The Planning Inspectorate

Appeal Decision

Site visit made on 2 June 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 09 June 2020

Appeal Ref: APP/D0840/W/20/3244971
Land NE of Fir Tree Cottage, Wheal Rose, Scorrier, Cornwall,
Grid Ref Easting: 171480 Grid Ref Northing: 45072

- 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 Mrs M Commons against the decision of Cornwall Council.
- The application Ref PA18/10743, dated 13 November 2018, was refused by notice dated 25 July 2019.
- The development proposed is described as outline planning permission with some matters reserved: one residential dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. There are discrepancies between the appeal site address and descriptions of development on the Council's decision notice and the original application form and appeal form submitted by the Appellant. For consistency, I have used the address and description of development from the Appellant's appeal form in the banner at the top of this decision letter.

3. Outline planning permission is sought with all matters reserved except for access. I have determined the appeal on this basis.

4. Within the appeal documentation and correspondence, the Appellant has made reference to a costs application to be submitted at a later date. However, no application for costs has been received from the Appellant. Consequently, no separate decision has been made in relation to costs.

5. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

Main Issue

6. The main issue in this appeal is the effect of the proposed development on highway safety.

Reasons

7. The appeal site comprises gently sloping land at Wheal Rose. The appeal proposal seeks to cross the land to the north of the site and provide a point of

access onto Green Lane. Green Lane is a narrow single track lane bounded by high hedges and which connects with a county highway (C0025) to the northeast of the appeal site and at a junction located adjacent to the property known as Westway.

8. The Council maintain that the appeal proposal would generate additional traffic using this section of Green Lane and that due to constraints on visibility at the junction with the C0025 highway, the proposed access would be detrimental to highway safety.

9. The junction between the northern section of Green Lane and the C0025 highway is located adjacent to and north of the property at Westway. Visibility at the junction of the lane with the highway is severely limited, by the presence of a hedge topped garden boundary wall and dwelling to the south, and by a further, albeit shorter, garden boundary wall to the northwest. The main parties agree that the emerging visibility for vehicles at this junction, is below that required by the Manual for Streets. Notwithstanding this, the Appellant has put it to me that there are a number of factors which indicate that access from Green Lane onto the junction with the C0025 highway at Westway would not be detrimental to highway safety.

10. It is advanced by the Appellant that the C0025 highway is lightly trafficked and that vehicle speeds are generally slow and, consequently, the severely restricted visibility could be improved significantly by drivers employing a "peep and creep" approach to the junction between Green Lane and the C0025 highway. Furthermore, the Appellant has put it to me that visibility at this junction is assisted by the presence of a mirror which is located opposite the junction.

11. With regards to the "peep and creep" approach advocated by the Appellant, whilst I acknowledge that this method would assist in providing improved visibility at the relevant junction, the width of the C0025 highway close to the junction is also restricted. From the observations made on my site visit, it was noted that in order to obtain sufficient visibility to the right at the junction, a vehicle would have to cross the centre of the C0025 highway when emerging from Green Lane. This resulted in traffic approaching the junction from the northwest to slow rapidly in order to allow the emerging vehicle to manoeuvre out of the junction.

12. Furthermore, it was apparent from observations made on my site visit that, by reason of the presence of the dwelling and high boundary walls at Westway and due to a slight bend in the road on the approach to the junction, vehicles travelling north along the C0025 would not see a vehicle which was emerging from Green Lane until they were very close to that junction. It is therefore likely that increased use of this junction would increase the risk of conflict between vehicles and would, in my view and given the significantly restricted visibility, be detrimental to highway safety.

13. The Appellant has referred me to a number of previous appeal decisions which it is maintained indicate that Planning Inspectors have accepted the "peep and creep" method described above. However, from the limited information available, it appears that those decisions related to locations where conditions, including but not limited to the speed limit of roads and the level of visibility available, differ from the circumstances in relation to this appeal. I have therefore considered the appeal scheme on its own merits.

14. In respect of the presence of the mirror located opposite the junction, in my experience such devices are not reliable when they get dirty or during bad weather and, consequently, it is likely that this device would not always provide assistance in terms of visibility at the junction between Green Lane and the C0025 highway.

15. Whilst I acknowledge that volumes of traffic travelling along the C0025 highway is not heavy, that vehicles speeds were generally low and that there is no accident history associated with that junction, in my view while only one dwelling is proposed this would still increase the use of the junction with the C0025 highway, which in turn would increase the highway risks associated with its use. Whilst there does not appear to have been any significant accident history associated with the use of this junction to date, there is no guarantee that this will always be so.

16. Green Lane currently provides access to a number of existing dwellings. However, the evidence before me indicates that only five dwellings are accessed from Green Lane. Therefore, the additional traffic generated from the appeal scheme would be likely to represent a significant increase in the overall use of the lane. In this regard the Appellant has also put it to me that the site could be used for camping and that this would similarly increase the level of use of the lane. However, I have no substantive evidence before me as to what level of vehicle trips from the site would result from such a use and, consequently I have attributed very limited weight to such a potential fallback position in the determination of this appeal.

17. As noted above, Green Lane is a single track narrow lane bounded by high hedges for a majority of its length. It is largely unmade and, by reason of its narrow nature, uneven surface and tightly curved bends, cars must pass along it slowly. Two cars would not be able to pass each other for a majority of the length of this section of Green Lane, and there does not appear to be any dedicated passing places within the lane. Should two vehicles meet at the junction, then it would be likely that the vehicle on the C0025 highway would have to wait and let any vehicle emerging from Green Lane to pass.

18. Given the nature and level of visibility of this junction as described above, the proposed increase use of this lane would, in my view, be detrimental to highway safety. Whilst I acknowledge that there are some points of access located within Green Lane which could potentially be used to allow for two vehicles to pass, these areas of land are not within the control of the Appellant, and it therefore cannot be guaranteed that these spaces would be available for use as passing places at all times.

19. In support of this appeal, the Appellant has referred me to a recent approval of reserved matters for the construction of a dwelling on land located west of the appeal site[1]. That permitted dwelling also proposes that access be taken from the same section of Green Lane as the appeal proposal. In this regard, the evidence before me indicates that there was an oversight in the application of a condition to be attached to reserved matters and which resulted in approval of that scheme to use a point of access onto the relevant section of Green Lane. Whilst I acknowledge that consistency is important in relation to planning decisions, in this instance I do not consider that that approval would justify

[1] Local Planning Authority Reference: PA20/00499

granting permission for the appeal scheme given the significant harmful impact in relation to highway safety as identified above.

20. For the above reasons, the proposal would conflict with Policy 27 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (2016) and would be contrary to paragraph 108 of the Framewor which seeks to ensure that development provides safe and suitable access for all. Furthermore, paragraph 109 of the Framework states that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

21. The identified harm in respect of highway safety weighs significantly against the proposal and would not be overcome by any of the potential benefits put forward by the Appellant in this appeal in respect of an additional unit towards housing supply on a windfall site.

Other Matters

22. The proposed development would be within zone of influence of the Penhale Dunes Special Area of Conservation, which is a European Protected Site. Whilst this has been noted in the Council's Officer Report, the Council did not include this matter as a reason for refusal. While an important issue, I have not found it necessary to examine this matter in greater detail as, for the reasons outlined above, it does not alter my overall conclusion in relation to this appeal.

Conclusion

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

A Spencer-Peet

INSPECTOR