
Appeal Decision

Site visit made on 10 August 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/D0840/W/21/3274815

25 Church Road, Penponds TR14 0QE

- 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 M Lawson against the decision of Cornwall Council.
 - The application Ref PA20/07705, dated 8 September 2020, was refused by notice dated 17 March 2021.
 - The development proposed is erection of a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021 and the main parties were given the opportunity to submit comments. The 2021 version of the Framework is referred to in the decision.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. Outline planning permission is sought with all matters reserved except access, which would be taken from an offshoot of Church Road which has a junction with the C163 county road further to the east of the site, located between Nos 21 and 33 Church Road. At this point, the county road forms part of National Cycle Route 3 of the National Cycle Network. The access currently serves Nos 23, 25, 27, 29 Church Road and Church Farm, as well as a parking area and a garage to the rear of Nos 21 and 33 respectively. For a fairly long section of the lane running between the junction and No 21's rear parking area, it is a narrow single vehicle width with no passing places.
5. Due to a combination of the height of the boundary walls and front garden vegetation of Nos 21 and 33, as well as vehicles regularly parked on the west side of Church Road, any vehicles emerging from the access have to edge out into the main carriageway without any degree of intervisibility with highway users of Church Road. Secondly, due to the initial narrow section of the access lane, there is scope for vehicles to meet within this section, with the vehicle which has entered from Church Road having to reverse unsighted back out onto Church Road. Thirdly, and which is more likely to frequently occur than the former situation, vehicles starting to make the turn from Church Road into

the access lane subsequently catch sight of a vehicle at the far end of the narrow section which is travelling towards the junction, thereby leading to the vehicle making the turn to abruptly and awkwardly stop within Church Road. As the narrow access lane gives the visual impression from Church Road that it is a private driveway rather than an access which serves several properties, other highway users of Church Road would not reasonably anticipate such abrupt stopping.

6. The appellant has sought to make the case that the increase in one dwelling would not intensify the use of the lane in any meaningful way that it could be construed as causing harm to the local highway network. However, it is apparent that any such increase in the use of the lane would also increase the likelihood of the highway safety risks identified above occurring, particularly the latter two given it would add to the prospect of vehicles meeting each other within the narrow section, or catching sight of one another at either end.
7. In regard to approved schemes for the erection of a single dwelling at Church Farm¹ and additional living accommodation at Church Farm through the conversion of a workshop and garage², the highway authority states that it was not consulted and the decisions were made by the Local Planning Authority. The schemes were over ten years ago and it is unclear whether the parking on the west side of Church Road has since become more commonplace and extensive, or whether the highway users of Church Road, particularly cyclists, has markedly intensified. Consequently, the historic permissions have no direct bearing in assessing the appeal scheme. Similarly, as the operation of a commercial workshop on the appeal site has ceased and the building has largely been demolished, it cannot be taken to off-set the increased traffic generation of the proposed scheme.
8. Notwithstanding the 20mph limit on Church Road, the on-street parking acting as a form of traffic calming and the absence of any Personal Injury Accidents (PIA) related to the junction, these considerations do not justify the proposed intensification in the use of a substandard access and the risk to highway safety that it would pose. While the access lane may be typical of many Cornish villages, the appeal proposal has been considered on its own merits and with regard to the particular local circumstances set out above.
9. Accordingly, the proposed development would be unacceptably harmful to highway safety. As such, it would conflict with Policy 27 of the 2016 adopted Cornwall Local Plan Strategic Policies 2010-2030. This policy seeks to ensure developments provide safe and suitable access to the site and do not have a significant adverse impact on the road network. It would also conflict with paragraphs 110 and 112 of the Framework which similarly seek to ensure developments provide safe and suitable access to the site, and minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

10. Given the appeal site is located within the established built form of Penponds, it would deliver an additional dwelling in a sustainable location. There would also be economic benefits during construction and once occupied, and social benefits from an additional housing unit within the Penponds community.

¹ Council Ref: W2/PA09/00662/F

² Council Ref: PA10/06128

However, paragraph 111 of the Framework is clear that development should be refused on highway grounds if there would be an unacceptable impact on highway safety, as has been found in this case.

Conclusion

11. The proposal would conflict with the development plan as a whole and there are no material considerations, including relevant parts of the Framework, which would indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford

INSPECTOR