
Appeal Decision

Site visit made on 27 March 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/D0840/W/16/3166046

Land adjacent to Bumblebee Cottage, Trispen, Truro TR4 9BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jim Lammin against the decision of Cornwall Council.
 - The application Ref PA16/04853, dated 25 May 2016, was refused by notice dated 27 September 2016.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was made in outline with matter of access, appearance, landscaping, layout and scale (the 'reserved matters'). The associated plans are therefore illustrative.¹
3. The Council's decision notice cited only that the proposal would conflict with elements of the National Planning Policy Framework (the 'Framework'). However reference is made within the Council's officer report to policies of the then emerging Cornwall Local Plan Strategic Policies 2010-2030 which was subsequently adopted on 22 November 2016 (the 'Local Plan').
4. The main parties have had suitable opportunity to comment on the changing policy context at appeal, and I have determined the appeal in accordance with the development plan unless material considerations indicate otherwise.²

Main issues

5. Based on the information before me, and notwithstanding that the proposal is in outline, the main issues in this appeal are:
 - 1) the effect of the proposal on the character and appearance of the area,
 - 2) whether or not the proposal would provide for acceptable living conditions for its intended future occupants, and

¹ J.M. 001, J.L. 0002, and J.L. 0003.

² In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

- 3) the effect of the proposal on the safe and efficient operation of the nearby highway network.

Reasons

Character and appearance

6. The appeal site is at a reach of the village of Trispen.³ As a number of services and facilities fall close by the Council do not object in principle to residential development in this location. The appeal site shares a common boundary with the plots of the properties Bumblebee Cottage and No 1 Treeview Terrace, abuts a strip of land in separate ownership facing the adjacent carriageway which contains two garages, and abuts a field boundary where the built form of Trispen gives way to the surrounding countryside.
7. The appeal site is presently an essentially natural parcel of land amounting to approximately 171 square metres.⁴ It is dotted with trees and is largely untended and overgrown. Notwithstanding the ambiguity as to its ownership within the information before me, I understand that there is no dispute that the appeal site is used for domestic purposes.⁵
8. Properties nearby are varied in scale, design and age. Some are of a traditional rural vernacular and others of more modern appearance and of larger scale. Nevertheless there are certain commonalities in the arrangement and pattern of properties in the area. Plots tend to be broadly rectilinear with boundaries which are perpendicular to carriageways,⁶ rather than at an oblique angle as is the nature of the appeal site. The dwelling proposed would likely be set at an angle from the line of the highway to make effective use of the plot, which would be inconsistent with the prevailing pattern of properties in the area.⁷
9. Furthermore in the immediate vicinity of the appeal site the overwhelming majority of properties have a street presence, either principal elevations facing carriageways at close proximity, such as Bumblebee Cottage adjacent, or side elevations, such as Pound Cottage opposite. There is only a narrow pedestrian access to the appeal site between the fence bounding the garden of Bumblebee Cottage and one of the garages in front of the plot. A dwelling here would therefore not reflect the generally consistent relationship of dwellings to carriageways present nearby.
10. I accept that the dwelling proposed would be partially obscured from view by the boundary features of the appeal site and the garages adjacent to the highway, and acknowledge that no designations apply here related to the landscape or historic character of the area. Nevertheless a dwelling in this location would inevitably be partially visible from various vantage points, particularly along the adjacent carriageway towards the south-east.

³ Within the settlement boundary here set by the now superseded Carrick District Wide Local Plan.

⁴ As set out in paragraph 2.2 of the appellant's appeal statement.

⁵ The appellant describes the site as 'within the ownership of Bumblebee Cottage' in paragraph 2.1 of his appeal statement, and conversely that the site is not owned or used in connection with Bumblebee Cottage in final comments submitted at appeal.

⁶ As is the case of the properties Trelyn and Demelza nearby, with Omega and Corner Cottage set at a slight angle, but no so great as would likely be required to make effective use of the appeal site in this instance.

⁷ Indeed this is the indicative layout illustrated in supporting plan J.L.0003.

11. For the above reasons, and notwithstanding that the appeal is in outline, I conclude that the proposal would result in a moderate adverse effect to the character and appearance of the area by virtue of its inconsistency with the prevailing pattern of development nearby. The proposal therefore conflicts with the relevant provisions of policy 12 'Design' of the Local Plan, which, briefly stated, seek to ensure that all development responds appropriately to its surrounding context.⁸ The proposal would likewise conflict with the encouragement given in the Framework to reinforcing local distinctiveness.⁹

Living conditions

12. Whilst I note the Council's comments in respect of a dwelling in this location in pre-application advice,¹⁰ their decision notice nonetheless cites that in their view the proposal would 'lead to a cramped and sub-standard form of residential accommodation'.
13. I accept that approximately 121 square metres of outside space could be achieved, which in terms of scale alone would not be inconsistent with the prevailing size of outside space associated with various properties nearby. However it is likely that much of this space would be relatively narrow and primarily used for access around the property rather than for recreation.
14. Moreover whilst there would be some outside space available for functional purposes, owing to the narrow access to the property it appears that there would be no location in which refuse could be stored close to the carriageway for collection without obstructing access to the dwelling. This represents a somewhat awkward arrangement.
15. I further note that no off-street parking is proposed. Whilst there are various services and facilities available in Trispen, including a bus service connecting with more populous areas, it is not disputed that the occupants of the proposed dwelling would likely make use of one or more private vehicle on account of the need to travel some distance to reach a wider range of facilities.
16. In the absence of off-street parking the occupants of the dwelling proposed would likely seek to park immediately adjacent to the pedestrian access to the site access where no parking restrictions apply. However at the time of my site visit a vehicle was parked here, and it appears that there is some pressure in respect of on-street parking in Trispen generally given that many properties in the area do not benefit from off-street parking space. Consequently on occasion occupants may need to park other than adjacent to the appeal site, which would lead to some degree of inconvenience.
17. Moreover the appeal site is presently substantially enclosed and shaded not only by the natural boundary features of the site but also given the proximity of the side elevation of Bumblebee Cottage and the presence of the garages adjacent to the carriageway. This surrounding context would in my view result

⁸ An approach reiterated and expanded upon in the Cornwall Design Guide, dated 2013.

⁹ With reference to paragraph 60 of the Framework.

¹⁰ I understand that at pre-application stage the Council were of the view that 'the site is large enough to accommodate a modest property whilst leaving sufficient space for outdoor storage and private amenity space'. However I would also note that the Planning Practice Guidance Ref ID: 20-011-20140306 establishes that pre-application advice is not binding.

in an unwelcoming level of enclosure and overshadowing within the garden of the dwelling proposed, and potentially also within.

18. For the above reasons I conclude that the proposal would result in substandard living conditions for its intended future occupants. The proposal therefore conflicts with the approach in policy 12 'Design' of the Local Plan which in summary is to ensure that all development provides for appropriate living conditions for future occupants, and with the Cornwall Design Guide, dated 2013, in relation to ensuring appropriate outside space for refuse storage and collection.¹¹ The proposal would also fail to accord with the encouragement in the Framework to securing high quality design and a good standard of amenity for all existing and future occupants.

Highway network

19. The carriageway adjacent to the appeal site is a minor rural lane which in this location, and at a number of other points, is sufficient in width only to allow one vehicle to pass at a time. During my site visit, around midday, through-traffic was relatively light and vehicle speeds moderated. There is no robust evidence before me to indicate that my observations are uncharacteristic of the intensity or nature of vehicular movements here.
20. On account of the narrow width of the carriageway, on-street parking nearby the appeal site reduces the functional carriageway space available to vehicles. Many nearby properties do not benefit from off-street parking, and accordingly there is some pressure for on-street provision in the area. Whilst I accept that on-street parking is not restricted in a number of places around the village, the highway network in Trispen is characteristically narrow and close knit on account of the historic origins of the settlement. Consequently parking on-street other than adjacent to the appeal site would similarly reduce the functional space available along carriageways.
21. As drivers are likely to take a precautionary approach to driving in the area on account of the nature of the highway network in the area, I am not of the view that the additional on-street parking pressure arising from the development proposed would lead to significant cause for concern in respect of safety. However any increase in pressure for on-street parking will have some degree of detrimental effect to the efficient operation of the nearby highway network (albeit that this effect would be modest in relation to one new home).
22. Accordingly, based on the cases put to me at appeal, I cannot conclude other than that the proposal would conflict with criterion 3 of policy 13 'Development standards' of the Local Plan, which requires that an appropriate level of off-street parking is provided relative to the accessibility of the location of proposed development.

Planning balance

23. Whilst the Framework seeks to boost significantly the supply of housing and to support thriving rural communities, it establishes that the purpose of planning is to enable sustainable development, i.e. seeking economic, social and

¹¹ In particular the approach set out in Section 7.12 of the Cornwall Design Guide.

environmental gains jointly and simultaneously. In this context the proposal would, if implemented, result in a new home within the Council's administrative area and entail further social and economic benefits in supporting employment during construction and as future occupants would make use of nearby services and facilities.

24. However the benefits arising from a new home would inevitably be modest, and there is no robust evidence before me contrary to the Council's position that they are presently able to demonstrate a 5 year land supply of deliverable housing sites relative to needs. Moreover the encouragement given within the Framework to delivering housing is not at the expense of ensuring that all housing is appropriately located and designed. In this context I cannot accord more than very limited weight to the benefits of the proposal, and consequently the harm that would result from the proposal as identified in the main issues above would collectively clearly outweigh its benefits.

Other matter

25. For the avoidance of doubt I have reached a decision in this appeal independently of appeal Ref APP/P0810/A/2005133 and application Ref C1/OP30/0409/07/R which the Council have brought to my attention. The nature of the development proposed in those cases and the relevant policy context are different to the circumstances in this case, and as such direct parallels cannot be drawn.

Conclusion

26. For the above reasons, and having taking all other matters raised into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR