



Appeal Decision

Site visits made on 26 August 2025 and 2 September 2025

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/E3335/W/25/3367049

9 Main Road, West Huntspill, Highbridge, Somerset, TA9 3QS

- 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 & Mrs Maratty against the decision of Somerset Council.
 - The application Ref is 52/24/00009.
 - The development proposed is the construction of 6 dwellings and formation of access road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted for outline planning permission with the application form making it clear that approval is sought at this stage for access only. However, the submitted drawings show a proposed layout for the dwellings, albeit no details of hard or soft landscaping have been depicted. The Supporting Planning Information (2024) of the appellants identifies the reserved matters to be layout, appearance and scale, and the Council has referred to the layout drawings as being illustrative. For the avoidance of doubt, the appeal has been determined on the basis that approval is sought at the outline stage only for access, with all other matters to be reserved for future consideration.
3. Revisions to the Flood Risk and Coastal Change section of the Planning Practice Guidance (the Guidance) were published on 17 September 2025, and the main parties were provided with an opportunity to comment.

Main Issues

4. The main issues in this case are:-
 - whether the scheme would be in a suitable location for residential development, having regard to local and national policy; and
 - whether the scheme would result in an unacceptable flood risk.

Reasons

Location

5. The appeal site comprises part of the rear garden of 9 Main Road (No 9) and an adjoining paddock. There is an existing, albeit partially overgrown vehicular access from the paddock onto Main Road. Residential properties and their gardens border the north, east and southern boundaries of the site, which are delineated by fences,

hedges and evergreen trees. The village of West Huntspill lies to the south of this loose cluster of homes and is separated from them by fields and paddocks. To the north is the edge of Highbridge, with fields and paddocks separating the recently constructed residential estates from the scatter of development around the appeal site.

6. Policy S2 of the Sedgemoor Local Plan (2019) (LP) sets out a spatial strategy for directing housing growth to the most sustainable locations, such as Highbridge, with smaller villages such as West Huntspill accommodating development that fulfils identified local housing need. Outside these settlements in the countryside new development will be controlled and only be supported where it provides sustainable and appropriate levels of development, with consideration given to small scale infill opportunities within small villages and hamlets. LP Policy CO1 requires that development in countryside locations will only be supported if it meets a specific countryside need or where it provides development to enhance or maintain the vitality of a rural community, thereby reflecting similar objectives of the National Planning Policy Framework (the Framework).
7. The appeal site is within a discrete, loose cluster of dwellings between Highbridge and West Huntspill and this group is separated from both these settlements by paddocks and fields. Future occupiers of the dwellings would have access to the services and facilities that exist in Highbridge and West Huntspill as they could use the bus services and the footways that exist to both sides of the road, rather than having to rely upon private vehicles. The distances to both settlements would provide future occupiers with an opportunity to walk and cycle, and as they would be close to the facilities in West Huntspill it might be the case that they would provide some degree of support to its services and facilities.
8. However, the six dwellings would be outside the town and village and would have no visual relationship with either settlement. The houses would be for the open market and irrespective of the support of some local residents for the scheme, no local need justification for the provision of these homes in this particular location has been provided, contrary to LP Policies S2 and CO1. LP Policies D6 and T3a seek, amongst other things, to provide an appropriate level of affordable housing provision and focus housing development within settlements unless the development meets a local need. As the scheme would provide neither affordable homes nor meet any local need, there would be conflict with the requirements of these policies.
9. Although LP housing allocations would extend from the south of Highbridge towards West Huntspill, these allocations deliberately exclude the paddocks and fields that are found to the eastern side of Main Road. The openness that results from the interplay of paddocks and generously sized residential gardens creates a rural character and appearance to the area, and particularly so as the loose cluster of homes that includes the appeal site makes a spacious contrast to the density of the large housing estates to the north. Whilst layout is a reserved matter, the provision of six dwellings with their associated residential paraphernalia would serve to consolidate the loose, open nature of the scatter of the housing surrounding the appeal site. The urban-rural transition that exists between Highbridge and West Huntspill would be eroded, and the dwellings would appear as a concentrated and intense cluster rather than reflecting the disparate nature of those nearby. Given this impact, they would not appear as small-scale residential infill as required in LP Policy S2.

10. For all these reasons the location of the dwellings would thereby conflict with the Framework and with the requirements of the above referenced LP Policies S2, CO1, T3a and D6.

Flooding

11. The Framework requires that when determining any planning application, decision makers should ensure that flood risk is not increased elsewhere, and that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce runoff volume. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, whether existing or future risk. If development is necessary in such areas, it should be safe for its lifetime without increasing flood risk elsewhere. The Sequential Test (ST) assesses the need for a development in a particular location, and if it is not possible to locate development elsewhere, then the Exceptions Test (ET) needs to be applied.
12. There is no disagreement between the main parties that the site lies within Flood Zone 3 where there is a high probability of flooding. The Guidance advises that the sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need. The ST considers there to be no other suitably alternative development sites at a lesser flood risk, albeit most of the alternatives considered are in Flood Zone 3 areas, a few being in areas of 2/3, and none in a lesser flood risk area. The dwellings are not required to address a particular need and there are no specific circumstances to control the area of search to a five mile radius of the appeal site, and such an arbitrarily constrained search area would fail to accord with the requirements of LP Policy D1. In addition, the search parameters have been further restricted with the size of the alternative sites being those that could accommodate a similar number of dwellings. This is despite the advice in the Guidance that reasonably available sites can include a series of smaller ones. Given these findings, the ST has not been met.
13. The exception test should only be applied following the application of the sequential test where it has been demonstrated that it is not possible for development to be located in areas with a lower risk of flooding. In this instance the appellants consider the ET has been passed as the dwellings would be in a sustainable location, they would be safe for future occupiers, and would have surface water treated onsite, all of which would outweigh the flood risk.
14. Whilst submitted on an outline basis with all matters apart from access being reserved, even with the provision of a first floor refuge for future occupiers, the scheme has not demonstrated that occupants would remain safe for the lifetime of the development when allowing for climate change. Given the proximity of North Rhyne and the presence of a drain, such matters would be imperative for ensuring the safety of future occupiers, including the provision of an easement for the drain. Whilst the FRA considers there would be a negligible impact on neighbouring properties from flood displacement and surface water runoff, with the latter being managed on site, what has not been resolved and therefore remains ambiguous, is whether the soil would be suitable for infiltration. Furthermore, if infiltration is not feasible, if has not been demonstrated that nearby receptors could accommodate surface water discharge, or that consent to connect to public infrastructure could be provided.

15. The appellants have referred to the presence of existing houses and gardens near the appeal site, and also the large residential estates to the north. However, most of the nearby houses were constructed many years ago. The residential estates are housing allocations in the LP and would have been subject to mitigating flood risk through both the plan and application processes. As such these comparisons do not form binding precedents for allowing the appeal.
16. Ultimately the decision maker needs to be satisfied that future occupiers of a development would be safe throughout its lifetime and that the development would not lead to increased flood risk elsewhere, and this includes future risk. As the dwellings would be a more vulnerable use in an area with a high risk of flooding, it is imperative that the strict tests to protect people and property are observed. In this case the sequential test has not been met, and the scheme has failed to demonstrate that the development would not put people and property at risk of flooding, including in the future, nor that flood risk elsewhere would not be increased. Conditions would not overcome these significant risks, and consequently there would be conflict with the Framework and with LP Policy D1, as this policy seeks amongst other things, that development should be safe over its lifetime and not increase flood risk elsewhere.

Planning Balance

17. The Framework requires that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. For the reasons found above, the scheme would conflict with policies in the LP. LP Policies S2, CO1, T3a, and D6 are broadly consistent with objectives of the Framework as they seek a sustainable pattern of housing development, with housing in rural areas addressing local needs, and that which would enhance or maintain the vitality of rural communities. LP Policy D1 also reflects the requirements of the Framework in seeking to ensure that inappropriate development in areas at risk of flooding should be avoided by directing it away from high risk areas, and that which would be safe for its lifetime and not increase flood risk elsewhere. Consequently, the conflict of the scheme with these LP policies should be afforded significant weight.
18. The Council has acknowledged that it cannot demonstrate a five year housing land supply, with a provision of 4.77 years. In such a situation the provision of an additional six dwellings would be an important benefit of the scheme. Modest but time limited benefits would arise from the construction of the development, with ongoing modest benefits arising from future occupiers supporting local services and facilities. Further modest environmental benefits would accrue from future occupiers having alternative means of transport other than the private car to access nearby services and facilities.
19. Weighing against these benefits would be the provision of a concentrated cluster of open market dwellings in a countryside position that would not meet any local need. Moreover, the houses would be in an area with a high risk of flooding and it has not been demonstrated that the development would be safe for its lifetime nor that it would not increase flood risk elsewhere. These harms, and particularly those arising from the flood risk, would considerably outweigh the benefits arising from the scheme, including the important provision of an additional six homes.

20. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The Framework makes it clear that where protected areas and assets are harmed, and this includes areas at risk of flooding, then such harm provides a strong reason for refusing the development. It follows in this case that there are strong reasons for dismissing the appeal, and these reasons considerably outweigh the benefits that arise from the scheme.

Conclusion

21. For the above reasons the scheme would result in significant harms that could not be overcome by conditions, and there would be conflict with the development plan when considered as a whole. There are no other considerations, including the requirements of the Framework, that outweigh this finding. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR