

**APPEALS RECEIVED –**

**Site:** STATION FARM, STATION ROAD, BISHOPS LYDEARD, TAUNTON TA4 4BU

**Proposal:** Erection of 3No. dwellings with associated car parking, landscaping and drainage infrastructure at Station Farm, Station Road, Bishops Lydeard

**Application number:** 06/16/0036

**Appeal reference:** APP/D3315/W/17/3180784

**Start Date:** 19 September 2017

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**Site:** 191 CHEDDON ROAD, TAUNTON

**Proposal:** Demolition of shed and erection of two storey dwelling, with garage and formation of vehicular access with associated highway works at 191 Cheddon Road, Taunton

**Application number:** 38/16/0456

**Appeal reference:** APP/D3315/W/17/3180382

**Start Date:** 19 September 2017

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Appeal Decisions –11 October 2017

Site: HOLBAINES MEADOW, WHITEBALL ROAD, SAMPFORD ARUNDEL,  
WELLINGTON, TA21 0LS

Proposal: Formation of new access onto A38 at Holbaines Meadow, Sampford Arundel

Application number: 32/16/0001

Reasons for refusal: The proposal to create a new access in this location would be prejudicial to highway safety primarily because it would result in vehicles having to wait in the overtaking/climbing lane on the A38 before being able to turn into the new entrance from a westerley direction. This raises serious highway safety concerns as it would see a potential increase in rear end shunts and would also interrupt the through flow of vehicles using the A38 which is a Class 1 route. In such cases a right turn lane would be required and it is noted that the applicant does not own sufficient land in order to form such a requirement. On this basis, the proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028.

Appeal Decision: Dismissed



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## Appeal Decision

Site visit made on 29 August 2017

**by Robert Parker BSc (Hons) Dip TP MRTPI**

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

Decision date: 22 September 2017

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### **Appeal Ref: APP/D3315/W/17/3173329**

**Holbaines Meadow, Whiteball, Sampford Arundel, Wellington, Somerset  
TA21 0LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul J Sparks against the decision of Taunton Deane Borough Council.
  - The application Ref 32/16/0001, dated 1 May 2016, was refused by notice dated 30 September 2016.
  - The development proposed is new entrance/access.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this case is the effect of the proposal on highway safety along the A38.

## Reasons

3. The appeal site is roughly triangular in shape and fronts onto the A38 in rural surroundings a few kilometres to the west of Wellington. The land is currently accessed off the narrow lane which bounds the site to the north-west. This lane has a junction with the A38 approximately 100 m to the west.
4. The A38 at this point is sinuous and on a pronounced gradient. Vehicles traveling up the hill have two lanes, the nearside one being a climbing lane. Eastbound traffic has a single lane with double solid white lines to prohibit overtaking. The road was quiet at the time of my visit but traffic counts from 2015 indicate that this section of the A38 is busy, with an Annual Average Daily Traffic Flow of 7560 vehicles. Higher flows are experienced in the month of August and when there are incidents on the M5 motorway.
5. The proposed private access would be positioned on the north side of the A38, directly adjacent to the eastbound lane. It would be perpendicular to the main road and would be wide enough for two large vehicles to pass within the entrance. The gates into the site would be set approximately 12.5 m back from the carriageway edge, thus allowing a vehicle to pull off the highway whilst the gates are opened. The Council does not dispute that there would be adequate visibility for drivers exiting the access.

6. The principal concern of the Highway Authority is that the proposal would result in vehicles having to wait in the westbound overtaking lane on the A38, prior to making a right turn into the site entrance. It is contended that this would present a serious risk to highway safety as it would see a potential increase in rear end shunts and would also interrupt the through-flow of vehicles on the main road.
7. The appellant contends that a far more dangerous situation already exists at the staggered junction approximately 150 m further to the west when traffic needs to make an oblique right turn into the lane leading past the entrance to the appeal site. Here, the restricted lane width means that drivers on the A38 must wait for any vehicles to exit before making their manoeuvre, increasing the amount of time spent stationary in the overtaking lane. I am told that vehicles waiting to make a left turn into the lane also cause queuing on the main road.
8. I have further had my attention drawn to a number of other entrances onto the A38, mainly to residential driveways, where westbound drivers need to cross the solid white lines in order to access their properties.
9. The Highway Authority cites advice within the Design Manual for Roads and Bridges<sup>1</sup> which states that simple major/minor priority junctions shall not be used within climbing lane sections, since problems of safety may arise. The guidance here is aimed at highway design and not private accesses. However, it seems to me that the principles are still applicable. Situations of danger will arise where a driver pulls out from behind a slower moving vehicle and comes upon a stationary vehicle in the overtaking lane, potentially while moving at speed. I appreciate that the driver may identify the hazard well in advance, but this relies upon there being adequate forward visibility. Notwithstanding the visibility distances cited by the appellant, there is the realistic possibility of a driver's view being restricted by the bend in the road and a large vehicle in the climbing lane.
10. The fact that there have been no recorded collisions in respect of the nearby staggered junction does not necessarily mean that the proposed access would be safe. Neither am I persuaded that the proposal would be acceptable simply because it would be less heavily used. The appellant asserts that there is an extant permission for a wholesale nursery on the appeal site. If correct, this would create the potential for significant additional vehicle movements over and above those which occur to and from the site at present. More intensive use of the proposed access would increase the risk of traffic collisions.
11. I have taken into consideration the fact that the existing site access has substandard visibility. However, this does not justify the creation of another dangerous entrance onto a more heavily trafficked major road – even if vehicles accessing the appeal site are forced to continue using the staggered junction. Whilst I note the Highway Authority's intention to close the lane to vehicles at its junction with the A38, there is nothing in the evidence before me to indicate that the necessary stopping up order has been made. Given that this may subject to public consultation I can have no certainty that the process will be successful. As such, I have given limited weight to the argument that the geometry of the existing access will render it unusable after any closure takes place.
12. In any event, despite the significant levels difference between the lane and the appeal site, it has not been satisfactorily demonstrated that it would be impossible to modify the existing entrance onto the lane to accommodate



vehicles approaching from an easterly direction. Therefore I am not convinced that the appeal scheme is the only option open to the appellant.

13. I conclude that the proposal would be materially detrimental to highway safety, contrary to Policy DM1 of the Taunton Deane Core Strategy 2011-2028<sup>2</sup> and Paragraph 32 of the National Planning Policy Framework.

## **Other Matters**

14. The appellant has been involved in a long running boundary dispute with the Highway Authority. Whilst it is evident from the written submissions that this has created significant ill feeling, the matter is not relevant to my consideration of this appeal. I have determined the case on its substantive planning merits.
15. My attention has been drawn to planning applications for a new access and additional parking at Sheppy's Cider Farm. I do not know the full background to either case and therefore it is difficult to draw parallels. However, I saw during my visit that this section of the A38 is single carriageway with good forward visibility in both directions and no significant incline. As such, the circumstances are not directly comparable to the appeal proposal.
16. I note the appellant's comment that large goods vehicles would have to be unloaded on the highway in the event of the lane closure going ahead. The police and Highway Authority have the relevant powers to address any safety issues arising from such an outcome and therefore this factor does not lend any significant weight in favour of the appellant's case.

## **Conclusion**

17. For the reasons given above, and having had regard to all other points raised by the appellant in support of the proposal, I conclude that the appeal should be dismissed.

*Robert Parker*

INSPECTOR

