



Appeal Decision

Site visit made on 21 March 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 June 2023

Appeal Ref: APP/D0840/W/22/3308201

Oaklea, Nanterrow, Lower Tregongeeves, Polgooth, Cornwall PL26 7AX

- 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 Paul Furse against the decision of Cornwall Council.
 - The application Ref PA21/12823, dated 5 November 2021, was refused by notice dated 23 August 2022.
 - The development proposed is alterations to single storey garage and barn into 2 bedroom accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to single storey garage and barn into 2 bedroom accommodation at Oaklea, Nanterrow, Lower Tregongeeves, Polgooth, Cornwall PL26 7AX in accordance with the terms of the application, Ref PA21/12823, dated 5 November 2021, and the plans submitted with it.

Application for costs

2. An application for costs was made by Mr Paul Furse against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the banner heading above is taken from the application form. However, I have removed reference to the development being retrospective as this is not an act of development.
4. At the time of my site visit the development had been carried out and appeared to accord with the submitted plans. For the avoidance of doubt, I have determined the appeal based on those plans.
5. The appeal site falls outside of the St Mewan Neighbourhood Plan (NP) area. As stated on Page 2 of the NP, it comprises the Parish of St. Mewan as identified within the 2013 designation map. Despite a change to the Parish boundary taking place after the NP was 'Made', the site remains outside of the NP area. As a result, in relation to this appeal the NP carries no weight and I have considered the appeal on this basis.

Main Issue

6. The main issue is whether the proposed development would be in an appropriate location, having particular regard to the character and appearance of the surrounding area and development plan policies.

Reasons

7. The site is adjoined by built development to the north and south and is very close to other built development within Polgooth located on the opposite side of the road and further to the west. The site and adjoining development to the north and south create a clear built linear urban form and character at the edge of the settlement. It is not until one extends beyond the dwellings to the north or head up the valley towards Tregongeeves Lane that the area becomes undeveloped and transitions to the countryside.
8. Given the location of the site between Nanterrow and the housing to the north, and with the access to the site off Tregongeeves Lane past the entrance sign to Polgooth, the appeal site and adjoining development create an appearance and a sense of being within the existing built form comprising part of the settlement. The sense and appearance of being within the settlement is also experienced when exiting the site into a built form comprising gardens, dwellings, pavement, and street lighting. As a result, the development does not represent a sporadic form of development and reads as forming part of the settlement. As the NP is not applicable, its defined settlement boundary, and whether or not the appeal or other nearby sites would be placed within it if NP is reviewed, is neither relevant nor determinative to my assessment as to whether the site reads as being within the settlement.
9. The development infills a small gap between the built form created by the existing dwellings and their access complementing the existing built form. Whilst located within the valley floor, the area between the new build development adjoining the site and Nanterrow already comprises an access road and boundary fencing. In light of this and the residential built nature of the land, the gap between the new build development and Nanterrow does not function as or have the appearance of part of the wider countryside. The development does not extend the built form beyond existing development further up or along the valley where the character changes to being more tranquil, open, and undeveloped. As a result, it does not physically extend the settlement into the open countryside.
10. Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) set the spatial strategy for development. Policy 2 states that new development should provide a sustainable approach to accommodating growth with strategic scale growth in the main towns and city. Policy 3 states that development should be based on the role and function of places with the delivery of housing managed in the main towns identified in the policy. The site is not within an identified main town. Outside of the identified towns, Policy 3 states that housing growth will be supported, amongst other criteria, through the rounding off of settlements and through infill schemes.
11. As I have found above that the proposal would infill a gap in the existing built form with the site reading as part of the settlement, the proposal complies with Policy 3 of the LP.
12. The dwelling is of a domestic scale and appearance with appropriate fenestration and detailing viewed in association with other dwellings. From the glimpsed views of the site from Tregongeeves Lane, the site is viewed in association with these dwellings and against the backdrop of the settlement. Any domestic paraphernalia would be read alongside similar paraphernalia

associated with the nearby dwellings. As a result, there is no harm from any coalescence of built form.

13. In conclusion, the appeal site is an appropriate location for housing having particular regard to the character and appearance of the surrounding area and development plan policies. As a result, it complies with Policies 1, 3 and 23 of the LP which, amongst other things, seek to direct new housing to settlements and sustainable locations, achieve high quality design and ensure that development sustain and contribute to local distinctiveness and character.
14. As I have found that the development complies with Policy 3 of the LP and is within a settlement, Policies 7, 9 and 21 of the LP are not determinative.

Other Matters

15. I note the concerns raised regarding flood risk, the narrow width of the access road and highway safety. However, I have limited evidence to demonstrate that the traffic from one additional dwelling would cause harm to highway safety, that the access width is inadequate or that the development is at an unacceptable risk of flooding. It is noteworthy that the Council came to the same conclusion in these regards.
16. I appreciate that the Council can demonstrate a five-year supply of housing land and that there may already have been a high number of windfall consents in the area. However, housing targets in the LP are not maximum figures. As such, this is neutral in my consideration. As are the comments regarding the Community Infrastructure Levy and retrospective nature of the development.

Conditions

17. As the development has already taken place, there is no need for the standard time condition or for a condition to confirm the approved plans. The Council have suggested a condition to remove permitted development rights but in light of my findings above and small scale of the dwelling, I do not find this reasonable or necessary. A condition has been suggested to ensure that the access road is surfaced in accordance with a condition to a previous consent. However, the access road and junction are adequate to serve this development and as such a further condition is not reasonable or necessary.

Conclusion

18. For the reasons given I conclude that the appeal should succeed.

C Rose

INSPECTOR