
Appeal Decision

Site visit made on 8 November 2016

by Rory Cridland LLB (Hons)

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

Decision date: 15 December 2016

Appeal Ref: APP/D0840/W/16/3153618

4 Chywoone Grove, Newlyn, Cornwall TR18 5NU

- 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 B Henderson against the decision of Cornwall Council.
 - The application Ref PA16/01096, dated 3 February 2016, was refused by notice dated 30 March 2016.
 - The development proposed is for the conversion of existing curtilage building to three holiday units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the Council has adopted a new development plan for the area, the Cornwall Plan 2010 – 2030 (LP). I am required to determine this appeal in accordance with the Development Plan currently in place. I have therefore assessed the proposal against the newly adopted policies of the LP.

Main Issues

3. The main issues are:
 - (i) whether the site offers an acceptable location for the proposed development, having regard to its accessibility to local facilities; and
 - (ii) the effect of the proposal on highway safety.

Reasons

Location

4. The appeal property is situated in the garden of No 4 Chywoone Grove. It consists of a single storey 'L' shaped building which has already been subdivided into three units and is accessed via a rural lane off the B3315. It is located in the countryside, around 1.3km from the centre of Newlyn, a reasonable sized town offering a variety of services.
 5. There is clearly a general demand for holiday accommodation in Cornwall and the area around Newlyn is no exception. However, although holiday let accommodation is often located in the countryside and Cornwall offers a large
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number of rural locations, it does not follow that all holiday accommodation in the rural area is acceptable.

6. Policy 5 of the Cornwall Local Plan 2010 – 2030 supports the development of new tourism facilities through, amongst other things, the provision of new, high quality, sustainable accommodation which is of an appropriate scale to its location and is accessible by a range of transport modes. This policy accords with Paragraph 28 of the National Planning Policy Framework which supports the provision and expansion of tourist and visitor facilities in appropriate locations.
7. Although Newlyn is accessible by car, there is a lack of public transport available from the appeal site with the nearest bus stop being some distance away. Similarly, other options for more sustainable modes of transport are limited with walking and cycling requiring navigation along narrow roads with little lighting and variable visibility. This, coupled with a considerable ascent on the return journey, would discourage both walkers and cyclists and would result in visitors having to rely heavily on trips by car. While I accept that holidaymakers will wish to explore the area more widely by car in any event, the difficulties posed by the appeal site would exclude even shorter journeys being made by more sustainable modes of transport.
8. While I acknowledge that some benefits may accrue from the use of services in Newlyn, these are likely to be limited. As such, I afford them limited weight. Similarly, any benefits which would be derived from the works required for conversion would be minimal.
9. Consequently, while I acknowledge that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, I regard the location of the site with its limited transport links, limited provision for pedestrian and cyclist access and lack of transport choice for potential occupiers as insufficiently accessible. Accordingly, I find that it would be contrary to LP Policy 5.

Highway safety

10. The appeal site is accessed via a single vehicle access track off the B3315, a narrow country road which is subject to a 60mph maximum speed limit. At the junction, views of traffic approaching from the south are obscured by a large roadside hedge which screens the site from the road.
11. The Council is concerned that visibility at this junction is such that it would not provide safe and convenient access and would pose a danger to highway safety. I agree with that assessment. The junction includes a substantial hedge along the frontage of the appeal site which significantly limits visibility both from the track itself and on the approach from the B3315. This lack of visibility would result in unsafe conditions for both the users of the proposed holiday units and others road users negotiating this stretch of highway.
12. While I note that the appellant has suggested that providing visibility splays based on a road speed of 30mph would provide a suitable balance between improving visibility and retaining the hedge bank, the Council has submitted speed data which indicates speeds along this stretch are in excess of 40mph. This accords with my on-site observations where I noted that many vehicles appeared to be travelling at considerable speeds along this stretch of road. I do

not, therefore, consider the provision of visibility splays based on a lower speed would sufficiently mitigate the danger posed.

13. Consequently, I find that the proposal would fail to provide safe and convenient access and, as such, would be contrary to LP Policy 27 which requires, amongst other things, new development to provide safe and secure access to the site for all people.

Other matters

14. I note the other appeal decisions referred to by the appellant. However, although I do not have full details of those schemes, in view of the fact that they were determined under a different set of policies to the appeal before me, I do not consider that they would be likely to act as a justifiable precedent for the development proposed.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR