The Planning Inspectorate

Appeal Decision

Site visit made on 16 December 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/D0840/W/19/3232560
Treza Vean, Tolponds Road, Porthleven TR13 9LZ

- 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 Elizabeth Griffith against the decision of Cornwall Council.
- The application Ref PA18/05371, dated 7 June 2018, was refused by notice dated 3 June 2019.
- The development proposed is removal of dilapidated railway carriage and erection of detached timber framed holiday cottage.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs Elizabeth Griffith against Cornwall Council. This application is the subject of a separate decision.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. Treza Vean is a bungalow and its grounds on the outskirts of the settlement of Porthleven, accessed from Tolponds Road, which bounds it to the south. To the west is the dwelling Tolponds Cottage. The appeal site is at the south eastern corner of Treza Vean's grounds. It contains a storage structure and a dilapidated railway carriage. An opening provides access on to Tolponds Road.

5. The proposal seeks to remove the store and railway carriage and replace them with a single storey dwelling to be used as a holiday let. The site entrance would be widened to allow vehicular access and onsite parking.

6. The location of Treza Vean and Tolponds Cottage north of Tolponds Road goes against the grain, with the majority of the housing here set within streets to the south. This has created a clear visual separation between Porthleven and the countryside, demarked by Tolponds Road. Whilst the countryside has no designation, it forms an attractive landscape setting to the settlement.

7. The appeal site is a detracting feature within this landscape to a certain extent, owning to its outside storage and the existing structures. However, the storage is only visible in close proximity and the modest structures have a muted appearance, shrouded for the most part by greenery, giving the site a largely innocuous and recessive presence.

8. The proposed building would be larger and taller than the existing structures. Although it would have a simple form and use natural materials, it would contain domestic openings which, along with the inevitable trappings which would come through use, would provide an identifiably residential development. Whilst the intention is to retain existing hedgerows, their future reduction to provide light and outlook seems likely. This, along with the modest widening of the access, would increase the prominence of the site. Given the circumstances, the proposal would be an incongruous incursion into the rural landscape.

9. The appellant has drawn my attention to two decisions to grant planning permission in the immediate area[1]. The site for the approved holiday let at Tolponds Cottage is set between this property and Treza Vean. As such, it is quite different to the appeal proposal. The employment scheme is sited south of Tolponds Road and is therefore different in its impact within the landscape. For these reasons, these decisions carry very limited weight in my assessment.

10. I therefore find that the proposal would have a harmful effect on the character and appearance of the area. It would conflict with Policies 1, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2017) (CLP) and the National Planning Policy Framework (the Framework) in this regard.

Other Matters

11. I have considered the letter of a third party which indicates that the railway carriage was in situ and occupied residentially between 1935 and 1955. Whilst I have no reason to doubt this evidence, the existing site is neither residential in use nor appearance. As such, any previous residential use has carried limited weight in support of the scheme.

Planning Balance and Conclusion

12. It is undisputed that the site is Previously Developed Land (PDL), the reuse of which is encouraged by the Framework and Policy 21 of the CLP. As the proposal would provide an accessibly designed tourist facility within adequate reach of services and facilities, it also attracts support from Policy 5 of the CLP. However, the Framework requires such proposals to safeguard the environment and respect the character of the countryside. As this would not be the case here, these matters attract modest weight in the scheme's favour.

13. The absence of harm to the living conditions of the occupants of neighbouring properties is a neutral factor in my assessment. The harm I have identified to the character and appearance of the area attracts significant weight in the balance. It would outweigh the scheme's benefits.

14. I therefore find that the proposal would conflict with the development plan when read as a whole and that there are no other considerations, including the Framework, that outweigh this conflict.

15. For the reasons outlined above, and taking all matters raised into account, including the original officer recommendation to approve the planning application, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

[1] Refs PA18/01070 and PA16/09536