
Appeal Decision

Site visit made on 11 October 2016

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 31 October 2016

Appeal Ref: APP/D0840/W/16/3154392

Pollawyn, Tregamere, St Columb, Newquay TR9 6DN.

- 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 & Mrs Charles Shazell against the decision of Cornwall Council.
 - The application Ref PA16/02917, dated 30 March 2016, was refused by notice dated 25 May 2016.
 - The development proposed is replacement dwellinghouse.
-

Decision

1. The appeal is allowed and planning permission is granted for a replacement dwellinghouse at Pollawyn, Tregamere, St Columb, Newquay TR9 6DN in accordance with the terms of the application, Ref PA16/02917, dated 30 March 2016, subject to the conditions set out in the Schedule at the end of this Decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is situated in the corner of a paddock which is used for keeping horses. It contains a single storey residential unit and a metal storage shed which are not easily seen from the road due to a bank of mature trees which run along the northern boundary of the site. Although the site is situated on the edge of a small hamlet, the immediate surroundings are distinctly rural in character, being dominated by trees, hedgerows and agricultural fields.
 4. The proposed new dwelling would be two stories in height and occupy a larger footprint than the existing residential unit. It would also be positioned further from the site boundary, occupying part of the footprint of the existing shed. Consequently, it would result in a development with a notably different appearance than what exists at present.
 5. Although the new dwelling would be larger than the bungalow on the opposite side of the road, it would not be particularly large in comparison to some other properties in the vicinity. Whilst the increased scale of the new dwelling would be clearly apparent from within the confines of the site, it would be less
-

apparent from the road outside. The site is well screened by the hedgerow and mature trees which limits the extent to which the new dwelling would be visible. Whilst the existing dwelling is almost entirely obscured by vegetation when seen from the road due to its low height, the northern gable end would be partially visible through the trees. I recognise that the level of exposure would increase during times of the year when the trees are not in leaf. Nonetheless, the new dwelling would not appear particularly prominent within the street scene due to its set back from the road and the level of screening that would exist, even in winter. Therefore, whilst the new dwelling would be more visible than the existing unit, it would remain relatively inconspicuous.

6. The new dwelling, and its associated residential curtilage, would also be visible from near the entrance of the site. I note that that Viewpoint 4 of the Landscape and Visual Impact Assessment is situated to the west of the site entrance rather than immediately outside. However, even in closer proximity to the site entrance, the development would be partially screened from the road and would not substantially alter the verdant appearance of the street scene in this location, despite the increase in height and mass. I appreciate the Council's point that the new dwelling would increase the quantum of built development in the countryside. However, I have found that there would be little discernible effect on the character and appearance of the countryside in this location. In reaching this decision, I am mindful the site is already partly developed, the residential use of the site is already established and that the new dwelling would not be out of scale with others in the locality.
7. The Council refer to a recent Appeal Decision¹ at Cubert for a dwelling in the countryside. This was dismissed on the basis that the proposed development would have resulted in a substantially larger dwelling being constructed in comparison to that which was permitted by an extant planning permission. However, in that particular case it was determined that the proposed dwelling would be visually exposed and would undermine the open characteristics of the surroundings. In the current appeal, I have found that the development would maintain the character and appearance of the area. The Council also refer to an Appeal Decision² at Callington. Although I do not have the full details of that particular case, it is apparent that the Inspector considered that the development would have caused visual harm. Concerns were also expressed about the accessibility of the site, which did not form part of the reasons for refusal in the current appeal. Consequently, that case is not directly comparable with current proposal.
8. The appellant has submitted a signed unilateral undertaking which seeks to ensure that there would only be one dwelling on the site in the event of planning permission being granted. I consider that this would be necessary to make the development acceptable in planning terms, would be directly related to the development and would be fairly related in scale and kind. It therefore meets the three tests in Regulation 122(2) of Part II of The Community Infrastructure Levy Regulations and Paragraph 204 of the National Planning Policy Framework (the Framework).
9. I therefore conclude that the proposed development would have an acceptable impact on the character and appearance of the area. There would be no conflict with Policies 3 and 6 of the Restormel Local Plan 2001 which both seek

¹ Appeal Ref: APP/D0840/W/16/3151877

² Appeal Ref: APP/D0840/W/15/3006789

to protect the appearance of the countryside. There would also be no conflict with the overarching objectives of the Framework to promote local distinctiveness and the intrinsic beauty of the countryside. Both parties refer to the emerging Cornwall Local Plan. Although this has reached an advanced stage of preparation and therefore carries some weight, the policies referred to in the appeal documentation do not affect my decision in this appeal.

10. In the interests of clarity I have imposed standard conditions requiring the development to be carried out in accordance with the plans and within a time limit. In the interests of highway safety, there is also a condition requiring the implementation of parking and turning areas. To protect the character and appearance of the area there is also a condition requiring retention of the hedge along the northern boundary of the site.
11. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

CD Cresswell

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 220, Drawing 01, Drawing No 11 Rev C, Drawing No 12 Rev C.
3. Before any of the development hereby permitted is brought into use, parking and turning areas shall be laid out and constructed in accordance with approved drawing no.11 rev C and the said areas shall not thereafter be obstructed or used for any other purpose.
4. From the date of the commencement of the development hereby permitted the existing hedge/wall forming the northern boundary on approved drawing no.11 Rev C shall be retained and shall not be removed without the agreement in writing of the Local Planning Authority.