
Appeal Decision

Site visit made on 25 October 2016

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 09 November 2016

Appeal Ref: APP/D0840/W/16/3155101

Whitehall, Chynoweth Lane, Higher Downs, St Hilary TR20 9DT.

- 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 & Mrs Harry Douglas against the decision of Cornwall Council.
 - The application Ref PA16/02180, dated 6 March 2016, was refused by notice dated 12 May 2016.
 - The development proposed is one residential dwelling on previously developed land.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved. I have determined the appeal on this basis.

Main Issues

3. 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

4. The appeal site is an open area of land adjacent to Whitehall, a relatively substantial detached dwelling. With the exception of Kestel Cottages, which are situated on the opposite side of the road, the immediate surroundings are largely free of development. Indeed, the street scene within this part of Chynoweth Lane is mostly dominated by mature trees and hedgerows, behind which there are open fields. As such, the area maintains a particularly open and verdant appearance consistent with a rural setting.
 5. St Hilary and the wider surroundings are characterised by small groups of low density development interspersed by agricultural land. Much of this is to the south of the B3280, away from the appeal site. However, the site is close to a primary school and there is also a small cluster of properties in the area where Chynoweth Lane intersects the B3280 and School Lane.
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6. Yet despite the proximity of the school, the more developed parts of St Hilary are visually separated from Whitehall, Kestel Cottages and the appeal site. Together with the footpath to the immediate south, there is also a school playing field separating the appeal site from the school buildings on this side of Chynoweth Lane. This amounts to a relatively substantial break in built development along the road frontage. Furthermore, the playing field and school buildings are situated behind a hedgerow and bank of mature trees, thereby maintaining the rural appearance of the street scene in this location. The opposite side of Chynoweth Lane is entirely undeveloped between Kestel Cottages and the junction with School Lane.
7. I recognise that this part of Chynoweth Lane can get relatively busy as a result of school traffic and local business activity. But even though the area is not always peaceful, it has more in common with the appearance of the open countryside than the more densely developed parts of St Hilary. Whilst it is suggested that the appeal site is unkempt and overgrown, it nonetheless maintains the open and verdant qualities of the lane in this location. Although the application was made in outline, any new dwelling on the site is likely to be conspicuous above the hedgerow. The effect of the proposal would therefore be to introduce additional built development into the street scene, reducing the open and relatively undeveloped characteristics of the lane. Consequently, the development would cause incremental harm to the character and appearance of the countryside in this location.
8. Whilst the emerging Cornwall Local Plan has not yet been adopted, it has reached an advanced stage of preparation and I am therefore able to give its policies a degree weight in this appeal. Draft Policy 3 allows infill development to take place in particular circumstances. Amongst other things, it is indicated that infill schemes should respect the landscape character of the locality and not physically extend the settlement. In this case, I have found that the appeal site is visually separated from the settlement and would undermine the rural character of the street scene. As such, the proposed development does not meet the terms of the draft policy in these respects even though it is previously developed land.
9. I understand that the Council has granted planning permission for new homes in the grounds of Char Em and Rose Cottage. However, based on the location plans provided, these schemes appear to be more closely integrated within existing clusters of development than the appeal site is. As such, they do not reflect the circumstances of the current proposal.
10. I therefore conclude on this issue that the proposal would have a harmful effect on the character and appearance of the area. There would be conflict with Policy H-8 of the Penwith Local Plan 2004 which restricts new housing outside specified towns and villages. There would also be conflict with the objectives of the National Planning Policy Framework (the Framework) to protect local distinctiveness and landscape character. This includes paragraph 17, which indicates that the intrinsic character and beauty of the countryside should be recognised.

Accessibility

11. Notwithstanding my conclusions regarding character and appearance, I do not consider that the proposed dwelling would be entirely isolated in the context of paragraph 55 of the Framework. There is other housing in the area and a

primary school within a short walking distance of the site. Nevertheless, as there are no local shops or services in the immediate vicinity, future occupiers of the proposed dwelling would clearly need to travel in order to meet their day-to-day needs.

12. I understand that there is a bus service linking the area to the nearest towns. Occupiers of the proposed dwelling would therefore have some opportunity to travel by public transport, although I have not been provided with a timetable to indicate the frequency of these services and whether they would provide a convenient alternative to private vehicles. That aside, paragraph 35 of the Framework it makes clear that access to public transport is only one factor in an assessment of sustainable transport. Priority should also be given to pedestrian and cycle movement.
13. The nearest services are situated in Goldsithney, which is likely to be the most convenient choice for those wishing to access a basic shop. I accept that this may be a walkable distance for some and a relatively short cycle from the appeal site. But while there is a pavement for the most of the way, it is nonetheless an unlit and relatively secluded route of approximately 1 kilometre in length. As such, it may not be perceived as a particularly safe or attractive option for lone persons, particularly during hours of darkness.
14. Based on the evidence presented, I consider it most likely that future occupiers of the proposed dwelling would rely on private vehicles to meet the majority of their day-to-day needs. I recognise that reliance on private vehicles may be a necessity 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. Overall, the proposed dwelling would not be situated in a location where pedestrian or cycling opportunities are likely to be optimised, contrary to the objectives of the Framework.
15. The appellants argue that the Council has previously approved residential development in the vicinity of the appeal site on the basis that the location was considered to be sustainable. Nevertheless, the policies of the Framework do not support this assumption and my own assessment leads me to conclude that the appeal site does not represent a particularly accessible location. As such, I do not consider that a convincing precedent has been established by the previous decisions of the Council.
16. I therefore conclude that the site would not provide a suitable location for the proposed housing. There would be conflict with paragraph 17 of the Framework and the core principle of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

Other matters

17. Paragraph 7 of the Framework recognises that there are three dimensions of sustainable development; environmental, social and economic. With this in mind, I recognise that the proposal would benefit the social dimension by providing an additional dwelling within the local community. However, the contribution of only a single dwelling would not significantly and demonstrably outweigh the harm I have identified in respect of character and appearance and accessibility. The proposed development would therefore not represent the sustainable development for which paragraph 14 of the Framework states that there should be a presumption in favour.

Conclusion

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

Colin Cresswell

INSPECTOR