



Appeal Decision

Site visit made on 22 November 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref: APP/D0121/W/22/3303590

**Land to the South of Durleigh, Off Hill Road, Sandford, Somerset
BS25 5RH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Westhay Properties Ltd (Mr Hullah) against the decision of North Somerset Council.
 - The application Ref 21/P/1685/OUT, dated 8 June 2021, was refused by notice dated 6 April 2022.
 - The development proposed is for the erection of 1no. detached dwelling and attached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal seeks outline permission with all matters reserved. In so far as the submitted plans and drawings show details, I have treated those as being purely illustrative.

Main Issues

3. The main issues are the effects of the development on (1) the character and appearance of the area; and (2) the effects on highway safety and traffic flows.

Reasons

Character

4. The site is a field to the rear of the house known as Durleigh. The site would be accessed off Hill Road and along a narrow lane (The Batch) which is also a public right of way (ref: AX29/71/20). The site is currently undeveloped and clearly visible from this route.
5. The proposal would introduce a new dwelling and garage into the plot, with all the other domestic paraphernalia associated with the new dwelling. This would alter the character of the plot. However, this plot is in what is predominantly a residential area, with there being houses to the north and east, together with other houses accessed off The Batch in close proximity. In this context, a proposed new dwelling would not appear out of keeping with the pattern of development in this area.
6. There would be the loss of the small undeveloped parcel of land, but to my mind this is not of a particularly high landscape value. It is towards the edge of

the village, but the surrounding built development means it is not important in providing a rural setting to this large village.

7. Subject to the reserved matters of appearance and landscaping for example, a proposed dwelling in this location would not be harmful to the character of the area or the setting of the village. On this issue the proposal broadly accords with policies CS5 and CS12 of the North Somerset Core Strategy, policies DM10, DM32 and DM37 of the North Somerset Sites and Policies Plan (Part 1). These policies require that development protect and enhance the character of the landscapes and townscapes; be sensitive to and respect existing local character; and would not harm the street scene and local area, amongst other things.

Highway Issues

8. The proposed dwelling would be accessed off The Batch, which is a narrow road with little space to pass oncoming vehicles. Whilst this is not ideal, it already provides access to other dwellings as well as being a public right of way. The proposal would increase traffic on this route, but only very slightly being a single dwelling proposed. The forward visibility is good along much of The Batch and it is very likely most traffic would be slow, thereby allowing drivers to see oncoming vehicles or pedestrians etc, and take whatever necessary manoeuvres they need to avoid collisions or safety issues.
9. On this basis, the intensification of use of The Batch due to the proposed additional dwelling would not result in an unacceptable impact on highway safety, nor have a severe impact to traffic flows on this route.
10. The Batch connects with Hill Road, which is a 'C' class road and what appears to be a busy highway from Sandford to the south towards Winscombe. There is an angled junction connecting The Batch to Hill Road, which I used and found that there was restricted visibility to the north. As also stated by the Council, visibility to the south is sufficient.
11. It is apparent that both parties agree that visibility in both directions should be 2.4m x 43m, which given traffic speeds is reasonable. However, rather than the 43m being measured to the nearside carriageway edge the appellant has drawn this on the plans as being set in 1m from this edge into the carriageway. I understand that most cars would be set in from the highway edge, but cyclists could be within 1m of the carriageway edge and therefore not within the visibility splay for vehicles driving onto Hill Road from this junction. It may be that cyclists are advised to take a more central position within their lane, but I am not convinced that cyclists all position themselves centrally in the carriageway, with many that I have observed still using a position closer to the kerb line. Whilst the contents of Manual for Streets 2 are noted, in this case, given the already restricted visibility, a measurement of 43m to the nearside edge of the carriageway should be used, especially as this would better account for possible cyclists.
12. There is also the issue of the dense vegetation on the unregistered land adjacent to this junction which obstructs visibility to the north. This would be even more of an obstruction if the visibility splay was to the carriageway edge rather than offset 1m, as discussed above. This is not all highways land and whilst there may be powers for the Highways Authority to cut back vegetation to help maintain vision splays, from the evidence before me it is apparent that

this is unlikely to be done on a regular and frequent basis to ensure the vision splay is to suitable standards. Indeed, the vision is already poor at this junction and there is no evidence of the Council or Highways Authority taking regular action to improve visibility by cutting back vegetation on unregistered land.

13. The lack of visibility is compounded by the awkward angle at the junction, meaning that drivers would have to turn their heads more than usual to the extent that their vision could be impeded by car door frames/columns for example. This would not be enough to result in less than acceptable vision at this junction. However, with the vegetation on the unregistered land (not in the control of the appellant) I am not satisfied that an acceptable and safe vision splay can be achieved in perpetuity. This is taking into account forward visibility along Hill Road, which I also drove along past this junction.
14. This is an existing junction, but any further intensification with the development of any new dwellings along The Batch would make the situation worse. The occupants of the proposed dwelling, if driving out of this junction onto Hill Road, would have substandard visibility and this would have an unacceptable impact to highway safety. The fact that there are other dwellings where occupiers already must use this junction is not reason to overlook this matter. There may have been no recorded accidents at this junction, but this does not mean the junction has sufficient visibility especially as the proposal would further intensify its use, even if only to a small degree.
15. The proposal is in outline form, but it is clear that future occupants would need to use the existing junction between The Batch and Hill Road and therefore there is sufficient detail to assess this matter at this stage.
16. For these reasons, relating to the junction between Hill Road and The Batch, the proposal is contrary to policy DM24 of the North Somerset Sites and Policies Plan Part 1. This policy requires that development would not prejudice highway safety, amongst other things. The proposal also conflicts with paragraph 111 of the National Planning Policy Framework (the Framework) as it would result in unacceptable impacts to highway safety.
17. The proposal is not contrary to policy DM25 in my view, as this more relates to public rights of way and cycling/pedestrian access. Considering the reasons why I have found harm to highway safety, the proposal is not in conflict with this policy.

Other Matters

18. I understand from Natural England comments that the proposed development would have potential significant effects on the North Somerset and Mendip Bats Special Area of Conservation. If I was intending to allow the appeal I would consider this matter further. In the circumstances, however, I have not pursued this matter further.

Planning Balance

19. All parties agree that the Council is unable to demonstrate a five year supply of deliverable housing sites. As such, relevant policies for the supply of housing should not be considered up-to-date according to the Framework. In these circumstances, the tilted balance as described by paragraph 11 should therefore be applied. Paragraph 11 of the Framework states that where the development plan is out of date permission should be granted unless any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted. In this case, from the evidence before me, there are no specific policies in the Framework which indicate that development should be restricted.

20. There would be benefits to the proposal, such as providing a new dwelling to housing supply in a reasonably accessible area of Sandford. There would be economic benefits, from the construction of the dwelling and afterwards through local spending by future occupiers. The dwelling could be built to a high standard with landscaping which incorporates biodiversity net gain, amongst other potential benefits. However, as the proposal is for a single dwelling only these benefits are limited.
21. Whilst there are these benefits, there is also the harm due to the substandard visibility at the junction at Hill Road. This means that the proposal conflicts with paragraph 111 of the National Planning Policy Framework, as it would result in unacceptable impacts to highway safety. I give this harm significant weight as it relates to safety matters.
22. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR