

Appeal Decision

Site visit made on 25 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: 08 November 2016

Appeal Ref: APP/D0840/W/16/3154811

Land on B3276, Padstow, Cornwall PL28 8JT.

- 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 Anton Gratix against the decision of Cornwall Council.
 - The application Ref PA16/01262, dated 8 February 2016, was refused by notice dated 31 May 2016.
 - The development proposed is described as "change of use from filling station site to residential".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - whether the site provides a suitable location for the proposed housing having particular regard to its accessibility to local services.

Reasons

Character and appearance

5. This part of the B3276 features mature hedgerows on either side of the road, with open fields behind. Although there is some dispersed development in the vicinity, including a group of properties to the immediate north of the appeal site, the landscape is distinctly agricultural in nature, with fields and hedgerows dominating the surroundings. Since the appeal site is an open area of land which is separated from the road behind a hedgerow, it is consistent with the rural character of the street scene in this particular location.
 3. The proposed two-storey dwellings would be clearly visible above the hedgerow when seen from the road. In order to create a vehicular access, a section of the hedgerow would also need to be removed, further increasing the visual exposure of the development. Whilst the new dwellings would be positioned close to existing housing to the north, the proposal would have the effect of extending built development further into the open countryside. As such, it would cause incremental harm to the open and rural characteristics of the countryside in this location. In reaching this decision, I am mindful that the development would also be visible from a public footpath and would be in close proximity to a designated Area of Outstanding Natural Beauty.
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4. I therefore conclude on this matter that the proposed development would harm the character and appearance of the area. It would conflict with Policy ENV1 of the North Cornwall Local Plan 1999 which aims to protect the character of the countryside. There would also be conflict with the overarching objectives of the National Planning Policy Framework (the Framework) to protect local distinctiveness and landscape character. This includes paragraph 17, which amongst other things, indicates that the intrinsic character and beauty of the countryside should be recognised.

Location

5. I understand that local services are concentrated in the village of St Merryn which is approximately 1km from the appeal site. During the site visit, I noted that the road between the appeal site and the village is relatively busy with traffic travelling at speed. Given that there is no pavement along the majority of its length, it would not be a particularly safe or attractive route for future occupiers of the proposed housing to access the village by foot. There is also limited street lighting which would further reduce the attractiveness of the route for walking or cycling during hours of darkness. No evidence has been submitted to indicate that the site is well served by public transport.
6. It is therefore most likely that future occupiers of the proposed housing would be heavily reliant on private vehicle use in order to meet their day-to-day needs for shopping and other essential services. Whilst there is some existing housing nearby, I have not been informed of the circumstances in which this gained permission or what planning policies were in force at the time they were constructed. I appreciate that reliance on private vehicles may be necessary in some rural locations such as this, particularly to access higher order services. Nonetheless, an additional dwelling in this area would only exacerbate the level of reliance.
7. I therefore conclude on this issue that the site would not provide a suitable location for the proposed housing. The proposed development would conflict with paragraph 17 of the Framework and the core principle to make the fullest possible use of public transport, walking and cycling.

Other matters

8. The appellant argues that work commenced on the construction of a filling station on the site in the 1930s and the development could be legally resumed even though it has been abandoned for many years. I understand that an application for a lawful development certificate was previously refused in 2005, although additional evidence of former activity on the site has come to light since that time. I have no reason to doubt the credibility of the material put forward by the appellant in support of this appeal and I saw on my visit that there appeared to be foundations on the site. However, in the absence of a lawful development certificate (which can be sought under Section 191 of the Town and Country Planning Act 1990) or any other evidence to indicate that building works are likely to recommence, I am unable to give much weight to the argument that the site would necessarily be developed for a filling station in the event of this appeal being dismissed. As such, this matter has little bearing on my decision in this appeal.

9. Whilst I recognise that the provision of two additional homes would benefit the local housing stock, this does not outweigh the harm that I have identified with regard to the main issues above.

Conclusion

10. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

CD Cresswell

INSPECTOR