The Planning Inspectorate

Appeal Decision

Site visit made on 18 December 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/D0840/W/19/3237335
Land to the south of 13 Joan Moffat Close, Liskeard PL14 4FG

- 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 N Churchill (Acquiro SW Ltd) against the decision of Cornwall Council.
- The application Ref PA18/11802, dated 13 December 2018, was refused by notice dated 9 July 2019.
- The development proposed is erection of 4 affordable dwellings (2 x 2-bed and 2 x 1-bed).

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline. Notwithstanding the description of development on the Council's decision notice, the planning application form states that all matters other than access and layout are reserved for later determination. This has subsequently been confirmed by both main parties, and I have dealt with the appeal accordingly.

3. I note that the submitted plan Ref 1977-102 PO1 is for illustrative purposes only, and I have taken this into account in my determination of the appeal.

4. A unilateral undertaking, signed and dated 18 December 2019, was submitted by the appellant on 23 December 2019 to address the affordable housing provision.

Main Issues

5. The main issues are:

   - Whether the proposed development would provide a suitable location for housing, having regard to local and national policy regarding the character and appearance of the area and the accessibility of services and facilities; and;

   - The effect of the proposal on highway safety.

Background

6. The site has been the subject of two previous dismissed appeal decisions in January 2017[1] (the 2017 appeal) and September 2018[2] (the 2018 appeal). Both decisions related to larger sites, comprising the appeal site and additional land to the west and southwest of the site. The proposed developments comprised 14 dwellings and 9 age-restricted bungalows respectively. Both main parties have drawn my attention to these decisions, which are material considerations to apportioned appropriate weight. I have taken full account of these decisions in my reasoning below.

Reasons

Whether the proposed development would provide a suitable location for housing

7. The appeal site comprises an undeveloped grassed area of land located to the south-east of the residential estate of Trevillis Park, to the south of Liskeard. It lies at the southern end of the more recently constructed development of 13 affordable houses on Joan Moffat Close (JMC). The site is surrounded by undeveloped agricultural fields to the east, west and south. The western and southern site boundaries are defined by hedging. Land levels fall away towards the eastern, more open, boundary, which is defined by low post and rail fencing.

8. The appeal proposal seeks to provide 4 affordable rented dwellings, comprising 2 x 2bed and 2 x 1bed units. Access would be from Trevillis Park, via JMC and land within the site which currently comprises 2 parking spaces for the JMC development.

9. The Council's development strategy for Liskeard is set out in Policy 3 (1) of the Cornwall Local Plan Strategic Policies 2010 – 2030 (2016) (CLP). It identifies Liskeard as one of the towns at the top level of the settlement hierarchy, where the delivery of housing will be managed through a Site Allocations DPD or a Neighbourhood Plan. The Council has confirmed that Cornwall's Site Allocations Development Plan Document (DPD) does not identify any sites for Liskeard, and that new housing sites for the town have been identified through the Liskeard 2030 Liskeard Neighbourhood Development Plan, adopted in November 2018 (LNDP).

10. The site lies outside the Liskeard Development Boundary, designated under LNDP Policy NP1, within which development will be permitted in accordance with other LNDP policies. The accompanying comment explains that the settlement boundary forms a boundary between the built-up area of the settlement and the open countryside, and is drawn to include any new housing land allocations made by the Neighbourhood Plan and any recent planning permissions, and that outside these lines new housing is not generally acceptable.

11. LNDP Policy H1 confirms that support will be given to proposals to meet the identified housing requirements of the CLP within the LNDP area through a combination of brownfield land development and well-located and designed mixed-use urban extensions, and within the designated Development Boundary of Policy NP1. The supporting comment to Policy H1 confirms that site

[1] APP/D0840/W/16/3159264
[2] APP/D0840/W/18/3198069

assessments have identified suitable sites for housing development both within and outside the town boundary where the development integrates well with existing 'nodes' of services that are well related to transport routes, and employment areas, and form the focus for a 'neighbourhood'. Furthermore, the supporting text advises that future housing delivery is capable of providing a surplus above the identified housing target of 1400 homes.

12. The Council has drawn my attention to the independent examiner's report on the LNDP. The site was initially included at the Regulation 14 stage, but later excluded, and was promoted again during the process of examination. The report findings were that there was no compelling evidence to support its inclusion, and overall the report found that the Development Boundary had been established as a result of a thorough process. The examiner was satisfied that the LNDP has the ability to meet the housing targets set out in the CLP.

13. I therefore find that the site lies within open countryside. I note that both main parties are in agreement that the proposal does not accord with any of the criteria in CLP Policy 7, under which new dwellings would be permitted in the countryside.

14. The appellant considers that the proposal accords with CLP Policy 3 (1) as it will help meet the Council's identified need for affordable housing in Liskeard, and on the basis that the supporting text to Policy 3(1) states that development at, or well related to the named towns will provide an appropriate level of affordable housing in accordance with the requirements of Policy 8. Whilst I acknowledge the affordable housing need, this does not override the aforementioned development strategy policies.

15. Furthermore, I find that CLP Policy 9 is applicable to affordable housing schemes to meet local needs on sites outside of but adjacent to the existing built up area, and where they would be well-related to the physical form of the settlement. The policy refers to built up areas of smaller towns, villages and hamlets. Notwithstanding that Liskeard is identified as one of the named towns at the top of the settlement hierarchy in CLP Policy 3 (1), the LNDP clarifies the position in respect of Liskeard, and clearly states that for the avoidance of uncertainty, Policy 9 of the CLP, which provides for 'affordable led rural housing exception sites' 'outside but adjacent to the existing built up areas of smaller towns, villages and hamlets' does not apply to Liskeard.

16. Notwithstanding the above, to support the case for allowing the appeal scheme as an exception site scheme, the appellant has drawn my attention to its position adjacent to the affordable housing development of JMC which was allowed on appeal in 2010 and subsequently granted permission by the Council to extend in 2013. However, I note that these permissions were granted under the previous development plan policies, in particular Policy HO13 of the Caradon Local Plan First Alteration 2007 (CLPFA) which related to Rural Exceptions Housing. The CLPFA has since been superseded by the CLP and the aforementioned Policy 9 is therefore the relevant policy for the determination of this appeal.

17. The Council's concerns regarding the suitability of the appeal site for the proposed development include the assertion that the proposal would result in incremental harm to the character and appearance of the countryside, introducing sporadic built development into the rural environment, and reducing the relatively undeveloped character of the rural fringe of the town.

The appellant has drawn my attention to the undesignated nature of the landscape, and contends that the proposal would be read as an extension to the built development in JMC, would have a similar design, scale, massing and layout as the adjacent development, and would not extend beyond the existing hedge line.

18. On my site inspection I observed the steeply sloping nature of the site and its elevated and open position in relation to the surrounding undeveloped countryside. Notwithstanding that the countryside in this location is undesignated, the Council has referred me to the references to the impact of urban expansion on the edge of Liskeard on the Council's identified Landscape Character Areas CA22 and CA23 of the Cornwall and Isles of Scilly Landscape Character Study. The Council also refers to the requirement of CLP Policy 23 for development to recognise and respect the landscape character of an undesignated landscape. The Council has identified a number of public vantage points from which it asserts the development would be visible.

19. I acknowledge that the application has been made in outline, with matters of scale, appearance and landscaping reserved for later determination, and that the submitted site section drawing Ref 1977-102 PO1 is for illustrative purposes only. The appellant has not provided a landscape impact assessment to satisfactorily demonstrate that the proposal would not harm landscape character and appearance. In the absence of such information, I cannot conclude that the proposal would not result in harm to the visual amenities of this part of the countryside.

20. I therefore conclude that the appeal proposal would not provide a suitable location for housing, having regard to local and national policy regarding the character and appearance of the area and the accessibility of services and facilities. As such, the development would be contrary to Policies 3, 7, 9, 12 and 23 of the CLP and Policies NP1 and H1 of the LNDP, which, amongst other things, set out the Council's development strategy for the location of new housing, including affordable housing, and seek to ensure that development occurs in the most sustainable locations, and avoids inappropriate development in the countryside and landscape harm.

Highway Safety

21. The Council's refusal reason includes concerns regarding the suitability of the road network serving the proposed development. This matter has been considered by the Inspectors determining the earlier appeals on this site. Whilst the current proposal differs from those of the previous appeals, they are material considerations, since the vehicular access to the development will be the same as that of the previous appeal schemes, through Trevillis Park and Joan Moffat Close, which itself is accessed via what was originally a parking court on the south-eastern corner of Trevillis Park, and which is too narrow for two cars to pass each other.

22. The Council's view is that given the existing levels of conflict between the vehicles and pedestrians on the local road network which would serve the development, the route is not safe in its own right, and the access to the appeal site is not conducive to any further increase in traffic. The appellant has drawn my attention to the fact that the proposal is for 4 small dwellings, JMC already accommodates 13 houses of various sizes, and the Council's highway officer has raised no objection to the previous schemes for the development of

the site with 9 and 14 units. The appellant contends that the proposal should be judged in the same manner as the previous approval for 3 additional dwellings in JMC, given the minor nature of the scheme and the limited increase in traffic movements. The appellant also refers to the supporting transport statement that accompanied the current appeal planning application, which concluded that the proposal would have an immaterial impact on the local highway network, particularly given proposed highway improvements.

23. In considering whether an additional 4 houses on JMC could be accommodated without impacting on highway safety, due regard must be had to the site planning history. This has been referenced by the 2017 and 2018 appeal Inspectors, noting that the original JMC development of 10 dwellings, which was granted on appeal in 2010[3], identified highways impacts, which were addressed by the provision of additional visitor parking to allow for the likelihood of displacement of parking from the garage court area at the entrance to the site. The JMC development has since been extended to 13 dwellings and it is within that context that the 2017 and 2018 appeal decisions were determined.

24. The on-going traffic issues on this residential estate, which has a degree of on-street parking which appears not to have been envisaged in the original estate design, have been well-documented through the previous appeal decisions and the third party representations in respect of the current and previous development proposals. In essence, as a result of the narrow and steep roads and poor junction visibility, together with the amount of on-street parking which narrows the roads to single width, car drivers are having to give way and back up in instances of poor visibility, giving rise to conflicts and highway danger to other car drivers, cyclists and pedestrians, including children.

25. Whilst I did not witness any such specific incidents during my site inspection, which occurred mid-morning on a weekday, I recognise that this is not likely to be one of the busiest periods for traffic generation, noting that on-street parking is likely to be greater outside the working day, traffic movements heavier at the start and end of the working day, and the presence of children on the streets is more likely after the end of the school day. However, I have not been presented with any evidence from the appellant to demonstrate that the previously documented concerns have been overcome, and the third party representations in respect of the current appeal suggest that they still exist.

26. The appellant's Transport Statement cannot be relied upon to demonstrate that the proposal would not lead to increased conflict between vehicle drivers and pedestrians and cyclists on the access route to the site, since it relates to an entirely different development proposal for 9 age-restricted bungalows, which included proposed off-site highway improvements. Whilst the current scheme reduces the number of dwellings, the lack of age restriction means that each dwelling could potentially generate a higher level of car usage. In addition, no off-site highway improvements are proposed to mitigate against the aforementioned existing issues in respect of the road network which provides access to the site.

27. Accordingly, notwithstanding the consistent lack of objection from the Council's highway officer, I find that the appellant has not satisfactorily demonstrated that the appeal proposal would be conducive to a safe and efficient road

[3] APP/D0840/A/10/2121257

network and that it would not add to the aforementioned frustration and conflict for the existing residents. As such, I cannot conclude that the proposal would accord with Policy 27 of the CLP which requires developments to provide safe and suitable access to the site for all people. For similar reasons, the proposal would potentially fail to offer the requirement in paragraph 110 of the National Planning Policy Framework 2019 (the Framework) to create places that are safe, secure and attractive, and which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

28. The Framework refers to boosting significantly the supply of homes, including addressing the needs of groups with specific housing requirements. The Council has confirmed that it can demonstrate a five year supply of deliverable housing sites, and that the recently adopted LNDP has identified suitable housing sites to meet the CLP target for the town. The appellant has drawn my attention to the identified affordable housing needs for Liskeard.

29. I note that a completed unilateral undertaking, signed and dated 18 December 2019, was submitted by the appellant on 23 December 2019. This secures the provision of four affordable housing units. Notwithstanding my concerns on the harm arising from the proposal considered above, the provision of affordable housing is nonetheless a benefit acting in favour of the proposal. There would be a small social benefit in providing four additional housing units, and economic benefits as a result of the construction and occupation of the new houses.

Conclusion

30. The proposal would result in some benefits including the provision of affordable housing. However, this would not overcome the harm in respect of the inaccessibility to services and facilities, the character and appearance of the area and highway safety. The proposal would therefore not accord with the development plan when taken as a whole, and there are no material considerations which indicate a decision other than in accordance with it.

31. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR