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## Appeal Decision

Site visit made on 4 February 2025

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> March 2025

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**Appeal Ref: APP/E3335/W/24/3347428**

**Land at Somerton Road TA11 6NY**

- 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 PJ Doyle against the decision of Somerset Council.
  - The application Ref is 23/02746/FUL.
  - The development proposed is described as 'Retention of existing access and hardstanding works.'
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. An access and driveway were in place at the time of the site visit.
3. Attention is drawn to an emerging plan. However, as this is at the early stages of preparation, this plan attracts very limited weight.

### Main Issue

4. The main issue is the effect of the development on highway safety in the area.

### Reasons

5. The site is a field alongside the B3151. Although only a 'B' classified road, this is a reasonably busy link between the settlements of Yeovil and Street.
6. The access and driveway are positioned centrally in a field. With the exception of a wooden post and rail fence, there appears no other structures in this field. The only boundary treatment to the north of the access is the wooden fence. However, more in keeping with adjacent agricultural land, there is a hedgerow along the roadside in the southern section of the appeal site, and south of the access.
7. National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
8. The landform in the immediate vicinity of the appeal site is generally flat, and this stretch of road seems relatively straight. However, when exiting this access, there is a noticeable curve south of the appeal site boundary. When leaving the site, this curve in the carriageway, along with the hedgerows south of the access, significantly restricts the view of traffic that is travelling north on this section of the road. In turn, these features interfere with road users' visibility of the access when they approach from the south.
9. The Highways Authority states that the length of visibility splay advised in the Design Manual for Road and Bridges (DMRB) should be provided in this case, unless evidence is advanced

that this access would be safe with a shorter distance. Relevant to this matter, the appellant's Access Appraisal Technical Note establishes that while the road has a speed limit of 40mph, 85<sup>th</sup> percentile speeds of vehicles travelling past the site were recorded as 43mph and 45mph for the north and south bound respectively.

10. The Technical Note goes on to outline that the recorded speeds would equate to a desirable minimum visibility splay of 120m to the south of the site and 160m to the north. Submitted plans show that the visibility splay that could be potentially available at the appeal site would only be 45m to the south and 81m to the north.
11. This is substantially shorter than the stated desirable distance for visibility in both directions. Indeed, to the south, where the road curves and hedges disrupt visibility, the visibility splay available in the site is half the distance required even if the '*one step below desirable minimum*' (90m) for the local highway conditions as stated in the Technical Note was accepted. Given the considerable shortfall in visibility distance potentially available at the site, it seems to me that even if motorists keep to the legal speed limits, drivers will have difficulty stopping safely to avoid incidents with vehicles leaving the appeal site.
12. The Technical Note concludes that an additional 21.9 m of land would be necessary to the south to achieve safe levels of visibility, which seems to be considerably shorter than the one step below desirable minimum. That said, even if I accept that the evidence supports this, this still involves a significant stretch of land that is outside the appeal site. The appellant states that control of the additional land could be acquired. However, while an email submitted suggests those with an interest in adjacent land are willing to assist with this, no mechanism has been presented in this appeal that gives certainty of that outcome.
13. The evidence submitted by the appellant and the factors I observed on site confirm that in order to ensure that this access is safe to use and does not impact harmfully on the highway, a considerably longer visibility splay is necessary than the one that is currently achievable under this scheme. This is so, even when applying a significant amount of flexibility to the DRMB and Manual for Streets guidance. Without the necessary visibility, vehicles using this substandard access would significantly increase the likelihood of collisions with other road users on this stretch of the B3151. Accordingly, I find the development creates unacceptable highway conditions in this immediate area.
14. It is proposed that the hedgerow in the appeal site is moved and reduced in height, which could be secured by condition. However, these measures would not address the shortfall in the visibility splay outlined above. Consequently, even if this is acceptable in respect of other impacts, these changes would not remedy the identified harm, and the development would still pose a significant risk to highway safety in this area.
15. Also, while the appellant is willing to accept other suggested conditions. Avoiding obstructions near the visibility splays, ensuring a consolidated surface on the access and driveway and managing surface water could not address the safety issues outlined above.
16. The Technical Note includes Crash Map data. However, covering the period 2018 – 2022, it is unclear whether the access was in place, and in use during that time. This aside, only one minor incident was highlighted near the site in that period. Be this as it may, a road that has in the past operated in a reasonably safe manner should not justify development that leads to unacceptable highway conditions in the long term.
17. It is highlighted that there is space in the site such that vehicles can leave the property in forward gear. This may be so, but this factor does not alone resolve the poor level of

intervisibility between motorists on the access and in the carriageway. These matters have not altered my findings for this reason.

18. In light of the above, I find that the development has a harmful effect on highway safety in the area. In this regards the development conflicts with Policy TA5 of the South Somerset Local Plan (2006-2028) (Local Plan) which amongst other matters requires inclusive, safe and convenient access.

### **Other Matters**

19. The appellant contends that the development is well designed and does not harm the character of the area. However, resulting in unsafe highway conditions I find the access to be poorly designed. Moreover, even if I accept that the appearance of the access and driveway is acceptable in its current form, measures have been identified to address the highway harms, which may have potential visual and environmental impacts that would require further consideration.
20. It is asserted that there has been local economic benefits by using local contractors. However, comprising only a driveway, access and fencing, the resulting economic benefits are extremely limited.
21. There is conflicting information regarding the proposed use of the access. The Technical Note indicates the access is designed to serve a dwelling, but that is outside the scope of this appeal. In any event separate planning permission is likely to be required for that change and the outcome of that is currently uncertain.
22. In light of the factor above, the improvement in access appears limited to the use of an agricultural field. It is also asserted that this would allow safe turning and parking in the site. Even if this is accepted, there is minimal information as to how this benefits operations within the site and in turn it is unclear as to how such a development could make a significant contribution to the vibrancy of this rural community. The social, environmental and economic benefits in this case appear very limited at best, such that they do not outweigh the identified harms to the local highway conditions.
23. It is highlighted that there is local support for the access due to its importance to the appellant's family. Minimal details have been provided on this issue. However, if required for personal circumstances, I find no compelling evidence that this unsafe access is the only option available to the appellant to address such circumstances, or that a less harmful solution could not be designed. This matter has not altered my findings for this reason.
24. The Council references Policy T6 of the Local Plan, but this addresses parking standards and is therefore not relevant in this case. Attention has been drawn to other policies that are not in dispute. However, I find harm in respect of highway safety matters, and conflict with the development plan when read as a whole.

### **Conclusion**

25. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal should be dismissed.

*A J Sutton*

INSPECTOR