
Appeal Decision

Site visit made on 25 July 2017

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 18 August 2017

Appeal Ref: APP/D0840/W/17/3173880

The Piggery, Land to the west of Kelandy, Treleigh, Redruth TR16 4BE

- 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 James against the decision of Cornwall Council.
 - The application Ref PA16/06771, dated 21 July 2016, was refused by notice dated 18 October 2016.
 - The development proposed is the demolition of existing stables and hay barn and construction of three dwellings.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr & Mrs James against Cornwall Council. This application will be the subject of a separate decision.

Procedural Matters

3. The application was submitted for outline planning permission, with the original application form making it clear that approval was sought at this stage for access and layout of three dwellings. Drawings submitted with the application show some landscaping details, along with brief descriptions of materials, tenure and building heights. For the avoidance of doubt, I have determined the appeal on the basis that approval is sought at the outline stage only for access and layout, with all other matters to be reserved for future consideration.
4. The Council refused the planning application under the requirements of National Planning Policy Framework (the Framework) and policies in the emerging Cornwall Local Plan Strategic Policies (LP). In November 2016 the LP was adopted, and the main parties have referred to the LP policies considered relevant to the appeal. I am obliged to determine the appeal against the most up-to-date policy and have considered it on this basis, and am satisfied that natural justice would not be breached in this instance.

Main Issues

5. The main issues are *firstly*, whether the proposal would provide a suitable site for housing, having regard to the principles of sustainable development and the effect of the development upon the character and appearance of the area; and *secondly*, the effect of the proposal upon highway safety.

Reasons

Sustainable Development and Character and Appearance

6. The appeal site is a triangular shaped field to the north of the A3047. Set down below the level of this road the site is bound to the south and north by mature hedgerows. There is a yard to the front of the row of stables and barns that are positioned close to the northern edge of the site. Surrounding these buildings are mostly paddocks and fields that are currently used for a mix of equestrian and agricultural uses, with a few scattered dwellings amongst them. As referred to in the Council's Landscape Character Study (2008) the pastoral landscape has a small-scale rolling appearance, with dispersed farmsteads.
7. The three proposed dwellings would be located to the east of the existing access. This would be retained and would serve both the dwellings and the paddocks that would remain beyond them. There are two other existing accesses close by, but like that serving the appeal site, they have an informal character that does not erode the open rural appearance found to the north of the road. The A30 is nearby, but it does not alter the pastoral appearance of the land to the north of the A3047. This A-road forms a clear visual separation between the open mostly undeveloped fields and paddocks to its north, which contrasts with the character and appearance of the land to its south, that comprises dwellings, development plots and a variety of other buildings and uses, including a primary school.
8. In this instance the provision of three dwellings would introduce residential development into the countryside, thereby eroding the open nature of the land to the north of the road and having an unacceptable urbanising effect. I appreciate there are existing buildings on the site, but they have a distinctly agricultural / equestrian appearance, and they are very different to the provision of a small cul-de-sac of residential dwellings and their associated domestic paraphernalia.
9. The appellants have pointed out that the site is not designated. Nevertheless, the provision of housing in this particular location would intrude sporadic development beyond the built up area into the countryside. The housing would be isolated from surrounding residential development, separated from that to the south by road. There is no development bounding either side or the north of the site, so the houses would not infill a gap in a built up frontage, or round off a settlement, as referred to by LP Policy 3. Nor would the development accord with any of the special circumstances listed in LP Policy 7 or those of paragraph 55 of the Framework. As such the development would constitute unacceptable isolated residential development in the countryside.
10. Even with the retention and provision of additional landscaping, the improvements to the access and driveway would have a formal and engineered appearance. Taken as a whole the proposed development would unacceptably urbanise the site and erode the natural environment, contrary to LP Policies 1, 2 and 7 that seek amongst other things sustainable development that considers its context and protects the landscape in all cases and not just where development would be screened. Given my findings, it follows that the proposed development would cause significant harm to the character and appearance of the countryside.

11. I acknowledge the proximity of the site to Treleigh and Redruth. Within these settlements there are a variety of services, facilities and employment opportunities that would be within walking distance of future occupiers of the site. Despite this proximity such journeys would necessitate having to walk along a busy unlit road which is without a footway to the northern side. Furthermore, although speed restricted the busy nature of the road would necessitate care in crossing it. I share the concerns of the Council that most journeys would be undertaken by private vehicle. When taken together, the site would not be the safe and accessible development required by the Framework.
12. I have considered the proposal in the context of the presumption in favour of sustainable development which is a requirement of both the Framework and the LP, including LP Policy 1. In paragraph 7 of the Framework and in LP Policy 1 it is made clear that sustainable development has economic, environmental and social dimensions, none of which should be undertaken in isolation. The proposed dwellings would bring social and economic benefits through the construction and provision of additional homes, with future residents likely to use local services and facilities. I have also had regard to the offer of an off-site affordable housing contribution. However, the details of this have not been provided, and in the absence of any means of provision, the offer would not outweigh the significant environmental harm I have found. Taken as a whole, the proposal would not be the sustainable development required by the Framework or LP Policy 1.
13. Both parties have drawn my attention to a number of other schemes, including other appeal decisions, with the appellants pointing out that edge of settlement developments are a Cornish characteristic and that in this case there is local support for the proposal. I accept that the recent permissions to the south of the road near the primary school would intensify the development in this area. However, these schemes are set amongst and near to existing buildings, and neither these nor the site further to the east beyond the railway forms a direct comparison to the proposal before me. Moreover, some of the schemes cited are for much larger developments, and others have been determined under a different development plan. In any case each application and appeal must be treated on its individual merits, in accordance with the requirements of the current development plan and all other material considerations, as I have undertaken in this case.
14. Thus for the reasons given, the proposed dwellings would unacceptably harm the character and appearance of the area, and would not be the sustainable development required by the LP policies referred to above or the Framework.

Highway Safety

15. The existing access to the site would be used to serve both the proposed dwellings and to provide access to the paddocks. From my mid-morning site visit it was apparent that the road is a busy one, in part because it provides a connection to the A30. I appreciate the concerns of the Council that due to the nature of the road, vehicle speeds are likely to be higher than the 40mph restriction and that without a right-hand turning lane vehicles would have to wait in the road.
16. However, this would be the case when using the existing access, and also for the several junctions and other private accesses along the A3047 to the west of

the railway. Whilst Manual for Streets advises that junctions are critical sources of delay and where collisions tend to occur, in this case right turns from any direction would already be a frequent occurrence. Neither party has provided substantiated evidence of existing and future movements, but having regard to the current use for equestrian purposes, the provision of three homes would not significantly increase movements into and out of the site.

17. Thus the proposal would not significantly affect highway safety, and would therefore accord with LP Policy 27. This seeks amongst other things, the provision of safe and suitable access, reflecting the Framework.

Other Matters

18. The Council have referred to an emerging development plan, the Cornwall Site Allocations Development Plan Document (2017). I have considered the policies referred to, but as they have not yet been adopted, this has limited the weight that can be attached to them.
19. Finally, the appellants concern regarding the Council's handling of the application and consistency of decision making, are procedural matters. Such concerns fall to be pursued by other means separate from the planning appeal process and are not for me to consider.

Conclusion

20. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR