are undertaken for planning applications that would result in additional residential units and an increase in population served by a wastewater system. This requires the decision maker to undertake an AA where there are likely to be significant effects from the proposal, either alone or in combination with other schemes. The AA needs to establish that the effects of the proposal, including in combination with other development, does not impact upon the integrity of the protected site, and this responsibility falls to be considered in the context of this appeal.
21. The proposed mitigation strategy would upgrade the existing septic tanks and package treatment plants to ones that have specific phosphorous removal and higher nutrient capture facilities, and this mitigation has been secured through the S106. Natural England has been consulted on this specific case and are of the view that these measures and the conditions suggested by the Council with regard to biodiversity protection, surface water drainage measures, and water

consumption restrictions, would be sufficient to avoid adverse impacts upon the integrity of the Ramsar. In undertaking an AA for this scheme, these mitigation measures when undertaken as a whole would result in the scheme being nutrient neutral and having no adverse effect on the integrity of the Ramsar, either alone or in combination with other projects

22. An Order to divert an existing public footpath has been confirmed (ref: ROW/3276285), but not yet implemented. Protecting the line of the existing or diverted footpath would be a reserved matter consideration, albeit the indicative layout drawings provided for the application and appeal show how the new line of the footpath could be accommodated.
23. Local residents have expressed concern regarding an increased strain on services and facilities, including a lack of play facilities. However, contributions for education and health services were not required by the Education Authority nor by the NHS Local Planning Authority Engagement Team. Future occupiers would be close to the play facilities and open space that exists to the north of the site, and the S106 secures a variety of other public open space provision.
24. As regards flooding, storm water and foul drainage concerns, the site is in a Flood Zone 1 area, that is an area at the lowest risk of flooding. The Flood Risk Assessment and Drainage Strategy (2024) (the Strategy) of the appellants has established that the ground is not suitable for infiltration, with runoff needing to be managed through a conventional drainage system into an attenuation pond. Sustainable urban drainage measures of permeable paving, water butts, and trees would be provided, with the foul system being adopted by Wessex Water or maintained by a management company. Drainage arrangements would need to be tailored to the layout and scale of the scheme at the reserved matters stage, but having regard to the Strategy and its findings and recommendations, the use of conditions would be reasonable in securing such matters.
25. The existing estate roads would be used to provide access onto Old Wells Road. This access has visibility splays that provide long views of approaching vehicles, pedestrians and cyclists. Old Wells Road is speed restricted, and the provision of an additional 24 households utilising the existing access would not result in unacceptable levels of increased traffic nor adversely impact upon other users of the highway. A Travel Plan and contributions to encourage future occupiers to use sustainable forms of transport other than the private car would also serve to reduce traffic volumes arising from the scheme.
26. There would be a loss of agricultural land, and the National Planning Policy Framework (the Framework) requires that development should prioritise areas of poorer quality in preference to those of a higher quality. The land value has not been provided by the main parties, albeit the scheme would result in a loss of productive pastureland. The loss of such land will be considered later.
27. The effect of Schedule 7A of the Town and Country Planning Act (1990) is that planning permission is deemed to have been granted subject to the condition that development may not begin unless a Biodiversity Gain Plan (BNP) has been submitted to and approved by the planning authority. There is no dispute between the main parties that the scheme would achieve a Biodiversity Net Gain. This gain would be achieved through a variety of measures, including grassland and hedgerow enhancement, tree planting, and the provision of a buffer zone along the

hedgerows to provide for bats and other species. There is a pond within the eastern hedgerow, served by a drain, and the appellants have obtained a provisional impact assessment and conservation payment certificate for great crested newts. The BNP, along with conditions for landscaping details, the protection of existing hedgerows and nearby trees, the provision of a landscape and ecological management plan, and measures to protect bats, would serve to retain ecological networks.

28. As regards the impact of the scheme upon the living conditions of nearby residents, overlooking into existing properties would be a consideration at the reserved matters stage. There would be a change in view for some of the occupiers of nearby homes, but such changes are not a planning consideration as a basic premise of the planning system is that it is concerned with the use of land in the public interest, rather than the protection of private interests. Noise and disturbance during the construction phase of the development would impact upon the living conditions of nearby residents for a time limited period, and a condition requiring a construction management plan would impose measures to protect the living conditions of those nearby.
29. The appellants have referred to the appeal site being submitted for consideration in the Glastonbury Neighbourhood Plan. Although an area for the plan has been designated, no plan has been published, and as a consequence of the plan's early stage of progress, it has little weight in consideration of the appeal.
30. Local residents and the appellants have raised concerns regarding democratic processes in the planning system and the determination of the application. Such concerns relate to procedural matters and fall to be pursued by other means separate from the planning merits of the appeal.

Planning Obligation

31. The S106 agreement secures 30% of the total dwellings to be provided would be affordable housing; the provision of informal and formal open space and natural play space, and a contribution for a multi-use games area; obligations to secure phosphate offsetting measures; and a travel plan.
32. Regulation 122 of the Community Infrastructure Levy Regulations (2010) (the CIL Regulations) and the Framework, set out that planning obligations must only be sought where they meet the following tests: that they are necessary to make the development acceptable in planning terms, they are directly related to the development, and they are fairly and reasonably related in scale and kind to it.
33. The Council seeks to increase the level of affordable housing to meet local needs, with such provision being a priority within its towns. LP Policy DP11 requires 30% of the total number of new homes to be provided in affordable tenures, with on-site provision occurring on residential developments of seven or more dwellings. The S106 would secure on-site delivery of affordable homes of a mix of tenures, both shared ownership and social rented homes, thereby according with this policy and the above tests.
34. LP Policy DP16 requires the provision of a variety of open space with the amount being based upon the number of future occupiers. In this case, both on-site and off-site space would be secured, with the amount of on-site space provided being more than that required by the above referenced policy. However, as the provision

would include space for the diverted right of way, and landscape and biodiversity benefits including the provision of bat corridors as required by LP Policy DP6, the additional provision would meet the tests of the CIL Regulations and the Framework.

35. A travel plan would encourage future occupiers to use sustainable forms of transport other than the private car, in accordance with LP Policy DP9.
36. Securing phosphate mitigation for the development to be nutrient neutral for its lifetime would protect the integrity of the Ramsar, thereby according with the requirements of LP Policy DP5 and with those of the CIL Regulations.
37. Having regard to these findings, the obligations within the S106 would be necessary, directly, fairly and reasonably related in scale and kind to the development, thereby meeting the above referenced statutory tests and the requirements of the above referenced policies. As the Council has not commented upon the S106, there is no evidence to dispute these findings.

Planning Balance

38. Although the scheme would accord with the requirements of LP Policies DP3 and DP4, there would be conflict with LP Policy CP1 through the provision of housing in the countryside outside the identified settlement boundary for the town, albeit the scheme would accord with this policy's objectives of sustainable growth. The weight given to the sustainability of the location is accorded greater weight than the site being outside the town's development limit. Nevertheless, there is a conflict with LP Policy CP1 that would render the scheme in conflict with the development plan when taken as a whole.
39. There would be a change to the character and appearance of the area and a loss of around a hectare of agricultural land, both of which would attract modest adverse weight.
40. The Council acknowledge that it cannot demonstrate a five year supply of housing land, having a severe shortfall of provision at 2.2 years. In such a situation the provision of up to an additional 24 dwellings would be a significant benefit of the scheme, particularly as 30% of these would be affordable homes. The appellants have also pointed out that the site could be built out relatively quickly, a benefit acknowledged by the Framework and one which thereby attracts modest weight in favour of the scheme.
41. Further benefits would accrue from the sustainable location of the housing, with future occupiers being close to the town's employment opportunities, services, and facilities. There would be opportunities for the use of alternative means of transport other than using private vehicles. The location of the site would thereby afford environmental, economic and social benefits that would all individually attract moderate weight.
42. There would be further albeit time limited economic benefits from the construction of the scheme. This would be a modest benefit, as would be the New Homes Bonus for the Council.
43. The provision of public open space and biodiversity measures, including enhancements, would result in moderate social and environmental benefits, with further benefits arising from the retention and enhancement of existing hedgerows,

both in terms of landscape impact and as a biodiversity resource. Measures to ensure the development remains nutrient neutral for its lifetime would be a necessary requirement for development that would affect the Ramsar.

44. The Framework requires that planning permission should be granted unless any adverse impacts of granting permission significantly and demonstrably outweigh the policies in the Framework when taken as a whole, having particular regard to key policies for directing development to sustainable locations and providing affordable homes. In this case the scheme would not result in harm to areas or assets of particular importance, and the cumulative benefits referred to above would significantly and demonstrably outweigh the modest harms that have been identified, especially given the sustainable location of the development and the provision of affordable homes. Given this, planning permission should be granted.

Conditions

45. In the absence of the Council providing suggested conditions for the appeal, those referred to within the officer report have been considered against paragraph 57 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements.
46. The standard timescale conditions have been imposed, as has one specifying the reserved matters and one identifying the approved plans, so as to avoid doubt and in the interests of proper planning.
47. The provision of a Sustainability Strategy Statement would be required to incorporate measures to ensure sustainable siting, layout and design, including provision to maximise the provision of renewable energy and water efficiency measures. This would be in the interests of residential amenity, to minimise climate impact, and ensure the efficient use of resources.
48. Conditions for details of hard and soft landscaping and finished floor levels and ridge heights have been imposed to ensure the scheme harmonises with the adjoining estate and to minimise visual intrusion. For similar reasons and to maintain biodiversity, a condition requiring the protection of the existing hedgerows and hedge trees, and trees within neighbouring gardens, has also been imposed.
49. To ensure that biodiversity, protected species and the integrity of the Ramsar are protected, conditions have been imposed requiring a landscape and ecological mitigation plan, a construction ecological environmental management plan and specific measures to protect bats.
50. For the reasons explained above, a condition would be needed to ensure the provision of satisfactory foul and surface water drainage. This condition, and one for limiting the consumption of water for each dwelling would also be required to maintain the integrity of the Ramsar.
51. To minimise disturbance and nuisance for nearby residents during the construction phases, a condition requiring the submission of and the Council's agreement of a construction management plan has been imposed.
52. In the interests of highways safety and efficiency, conditions are required for details of the estate roads, footpaths and turning spaces.

Conclusion

53. For the reasons given, in this case, the presumption in favour of sustainable development applies and indicates that a decision should be taken other than in accordance with the development plan when taken as a whole. Consequently, the appeal is allowed and outline planning permission is granted.

J J Evans

INSPECTOR

Schedule of Conditions

1. Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and thereafter the development shall be carried out in accordance with the details approved.
2. The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be carried out in accordance with drawing no 20190 – 6 Rev B (Location plan).
5. Any application for approval of reserved matters in relation to the development hereby approved shall include a Sustainability Strategy Statement (‘SSS’) submitted to and approved in writing by the Local Planning Authority. The SSS shall demonstrate how the development will, in line with a timetable, incorporate reasonable and practical sustainability measures through:
 - a) The siting, layout and design of the dwellings hereby permitted; and
 - b) Maximising appropriate opportunities for the use of sustainable construction techniques, renewable energy on site and water efficiency measures (including rainwater harvesting or other methods of capturing rainwater).

The development hereby permitted shall be undertaken in accordance with the approved SSS.

6. Any application for approval of reserved matters in relation to the development hereby approved shall include details of finished floor levels and ridge heights of all dwellings. The dwellings shall be constructed in accordance with the approved details.

7. Any application for approval of reserved matters in relation to the development hereby approved shall include details of a hard and soft landscape scheme. The scheme shall include the following details:

- a) Size, species and positions for new trees and plants;
- b) Boundary treatments;
- c) Surfacing materials (including roadways, drives, patios and paths);
- d) Any retained planting;
- e) Details of earthworks showing existing and proposed finished levels and contours; and
- f) A detailed programme of implementation.

The development shall thereafter be carried out in accordance with the approved details. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority.

8. No site clearance, preparatory work or development shall take place until a scheme for the protection of the trees and hedgerows bordering the site (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced), has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees and hedgerows shall be carried out as approved.

9. Any application for approval of reserved matters in relation to the development hereby approved shall include a Landscape and Ecological Management Plan (LEMP). The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;

- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) On-going monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development will be undertaken in accordance with the approved details.

10. Any application for approval of reserved matters in relation to the development hereby approved shall include a lighting plan for bats, following Guidance Note 08/23 Bats and Artificial Lighting at Night (ILP and BCT 2023) (or in equivalent guidance if replaced). The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. 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 and no other external lighting shall be installed on the site. The approved lighting scheme shall be implemented before the occupation of the development hereby permitted and shall thereafter be permanently retained as such.

11. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include:

- a) The working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site;
- b) Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise and vibration;
- c) Proposals for the safe disposal of waste materials confirming that no burning of site generated waste will occur;
- d) A map to identify which route(s) is to be used by construction vehicles to access the site;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials;

- g) Storage of plant and materials used in constructing the development;
- h) Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities; and
- i) Delivery and construction working hours, which shall not permit noise generating activities outside of the following hours Mon - Fri 08:00-18:00 and Sat 08:00 -13:00. At all other times, including Sundays, Bank and Public Holidays, there shall be no such noise generating activities.

The development shall be carried out in accordance with the approved CMP.

12. No development shall take place (including ground works or vegetation clearance) until a Construction Ecological Environmental Management Plan (CEEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEEMP shall include:

- 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, including for reptiles, nesting birds, dormice and badgers;
- 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 or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs; and
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEEMP shall be adhered to throughout the construction period.

13. No development shall commence 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. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development. 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.

14. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

15. Except for enabling works (construction access, ground clearance, ecology works, archaeology works and the formation of surface water drainage) no development shall commence until details of the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture, have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include plans and sections, the design, layout, levels, gradients, materials and method of construction. The development shall be implemented in accordance with the approved details.

16. The dwellings hereby permitted shall be designed and constructed to ensure that the potential consumption of wholesome water by persons occupying a new dwelling does not exceed 110 litres per person per day. Prior to the occupation of any dwelling, the developer shall provide a written confirmation to the local planning authority that the water efficiency measures have been implemented in accordance with these requirements.



Costs Decision

Site visit made on 14 October 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Costs application in relation to Appeal Ref: APP/E3335/W/25/3369032

Land at Pear Tree Farm, Cullen Farm Road, Glastonbury, Somerset BA6 8FT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by T & A Land Associates Ltd for a full award of costs against Somerset Council.
 - The appeal was against the refusal of outline planning permission with some matters reserved for up to 24 dwellinghouses with details of access.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Guidance advises that awards may be procedural relating to the appeal process, or substantive relating to the planning merits of the appeal. All parties are expected to behave reasonably throughout the planning process, and costs can only be awarded in relation to unnecessary or wasted expense at the appeal. The Guidance makes it clear that costs cannot be claimed for the period during the determination of the original application, although behaviour of the parties at this time can be taken into account.
4. The application for an award of costs has been made in writing by the appellants and will not be repeated here in any detail. The Council has not responded to the application.
5. The appellants consider the Council failed to substantiate the refusal. The Council's appeal evidence was limited to a commentary on the Planning Committee's assessment of the heritage impact, making vague and generalised assertions. No evidence or objective analysis to justify the Committee's departure from expert advice was provided, and there was a fundamental failure to acknowledge that the scheme was an extension of an existing residential estate. The development would neither encroach upon the Glastonbury Tor Special Landscape Feature (SLF), nor upon the settings of the Glastonbury Tor Scheduled Ancient Monument and that of the listed St Michaels Church Tower. The Planning Committee acted unreasonably by refusing the application and thereby delayed development which should have been clearly permitted.

6. The Council is not bound to accept the recommendations of its officers or that of expert opinion, but if such technical and professional advice is not followed then reasonable grounds for taking a contrary decision needs to be provided supported by relevant evidence. The Council has provided a statement for the appeal, which explains the concern regarding the cumulative change to the character of the area bringing residential development closer to the SLF and to the Tor and Tower, thereby adversely affecting the significance of these designated heritage assets through development within their settings.
7. The Council has substantiated the reason for refusal at the appeal, and although brief, it was not vague or generalised. An explanation of the harm was provided, including the weight attributed to the significance of the Tor and Tower and their national importance as a landmark and icon of cultural and spiritual significance. The request for a second set of opinions would have been frustrating for all concerned, particularly as despite a consistency in the opinions received, the Council took a different view and gave a different weight to the harms.
8. Housing would be brought closer to the Tor and Tower, and to the SLF, and there would be a change of appearance to the area as a result of the development. Great weight was attributed to such a change within the setting of the Tor and Tower, which accords with the National Planning Policy Framework's requirement of great weight being given to the conservation of an asset, particularly so in this instance as the Tower is Grade I listed. The Council considered this weight outweighed the public benefits of the proposal.
9. The Council is obliged by the Guidance to make reasons for refusal clear, and this has happened in this case, with the reason being clear and precise. The application was considered by the Council on three separate occasions, and such delays would have been irritating for the appellants, albeit the decision to appeal and when, would have been one for the appellants to make.
10. The consideration of applications involves matters of judgement that are at times finely balanced based on complex evidence, and for this appeal the Council gave a different weight to the harm than the appellants. This is not unreasonable behaviour, but a decision based on the particular nuances of the case.
11. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Accordingly, the application for an award of costs is refused.

J J Evans

INSPECTOR