



Appeal Decision

Site Visit made on 20 September 2021

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

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/D0840/W/21/3273614

Land at St Petry, St Petry, Goldsithney, TR20 9LA

- 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 A Ferrell against the decision of Cornwall Council.
 - The application Ref PA21/01696, dated 16 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is for outline planning permission with all matters reserved: construction of up to two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission with all matters reserved: construction of up to two dwellings at Land at St Petry, St Petry, Goldsithney TR20 9LA in accordance with the terms of the application, Ref PA21/01696, dated 16 February 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this, I have sought the views of the main parties in writing, and I have taken any relevant correspondence into consideration.
3. Outline planning permission is sought with all matters reserved. The details submitted within the design and access statement include an indicative site layout. Whilst not formally part of the scheme, I have nevertheless treated these details as a useful guide as to how the site might be developed. I have determined the appeal on this basis.

Main Issue

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

Reasons

5. The development plan comprises the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan). Policy 1 of the Local Plan concerns the presumption in favour of sustainable development. The Council's settlement strategy is contained within Policy 2 of the Local Plan which sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall, providing jobs in a proportional manner based on the role and function of each place. Policy 12 of the Local Plan,

amongst other things, seeks to ensure that development maintains and enhances Cornwall's distinctive natural and historic character and protects the privacy of neighbouring property.

6. The emerging Perranuthnoe Parish Neighbourhood Development Plan 2020 – 2031 (the NDP) has not yet been examined and is still at an early stage in its preparation. Consequently, I have only accorded the relevant emerging policies very limited weight in the determination of this appeal.
7. The appeal site comprises an area of grassed land located within the settlement at Goldsithney. The site is surrounded by two storey, predominately semi-detached modern dwellings which form a residential estate. Planning history confirms that the appeal site formed part of a larger area of grassed land which had been subsequently subdivided with four dwellings being constructed to the east of the site. The evidence before me indicates the site is privately owned and was not formerly adopted or was subject to conditions or planning obligations that secured its use as open space.
8. The appeal site is included within the emerging NDP as a 'Local Green Space'. Although that indicates that value is placed on the use of the site, as noted above the NDP attracts very limited weight given its early stage of preparation. The Glossary at Annex 2 of the Framework provides a definition of open space as being all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as visual amenity. As noted above, the site is in private ownership and, in this regard, could be enclosed by the owner to prevent use by the public for sport and recreation. However, it has been put to me that the site provides visual amenity in accordance with the definition of open space as detailed above.
9. Whilst I acknowledge the submissions of interested parties with regards to the value placed on the site by the local community, the appeal site is surrounded and enclosed by residential development. In my view the site does not provide any visual link to the countryside which surrounds the settlement and appears as a somewhat untidy parcel of unused land within a residential area. Consequently, in combination with the above, I find that the site would not accord with the definition of open space as provided by the Framework.
10. As noted above, the appeal site could be fenced off and could be left to become overgrown, being detrimental to the character and appearance of the surrounding built form and townscape. The appeal proposal is in outline and, subject to matters such as design and scale to be determined at the reserved matters stage, could successfully integrate within the surrounding residential estate in terms of character and appearance. There are a number of benefits to the appeal scheme. The proposed development would secure the more efficient use of the appeal site and maximise the potential it offers to contribute towards housing supply, within a sustainable location with convenient access to services and facilities. All of these are benefits that are supported by other development plan policies, as well as those of the Framework.
11. For the above reasons, I conclude that the proposed development would not have a harmful effect on the character and appearance of the surrounding area. The appeal scheme would accord with paragraphs 8 and 130 of the Framework and would not conflict with Policies 1,2 and 12 of the Local Plan. I have attached only very limited weight to the NDP and, for the reasons given

above, I find no conflict with Policy CW3 of the NDP which concerns Local Green Space.

Other Matters

12. Concerns have been raised regarding the adequacy of parking provision and in respect of impact on the existing turning spaces within the residential estate. There is no detailed evidence before me to suggest that any of these concerns would result in material harm and I note that they are not issues that the Council have raised. I am satisfied, therefore, that these issues would not give rise to any significant harm. Furthermore, whilst I acknowledge the concerns of interested parties with regards to loss of trees and wildlife, additional planting and landscaping to be determined at the reserved matters stage could provide biodiversity improvements.
13. Concerns have also been raised regarding the impact of the appeal proposal on neighbouring and nearby occupiers. However, based on my observations of the site, I am satisfied that the appeal proposal would not give rise to any significant harm to the living conditions of neighbouring occupiers, subject to matters such as scale which are to be decided at the reserved matters stage. Furthermore, subject to conditions requiring the approval of a construction management plan, I am satisfied that construction traffic would not have a significant adverse effect on the living conditions of nearby residents with regards to noise and disturbance.
14. Submissions from interested parties also maintain that the appeal scheme would interfere with a right of way. However, the evidence submitted by the Council confirms that the right of way is located outside of the site and which would continue to provide access.
15. I have also had regard to the fact that the appeal site borders the Cornwall & West Devon Landscape World Heritage Site (WHS). I concur with the Council's findings in this respect, that the appeal proposal would not have any material effect on the WHS or its setting. The proposed development would not, therefore, be at variance with paragraphs 194 – 197 (inclusive) of the Framework.

Conditions

16. I have considered the planning conditions suggested by the Council in light of paragraph 56 of the Framework and the advice in the Planning Policy Guidance. Other than the standard outline conditions dealing with reserved matters and time limits, it is reasonable to require that details of a construction traffic management plan be submitted and approved prior to construction, in order to ensure the operation of the road network is protected. This is required to be a pre-commencement condition as it is fundamental to have these details agreed before any work commences.
17. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council in order to better reflect the relevant guidance. The Appellant has been provided with the opportunity to comment on the wording of the Council's suggested pre-commencement conditions and these have been agreed by the Appellant.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. An application for approval of reserved matters must be made no later than the expiration of 3 years from the date of this decision and the development hereby approved shall commence no later than 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Details of the access, appearance, landscaping, layout and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
3. No development shall take place until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the Local Planning Authority.
The approved Plan shall be adhered to throughout the construction period.
The Plan shall provide for:
 - i) construction vehicle details (number, size and type);
 - ii) vehicular routes and delivery hours;
 - iii) the parking of vehicles of site operatives and visitors;
 - iv) loading and unloading of plant and materials ;
 - v) storage of plant and materials used in constructing of the development;
 - vi) wheel washing facilities; and,
 - vii) measures to control the emission of dust and dirt during construction.