



Appeal Decision

Site visit made on 8 June 2021

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2021

Appeal Ref: APP/D0840/W/21/3270019

Tamarisk, 23 Penmare Terrace, Hayle TR27 4PH

- 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 B Wright against the decision of Cornwall Council.
 - The application Ref PA20/08644, dated 6 October 2020, was refused by notice dated 9 February 2021.
 - The development proposed is described as “change of use application from a Residential Dwelling (C3) to a House in Multiple Occupation for Supported Housing Accommodation. And minor alterations to the garage, including removal of doors into windows to match those on the existing house”.
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Decision

1. The appeal is allowed and planning permission is granted for a development described as “change of use application from a Residential Dwelling (C3) to a House in Multiple Occupation for Supported Housing Accommodation. And minor alterations to the garage, including removal of doors into windows to match those on the existing house” at Tamarisk, 23 Penmare Terrace, Hayle TR27 4PH in accordance with the terms of the application, Ref PA20/08644, dated 6 October 2020, subject to the conditions set out in the Schedule at the end of this Decision.

Application for costs

2. An application for costs was made by Mrs B Wright against Cornwall Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers having particular regard to noise, disturbance and the potential for anti-social behaviour.

Reasons

4. Tamarisk is a detached property which is situated close to a Lidl supermarket on the main approach road into Hayle town centre from the A30. It occupies a relatively prominent location on a double roundabout where it can be seen from a number of vantage points when entering the town. Despite the presence of the nearby supermarket, this is a distinctly residential area and there are private dwellings which adjoin Tamarisk to the north and west, as well as housing on the other side of Penmare terrace to the south.

5. According to the plans, Tamarisk currently contains 8 bedrooms with further bedspace being provided in an outbuilding. There is no dispute between the parties that the property would be able to accommodate up to 6 residents as a House of Multiple Occupation (HMO) without the need for planning permission. While it cannot be certain that the appellant would choose to pursue this option in the event of the current appeal being dismissed, I understand that their business successfully runs other supported housing sites on this basis.
6. However, even if the appellant did not exercise the option to operate the property as a HMO, it would still remain open to others to take this course of action. Indeed, given the physical layout of Tamarisk, with multiple en-suite bedrooms and shared facilities, it appears to be well suited to accommodating such a use. Although the property has been run as a Bed and Breakfast in the past, this would require planning permission and I am not aware of any current proposals to use the building for this purpose.
7. Taking the above matters into account, it seems likely that the property would become a HMO in if the current appeal were to be dismissed. In this event it could be used to accommodate up to 6 residents. This fallback position is a material consideration to which I attach substantial weight.
8. The proposed supported housing accommodation would house up to 8 people. Hence, there would be an increase of 2 residents over the potential 6 residents that could be accommodated if the property were to be used as a HMO. While the increase would inevitably generate more comings and goings, I am not convinced that this would necessarily lead to harm. Tamarisk is a detached property and the neighbouring dwellings to the north and west are relatively well separated from it. Therefore, the potential for neighbouring occupiers to be disturbed by residents entering and exiting Tamarisk, opening and closing internal doors, or staying up at night is somewhat limited.
9. Considering the internal layout of the property and the number of bedrooms it contains, it seems likely that there would be a good deal of comings and goings from Tamarisk even if it were not being used for supported accommodation. However, in this particular case, it is not just the total number of residents that are of relevance, but also the nature of the people who would reside there. According to the information that I have been provided with, those living in the property may include those with drug or alcohol problems as well as people with potential to offend. Neighbouring occupiers have, understandably, expressed some concern about these matters.
10. The committee report¹ indicates that measures would be put in place to reduce the potential for anti-social behaviour on the site. As well as installing CCTV cameras, Home Group (the company which would manage the site) would retain a member of staff on the premises 24 hours a day. It seems to me that these measures would reduce the chance of excessive noise and disturbance and would enable any incidents of anti-social behaviour within the site, and its immediate surroundings, to be quickly dealt with. I am mindful that such controls would not necessarily be put in place if the property were to be operated as a HMO under less stringent management. The comments of the Council's Adult Care and Health Commission suggest that Home Group has been well vetted and are considered to have a good reputation.

¹ Cornwall Council West Sub-Area Planning Committee Report, 8 February 2021

11. Neighbouring occupiers have expressed concern that residents would engage in anti-social behaviour beyond the immediate confines of the site, where there would be no CCTV or staff presence. While this cannot be ruled out, the same could be said if the property were to be used as a general purpose HMO instead of the professionally managed accommodation being proposed. Although I am told that the local Neighbourhood Policing team were initially not in favour of the proposal, the formal response of Devon and Cornwall Police is nonetheless supportive and says that Home Group are successfully running other facilities locally. Overall, there is little to indicate that the proposal would lead to Tamarisk becoming any more of a focus for anti-social behaviour or crime than if the fallback position were implemented and it became a HMO.
12. I therefore conclude on this issue that the proposal would have an acceptable effect on the living conditions of neighbouring occupiers. There would be no conflict with Policy 12 of the Local Plan² which seeks to protect individuals from unreasonable noise and disturbance or Policy 16 which, amongst other things aims to create safe environments. Policies 1 and 2, which are also quoted in the Council's reason for refusal, are of somewhat less relevance to the main issue but the proposal would not conflict with the spatial strategy or the overarching sustainability objectives of these policies.

Other matters

13. I appreciate that Tamarisk is directly across the road from the Lidl supermarket where alcohol is on sale. However, alcohol can be purchased easily in most towns and I understand from the committee report that the aim is to integrate supported housing schemes within existing communities. The need for this type of housing in west Cornwall is not disputed and, in order to address this need in line with Local Plan objectives, it will therefore be necessary to locate supported housing schemes within existing residential areas. This is not altered by the fact that Hayle is close to beaches and holiday parks.
14. I recognise that this a sensitive development and in reaching my decision have carefully considered the concerns expressed by Hayle Town Council and local residents. Some of the points made fall under the remit of other legislation or relate to issues that fall outside the planning system. My decision is purely confined to planning matters and, from this perspective, the proposal would be acceptable for the reasons which I have outlined above.

Conclusion

15. The appeal is allowed. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. For security purposes there is also a condition requiring the installation of CCTV cameras. A further condition is imposed to help mitigate against potential flooding.

C Cresswell

INSPECTOR

(Schedule of Conditions attached)

² Cornwall Local Plan Strategic Policies 2010-2030.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20101 P02.01 Rev C, 20101 P01.01 Rev A, 20101 P01.10 Rev A, 20101 P02.00 Rev B, 20101 P04.01 Rev A.
- 3) Prior to the first occupation of the development hereby permitted, the mitigation measures set out in section 4 of the submitted Flood Risk Assessment (dated 5 October 2020) shall be fully implemented, specifically:
 - a) Flood-resistant building methods to be used where possible;
 - b) Demountable flood defences on external doors/openings; and
 - c) Operator/users of the development to sign up to the EA flood warning service.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 4) Prior to the first occupation of the development hereby permitted, a CCTV system shall be incorporated into the development in accordance with a scheme that shall first be submitted to, and approved in writing by, the local planning authority. The approved CCTV system shall be retained as such thereafter.