



Appeal Decision

Site visit made on 10 June 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/D0121/W/25/3361548

Naish Farm, Whitehouse Lane, Clapton-in-Gordano, North Somerset BS20 7RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Kath Filer against the decision of North Somerset Council.
 - The application Ref is 24/P/1063/FUL.
 - The development proposed is retention of gateway access installed by National Grid as part of the Hinkley Point Scheme. Entrance to be reduced in size with construction of boundary wall to create gated vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site address provided in the application form includes Naish Hill, whereas the decision notice address refers to "Land at Naish Farm, Off Whitehouse Lane". The submitted evidence however refers to the appeal site as Naish Farm and shows that its accesses are off Whitehouse Lane, with the Naish Hill highway commencing to the north at a forked junction with Caswell Hill. I have therefore amended the appeal site address accordingly in the banner heading above.

Main Issue

3. The main issue is effect of the proposed development on highway safety, including visibility at the junction of the proposal site and Whitehouse Lane.

Reasons

4. The appeal site consists of a bellmouth vehicular access off Whitehouse Lane. This was installed by the National Grid as part of a temporary planning permission¹ for works to facilitate the installation of pylons across the wider area.
5. At the time of my visit, the proposal site access route was restricted by a gate set significantly back from Whitehouse Lane, with no visible hardstanding beyond this gate. The access junction contained operational traffic lights and associated road signs and markings. An opposite access to another site was also in situ and appeared to serve an active site, given the presence of work safety signs, portacabins and a hardstanding area.
6. I also noted a 40mph speed limit sign south of the appeal site access, on the southbound side of Whitehouse Lane. The same signs were also present further away to the north of this access, beyond another field access to Naish Farm.

¹ Council Ref: 17/P/2364/SWE

7. I found northbound visibility from the proposal site to be noticeably restricted by hedgerow, which would have to be lowered or removed to provide the proposed sight line. Visibility beyond is restricted by a tight uphill highway bend. Southbound visibility was clearer, as the adjacent hedgerow was much lower and less dense, which also allowed views towards a straighter section of highway.
8. The abovementioned field access to Naish Farm contained an agricultural-style gate, and the access to it was noticeably restricted by low-lying shrubbery. Visibility in comparison to the proposal site was more restricted due to the immediate presence of dense hedgerow, verge growth and a stone wall adjacent this access.
9. There is another access to Naish Farm further north along the highway. I found this access to be tarmacked, subject to the national speed limit (60mph) and near to the forked junction to the north. I found visibility from this access to be primarily restricted by declining highway gradient to each side of this access. The adjacent low stone walls and verge growth beyond did not significantly obstruct sight lines.
10. Whitehouse Lane is rural in character, with a relatively narrow carriageway, no footways and lighting, and limited pedestrian refuge points due to raised verges and shrubbery. Although my site visit was a snapshot in time, traffic speeds were generally low and appeared to be naturally restricted by the bends and undulations along the highway. I noted no significant vehicle speed differences between the 40mph and 60mph zones in the vicinity of the appeal site.
11. It is put to me that reduction of the Whitehouse Lane speed limit to 30mph would align with the road's existing constraints, and that similar adjustments have been made elsewhere in North Somerset. Alterations to speed limits are however beyond the scope of this Section 78 appeal, as they would require a separate Traffic Regulation Order (TRO) to be administered by the relevant local authority.
12. The appellant also contends that the current TRO facilitating the existing 40mph speed limit has caused no delays to traffic flow and has improved road safety, and that traffic volumes have significantly increased due to residential expansion of Portishead. There are also existing residential properties along Naish Hill and Caswell Hill that rely on the subject section of Whitehouse Lane for access. I have no doubt that Whitehouse Lane is also used by slow-moving agricultural vehicles, given its rural location.
13. I accept that the proposed amended access adequately demonstrates achievable visibility distances of 43m in each direction when exiting the site. This may be appropriate in many instances for areas subject to 30mph speed limits, but such a speed is significantly lower than the 40mph limit that I found on site.
14. The submitted evidence also does not demonstrate the actual average speeds and traffic flows in each direction along Whitehouse Lane, for example a technical traffic and speed survey undertaken by a suitably qualified person. I therefore have insufficient evidence to conclude whether the proposed amended access would provide sufficient and safe visibility for its intended use. Taking a precautionary approach, I conclude that there would be harm to highway safety in this respect.
15. Achievable visibility splay distances for the other two abovementioned existing site accesses to Naish Farm are also not before me. There have purportedly been "close calls" whilst using the Naish Farm field access, including an incident in

recent years resulting in one car on its roof. There is however no formal accident record data before me, and thus I cannot give these incidents significant weight.

16. The Council has made it clear in its submitted evidence that it does not wish to reduce the speed limit along Whitehouse Lane to 30mph. It is also reasonable to assume that the Council will facilitate or mandate increasing the speed limit back up to 60mph in the near future. Even if this increased speed limit were not to materialise, I have found unacceptable highway safety risks having regard to the current circumstances that I saw during my site visit.
17. For the above reasons, I conclude that it has not been adequately demonstrated that the proposed amended access would provide sufficient visibility when exiting on to Whitehouse Lane. Nor has it been adequately demonstrated that the other existing accesses to Naish Farm present such risks to highway safety to justify allowing the appeal.
18. The proposal is thus contrary to Policy DM24 of the North Somerset Sites and Policies Plan Part 1: Development Management Policies (SPPP1) (2016). This policy requires, amongst other things, development to not prejudice highway safety.

Other Matters

19. The appellant is aggrieved by the manner in which the Council determined the planning application, including a change in case officer after time had been spent collaborating with other Council officers. Any inconsistency of approach is a matter between the appellant and the Council and has had no bearing on my determination of this appeal.

Planning Balance

20. I have found significant conflict with Policy DM24 of the SPPP1 in terms of highway safety. I therefore conclude that the proposal is contrary to the development plan as a whole. This unacceptable highway safety risk also conflicts with one of the key aims of the National Planning Policy Framework.
21. The proposal includes reinstating some of the stone walling and natural verges that were removed to facilitate the existing access. This access is however subject of a temporary planning permission. It has not been demonstrated that the appeal proposal would better preserve the rural character and landscape of the area when compared to reinstating the access to its former condition. I am therefore unable to afford this matter any positive weight.

Conclusion

22. For the reasons given above, the material considerations before me do not indicate that a decision should be made otherwise than in accordance with the development plan. The appeal is therefore dismissed.

R Cahalane

INSPECTOR