



Appeal Decision

Site visit made on 3 September 2025

by F Webber BSc (Hons), MSc, MRTPI, ACSM

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/E3335/W/24/3358281

Glencairn, Chedzoy Lane, Horsey, Bridgwater, Somerset TA7 8QW

- 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 Raymond Cox against the decision of Somerset Council.
 - The application Ref is 09/24/00013.
 - The development proposed is a self-build on land to the south of Glencairn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided a plan reference LP2 received 3 July 2025. The plan extends the red line boundary beyond that subject of this appeal and incorporates land identified for construction of a visibility splay. The appellant has stated that this plan was sent to the Council after the issue of their decision. It is noted that the Council have not referred to this plan in their appeal statement.
3. I therefore consider that plan reference LP2 would make a fundamental change to the application and would therefore result in a different application. I have considered this appeal based on the plans submitted with the planning application.

Main Issues

4. The main issues in this appeal are as follows:
 - whether the site is a suitable location for residential development having regard to the Council's spatial strategy for infill housing in the countryside;
 - whether adequate arrangements could be made to manage surface water and mitigate flood risk; and
 - whether safe access to the highway could be provided.

Reasons

Location

5. The site lies approximately 1km from the outskirts of Bridgwater, access to the town being via the A39 that crosses the M5. The site is currently a garden and orchard of the dwelling adjacent to the appeal site. The structures within the site include sheds, garage and chicken runs. To the rear of the site is arable agricultural land, which extends approximately 80 metres along Chedzoy Lane, towards the next cluster of houses.

6. The appellant is on the Councils self-build register and is therefore, in part, compliant with the criteria for small-scale self-build in rural areas as set out in Policy D9 of the Sedgemoor Local Plan 2011-2023 (SLP). The appellant acknowledges that the nucleus of the cluster consists of 8 dwellings and that the appeal site lies to the edge of the hamlet. However, the appellant contends that the existing businesses in the hamlet would be an opportunity for employment for any occupants of the proposed dwelling. Whilst I acknowledge that there may be employment opportunities, there can be no guarantee that an occupier of the dwelling would take up such employment.
7. I conclude that whilst the proposal is for a self-build; to be acceptable as an exception in rural areas, infill must be within the main built-up area of the cluster and would not extend the built form of the settlement into open countryside. In this instance the criteria of Policy CO2 of the SLP makes specific reference to dwellings and consequently very limited weight can be given to the presence of employment opportunities that do not outweigh the harm that would arise from the lack of compliance with this policy. I therefore consider that the appeal site, being at the edge of the cluster of dwellings, does extend the built form into open countryside and does not meet the criterion for infill. Consequently, the proposed dwelling in this location is contrary to Policy CO2 of the SLP.

Flood risk and surface water management

8. The appeal site lies within Flood Zone 3 and within 6 metres of the maintenance buffer of a Parrett Drainage Board (IDB) maintained watercourse.
9. It is acknowledged by the Council that the sequential and exception tests have been passed with regards to suitability of the site for a dwelling within Flood Zone 3. However, the IDB consider that insufficient information has been provided by the appellant to adequately assess the potential surface water effects both within and beyond the site.
10. Paragraphs 181 and 182 of the NPPF sets out the information required, at the application stage, in relation to the management of surface water and it would not be appropriate to condition the provision of this information post decision. I therefore conclude that the proposal is contrary to Policy D1 of the SLP that seeks to reduce flood risk and not increase the effects of surface water drainage on the wider area.

Highway safety

11. The appeal site is to the edge of a linear settlement. The site boundary is formed by one half of the apex of a sharp corner. The road through the village does not have footways on either side of a single carriageway. During the site visit I observed that the road is busy. There is a repair garage and small business park, on the opposite side of the road from the appeal site, that shares an extended access around the outer curve of the corner.
12. The Somerset Highway Authority have issued standing advice, including the extent of visibility splays, necessary to ensure safe access onto the road. The appellant has provided a plan illustrating how a visibility splay can be incorporated into the design of an access onto the highway. The proposal also indicates that the, densely vegetated, boundary hedge would be removed and a post and rail fence constructed. The plan also identifies that the visibility splay extends into land

outside of the appeal site boundary and consequently it cannot be assumed that the necessary visibility can be secured and adequately maintained in the future.

13. I therefore conclude that without evidence that a visibility splay can be satisfactorily constructed, within the appeal site, safe access onto the highway cannot be ensured and therefore the proposal is contrary to Policy DM14 of the SLP, which seeks to provide safe access to roads of an adequate standard within the route hierarchy.

Other Matters

14. The appellant has referenced the recommended Main Modifications made by the Inspector, to the Local Plan, during its examination and the Council have confirmed that these were incorporated into the Sedgemoor Local Plan 2011-2023 prior to its adoption. Consequently, I have taken these Main Modifications into consideration.
15. Whilst the appellant has identified the proximity of Bridgwater and the location of convenience stores in relation to the appeal site, it is noted that access to facilities was not a reason for refusal and therefore not under consideration in this appeal. In any event, the proximity to these services and facilities does not outweigh the harm identified above.

Conclusion

16. The development would not accord with the development plan when considered as a whole. The material considerations raised in support of the proposal, including that a self-build plot would be provided and that there are employment opportunities within the settlement, do not outweigh this conflict to indicate that a decision, other than in accordance with the local plan should be taken. For the reasons given above the appeal should be dismissed.

F Webber

INSPECTOR