



Appeal Decision

Site visit made on 20 August 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2019

Appeal Ref: APP/D0840/W/19/3229857

Havrak, Bodmin Road, Goonhavern TR4 9QF

- 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 Mr Sean Marshall against the decision of Cornwall Council.
 - The application Ref PA19/00851, dated 30 January 2019, was refused by notice dated 24 May 2019.
 - The development proposed is construction of a new single storey detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site has been the subject of three dismissed appeal decisions. Appeal Ref APP/D0840/A/12/2174967 (the 2012 appeal) related to the erection of a house and garage and was dismissed on 12 December 2012. Appeal Ref APP/D0840/W/15/3100536 (the 2015 appeal) related to the construction of a storage shed and was dismissed on 9 March 2016. Appeal Ref APP/D0840/C/16/316574 (the 2016 appeal) was dismissed on 21 August 2017 and related to the alleged stationing of residential caravan and creation of access following planning refusal, and the storage of one caravan. These decisions are material considerations to be apportioned appropriate weight.

Main Issues

3. The main issues in this appeal are:
 - Impact on the character and appearance of the surrounding area, having regard to the location of the site within open countryside; and
 - Impact on highway safety

Reasons

Character and appearance

4. The appeal site is a small roughly rectangular-shaped field, within open countryside to the southeast of the village of Goonhavern. It is located on the north side of the B3285. There is a gated vehicular access at the eastern end of the site frontage, which serves a gravelled drive within the site, which runs adjacent to the eastern site boundary. The site is grassed and undeveloped, and its boundaries are defined by mature landscaping, hedging and trees, so

- that it has an open, rural character, consistent with its countryside setting and the adjacent fields to the west.
5. There is a two storey dwelling behind the appeal site, which is unconnected to the site, and comprises one of several detached dwellings to the north and east of the site which are accessed via a shared private access drive from the B3285. Other built development within the site vicinity includes residential properties on the opposite side of the road, and holiday parks on both sides of the road.
 6. The appellant contends that the appeal site is not within open countryside but lies on the outskirts of the settlement of Goonhavern, and that the appeal proposal should be considered under Policy 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (LP), which allows for new residential development within or immediately adjoining settlements, and infill schemes in smaller villages and hamlets that fill a small gap in an otherwise continuous built frontage. This matter was specifically addressed in the determination of the 2016 appeal.
 7. The appeal site lies some distance to the southeast of Goonhavern village and is clearly separated from it by the open fields to the west and northwest of the site. Furthermore, notwithstanding the historic maps referred to by the appellant, the cluster of irregular housing development and holiday parks within the vicinity of the appeal site do not comprise a settlement within its own right, having regard to LP Policy 3.
 8. There have been no material changes to the appeal site circumstances and relevant planning policies since the 2016 appeal decision. Accordingly, I agree with the 2016 appeal Inspector that, notwithstanding the existence of sporadic development along the approach to Goonhavern, the overall character and appearance of this area remains that of open, semi-rural countryside, and that LP Policy 3 is of little relevance, since the appeal site is neither within the village nor part of an otherwise continuous built frontage.
 9. The Council's preapplication advice to the appellant dated 21 December 2018 suggests a contrary view. The Council has confirmed that this advice was based on a desktop assessment which made certain assumptions, and that it contravenes previous negative preapplication advice given in August 2017, which was based on a site visit. In any event, I am not bound by the advice given by the Council prior to the submission of the planning application and it does not alter or outweigh my conclusion on this issue.
 10. In dismissing the 2016 appeal proposal, the appeal Inspector concluded that the static caravan for residential use sited at the back of the site, between two neighbouring dwellings, resulted in visual harm, and an intensification of the domestic appearance of the existing small cluster of development, to the detriment of the semi-rural character of this part of the countryside. Also, the new vehicular access and gravel track were considered to domesticate the character and appearance of the agricultural field, creating a residential drive and access out of keeping with the appearance of more typical field gateways, and involving the removal of a section of the roadside hedge, a distinctive feature of the Cornish countryside. Accordingly, the Inspector concluded that the development resulted in significant harm to the character and appearance of the area.

11. Notwithstanding the dismissed 2016 appeal, the vehicular access and track have not been removed, and the proposed development intends to retain them. The new dwelling would be sited in front of the neighbouring dwelling to the rear of the site, and would have a larger footprint and mass than the previously proposed caravan. In addition, a detached garage would be sited at the rear. The result would be an even greater extension and impact of residential development into the countryside than that previously deemed harmful in the 2016 appeal.
12. Notwithstanding that the Framework allows for appropriate design innovation, the proposed contemporary designed building would have a roof form, elongated/cranked layout, materials, and fenestration design, that would all be in marked contrast with the traditional pitched roof and render and slate finished neighbouring dwellings. The incongruous design, including large areas of glazing on the front elevation, and also large areas of unrelieved blank wall with little visual interest, would increase the sense of visual intrusion into the countryside. Furthermore, it would be reasonable to expect that a more intensive residential use of the site would ensue with further ornamental plantings, domestic paraphernalia, garden buildings and structures. This would add to the incongruity of the residential development against the appearance of the agricultural land.
13. The appellant has designed the proposed scheme having regard to minimising the impact on the occupiers of neighbouring dwellings and incorporating sustainable design features. However, such benefits do not outweigh the material harm to the character and appearance of the area, that would arise from the design and siting of the new buildings.
14. For the above reasons, I conclude that the proposed development would result in material harm to the character and appearance of the surrounding area. This would be contrary to LP Policies 2, 3, 7, 12 and 23 which, amongst other aims, seek to ensure that development is suitably located having regard to the Council's adopted spatial pattern of development, protects the open countryside from inappropriate development, and comprises high quality design that integrates with the character of its surroundings. For similar reasons, the proposal would also be contrary to Policies of the Framework which seek to secure high quality design as set out in Chapter 12.

Highway safety

15. The appeal proposal includes the retention, without alteration, of the vehicular access, which was considered as part of the 2016 appeal scheme. I observed during my site inspection that the site lies within a 30 mph speed limit area, but that vehicles were regularly exceeding this limit. Whilst the access has good visibility to the east, visibility to the west is restricted due to mature trees and hedging along the site frontage and the curvature of the road. The Council expresses the same concern as previously, which is that the recommended minimum 43 m forward visibility cannot be achieved to the west.
16. To achieve the required visibility would require the removal of a substantial amount of frontage vegetation from both the appeal site and adjacent land to the west. Whilst this may be technically possible to achieve, it would increase the visual prominence of the domestic access and result in the new dwelling and associated domestic paraphernalia appearing even more visually prominent

from the public realm, to the detriment of the character and appearance of the area, thus exacerbating the visual harm to the countryside identified above.

17. Since there have been no material changes to the appeal site circumstances and relevant planning policies since the 2016 appeal decision, I concur with the previous Inspector's assessment of this matter, which was that whilst it may be technically possible to achieve sufficient visibility for safe access to and from the site, the adverse impact of doing so would increase the identified conflicts with LP policies which seek to protect the character and appearance of the area.
18. For the above reasons, the appeal proposal fails to demonstrate that the proposal can provide appropriate access arrangements which do not endanger highway safety, and the development would therefore contravene LP Policy 27 which requires new development to provide safe and suitable access for all people.

Other Matters

19. The appellant has cited examples of other recent residential developments within the surrounding area. However, the circumstances of these cases are not directly comparable with those of the appeal proposal and do not alter the above findings.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR