



Appeal Decision

Site visit made on 29 June 2009

by **Neil Pope** BA (Hons) MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
8 July 2009

Appeal Ref: APP/R3325/A/09/2100901

Land adjoining Highlands and Offshute, Combe St Nicholas, Chard, Somerset, TA20 3LX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr A S Trafford and Mr and Mrs R Ward against the decision of South Somerset District Council.
- The application Ref. 09/00001/OUT, dated 5 December 2008, was refused by notice dated 3 March 2009.
- The development proposed is the erection of a detached dwelling.

Preliminary Matters

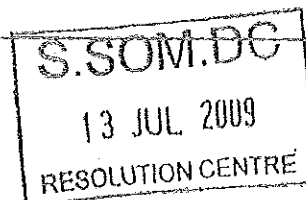
1. There is a discrepancy between the application and appeal forms regarding the spelling of the surname of one of the appellants. It would appear that the correct spelling is Trayford rather than Trafford.
2. All matters of detail have been reserved for subsequent consideration.

Decision

3. I dismiss the appeal.

Reasons

4. The proposal would entail the more efficient use of previously-developed land for housing within the development limits for the village. However, it would result in the increased use of a junction that has severely restricted visibility for vehicles emerging onto Stoopers Hill. The access lane/track to the site is also of an insufficient width to allow two cars to pass at this junction.
5. During my site visit I observed many vehicles travelling well in excess of 30mph past this junction. This included drivers of vehicles accelerating up the hill as they left the village into the 60mph speed restriction. I also noted fast moving traffic in the opposite direction and travelling down the steep gradient on the approach to the settlement.
6. Drivers of vehicles emerging from the appeal site onto this part of Stoopers Hill would not have adequate sight of oncoming traffic. Motorists travelling down Stoopers Hill towards the village would also have inadequate sight of emerging vehicles. As a consequence, the proposal would pose a serious hazard to existing road users. It would unacceptably increase the risk of an accident occurring at this junction.
7. This wholly unsatisfactory situation would be compounded if a driver of a vehicle attempted to turn into the access lane whilst another was seeking to

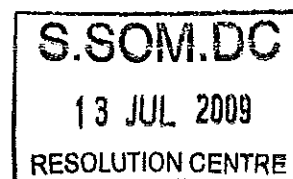


join the highway. Vehicles stopping or drivers reversing along this section of Stoopers Hill whilst another vehicle joined the highway would comprise a serious risk to road safety interests. The proposal would increase the likelihood of such incidents.

8. Given the deficiencies of the existing junction arrangement, the development would result in an unacceptable increase in traffic onto this section of Stoopers Hill. The proposal would comprise an unacceptable hazard and a serious danger to existing road users. It would conflict with development plan policies that are aimed at providing safe and satisfactory access to new developments¹.
9. I note the findings of the Inspector who allowed a dwelling nearby at 'Greenhill' (Ref. APP/R3325/A/08/2068897). However, that site is accessed via a different junction and where I observed vehicles travelling more slowly. Also, that junction is wide enough for two vehicles to pass and has better visibility. The circumstances of that case are materially different to the one before me. Each appeal must also be determined on its own planning merits. This previous decision does not set a precedent that I am bound to follow.
10. The proposal could be sited and designed to avoid any harm to the character or appearance of the area. The reserved matters would also afford adequate scope to safeguard the living conditions of neighbouring residents. Any boundary disputes would be a separate matter for the respective parties and vehicles emerging onto the access track from the proposed dwelling would not pose an unacceptable risk to the slow moving traffic along this private lane. My findings on these matters do not however outweigh the serious harm to highway safety interests along Stoopers Hill that I have identified above.
11. Having regard to all other matters raised, I conclude that the appeal should not succeed.

Neil Pope

Inspector



¹ Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy ST5 of the South Somerset Local Plan