
Appeal Decision

Site visit made on 10 July 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 18th July 2017

Appeal Ref: APP/D0840/W/16/3169295

Land known as High Barbaree, South Drive, Tehidy, Cornwall TR14 0EZ

- 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 Mrs M Moor against the decision of Cornwall Council.
 - The application Ref PA15/09516, dated 9 October 2015, was refused by notice dated 13 January 2017.
 - The development proposed is for a development of three residential dwellings.
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Decision

1. The appeal is allowed and outline planning permission is granted for the proposed development of three residential dwellings with all matters reserved on land known as High Barbaree, South Drive, Tehidy, Cornwall TR14 0EZ in accordance with the terms of the application, Ref PA15/09516, dated 9 October 2015, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 0950 001; 0950 002A; 15061006/001; 15061006/002; 15061006/003 and site location plan.
 - 5) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
 - 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Construction
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Method Statement shall be adhered to throughout the construction period for the development.

- 7) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) include a timetable for its implementation; and,
 - ii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 8) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) Details of existing trees and hedgerows on the land, showing any to be retained and measures for their protection during the course of development
 - ii) Full schedule of plants including details of the mix, size, distribution and density of all trees/shrubs/hedges;
 - iii) Cultivation proposals for the maintenance and management of the soft landscaping.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be maintained in accordance with an approved scheme of maintenance.

Application for costs

2. An application for costs was made by Mrs M Moor against Cornwall Council. This application is the subject of a separate Decision.

Preliminary matter

3. The appeal proposal is expressed in outline with all matters reserved for future approval and I have considered the appeal on this basis. A sketch layout plan and schematic elevations have been submitted; I have assessed these drawings solely on the basis of their indicative nature.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located on the eastern side of South Drive beyond which to the north-west lies the historic country estate of Tehidy that now incorporates a country park. Located towards the northern end of the settlement of Tehidy, the site comprises some 0.2Ha in area and is bordered by low hedgerows lined with large, mature trees on all sides excepting the eastern boundary that contains sporadically placed trees. The surrounding area contains low density residential dwellings set within spacious plots. To the east lies open countryside. A notable feature of South Drive is the highly verdant character created by dense wooded areas interspersed by pockets of small open enclosures. Trees located along the site's western boundary fronting South Drive are the subject of a Tree Protection Order (TPO).
6. The Council and interested parties have raised concerns that the proposed site is rural in character and consists of a substantial gap on the edge of this rural hamlet which performs the function of linking the loose knit urban area along South Drive and the open countryside beyond. It is felt that developing a large gap within what is described as a dispersed settlement that is largely rural in character would have an adverse effect on the character and appearance of the area.
7. Whilst the Council has cited Policies 1 and 2 of Cornwall Local Plan (CLP) from the evidence, there does not appear to be fundamental disagreement between the parties that the site in terms of its location at least is sustainable and that the Council can demonstrate a five years' deliverable housing supply. Policy 3 of the Cornwall Local Plan (CLP) provides the strategic settlement strategy for Cornwall and identifies named towns where site allocations will be identified to meet the housing needs of the County, including through Neighbourhood Development Plans. It also sets out the circumstances in which development outside of the major towns will be considered. In recognition of the dispersed settlement character evident in Cornwall, and in particular outside the main towns, this policy specifically supports small scale organic growth of such smaller settlements through rounding off and infill and through affordable housing led "exceptions" schemes.
8. Despite the relatively sparse nature of tree and hedgerow planting along the eastern boundary, I observed that this particular open enclosure whilst having a long frontage nevertheless lies between two properties that form part of the existing settlement rather than being 'isolated' in the manner that would be contrary to the advice contained in paragraph 1.65 of the CLP. Moreover, the site has clearly definable boundaries on all four sides. In combination, these features follow the grain of development along South Drive whilst the extensive existing tree and hedgerow planting helps to contain the site and separates it from the wider landscape and countryside.
9. Given the size of this open enclosure, three dwellings would sit comfortably within it whilst the likely layout of the three dwellings would allow for an appropriate spacing between the proposed buildings and boundaries. Furthermore, they could be set back from the highway both to reflect the spacious appearance of existing dwellings as well as allowing the retention of the majority of mature trees along South Drive and along the eastern boundary and allow for further landscaping. In my view, the proposed development could be designed to reflect the low density arrangement that is typical of this

part of Tehidy. It would therefore constitute an acceptable form of infill development that would not extend development into the open countryside.

10. Consequently, I have found that the proposal would be of an appropriate scale that would not lead to any significant change to the scale and nature of the settlement. The development would therefore be consistent with CLP Policy 3 and not undermine Policies 1 or 2 and constitute sustainable development.

Other matters

11. Interested parties refer to an old policy document described as "Special Infill Limitation Area RB744" that sought at one time to inhibit infill development in the area of South Drive and the Country Park. Area specific policies and guidance of this nature would be incompatible with the Framework and the guiding principles of sustainable development. It has not been referred to by the Council and does not form part of the Development Plan for Cornwall. I have however applied the relevant development plan policies referred to by the parties and have concluded that the proposed development would not cause unacceptable harm for the reasons given above.
12. Concerns have also been made in relation to the narrow width of the highway along South Drive, which is frequently used by pedestrians and cyclists. However I am conscious of the fact that the Council has not raised highway safety as an issue in its consideration of the application and appeal. I agree that despite the single carriageway width, the proposed development would not give rise to unacceptable increase in traffic movements at this location.
13. I have also had regard to concerns that this proposal might establish a precedent for further development along South Drive. Whilst I acknowledge those fears, from what I saw, there remain limited opportunities for further development along the eastern side of South Drive but, in any event, each case has to be considered on its individual merits. My attention has been drawn to an appeal¹ for a dwellinghouse at Woodside opposite the current appeal site that was dismissed. Whilst the details of that appeal are not before me, this plot did not appear as an obvious infill plot; importantly however, the Council has now adopted a new style Local Plan that incorporates policies that are consistent with the Framework.

Conditions

14. The Council has suggested a number of conditions that have been assessed against the advice contained within the Planning Practice Guidance. In addition to the standard outline consent conditions, I have imposed a condition relating to the approved plans, acknowledging that the layout and elevational drawings are for illustrative purposes only. To protect the appearance of the appeal site and surrounding area I have required by conditions the prior approval of external materials and details of a landscaping scheme, together with its implementation.
15. To avoid congestion on the roads leading to the appeal site and to protect the living conditions of neighbours, I have imposed a condition requiring the submission and implementation of a construction management plan. To protect living conditions and prevention of flood risk from flows elsewhere I have imposed a condition requiring the submission of details of a sustainable

¹ APP/Y8015/A/07/2043801

urban drainage scheme together with its subsequent implementation and management.

Conclusion

16. Given that I have found the proposal to constitute sustainable development and having regard to all other matters raised, this appeal is allowed.

Gareth W Thomas

INSPECTOR