
Appeal Decision

Site visit made on 24 September 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/D0840/W/19/3231929

Land NW of Tranquil Cross, South Drive, Tehidy, Camborne 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 Mr & Mrs Caddy against the decision of Cornwall Council.
 - The application Ref PA18/09326, dated 3 October 2018, was refused by notice dated 19 December 2018.
 - The development proposed is erection of 5 detached dwellings and improvements to existing access lane.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline form, with all matters reserved other than layout and access. I have considered the appeal on this basis.
3. The Illogan Parish Neighbourhood Development Plan (NDP) was formally made by Cornwall Council on 31 May 2019, which was after the Council determined the application. It forms part of the Development Plan and attracts full weight in decision making. This document is referred to in the submissions before me and is therefore a matter that the parties are fully aware of and have had opportunity to comment on.
4. The Council used a different address for the site to the address that the appellants had entered on the application form. I have also used this address as it more accurately describes the location of the site.

Main Issues

5. The main issues are:
 - a) Whether the site would be suitably located for the proposed development, with particular regard to its effect on the character and appearance of the area, and
 - b) The effect of the proposal on highway safety, with particular regard to visibility splays.

Reasons

Suitability of the location of the site for the proposed development

6. The appeal site is located off the west side of South Drive in an area known as South Tehidy, which comprises a low-density scattering of dwellings that line lengths of South Drive in a rather sporadic manner. Dwellings are set back from the road in spacious plots amongst mature trees, meaning that built form is not often prominent to view. A spur of similar low-density development extends along the north of the site, accessed off a private road called Parklands. Beyond the site to the northwest lies the Tehidy Country Park. To the southeast is the more tightly defined and higher density settlement of Tolvaddon.
7. Policy 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 adopted 2016 (CLP) establishes that development should be focused on the Council's main settlements. Illogan is grouped with Camborne, Pool and Redruth as one of these main settlements. The Policy establishes that, amongst other things, the delivery of housing will be managed through a Site Allocations DPD or Neighbourhood Plan.
8. The emerging Cornwall Site Allocations Development Plan Document (DPD) is at an advanced stage and therefore attracts significant weight. Part 5 of this document also relates to the combined developed areas of Camborne, Pool, Illogan and Redruth. At paragraph 5.31 priority is given to focussing development on existing urban areas, minimising the use of greenfield land. No allocations are included for Illogan, and, with further reference to Policy 1 and paragraph 5.31, development is therefore limited to rounding off.
9. Policy 3 of the CLP clarifies that the rounding off of settlements relates to sites that are within or immediately adjoining that settlement, of a scale appropriate to its size and role. The Chief Planning Officer's Advice Note: Infill/Rounding Off provides further guidance on what the Council means by rounding off.
10. The proposal is for 5 dwellings. The dwellings would occupy a back-land position behind two existing dwellings in an area that has a very low level of sporadic development. Development is orientated along South Drive and Parklands in a linear form, and constitutes individually designed single dwellings. None are clustered to form a cul-de-sac or appear to be built in a single phase. I am therefore not convinced that the proposal would be of a scale that would be appropriate to the size and role of the existing settlement. Furthermore, I am not convinced that the existing development is any more than just a low-density straggle of dwellings, with reference to paragraph 1.68 of the CLP. Therefore, although the proposal would be adjacent to existing development to the east and north and would be contained by the existing belt of trees to the west I am not satisfied that it would constitute rounding off as per Policy 3 of the CLP.
11. The NDP introduces settlement boundaries, including a boundary for Tolvaddon and South Tehidy. This includes the low-density development adjacent to the site. However, although the access to the appeal site is included within the settlement boundary, the main area of the site where the 5 dwellings would be erected is outside of this area. Policy PH 1b of the NDP establishes that development proposals outside of but adjacent to settlement boundaries will be supported where the primary purposes is to provide affordable housing. The

appeal proposal is not for affordable housing and would therefore not comply with this Policy.

12. The NDP has been very recently made. It is part of the Development Plan and attracts full weight in decision making. The appellants suggest that this settlement boundary is drawn too tightly, however little justification for this position is provided. The NDP has been subject to independent examination and was made by the Council. In any case even if the settlement boundary was drawn to include the whole of the site area the proposal would still fail in the context of Policy PH 1a as it would be too large to constitute small scale infill, and would not be development on previously developed land.
13. In terms of the effect of the proposal on the character and appearance of the area, the open undeveloped area of land is easily viewed from the adjacent lane to the north, known as Parklands. Although the bungalow to the northeast of the site is prominent from here the site is primarily seen in the context of the areas of surrounding woodland, with significant mature trees. The wooded area to the west separates it from the adjacent areas of open countryside beyond and this is a common characteristic of the area where fields are interspersed with pockets of woodland. Despite the screening effect of the wooded area as one moves west along Parklands it becomes apparent that the site relates well in terms of character and appearance to the open areas of countryside to the west. The proposal would extend the depth of the built form away from the road, beyond its low-density linear form. It would not therefore accord with the existing pattern of development in the area, and would result in the loss of an area of open countryside that contributes to the sylvan character and appearance of the area.
14. My attention has been drawn to another appeal¹, which was allowed. This relates to a site close to the appeal before me and has some similarities. However, the appeal was for 3 dwellings and was considered by the Inspector to be appropriately scaled. Although this was also an outline application the site has a linear form and runs parallel with the road, in between other linear development. It would therefore be likely that any forthcoming reserved matters proposal would be for dwellings that follow the same linear pattern of development. Whereas the proposal before me is a larger scheme for 5 dwellings in a back-land position that I have found would not be of an appropriate scale. The previous proposal was considered by the Inspector to constitute an acceptable form of infill development, whereas in the case of the appeal before me I have found that the proposal would not constitute rounding off or small scale infill. Furthermore, it was determined before the NDP was made, which introduced the settlement boundary. This matter therefore carries little weight and is not sufficient to outweigh my findings on this main issue.
15. In summary, the site would not be suitably located for the proposed development and would harm the character and appearance of the area, contrary to Policies 1, 2, 3, 7, 12, 21 and 23 of the CLP, Policy 1 of the emerging DPD, Policy PH 1b of the NDP and the Framework, which together seek to ensure that development proposals are suitably located in accordance with the role and function of places, and designed to a high quality to respect local character.

¹ APP/D0840/W/16/3169295

16. The appellants have suggested that the requirements of Policy 12 of the CLP would be addressed at a later stage as appearance is a matter that is reserved. However, this Policy has been determinative as it refers to matters of context, layout and character.

Highway safety

17. The proposal would make use of the existing access onto South Drive. Manual for Streets suggests that visibility for the drivers of vehicles emerging from the access should be 43 metres, and this distance is referred to by the Council. The appellants suggest that the highway code sight stopping distance is 23 metres and that this is a measurement used by the Council when it considers safe walking routes for children to schools. This is less than the distance suggested by Manual for Streets.
18. The appellants have demonstrated how visibility could be achieved for 37 metres to the south and 22 metres to the north. Although this could be considered favourably in the context of the highway code distance, it relies on keeping an area of third party land clear of obstruction. The access is currently used by the property to the north. The appellants suggest that it would be in the interests of this third party to maintain visibility. Whilst this may be the case it could not be guaranteed, and I note that the verdant edges to the highway could quickly become overgrown. Such visibility splays could not be secured by way of condition as they could only be achieved over land that is outside the control of the appellants, and I am therefore not satisfied that they are achievable.
19. Forward visibility for drivers using South Drive is good in both directions. The appellants suggest that drivers emerging from the access onto South Drive would proceed cautiously by gradually creeping out onto the highway to increase their visibility. Such emerging vehicles would be visible to passing drivers who could adjust their driving accordingly by slowing down to allow the vehicle to emerge, or by moving out to give room to the emerging vehicle when passing.
20. The appellants have demonstrated that such an approach has been accepted in the context of other appeals. Some of these have related to roads busier than South Drive with higher vehicle speeds. Whilst I take into account that this approach is occasionally accepted, based on my visit to the site I am not convinced that it would be acceptable in the context of the proposal before me. South Drive has the appearance of a rural lane, which is primarily lined with mature trees and hedges. As one drives along South Drive emerging vehicles would not be expected, as there is little development presence fronting the road, and many existing accesses are not obvious. Many users of the road would be travelling to the Country Park to the north and could well be occasional visitors or tourists who are not familiar with the route. Furthermore, the road is not overly wide. As such a driver may be directed into the path of oncoming traffic to avoid colliding with a vehicle emerging from the access.
21. I note that the Inspector who determined the appeal² that I have previously referred to did not raise concerns regarding highway safety. This scheme was however approved in outline form and access was a reserved matter. Furthermore, the site area extended to the highway edge for a considerable

² APP/D0840/W/16/3169295

length, which would mean that it should be possible to achieve adequate visibility splays.

22. Taking into account the difficulty securing visibility splays over third party land and the characteristics of the road I am of the view that a safe and suitable access would not be provided. The presence of existing accesses nearby with poor visibility, the lack of collisions in the area and the low volume of traffic are not sufficient to justify a further substandard access.
23. In summary, the proposal would have an adverse effect on highway safety, contrary to Policy 27 of the CLP and the Framework, which together seek to ensure that development proposals achieve safe and suitable access.

Other Matters

24. In further support of the proposal the appellants refer to the positive pre-application advice they received from the Council and other planning permissions that have been issued near to the site. I do not have full details of the other permissions before me that would enable me to make a proper comparison, and I note that the pre-application advice was issued some time ago, in the context of an earlier development plan. These matters therefore carry little weight and are not sufficient to outweigh my findings on the main issues of this appeal.

Conclusion

25. For the reasons above, the appeal should be dismissed.

Andrew Tucker

INSPECTOR