



Appeal Decision

Site visit made on 29 October 2019

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2019

Appeal Ref: APP/D0840/W/19/3229720

Land north east of Tamar View Nurseries, A388 between Dirty Lane and junction south of The Cardinals Hatt, Carkeel PL12 6PH

- 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 Longmeadow Properties Ltd against the decision of Cornwall Council.
 - The application Ref PA18/09649, dated 15 October 2018, was refused by notice dated 4 December 2018.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the location of the proposal is supported by development plan policies,
 - the effect of the development on the character and appearance of the area with particular regard to the location within the Tamar Valley Area of Outstanding Natural Beauty, and
 - the effect of the development on highway safety.

Reasons

Location of the proposal

3. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030) (the Local Plan). It sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing homes and jobs based on the role and function of each place. Policy 2a establishes key targets for the delivery of new homes during the Plan period and Policy 3 establishes a hierarchy in which new development will be accommodated up to 2030.
4. Policy 3 of the Local Plan explains that outside the main towns identified, housing growth is to be delivered through the identification of sites where required through Neighbourhood Plans, rounding off of settlements and development of previously developed land within or immediately adjoining settlements, infill schemes that fill a small gap in an otherwise continuous built

- frontage and do not physically extend the settlement into the open countryside and rural exception sites.
5. In terms of the application of Policy 3, my attention has been drawn to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (the Advice Note). While informal guidance, the Advice Note provides more detailed background to the approach to be adopted in such cases and I have had regard to the advice.
 6. The site is generally an undeveloped area of land broadly to the north of the A388. It has a reasonably strong hedge and tree boundary to the road, an overgrown area behind and then more open land beyond with views to countryside. Atuba lies broadly to the east but is mainly obscured from the site by a mature tree screen. The site forms a fairly sizeable gap between Atuba and All Weathers, and beyond All Weathers there is a sporadic siting of other dwellings further along the A388 on this broadly northern side of the road.
 7. With the frontage vegetation, which is generally similar on the other side of the road opposite the site, the lack of footpaths and predominance of trees and hedging, there is a change to a more rural character after passing Atuba when traveling broadly towards the north west. Within the site, there is a greater association of the land with the open countryside than with the built form of Carkeel because of the open aspect and the screening that separates the site from Atuba. The appearance of the site, the reasonably large gap between buildings and the character change beyond Atuba, lead me to conclude that the site lies outside the settlement and should be considered as countryside for planning purposes.
 8. I fully acknowledge the large Tamar View Nurseries site on the opposite side of the road and the influence that this has on the character and appearance of the area. However, immediately opposite the site, the Nurseries are mainly screened and it has little impact on the appearance of this immediate section of the road. The vehicular access to the Nurseries and the views into this site are much more apparent further along the A388. However, the Nurseries lies broadly to the south of the A388 and the character of the land broadly to the north is of more sporadic development with visually, in my view, a predominance of undeveloped land over built form. As a consequence, the presence of the Nurseries site does not alter my conclusion that the site lies within the countryside outside the built form of Carkeel.
 9. In terms of examining the approach to housing development set out in Policy 3 of the Local Plan, the site would not infill a small gap in an otherwise continuous built frontage and does not constitute previously developed land. The draft Saltash Neighbourhood Development Plan (June 2019-2030) is at a consultation stage and therefore affords very little weight. Nevertheless, it does not identify the land for housing and the site would be outside the proposed development boundary. The site would accommodate 4 open market houses and therefore would not be a rural exception site.
 10. The scheme is advanced as a rounding off of the settlement. In this case, the site would visually extend development into open countryside beyond the clear tree screen along the boundary with Atuba. While the plans show the provision of a rear boundary that would align with the rear of All Weathers, at present the site is open and extends seamlessly into the land further to the north. The housing would not provide a symmetry or completion to the settlement

boundary along this broadly northern side of the road. As a consequence, the proposal would be seen as incremental growth beyond the established form of Carkeel and would not meet the requirements of rounding off in terms of Policy 3 of the Local Plan.

11. In the light of the above analysis, I conclude that the proposal would not meet with the development plan approach for the location of housing and, in particular, would conflict with Policies 1, 2 and 3 of the Local Plan which seek, amongst other things, to direct new housing to locations based on the role and function of places.

Character and appearance

12. The site is located within the Tamar Valley Area of Outstanding Natural Beauty (AONB). While this is not a barrier to development as a matter of principle, paragraph 172 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. Policies 3 and 23 of the Local Plan set out a similar approach for the conservation of the AONB.
13. I have had regard to the "Land of North of Tamar Nurseries Carkeel – Landscape Appraisal" and the Tamar Valley Area of Outstanding Natural Beauty Management Plan 2019-2024. In longer distance views, the proposal would merge into the landscape, with the backdrop of trees and other development, meaning that the effect would be minor or negligible.
14. In the area adjoining the site, when viewed from the A388, any changes would be more apparent. Extensive landscaping would be possible, and I note that the buildings would be set down and back into the site and constructed from natural and traditional materials. However, the present undeveloped and verdant character would be altered. It would be likely that some of the undergrowth screening would be removed and a section of the front boundary screen would be lost to provide the access. The new housing would likely to be visible within the site from the road to some extent, and together with the reasonably wide access and access drive, and the footway across part of the frontage, this would result in a more suburban appearance. As a consequence, the development would diminish the rural character of the site. While this harm would be localised, the effect would not be to conserve or enhance the landscape and scenic beauty of this part of the AONB. This is a matter to which I attach great weight.
15. Accordingly, I conclude that the scheme would harm the character and appearance of the area, detracting from the landscape and scenic beauty of the AONB and, therefore, the proposal would conflict with Policies 3 and 23 of the Local Plan and the Framework.

Highway safety

16. The highway consultation response¹ to the Local Planning Authority indicates that the A388 is part of the strategic road network, with a significant volume of traffic on the road at peak times. I have had regard to the appellant's traffic volume count and vehicle speed data. I also noted the position of the 30mph

¹ Highways Development Management East Majors – comment date 19 November 2018

and 40mph limits in relation to the site and the potential to relocate the 30mph limit further to the north west.

17. At my site visit, I noted that the road was busy and at times there was a constant flow of traffic, with a reasonable number of HGVs. While this is only a snap shot in time, I consider my observations are broadly consistent with the other highway information before me. The road in front of the site is reasonably straight but curves around the frontage of Atuba. A footway passes from the main part of Carkeel along the northern side of the A388 up to Atuba. The proposal could incorporate a footway from the new access to the western boundary with Atuba, but there would be a gap in the footway as it would not span the frontage of Atuba. This would require pedestrians to step into the road and walk along the edge of the busy carriageway when walking to and from the site. This would result in an unacceptable impact on highway safety.
18. The evidence indicates that there is a regular bus service along this part of the A388. However, to access the bus stops it would be necessary to walk along the A388 with the related safety issue I have identified above. Even if it was possible to request the bus to stop at the site using the hail and ride approach, when arriving from Saltash it would be necessary to alight the bus, stand on the carriageway edge and wait for a gap in the traffic before crossing the road. Given the highway conditions this would not be safe.
19. It is said that not every site needs to provide pedestrian access, that working from home space would be provided within the units, and that cycling would be convenient from the site. However, the Framework advises that opportunities to promote walking, cycling and public transport should be pursued in development proposals. I consider that other sites for housing are likely to be available that would provide a safe access by means of walking and public transport and, therefore, there is not a convincing reason to develop this site before others in this respect.
20. The vehicular access would be provided with an appropriate width and sight lines. While the development is likely to generate limited traffic movements, given the busy nature of the road, with at times a constant flow of traffic, for vehicles travelling north-west and wishing to turn into the site, it may be necessary to wait on the carriageway before there is a gap in the on-coming traffic. With the curve in the road adjoining Atuba, forward visibility of waiting vehicles may be restricted and this could cause a rear end collision. This presents a further highway safety objection to the proposal.
21. As a consequence of the above, I conclude that the proposal would lead to an unacceptable impact on highway safety and that this would conflict with the Framework requirement in this respect.

Other Matters

22. The site would provide a modest but worthwhile windfall addition to the local stock of housing, notwithstanding that the Council is able to demonstrate a 5 year supply of deliverable housing land. There would be economic and social benefits during construction and subsequent occupation. This would accord with the Framework approach that supports small and medium sized housing sites, which can be built-out relatively quickly. In this case the proposed rented properties may meet a need in the local housing market and the site is

available now for development. However, taking all these matters into account, as only 4 dwellings are proposed, I afford these benefits limited weight.

23. It is said that the site is somewhat neglected because its limited size and steepness makes it unattractive for other uses. I attribute this matter very limited weight as I have no substantive information as to why the wider site cannot be put to some productive agricultural use, given that it is larger than some of the surrounding fields.
24. The scheme could incorporate an extensive landscaping scheme and thus deliver related ecological benefits. However, I attribute this limited weight given the likely extent of the ecological benefits and that the site is presently undeveloped.

Conclusion

25. For the reasons given above, and taking all other matters into account, the scheme does not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. This harm could not be addressed by planning conditions and therefore I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR