



Appeal Decision

Site visit made on 15 August 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/D0840/W/23/3314947

Treswithian Farm, Camborne TR14 7NN

- 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 Rob Maddern, RJM Property Developments Ltd against the decision of Cornwall Council.
 - The application Ref PA22/03186, dated 30 March 2022, was refused by notice dated 22 September 2022.
 - The development proposed is construction of dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of dwellings at Treswithian Farm, Camborne TR14 7NN in accordance with the terms of the application, Ref PA22/03186, dated 30 March 2022, subject to the conditions set out in the Annex attached to this decision.

Preliminary Matters

2. The address given on the application form includes the post code 'TR15 3NJ'. However, other appeal correspondence including the Appeal Form and the Council's Decision Notice refer to a post code of 'TR14 7NN' which appears to be the correct postcode for the appeal site. I have therefore used this postcode in the banner heading above.
3. The application was made in outline with only details of access and layout before me. Matters of appearance, landscaping and scale are reserved for future consideration (the 'reserved matters'). I have therefore treated any references to reserved matters, on the plans or in other documentation, as illustrative.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal site is a currently vacant plot of land, within a predominantly residential area located towards the edge of the settlement of Camborne. Access to the appeal site is via an existing access which is also used by neighbouring residential properties onto a minor road, the C0163. Opposite the access is a carpark associated with a public house.
6. The Council have referred to visibility requirement guidance within Manual for Streets (MfS) and have referred to the requirement for visibility of 25m when taken back 2.4m from the highway to allow for vehicle bonnet length. Such a measurement, as outlined within the MfS, is based on vehicles travelling at

speeds of 20 miles per hour (mph) along the highway. Due to the access being flanked by stone walls and brick piers, visibility at the access junction is restricted in both a northerly and southerly direction, with the submitted plans indicating that at a point 2.4m back from the carriageway, visibility to the opposing side of the highway to the north is approximately 14.7m and 18.35m to the south.

7. My attention has been drawn to paragraph 7.7.7 of MfS which indicates that a minimum figure of 2m back from the highway may be considered in *some very lightly trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the carriageway and the ability of drivers and cyclists to see this overhang from a reasonable distance and to manoeuvre around it with undue difficulty, should be considered.*
8. When adopting a figure of 2m, due to the alignment of the highway, the visibility in both northerly and southerly directions is significantly improved, providing good visibility of oncoming vehicles, although I note a small 'blind spot' in the southerly direction created by the stone wall and curvature of the highway.
9. An Automatic Traffic Count (ATC) has been undertaken by the appellant which provides numbers, vehicle class and speed of vehicular movements along the C0163 over 7 days in November 2022. The ATC recorded an average of 330 vehicles per day (24 hours) in a southerly direction, and 290 in a northerly direction. Furthermore, the average speed in a southerly direction was 12mph and the 85 percentile speed was 14.32mph, with the northerly direction being 17.4mph and 20.8mph respectively. I see no reason why this does not represent an accurate depiction of the character of the use of the adjacent highway and accords with the low vehicle movements and vehicle speeds I observed during my site visit.
10. While it may be the case that a vehicle or cyclist could be within the small blind spot to the south, or indeed if drivers exiting the access were to utilise a 'peep and creep' technique as described by the Council, vehicles emerging from the access would be clearly visible due to good forward visibility from each direction to the approach of the access. Therefore, noting the findings of the ATC and my observations at the site visit including available visibility when I exited the access, I find that utilising a figure of 2m back from the carriageway is reasonable for the purposes of assessing the visibility appropriate to this particular site and access. Drivers and cyclists would be able to safely manoeuvre around vehicles exiting the access with undue difficulty.
11. Whilst the proposal would result in additional movements, the existing access is in active use. I note that an analysis of the three-year personal injury collision statistics in the vicinity of the access, have no recorded collisions. However, these statistics may not include minor collisions where there was no personal injury, and I have noted an interested party's comment in relation to a collision and numerous near misses when exiting the junction with cars travelling at speed. A further concern has also been raised that the existing access drive which would be utilised is restricted in width resulting in the possibility of vehicles having to reverse onto the highway.
12. Notwithstanding, the access drive is relatively short, and the proposed layout allows for a widening of the access drive as it approaches the proposed dwellings to the west. Vehicles leaving the parking area would therefore have

good visibility of any vehicles already within the drive with the ability to pass to the western end of the drive. Moreover, noting the significantly improved visibility at the junction to the C0163 when viewed from 2m back from the carriageway, combined with the evidenced average speeds being below that utilised by the Council to calculate visibility, I find that vehicles exiting the access are unlikely to result in any additional risk to highway users.

13. An interested party has raised concerns in relation to pedestrian safety, particularly that of children. While the C0163 does not incorporate a pedestrian pavement in the vicinity of the appeal site, the available inter-visibility of vehicles as well as the slow speed of any vehicles exiting the access would allow pedestrians to safely cross the junction of the access and the C0163. Furthermore, given the very short distance to services, facilities and bus stops along the A3047 and previously described character of use of the C0163, I find that a safe pedestrian route from the appeal site is available to wider services and facilities.
14. A planning permission has previously been granted at the appeal site for a greater number of dwellings than the appeal proposal that incorporated a differing access design. However, I note this access design also results in a visibility 'blind spot' and even if the previously approved access design was an improvement over that within this appeal scheme, I am required to determine the current appeal on its own merits.
15. Consequently, I conclude that the proposal would utilise a safe and suitable access and therefore would not have a harmful effect on highway safety. The proposal would accord with Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 which, amongst other matters, requires development to provide safe and suitable access and not cause a significantly adverse impact on the local or strategic road network. The proposal would also accord with paragraphs 110 and 111 of the National Planning Policy Framework (Framework) which requires safe and suitable access to be achieved for all users and for development to only be prevented on highway grounds if there would be an acceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

16. A number of concerns have been brought to my attention from neighbouring occupiers. These include concerns relating to ownership and rights of way, over development of the site, effects on neighbouring occupiers living conditions due to overlooking and noise and disturbance, loss of trees and the lack of any engineering works to retaining walls, impact on a non-designated heritage asset and preferred alternative uses such as a carpark or allotments.
17. With regards to ownership and rights of way, these are civil matters that falls outside of the planning regime and furthermore I have no substantive evidence before me to indicate that the planning application ownership certificates are incorrect.
18. The Council have not raised any concerns in relation to over-development or the effect of the proposal on neighbouring occupiers living conditions. Whilst noting that certain matters are reserved, given the proposed layout and the spatial relationship and appropriate separation distances between the proposed

development and existing dwellings I see no reason to come to a different conclusion to the Council.

19. The appeal site is set lower than the ground level of surrounding properties to the north, south and west and concerns has been raised in terms of existing poor stability of shared boundaries and potential loss of boundary hedges and associated natural habitat. Furthermore, the appeal site is covered by a Tree Preservation Order¹. The Council's Tree Officer has not raised any objections and has stated that there are no significant arboricultural elements to the proposal. Whilst landscaping is a matter reserved for later consideration and maintenance of shared boundaries is a civil matter, the proposed layout would allow for tree retention and any required additional planting, as well as indicating walls towards the northern and southern site boundaries. No substantive evidence has been put to me to lead me away from finding that the proposal would not result in harmful effects on the surrounding boundaries or habitat.
20. Treswitihan Farmhouse is a period property located to the south east of the appeal site. Although raised by a neighbouring occupier, the Council does not allege that the development would have an adverse effect on this property, or have they stated that it is a non-designated heritage asset. However, the third party representation indicates that the Council have previously identified it as such. Notwithstanding, I observed that the significance of this property is derived from its age and its architectural detail. Even if this property is a non-designated heritage asset, having considered the proposal, and noting the matters that are reserved, I find that due to the spatial relationship of the appeal proposal to Treswitihan Farmhouse, the proposal would not result in any harm or loss of significance of this property.
21. Although I understand from representations that there may be a desire for alternative schemes at the appeal site including as a carpark and community allotments, I am required to determine the appeal based on the individual merits of the appeal development and the evidence before me.
22. The Council have questioned whether the proposal would amount to '*sustainable development under the terms of the Framework*' within their Appeal Statement. In this respect, for the reasons provided above, I have found that the proposal accords with the development plan.

Conditions

23. A number of conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance. A condition regarding the approved plans is required to provide certainty. While I note the Council have referred to the difficulty in suggesting a condition to secure vision improvements, I have in any case found that the existing access is acceptable, and therefore such a condition is not required.
24. Although not suggested by the Council, a condition regarding the approved plans is required to provide certainty. A condition is required in relation to surface water drainage as it is necessary that this can be adequately managed to avoid flooding and in the interests of water quality. A condition is also

¹ W2/K14/150

necessary to ensure that vehicle parking spaces are provided and retained in the interests of highway safety. Given the character of the adjacent highway, a further condition is necessary in relation to a Construction Traffic Management Plan to ensure continued safe operation of the surrounding highway network during the construction period.

Conclusion

25. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

S Harrington MA MRTPI

INSPECTOR

Annex

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 appearance, landscaping, 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) The development hereby permitted shall be carried out in accordance with the plans: 21476-PL-00-01; 21476-PL-00-02; 21476-PL-00-04A and 21476-PL-00-05 in so far as they relate to matters of access and layout.
- 4) No dwelling hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The system shall be retained and maintained thereafter in accordance with the approved plans.
- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with plan no. 21476-PL-00-04A and that the space shall thereafter be kept available at all times for the parking of vehicles.
- 6) 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.

End of Conditions