

Appeal Decision

Site visit made on 8 May 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/D0840/W/17/3168495

Venterdon Farm, Stoke Climsland, Callington PL17 8PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mrs J Dudderidge against the decision of Cornwall Council.
 - The application Ref PA16/06631, dated 18 July 2016, was refused by notice dated 21 October 2016.
 - The development proposed is described on the application form as the 'creation of new drive'.
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Decision

1. The appeal is dismissed.

Preliminary matters

Development plan

2. The Council's decision notice cited policy DVS1 of the North Cornwall District Local Plan adopted originally in 1999. However this policy has been superseded by the adoption of the Cornwall Local Plan Strategic Policies 2010-2030 on 22 November 2016 (the 'Local Plan').
3. Nevertheless policies of the Local Plan, then emerging, were referred to in the Council's decision notice, and all parties have had the opportunity to comment on this changing policy context at appeal. I have consequently determined the proposal in accordance with the development plan unless material considerations indicate otherwise.

Nature of development proposed

4. The description of development in the banner heading above is that used in the original application form. However this does not fully describe the proposal. Venterdon Farm itself is something of a misnomer; it is the name of a dwelling at a westerly reach of the settlement of Venterdon.
 5. Existing vehicular access to Venterdon Farm is via the unnamed class C carriageway which runs centrally through Venterdon and the nearby village of Stoke Climsland (the 'southern carriageway'). As illustrated on the plans supporting the application, the landscaped garden of the property extends to a low hedge and fence to the north. This demarcates the boundary of an adjacent field within the same ownership as Venterdon Farm.
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6. The appellant has explained that this field is used as a paddock, which cannot be described as a residential use.¹ Aside from to the south and south east, where Venterdon Farm and Stoke Climsland Methodist Church are respectively located, the surrounding landscape is a patchwork of agricultural fields.
7. There are two entrances to the paddock. One to the south enables access on foot to the garden of Venterdon Farm. The other to the north allows for vehicular access with an unnamed and unclassified single track carriageway (the 'northern carriageway'). The proposal is to create a driveway running from the northern entrance to the garden of Venterdon Farm (the land that would be put to use as such representing the appeal site).
8. The proposal is therefore only in part for the physical creation of a new driveway. It is also for the use of some land and the existing access to the northern carriageway for residential purposes. The plans before me show no amendments to the existing access to the northern carriageway, and none are described in the appellant's design and access statement.²

Interaction with previous permission

9. I must treat this proposal on its particular merits. However it is relevant to note that there is extant outline consent for a dwelling within the garden of Venterdon Farm (the '2016 permission').³ Vehicular access in that proposal is indicatively shown via the southern carriageway. The 2016 permission site sits between Venterdon Farm and the appeal site. Therefore, were the 2016 permission implemented, some land within that application site would need to be given over to a driveway in order to enable vehicular access to Venterdon Farm.⁴
10. There is no clear explanation in the information before me as to the intended relationship between the driveway proposed here and the 2016 permission. However, was the driveway proposed here to be used solely in connection with either Venterdon Farm or the dwelling permitted via the 2016 permission no material difference in the intensity of vehicular use would arise. I have therefore assessed the proposal on the basis that the vehicular movements that would result would be associated with a single dwelling.

Main issues

11. The main issues are the effects of the proposal on the safe and efficient operation of the carriageway abutting the northern boundary of the appeal site, and in relation to the character and appearance of the area.

Reasons

Highway network

¹ With reference to paragraph 2.4 of final comments submitted at appeal.

² Notwithstanding that there is reference in paragraph 5.3 of the Council's appeal statement as to whether amendment thereof is achievable with regard to land ownership constraints.

³ Application Ref PA15/06504.

⁴ The intended function of the drive as stated by the appellant in relation to this appeal.

12. There is no robust evidence before me quantifying the intensity of vehicular movements associated with the existing use of the paddock. At the time of my site visit the paddock appeared untended and to have been in that state for quite some time. There were no horses present nor associated paraphernalia. The gates at both accesses were rusted and propped against fence posts rather than set upon hinges, impeding their convenient use.
13. In this context, and as in general terms the use of a paddock is likely to generate fewer vehicular movements than a dwelling on a day-to-day basis, the intensity of vehicular use associated with the use of the paddock as such is likely to be limited. Given the rural setting of the appeal site, notwithstanding that there are certain services and facilities in nearby Stoke Climsland, residents here are highly likely to be reliant on the use of private vehicles for day-to-day needs. Accordingly the proposal would in my view entail a significant uplift in vehicular use of the northern access from the existing situation.⁵
14. The northern carriageway was lightly trafficked at the time of my site visit, which does not appear atypical given its rural character.⁶ Whilst many carriageways in rural Cornwall are enclosed and narrow, the northern carriageway is particularly so; tyre marks were visible at the base of the embankments flanking the carriageway and passing places limited.
15. The northern carriageway curves around the location of the access to the paddock, such that visibility thereof for oncoming drivers is highly restricted, particularly from the west. I acknowledge in this context, and given the presence of warning signs, that drivers are likely to moderate their speed. However there is no robust evidence before me of observed vehicle speed data to indicate what speeds may be typical.
16. There are furthermore no calculations before me showing visibility at the northern access. I observed that visibility here is extremely limited on account of the embankments and hedgerows bounding the appeal site. At the time of my site visit several vehicles passed the northern access; there was almost no visibility of these vehicles other than when they were directly in front of the access.⁷
17. There is no information before me as to whether safety incidents have previously arisen. However any such records would inevitably have been based on the existing limited use of the paddock. Although many accesses nearby have compromised visibility, these may not have been established with reference to modern standards and their presence does not justify unacceptable development in the present.
18. Policy 27 'Transport and accessibility' of the Local Plan establishes that all development should provide for safe and suitable access and should not cause a significant adverse impact on the local or strategic road network. Paragraph 32 of the National Planning Policy Framework (the 'Framework') similarly sets

⁵ At paragraph 4.12 of her appeal statement, the appellant accepts that approximately 6 to 8 daily vehicle movements would result.

⁶ Notwithstanding that vehicle movements connected with a recently consented poultry farm nearby, as referred to by the Parish Council in particular, may increase the level of traffic here to some extent.

⁷ I accept that some larger vehicles may be visible above the hedgerow.

out that severe residual cumulative impacts of development may be grounds for refusing permission on transport grounds.

19. The Government's Manual for Streets ('MfS') and Manual for Streets 2 ('MfS2') guide as to how development may be brought forward with appropriate regard for highways matters.⁸ They address in particular the calculation of stopping sight distances (SSD), being in summary the distance which drivers need to see ahead in order to stop safely from a given speed.
20. The national speed limit applies to the northern carriageway. Applying the methodology in MfS and MfS2 the Council explain that an SSD of 154 metres would be required, which is not disputed by the appellant. I accept, however, that on account of the nature of the carriageway drivers are unlikely to proceed at this speed. MfS and MfS2 should be applied with flexibility and the latter sets out that 'unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem'.
21. However the level of visibility at the northern access is so limited that it cannot reasonably be described as 'a reduction'. Drivers along the northern carriageway are likely to have barely any forward visibility to come safely to a stop when vehicles exit from the appeal site. Moreover the additional vehicular use that would result from the proposal is likely to adversely affect the free flow of traffic here by necessitating additional passing manoeuvres or backing up along a narrow and winding carriageway with limited passing places.
22. For the above reasons I conclude that the proposal, by virtue of resulting in a significant uplift of vehicular use at a clearly substandard junction, would result in an adverse effect on the safe and efficient operation of the northern carriageway. Given the absence of robust data regarding observed vehicle speeds, visibility splays and recorded safety incidents I cannot conclude that the consequences thereof would not be severe. Accordingly the proposal conflicts with the relevant provisions of policy 27 of the Local Plan and with relevant elements of the Framework.

Character and appearance

23. The proposal would result in the introduction of a man-made form in what presently an essentially natural area of land. However aside from along the boundary with the garden of Venterdon Farm and the access to the northern carriageway the appeal site is otherwise bounded by substantial hedgerows. The topography of the appeal site and its surroundings is only slightly changeable such that there are few, if any, public vantage points in the wider area from which the appeal site would be readily apparent.
24. Whilst the driveway proposed may be partially visible from the public right of way bounding the appeal site and running to the Church, the visual change resulting from the proposal would in my view be negligible given the small area of land affected, the low-lying form of the development proposed, and as appropriate materials, levels and associated landscaping could be secured via condition (were the proposal otherwise acceptable).⁹

⁸ Notwithstanding that MfS2 applies principally to 'busier streets', which cannot be said to describe the northern carriageway here, however has been referred to by the main parties.

⁹ As referred to section 5.2 of the appellant's supporting design and access statement.

25. Consequently I conclude that the proposal would not unacceptably affect the character or appearance of the area and that no conflict arises with the relevant provisions of policy 12 'Design' of the Local Plan or with relevant elements of the Framework,¹⁰ which, briefly stated, seek to ensure that all development respects and integrates appropriately with the character of its surroundings. However that the proposal would not be inappropriate in this regard is effectively neutral in the planning balance rather than weighing positively in favour of the proposal.

Other matters

26. I note that the driveway has been proposed with the intention of benefitting the occupants of Venterdon Farm.¹¹ However the existing vehicular access to the southern carriageway is significantly closer to the dwelling and I also observed that it appears to benefit from greater visibility.¹² Moreover the southern carriageway runs centrally through Venterdon and Stoke Climsland with the northern carriageway appearing to represent a more circuitous route to nearby services and facilities.

27. Furthermore practically enabling vehicular access from Venterdon Farm to the driveway proposed would require extensive remodelling of landscaped gardens and potentially interact awkwardly in the event that the 2015 permission were to be implemented. Whilst these latter points are not determinative, collectively the benefits of the driveway proposed to the occupants of Venterdon Farm appear extremely limited at best. As such neither this, nor any other matter, is of such significance so as to alter my reasoning as set out above.

Conclusion

28. For the above reasons, and having taken all other relevant matters 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

¹⁰ Including paragraphs 17, 56 and 60.

¹¹ As set out in paragraph 4.11 of appellant's appeal statement in particular.

¹² Albeit that this is based on my site visit observations, and visibility here may not comply with modern standards on account of its historic origins.