
Appeal Decision

Site visit made on 18 July 2017

by J Wilde C Eng MICE

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

Decision date: 24 August 2017

Appeal Ref: APP/D0840/W/17/3174688

Pen-y-Thon, Road from Junction west of Resparva to Arrallas Road, Chapel Town, Summercourt, Cornwall, TR8 5AH

- 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 Mrs Kay Wiesmath against the decision of Cornwall Council.
 - The application Ref PA16/06903, dated 25 July 2016, was refused by notice dated 22 December 2016.
 - The development proposed is described as 'construction of new dwelling following positive pre-app ref: PA15/01415/PREAPP'.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 31 July 2017.

Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Pen-y-Thon, Road from Junction west of Resparva to Arrallas Road, Chapel Town, Summercourt, Cornwall, TR8 5AH in accordance with the terms of the application, Ref PA16/06903, dated 25 July 2016, subject to the conditions contained within the attached schedule.

Main Issues

2. The main issues are whether or not the proposed development:-
 - a) Would be in accordance with the Council's development hierarchy, and
 - b) Could be considered to be sustainable development.

Reasons

Development hierarchy

3. The appeal site is a roughly triangular piece of land extending south-west from the property known as Pen-y-Thon. To the north-east there is almost continuous development through Chapel Town to the centre of Summercourt. The site is bounded by the A30 and a private road leading to Lower Resparva, which converge towards the south-west of the site. These roads therefore form a barrier, or clearly defined boundaries, that contain the site and prevent further growth.

4. In this respect the proposed development would accord with policy 3 of the Cornwall Local Plan (LP). This policy allows housing where it would round off settlements, rounding off being defined as *land that is substantially enclosed but outside the urban form of a settlement and where its edge is clearly defined by a physical feature (such as a road)*.
5. The justification for the policy goes on to make clear that the proposed development should *not extend building into the open countryside*. To my mind however, although the appeal site was once (prior to the construction of the A30) within the open countryside, its character, present use, bounded nature and orientation to Pen-y-Thon now mean that to all intents and purposes it can be considered as a garden area to that property.

Sustainability

6. The appeal site is about a ten minute walk to the crossroads in Summercourt, along a lightly trafficked road. There is a footway and street lighting nearly all of the way. Summercourt joins Chapel Town and between them the two settlements provide several garages/car sales premises, a post office and shop, a church, school, nursery, village hall and pub, as well as several businesses such as a camping/touring park and carpet and cycle enterprises. Whilst I accept that journeys would have to be undertaken by car for major shopping trips and leisure services, I consider that given the range of services that are available the appeal site cannot be considered to be isolated from local services. I also note that whilst services may be somewhat infrequent there are several bus services serving Summercourt. In terms of its location I therefore conclude that the appeal site is relatively sustainable.
7. The Planning Policy Framework (the Framework) does however make clear that there are three limbs to sustainability, these being social, economic and environmental. The proposed development would provide construction jobs in the short term and a new dwelling. I acknowledge that the Council can demonstrate a five year supply of housing land, but nonetheless the development would score positively (if only marginally) against the social and economic aspects of sustainability. I have found that the appeal site would be in a relatively sustainable location and have been given no evidence that it would generate harm in other environmental aspects, indeed I have already found that it would accord with the Council's development hierarchy. Overall therefore I find that the proposed development would be sustainable in terms of the Framework.
8. In their decision letter the Council refer to both paragraph 55 of the Framework and policy 7 of the LP. Paragraph 55 refers to isolated homes in the countryside and I have found that the proposed development would not be isolated. Policy 7 refers to homes in the open countryside and I have found that the proposed development would not be in the open countryside. There would therefore be no conflict with either paragraph 55 or policy 7.

Other matters

9. My attention has been drawn to the fact that the proposed dwelling would be about 80m from a Grade II listed milestone. However, given the distance and vegetation between the proposed dwelling and the milestone, and the small

size of the milestone, I consider that no harm would be occasioned either to the milestone or to its setting.

10. I also note the proximity of the appeal site to the A30 and the comments regarding potential noise impact. However, the appeal site is set above the road and I consider that a suitable condition (as suggested by the Council) would be sufficient to mitigate any possible noise impact.

Conditions

11. For certainty I have imposed a condition specifying the submitted plans. As mentioned above to avoid the possibility of future occupiers of the allowed dwelling being subject to excessive noise from the A30 I have imposed a condition requiring a noise assessment and subsequent mitigation measures.

Conclusion

12. In light of my above reasoning and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Wilde

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Construction work shall not take place until a noise assessment in accordance with BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) has been submitted to and approved in writing by the local planning authority. The survey shall have been undertaken by a competent person and shall include periods for daytime as 0700-2300 hours and night time as 2300-0700 hours and identify appropriate noise mitigation measures. The approved measures shall be fully implemented before any part of the development is occupied and retained thereafter.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PD424/01, PD424/02, PD424/03, PD424/04 .