
Appeal Decision

Site visit made on 30 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 21 July 2020

Appeal Ref: APP/D0840/W/20/3247525

Rickards Cottage, Lower Metherell, Callington PL17 8BJ

- 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 I Harrison against the decision of Cornwall Council.
 - The application Ref PA19/05145, dated 10 June 2019, was refused by notice dated 23 August 2019.
 - The development proposed is outline application for the renovation of the existing cottage, reconfiguration of the existing building and the erection of 3 additional dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of accuracy and consistency, I have amended the original description of development to reflect that provided within the Council's decision notice and as stated at section E of the appeal form.
3. Outline planning permission is sought with all matters reserved except for access. Whilst not formally part of the proposed development, the details submitted with the application include an illustrative layout for the scheme.

Main Issues

4. The main issues are:
 - Whether or not the proposed development would be in a suitable location for new dwellings, having regard to the character and appearance of the surrounding area; and,
 - The effect of the proposed access on highway safety.

Reasons

Location of Development

5. The appeal site comprises land and buildings at Lower Metherell. A somewhat rundown cottage which in part has been overgrown with vegetation, is located within the southern section of the appeal site, with a further derelict outbuilding being positioned northwest of and in close proximity to the aforementioned cottage. Access to the rear of the cottage and to the derelict outbuilding, is via a very narrow trackway which runs adjacent to the cottage

and which separates the appeal site from the neighbouring property at Tregarthen. The appeal site was heavily overgrown with vegetation at the time of my visit, but I was able to access the area to the rear of the cottage.

6. It is common ground between the main parties that Metherell would constitute a settlement for planning purposes. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 ('the Local Plan') seeks to control the distribution of new dwellings across Cornwall, and provides that outside the main named settlements, housing will be restricted to particular types of windfall development, including, amongst other things, infill sites and rounding off of settlements.
7. While it is agreed that the proposal would not represent infill, the Appellants have put it to me that the appeal scheme would comply with the provisions of Policy 3 of the Local Plan with regards to rounding off of the settlement. The supporting text to Policy 3 of the Local Plan, defines rounding off as being development on land that is substantially enclosed but outside of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road). It further confirms that rounding off of settlements should not visually extend building into the open countryside.
8. The main parties have drawn my attention to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (the CPOAN) which, whilst being informal guidance, provides clarity on the approach to be adopted in relation to rounding off of settlements, and as such I have had regard to this advice.
9. The appeal site is located at the periphery of the settlement, with the land to the north of the derelict outbuilding being heavily overgrown and wooded. In my view, the land to the north of the derelict outbuilding has a greater physical and visual relationship with the area of countryside which is located north of the site, and which is located east and west of that part of the site which extends beyond the outbuilding, than with the settlement itself. Whilst that area of the appeal site is on the very edge of the countryside and adjacent to the settlement boundary, it is nonetheless a component of the countryside.
10. The new dwellings which form part of the appeal proposal would be adjacent to existing built development at Rickards Cottage and its immediate neighbours. However, by reason of the substantial separation distances between the appeal site and development located north, northwest and east of the site, it cannot be said that the appeal site would be surrounded on at least two sides by built development. Furthermore, whilst it is acknowledged that the stream would act as a barrier to further growth east of the site, there are no physical barriers to further growth into the countryside north or north east of the appeal site.
11. It is acknowledged that the site would be largely screened from views. However, it would nonetheless still be visible from within the wider area and, given the rising nature of the land to the east of the site, would be likely to be visible from the path which connects Lower Metherell east of the site, to the area close to Brooklands Barn.
12. While I recognise that the proposal is in outline and that final layout and matters of design are yet to be determined, given the constraints of the site and by reason of the majority of the site's affinity with the countryside beyond the settlement, the increase in built form at the site would physically and

visually intrude into the countryside beyond the existing built form of this small settlement. The proposal would have an urbanising effect on the area with all the domestic paraphernalia associated with residential occupation and would not, in my view, provide symmetry to, or completion of, the settlement boundary.

13. For the above reasons, the appeal scheme would physically and visually extend the built form of Lower Metherrill into the countryside. Consequently, the proposal could not be considered to be rounding off within the context of Policy 3 of the Local Plan or in the context of the CPOAN. The appeal scheme would, therefore, not accord with Policy 3 of the Local Plan.
14. The proposed scheme would introduce three dwellings which would have an urbanising effect on the area, extending the built form of Metherrill out into the countryside. Consequently, the appeal scheme would erode the character of the area, and would therefore be contrary, in that regard, to Policy 23 of the Local Plan, which seeks to ensure that the local distinctiveness and character of the area is protected.
15. Furthermore, I conclude that the proposal would not accord with Policy 1 of the Local Plan which generally requires planning applications to accord with the policies in the Local Plan, and would conflict with Policy 2 of the Local Plan which concerns the overall spatial strategy for development within Cornwall, as there is nothing before me that suggests Metherrill has a role to play in providing additional general housing for the wider area.
16. In support of the appeal, the Appellants have referred to two appeal decisions¹ and a recent development² which was approved by the Council. From the very limited amount of information before me, it appears that the appeal site does not share the same characteristics in terms of its physical and visual relationship with the adjoining settlement, than those sites referred to within the cited decision and appeals. I have therefore determined this appeal on its own merits with regards to the location of the development and its impact on the character and appearance of the surrounding area.

Highway Safety

17. Policy 13 of the Local Plan seeks to ensure that proposals provide appropriate levels of off-street parking, taking into account the accessibility of the location in terms of public transport and proximity to facilities and services. The policy does not seek to set prescribed maximum or minimum levels of parking for individual housing units.
18. As noted above, the scheme is in outline with layout and design being decided at a later stage. Consequently, it cannot be said that it will be known how many residents are likely to occupy the proposed units and therefore how many parking spaces may be required. The appeal site is located within close proximity to some services and facilities including access to public transport. Given the position with regards to the outline application and based on the limited amount of information before me, I cannot conclude that the proposal would necessarily conflict with Policy 13 of the Local Plan with regards to parking provision.

¹ Appeal References: APP/D0840/W/18/3194168 & APP/D0840/W/19/3242301

² Local Planning Authority Reference: PA18/09367

19. Notwithstanding the above, the Council have also put it to me that the access arrangement, which is not a reserved matter, would be detrimental to the safety of pedestrians and to highway safety. In this respect, the Council maintain that the trackway which would provide access to the proposed units to be situated to the rear of Rickards Cottage, by reason of its narrow nature and visibility splays, would increase the risk of conflict between vehicles and between vehicles and pedestrians.
20. The highway adjacent to the appeal site is a narrow carriageway which in this location is sufficient in width only to allow one vehicle to pass at a time. During my site visit, traffic was relatively light and vehicle speeds were relatively slow due to the narrow nature of the highway and by reason of the parked vehicles which occupied spaces which are located in close proximity to the Carpenters Arms.
21. In terms of visibility, by reason of the restricted nature of the trackway and due to the presence of an outbuilding west of the proposed point of access and a boundary wall to the front of Rickards Cottage, I find that visibility in both directions for vehicles emerging from the trackway would be below that which is acceptable.
22. The trackway would not provide sufficient space for vehicles to pass each other and, consequently, vehicles entering into the site may have to stop suddenly or reverse out onto the highway in order to allow vehicles emerging from the site to pass. By reason of the increased use of the narrow trackway in relation to the appeal scheme, it is likely that there would be an increased risk of conflict between vehicles using the trackway. Furthermore, due to the restricted visibility, vehicles entering the access trackway from the highway may come into conflict with pedestrians emerging from the site.
23. It has been put to me by the Appellants that the existing amenity space to the front of Rickards Cottage would be reconfigured to provide a wider point of access onto the highway and that this would allow for better visibility in both directions when emerging from the site. Furthermore, the Appellants maintain that such an arrangement would also provide sufficient space to allow for vehicles to safely manoeuvre into and out of the site without increasing the risk of conflict between vehicles and between vehicles and pedestrians.
24. However, in this regard I have only been provided with a sketch plan which, as noted above, is for illustrative and indicative purposes only. The illustrative plan indicates the area to the front of Rickards Cottage that could be used for widening the entrance to the site and trackway to the rear of the cottage, but provides no details of measurements such as the resulting width of the proposed point of access or the resulting width of the trackway as it would pass adjacent to the cottage. I cannot therefore be certain that the proposed reconfiguration of the front amenity area at Rickards Cottage would provide sufficient space for vehicles and pedestrians to pass each other safely, or that the appeal scheme could provide the necessary visibility splays.
25. In light of the above, whilst I conclude that the proposal may not necessarily conflict with Policy 13 of the Local Plan, for the above reasons and in the absence of accurate details regarding the proposed form and scale of the proposed entrance to the appeal site from the highway, the appeal scheme would have a harmful impact with regards to highway safety and, furthermore, would be detrimental to pedestrian safety. Accordingly, the appeal scheme

would conflict with Policy 27 of the Local Plan which requires that development provides safe and suitable access for all.

Other Matters

26. The proposed scheme would provide social benefits in terms of the contribution of additional dwellings, including the renovated cottage, towards housing supply in a location which has access to some services and facilities. Furthermore, the scheme would provide economic benefits in terms of employment opportunities during the construction phase and through future spend of occupants within local businesses. However, these benefits are modest in scope by reason of the scale of the proposal. Consequently, I attach only limited weight to these benefits in the determination of this appeal. Such matters either individually or in combination do not outweigh the identified harm and the associated development plan conflict, as described above, which weigh significantly against the appeal scheme.

Conclusion

27. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR