



Appeal Decision

Site visit made on 6 December 2022

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/D0840/W/22/3294616

Land South of 1 West Seton, Camborne, Cornwall TR14 0AH

- 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 Mr D Mathews & Miss L Samworth against the decision of Cornwall Council.
 - The application Ref PA21/03648, dated 1 April 2021, was refused by notice dated 24 October 2021.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A number of other planning permissions have been cited by the appellant. These appear to differ from the current proposal in several ways in that they concern differing sites, with a number of permissions predating the current policy context. Also, the full details of the other cases are not before me. This limits the equivalence of the other cases to the current proposal. Moreover, the current appeal proposal has its own circumstances, and I shall therefore determine it on its own merits.

Main Issues

3. The main issues in this appeal are:
 - The suitability of the site for the proposal, having regard to the local development strategy and the effect of the proposal on the character and appearance of the area; and
 - Whether the proposed development demonstrates adequate foul drainage arrangements.

Reasons

Location of development

4. The appeal site is an area of hard standing and a stone building located to the north of the A30 and Camborne. The site is to the south-east of a small collection of buildings known as West Seton, which include dwellings and outbuildings and is accessed via a minor country road.
5. Policy 3 of the Cornwall Local Plan 2010-2030 (LP) aims to steer the majority of new housing towards the main towns, which include Camborne. However, the

policy also enables a limited amount of new development to take place outside the main towns in particular circumstances. Amongst other aspects, this includes development that leads to the rounding off of settlements, and of previously developed land (PDL) within or immediately adjoining settlements, or infill development.

6. Policy 1 in the Cornwall Site Allocations Development Plan Document 2019 supports new windfall development at these named locations in certain circumstances. This includes proposals for infill, or those that would lead to the small scale 'rounding off' of a settlement.
7. My attention has also been drawn to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (The CPOAN). The CPOAN does not form part of the statutory development plan and is to be regarded as informal guidance. However, it does provide some clarity on the locally adopted approach in relation to matters such as rounding off of settlements and PDL, and as such I have had regard to it in the determination of this appeal
8. The CPOAN notes that a recognisable settlement is a place where people collectively live in permanent buildings and has a form and shape and clearly definable boundaries, not just a low-density straggle of development, and states that there are no expectations of services and facilities.
9. The character of the area surrounding the appeal site and adjacent dwelling is semi-rural due to the expansive views into the surrounding countryside. Although the collection of properties at West Seton are in close proximity to Camborne as the crow flies, due to the presence of the A30 combined with intervening land, surrounding semi-rural character, and Camborne having a clear form and boundary to the south of the A30, I find that the appeal site appears visually divorced from the built form of Camborne.
10. Furthermore, while people live collectively in permanent buildings and there is a small cluster of dwellings to the northwest of the appeal site, the character of the grouping of buildings is formed by a low density, dispersed pattern of development over the wider area and lack of a recognisable centre or wider settlement form. Therefore, even if the site were to be considered as rounding off, PDL or infill, it does not meet the requirements of LP Policy 3 due to the appeal site not relating to a settlement. It is not suggested that the proposed development would meet any other aspects of part 3 of LP Policy 3.
11. I observed the proximity of the appeal site to services and facilities within Camborne as well as available public transport links. Although Camborne, and bus stops, are within walking distance, they would be accessed via a country lane which lacks streetlighting or a pedestrian pavement and leads to a junction with the C344. I observed the C344 is a busy road, with fast moving traffic and no pedestrian pavement. The character of this road is such that it would be unattractive for pedestrians, and therefore I find it is likely that future occupiers would utilise private vehicles to access services and facilities.
12. The locality is not covered by any formal landscape designation but falls within character area CA11 of the Cornwall and Isles of Scilly Landscape Character Area. This area is described as a generally small-scale rolling landscape heavily influenced by Tin and Copper mining which accords with my observations of the surrounding landscape. The fields to the north and east are important to the rural setting of the grouping of buildings, but, due to its position to the rear of

existing dwellings, and low height of the existing building, the appeal site is currently almost indistinguishable in any long distant views into the area.

13. In design terms, the scheme would provide a dwelling which is of a scale in context with nearby dwellings and would utilise appropriate finish materials. However, the existing building on the site, and buildings to the south and east have a low ridge height, therefore the additional height, and location of the proposed development to the east of the site would result in the proposal being visually prominent from long distant views.
14. While noting the surrounding buildings, physical features and existing use of the site, and notwithstanding if the proposal constitutes an efficient and effective use of PDL as the appellant contends, the proposal would result in the site becoming prominent within the wider rural landscape and be seen to visually extend urban development into the countryside, with corresponding harm to the character of the area.
15. Consequently, I conclude on this issue that the appeal development would not be in a suitable location with regard local development strategy and would result in harm to the character and appearance of the area. Therefore, the appeal proposal conflicts with LP policies 1, 2, 3, 7, 12, 21 and 23 which, amongst other things, takes a hierarchical approach, to direct development to appropriate locations based on the role and function of places, ensures development respects surrounding areas, enhances the quality of place and conserves and enhances the landscape character. The proposal would also be contrary with the provisions of the National Planning Policy Framework (Framework) in relation to promoting sustainable transport and achieving well-designed places and conserving and enhancing the natural environment.

Drainage

16. LP Policy 16 requires that development should alleviate risk to people and the environment from unsafe, unhealthy and polluted environments by avoiding or mitigating against harmful impacts and health risks such as water contamination. Furthermore, LP Policy 26 seeks to ensure development minimises, reduces or where possible eliminate flood risk on site and in the area.
17. The appeal site is within a Critical Drainage Area (CDA) and in such areas infiltration is not the preferred option and will only be considered where all other options have been investigated and discounted. I note that amendments had been made during the planning application process to ensure that the associated drainage system would be outside of the CDA. Notwithstanding, the Council has cited concerns that the proposal has failed to demonstrate satisfactory foul discharge arrangements.
18. The Local Lead Flood Authority have also raised concerns that the site is in close proximity to the historic mine of West Wheal Seaton and the effects of the proposed drainage system on historic mining infrastructure, including mine adits, or groundwater levels have not been explored or established.
19. I have noted the appellants non-mains drainage form, Critical Drainage Assessment report as well as the findings of the Phase 1 Preliminary Risk Assessment (PRA). While the PRA states that the site possesses a very low risk of flooding, with no ground water flooding susceptibility areas within 50m of

the development, it also highlights the close proximity of historic mine workings and that a contamination pathway is likely to be present.

20. Given all the above, I am not satisfied that sufficient information has been provided to me that indicates an appropriate drainage facility that would mitigate contamination risk is achievable. I am therefore concerned that any planning permission granted might be negated by the lack of suitable drainage facilities. Consequently, and notwithstanding the appellants comments that the Council have imposed a planning condition elsewhere, this is a matter which should be resolved before planning permission is granted rather than leaving it to a planning condition.
21. Therefore, the proposal does not demonstrate adequate foul drainage arrangements contrary to LP policies 16 and 26. The proposal would also conflict with the provision of the Framework in relation to ensuring development does not increase flood risk elsewhere and prevents unacceptable contribution to water pollution and contamination.

Other Matters

22. I note the appellant's comments regarding the Council's handling of the application including differing consultations undertaken during the application process and discussions with the Council Officer. This has little to do with the planning merits of the case, which I have considered on the basis of the evidence before me.
23. I have noted all other matters, some of which relate to civil matters outside of the planning system, raised by interested parties during the application process. However, as I have found the development to be unacceptable for the reasons given, it is not necessary for me to reach a conclusion on these matters.

Conclusion

24. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR