

Appeal Decision

Site visit made on 23 September 2025

by **R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/E3335/W/25/3365770

159 Brent Street, Brent Knoll, Highbridge, Somerset TA9 4BE

- 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 John Walton against the decision of Somerset Council.
 - The application Ref is 07/24/00020.
 - The development proposed is outline consent with all matters reserved for self-build dwelling together with new access drive and parking for 159 Brent Street.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal scheme relates to an outline proposal, with all matters reserved. I therefore must treat the proposed plans (within Drawing No 22414) as being indicative only. I have determined the appeal accordingly.
3. Based on the submitted evidence, the main issue is the effect of the proposed access arrangements on highway safety, with particular regard to visibility along Brent Street.

Reasons

4. I accept that the Council's Highways Authority raised no explicit objection. Its consultation response however refers to the Council's Standing Advice for Planning Applications v3 (dated 05 April 2022). This Standing Advice references Manual for Streets (DfT, 2007) (MfS), which recommends a stopping sight distance (SSD) of 43m for a 30mph vehicle speed. Brent Street is subject to a 30mph speed limit. In the vicinity of No 159, it is broadly straight without significant bends, with a relatively narrow carriageway width and no highway centre lines.
5. There is common ground between the main parties that No 159 is within walking distance to local services and facilities. I have no doubt that cycling is also a realistic option, and I also noted a bus stop in the vicinity at Brent Street. Future occupiers of the proposed dwelling would nonetheless also inevitably travel by private car to more extensive facilities and services beyond Brent Knoll.
6. MfS sets out that the SSD should be measured from 2.4m back from the edge of the carriageway in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye. A minimum figure of 2m may be considered in some very lightly-trafficked and slow-speed situations. During my site visit, which was on a weekday during late-afternoon,

there was one car parked nearby fully on the carriageway, on the northwest-bound side. I did not note particularly fast vehicular speeds.

7. The submitted evidence however does not demonstrate the actual average speeds and traffic flows in each direction along Brent Street in the vicinity of No 159 over a longer period than my visit, which was only a snapshot in time. For example, there is no technical traffic and speed survey before me undertaken by a suitably qualified person. Based on the evidence before me and my site visit observations, the recommended 2.4m SSD set back distance is appropriate for the proposal.
8. At this set back distance, I found visibility from the existing vehicular access on to Brent Street to be significantly restricted by the dwelling of No 159 and by the neighbouring dwelling of No 161. Both these dwellings are adjacent each side of the vehicular access, which is of narrow width along their two storey elevations. The Brent Street footway along and beyond No 159's road frontage is also narrow, and there is no footway on the opposite side of No 159.
9. The above characteristics mean that the visibility exiting this existing access is significantly restricted. The proximity to dwellings means that it is not possible to improve the visibility of this access, which falls significantly below the expectations of MfS and the Council's Standing Advice.
10. The appellant intends to use this existing access for a new three-bedroomed dwelling and contends that this would be of lesser intensity than its current use by No. 159 as a five-bedroomed dwelling. However, matters relating to layout and scale are not subject of this outline application. Although the proposed plans must be treated as being indicative in terms of the overall final development layout, Drawing No 22414 nonetheless clarifies that the existing double garage rear of No 159 would be retained for use by the new dwelling.
11. I therefore do not have enough certainty that restricting the number of bedrooms by means of planning condition would control the intensity of use of the new dwelling in a sufficiently precise manner, in terms of vehicular movements to and from the proposal site. Although the size of No 159's existing garden would inevitably reduce, this would not in itself materially reduce the intensity of use of the existing access. For the above reasons, I conclude that the proposed dwelling would lead to a significant and unacceptable highway safety risk, in particular for pedestrians and other vulnerable highway users.
12. I accept that a new vehicular access within No 159's existing road frontage could be designed at reserved matters stage to allow for vehicles to enter and leave in forward gear. It would also be possible that the new access could provide a degree of improved visibility when compared to the existing access to No 159.
13. The final access layout would however inevitably have its visibility restricted, due to the proximity to the existing dwelling of No 159, and the wall and dense front hedge of No 157 on the other side of the site frontage. Achievable visibility for a new vehicular access off Brent Street would therefore also fall short of what MfS and the Council's Standing Advice advocates. The footway along this section of site frontage is slightly wider, but still notably restrictive in terms of catering for all highway users. Therefore, the proposed new access would also create unacceptable highway safety risk, including for pedestrians and other vulnerable highway users.

14. I do not view the purported lack of recorded vehicle accidents within the vicinity of No 159 in recent years as a reliable indicator of highway safety. This is because only crashes which involve personal injuries are recorded by the police.
15. For the above reasons, I conclude that the appeal scheme would significantly harm the safe operation of the highway. The proposal is thus contrary to Policy D14 of the Sedgemoor Local Plan 2011-2032 (SLP) (Adopted 2019). This policy requires, amongst other things, development proposals to provide safe access to roads of adequate standard within the route hierarchy.
16. I saw some evidence of users of existing residential accesses along Brent Street having to either reverse in or out of the accesses. It was also clear to me that some of these accesses had partially restricted visibility due to nearby obstructions such as walls and hedgerow. These serve established dwellings that appear to have a wide variety of ages. To my mind, the restrictive elements of such historic or later established accesses do not justify the provision of a new dwelling and a new vehicular access that would be of significant safety risk for highway users.

Other Matters

17. I have no reason to doubt that the nearby Red Cow Inn is a popular public house and eatery that generates a sizeable number of vehicular movements. Its parking area is however well set back from the Brent Street highway edge. I found its vehicular access to have notably longer and clearer visibility splays than what is proposed under this appeal, despite the nearby low hedgerow and railings and telephone and sign poles to each side of that access.
18. At the time of my visit, there were several parked cars within the recently consented and built community shop car park off Brent Street. I found however that sufficient visibility to each side was provided by a splayed grass verge either side of the access between the car park and Brent Street, despite the presence of various poles within and beyond the verges.
19. My attention has also been drawn to a recently approved self-build development for a larger self-build scheme of five houses in Chilton Polden. It is put to me that its allowed access is substandard. Its full planning history and locational and policy context is not before me but in any event, the site plan and photograph provided for that example indicates that its access visibility is better than what the appeal scheme could achieve. The above examples put before me are therefore not directly comparable to, and do not justify allowing the appeal scheme, which I have assessed on its own planning merits and site-specific circumstances.

Planning Balance

20. I have found that the appeal scheme would lead to significant and unacceptable highway safety risk, including for pedestrians and other vulnerable highway users, in conflict with Policy D14 of the SLP. I therefore conclude that the proposal is contrary to the development plan taken as a whole. This unacceptable highway safety risk also conflicts with one of the key aims of the National Planning Policy Framework (the Framework). I therefore afford this development plan conflict significant weight.
21. The appellant describes the proposed new dwelling as a self-build development. To be properly considered as such, the scheme would need to comply with the

definition contained in Section 1(A1) of the Self-Build and Custom Housebuilding Act 2015. This definition sets out that the dwelling must be occupied by the person or persons responsible for carrying out or commissioning the building. Had I been minded to allow the appeal, the Council suggested a condition to be imposed to govern the above legislative requirements.

22. However, such a condition would fail to satisfy the tests in paragraph 57 of the Framework. This is because the absence of an appropriate legal mechanism before me, such as a S106 agreement or unilateral undertaking, means that the new dwelling cannot be secured as a self-build residence with any degree of certainty. An intention to build and occupy this dwelling is not enough, on its own, to qualify as a self-build or custom dwelling. I therefore cannot afford any meaningful weight in favour of the proposal as a self-build dwelling.
23. The new dwelling could nonetheless be designed at reserved matters stage to meet the needs of a family. It would make a small but positive contribution to housing supply, and the intention is to also include a rainwater harvest tank. Small sites such as this can cumulatively provide a significant contribution to the overall housing need. Moderate weight is therefore afforded to the provision of one dwelling at this location in the manner as described above.
24. It is put to me that the proposed dwelling would more than satisfy national space standards. However, as details regarding layout and scale are not for determination at this outline stage, this matter can only be afforded limited weight as a potential benefit. As any new dwelling would in any event have to comply with separate Building Regulations requirements, including disabled access, this matter is also afforded only limited positive weight.
25. In the absence of an appropriate legal mechanism as set out above, the proposed new dwelling does not qualify for the legislative exemption from Biodiversity Net Gain (BNG) as a self-build and custom development. The submitted evidence does not demonstrate that any of the other BNG legislative exemptions would apply. In such circumstances, the applicant is required to provide a completed biodiversity metric calculation demonstrating the on-site habitat value, along with several other related details as listed in sub-paragraph (c) of Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015 (As Amended). Such information is not before me. However, as I am dismissing the appeal on another substantive ground, I need not consider this matter any further.

Conclusion

26. For the reasons given above, the proposal conflicts with the development plan as a whole and 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