

# Appeal Decision

Site visit made on 8 November 2022

**by Matthew Jones BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 January 2023**

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**Appeal Ref: APP/D0840/W/22/3298232**

**Land West Of Mens Institute, Shute Hill, Breage TR13 9PU**

- 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 Ian Michell and Rebecca Graham of Cornish Colours Limited against the decision of Cornwall Council.
  - The application Ref PA21/03767, dated 8 April 2021, was refused by notice dated 21 January 2022.
  - The development proposed is the construction of a mixture of open market and affordable housing development, landscaping and associated Works.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The appeal is accompanied by new sectional drawings and a revised street elevation plan. As these drawings sought to clarify the scheme, specifically the proposed site levels, not change it, I took the drawings into account in my decision without prejudice to any party.
3. The Council's fourth reason for refusal refers to the absence of a legal agreement to secure necessary planning obligations. During the appeal a unilateral undertaking (the UU) was submitted which the Council considers would now address this reason for refusal. I have not therefore had further regard to the reason for refusal. but return to the matter of planning obligations later in my decision where necessary.

## Main Issues

4. The main issues are:
  - whether or not the proposal would provide safe and suitable access for all users; and,
  - the effect of the proposal on the character and appearance of the area, with reference to the setting of the Breage Conservation Area (the CA).

## Reasons

### *Safe and suitable access*

5. The site is part of a sloping field of pasture adjacent to the settlement of Breage, within the countryside. Directly to the north is the village's former Men's Institute building, now in use as a social club, and its associated parking and turning area, which are accessed from Shute Hill to the west. Between the

north flank wall of the club and the garden wall of the adjacent property Penbro Gwel runs a track which provides access to the fields to the east of the village and also to the dwelling Predannack Gwel. Shute Hill connects to the A394 main road which cuts through Breage and borders the site to the southwest.

6. Policy 27 of the Cornwall Local Plan Strategic Policies 2010–2030 (adopted 2016) (the CLP) states that developments should provide safe and suitable access to the site for all people. Paragraph 130 of the National Planning Policy Framework (the Framework) requires decisions to ensure that developments will function well and create places that are safe, inclusive and accessible. Paragraph 110 informs us that we must ensure safe and suitable access to a site can be achieved for all users and Paragraph 112 states that development should minimise the scope for conflicts between pedestrians and vehicles.
7. The scheme would increase the amount of traffic using Shute Hill and also its junction with the A394, including those seeking to turn right on to the A394. I do not share the objections regarding the prospect of such, considering the relatively small amount of additional traffic that would be generated, and given the near total absence of recorded incidents at this location. It would be in the gift of the highway authority to raise the standard of visibility at the junction by modestly cutting back vegetation in any event.
8. However, I do have concerns about the way the site would be accessed by those on foot, specifically in relation to the track aside the social club. The Transportation Advisory Note (2021) considers the access track to have excellent intervisibility. However, from my observations on site and as verified by the topographical survey, visibility is impaired somewhat by a small brow along the track. After passing the club, the access would take a hard turn right, which would also restrict one's perception of oncoming vehicles and vice versa.
9. As the access track would pass the social club it would be unsegregated with no pedestrian refuge. This is a space of only around 3.5m width enclosed by high walls. It would be used by pedestrians together with a variety of vehicles including possibly farm vehicles. Its narrowness, confinement and length would not allow it to function well for its required purpose. Instead, there would be a significant prospect of conflict between vehicles and pedestrians in my view, particularly with regard to the elderly, children perhaps walking to or from the nearby primary school, or parents with younger children and/or pushchairs.
10. For this reason, I must conclude on this issue that the proposal would not provide safe and suitable access for all users. It would conflict in this regard with the relevant aims of Policies 12 and 27 of the CLP and the Framework.

#### *Character and appearance*

11. Policy 3 of the CLP establishes a hierarchy of locations for development in Cornwall. In the first instance development is directed to the main towns. Beyond that, at smaller settlements such as Breage, the remaining need for growth is to be met in a variety of ways, including through the provision of Rural Exception Sites (RESs) adjacent to the settlements.
12. The scheme would provide ten homes, six of which would be delivered as affordable housing for which there is an evidenced local need. Indeed, the latest evidence I have points to a figure of 70 households in need with a local connection to this parish. The Council has accepted that the quantum of

affordable housing proposed is all that can viably be delivered at the site, following a viability assessment. As the affordable housing would be secured pursuant to the UU, it follows that the scheme fulfils the CLP's definition of a RES under the terms of Policy 9, which directly addresses such sites.

13. Policy 9 requires RESs to be well related to the physical form of the settlement and appropriate in scale, character and appearance. The mainstay of the site is within the setting of the CA which covers the core of the village to the north. Breage is defined by its prime position at the confluence of a number of historic roads. It has an intrinsic relationship with the surrounding rural landscape and, as noted in the Breage Conservation Area Appraisal and Management Strategy (2010), the CA draws a degree of significance from this rural setting.
14. The pasture of the site is visible from the A394 through its tree and hedge boundaries, and these are features identified as characteristic of the landscape around Breage<sup>1</sup>. That said, however, the built form of Breage fronts the A394 for a section to the west and spreads across both sides of the main road. From the CA to the north, the site appears set against a back drop of buildings to the south, including the village school. When this full extent and shape of built form in Breage is understood, the site can be considered as a gap in the village envelope. As such, despite its undeveloped appearance, the site does not make an important contribution to the setting of Breage nor that of the CA.
15. The important part of the field, beyond the logical village envelope to the east of the appeal site, would be retained post development. Existing hedgerows would be incorporated into the layout and the new south site boundary would be a big opportunity to provide additional trees and hedging and a rich, defined edge to the settlement. In terms of the concerns about future pressure for tree works, the rear of the terrace at the bottom of the site would have good access to sunlight in the middle of the day. The terrace to the north would have north facing rear gardens anyway, so the sunlight these properties would receive is less contingent on the extent of greenery along the north site boundary. As such, these concerns could be addressed by a landscaping condition.
16. Historically Breage had a linear pattern of development focused along its roads. The courtyard style layout would not continue that theme, but modern suburban development has taken place elsewhere around the village with degrees of success. As such, the arrangement of the buildings would not harm Breage's pattern of built form. The layout also deals well with the steep gradient, with a series of smaller, incremental steps down the site key to minimise the visual effects of the retaining walls that would be required. A condition could ensure that elements such as the retaining walls would be appropriately finished.
17. The finishes of the dwellings would conform to the vernacular aside from small amounts of timber cladding which would not be incongruous. The design of the rear elevations would adequately address the site frontages. Rear gardens would be largely obstructed by the boundary vegetation, which would also allow for harsher boundary treatments such as timber fencing to be avoided.
18. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area, with reference to the setting of the CA. The proposal would accord with the landscape, design and heritage aims of Policies 3, 9, 12, 21, 23 and 24 of the CLP and the Framework.

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<sup>1</sup> Cornwall and Isles of Scilly Landscape Character Study (2008).

## **Other Matters**

19. The site is within the zone of influence of the Fal and Helford Special Area of Conservation (the SAC) and it cannot be ruled out in the first instance that the scheme would have a harmful impact upon the integrity of the SAC due to increased recreational disturbance. The appeal is accompanied by a S111 agreement in order to secure necessary mitigation for such. Had I been minded to allow the appeal, it would have been necessary for me to go on and consider this matter in greater depth within the ambit of an Appropriate Assessment.
20. Slow worm is a protected species and has been found in small numbers along the north site boundary. On the latest evidence, I am satisfied that, if necessary, the slow worm can be satisfiably translocated to a safe alternative location within hibernacula aside the site and would not therefore be harmed by the development. Likewise, the latest evidence quite conclusively sets out that sufficient biodiversity net gain would be generated by the scheme.

## **Planning Balance**

21. The absence of safe and suitable access draws the proposal into conflict with the development plan when read as a whole. The scheme would make a small but important contribution to the provision of badly needed affordable housing, as well as contributing modestly to Cornwall's open market housing supply. The growth of the village would likely support local services and I am mindful that where there are groups of smaller settlements, development in one village may support services in another. Thus, the social and economic benefits of the development carry significant weight. The increased biodiversity provided by the scheme also represents a small environmental benefit. However, in my view these benefits should not come at the expense of residents having safe access to their homes. As such, they do not constitute considerations potent enough to compel me to put aside the conflict with the development plan in this case.

## **Conclusion**

22. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

*Matthew Jones*

INSPECTOR