



Appeal Decision

Site visit made on 9 October 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2023

Appeal Ref: APP/D0840/W/23/3321512

Land at Halt Road, Goonhavern, Cornwall TR4 9QF

- 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 M Pring against the decision of Cornwall Council.
 - The application Ref PA22/08936, dated 28 September 2022, was refused by notice dated 9 December 2022.
 - The development proposed is the construction of two dwellings, garages, landscaping and gardens and improvements to access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The third reason for refusal explains that the site falls within the zone of influence of the River Fal and Helford Special Area of Conservation (SAC) and the Penhale Dunes SAC. This requires a payment to mitigate the recreational impacts from the additional occupants on these habitats sites in accordance with the European Sites Mitigation Development Plan Document 2021. The Council has confirmed that it has received a completed s111 agreement under the Local Government Act 1972, with related payment, to provide the required mitigation and that this has addressed this reason for refusal. I have found no reason to disagree.
3. At the appeal stage, additional plans have been submitted which show the provision of visibility splays across the frontage of the site. These relate to the highway evidence set out by the appellant's highway engineer. I have taken this information into account as to what would be required, in the view of the appellant, for the proposal to address the highway reason for refusal.

Main Issues

4. The main issues are:
 - whether or not the development plan would support the proposal in this location, having regard to the effect of the proposal on the character and appearance of the area, and
 - whether or not the development would be provided with a safe and suitable access for all users.

Reasons

Location

5. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) sets out the strategic approach for the location of development across the plan

area, based on the role and function of places. Housing development is to be focused at the main towns. Outside these areas, in summary, housing is to be delivered through rounding off of settlements and development of previously developed land within or immediately adjoining that settlement, infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside, rural exception sites, and the identification of sites through neighbourhood plans.

6. The Chief Planning Officer's Advice Note: Infill/Rounding Off (December 2017) (the Advice Note) provides additional advice on the interpretation of Policy 3 of the Local Plan and I attribute it substantial weight.
7. The appeal site is a modest sized field, within a run of green spaces, along this broadly northern side of Halt Road (B3285). The verdant front boundary of the appeal site and the adjoining frontages, and the general lack of built form in these areas, means that this stretch of the northern side of the road is experienced as a meaningful green section of land that contributes positively to the character and appearance of the area. It has a distinctive character and contrasts with the built form which is perceptible through the boundary planting on the other side of the road, which together with the new dwellings at The Mews, has the appearance of falling more within a built up part of Goonhavern¹.
8. Further to the broadly east, on this northern side of the road, there is a small cluster of housing and then the Perran Springs holiday site. The appeal site with the adjoining green spaces does not have the same residential or manicured character as this further section of Halt Road. I consider that the appeal site, has sufficient undeveloped and rural character, in association with its surroundings on this side of the road, that it does not have the appearance of being within the physical boundaries of the settlement. It should be considered to be outside those boundaries and, in planning terms, within the countryside when applying the allowances for housing development under Policy 3 of the Local Plan. The general scattering of dwellings to the very broadly north does not alter my view on this matter.
9. In terms of the application of Policy 3 of the Local Plan, the proposed dwellings on the site would not infill a small gap in an otherwise continuous built frontage because of the lack of immediately adjoining built development on either side. Consequently, the scheme would not accord with the policy approach to infill development.
10. The site is not substantially enclosed by other development and, with this field being generally similar to those on either side, there would be no clearly defined physical barrier to growth if the development was to be permitted. The provision of the housing would not provide a symmetry or completion of the settlement in this location, or even an appropriate transition from a built up area to the countryside. In these circumstances, the scheme would not meet with the approach to rounding off in Policy 3, albeit that the site is opposite land that has a more built-up area appearance.
11. The appeal site is an undeveloped field. There is no convincing evidence that the site should be considered as previously developed land and, therefore, the

¹ I have taken into account the five 4 bed dwellings under reference PA22/09415 approved on 11th January 2023 which is referenced in the appellant's statement.

scheme would not be able to benefit from the related allowance in Policy 3. Furthermore, the scheme is not advanced as a rural exception site or identified for development in a neighbourhood plan.

12. While not detailed in Policy 3 of the Local Plan, the appellant makes a case based on the section of the Advice Note that is titled 'other development within a settlement'. In summary, this indicates that the development of land which does not entirely fit the definition of infilling or rounding off, but would be within the form and shape of the settlement will be acceptable where there is no significant harm arising to social, environmental or economic considerations. The text of the Advice Note goes on to explain that development in this respect would accord with Policy 21c) of the Local Plan which encourages proposals to increase building density where appropriate, taking account the character of the surrounding area and access to services and facilities to ensure an efficient use of land.
13. At the present time, the appeal site has a well-established mature hedged and, in places, banked boundary along the road frontage. This is positioned reasonably tight to the road edge and is a positive feature of this side of the road. The scheme would include the provision of a widened access to serve the residential development that would allow two way traffic and, the plans show the provision of visibility splays, with the removal of sections of the front boundary planting and bank, to provide the necessary sight lines. While some of the planting could remain, and could be generously supplemented, the frontage would lose the appearance of the continuous run of hedging reasonably tight to the road edge that is characteristic of this site and the neighbouring land.
14. In combination with the provision of the proposed width of access, its radii and visibility splays across the frontage, a more suburban and highway engineered appearance would be formed. This change would undermine the present character of the frontage and would not sympathetically relate to the more rural appearance of the adjoining front boundaries in the vicinity of the site. Furthermore, parts of the proposed two fairly generously sized dwellings, and the related parts of the hardstanding and gardens with any associated domestic paraphernalia, would also be experienced from some of the immediate sections of the road, predominantly through the access. The totality of the impact, even with an extensive landscaping scheme, would be to undermine the undeveloped and verdant character of this section of the northern side of the road, diminishing to an undue extent its positive contribution to the area.
15. As a consequence, the scheme would not meet with the National Planning Policy Framework (the Framework) requirements that development should add to the overall quality of the area and be sympathetic to local character. In coming to this judgement, I have taken into account the character of the wider surroundings, including the holiday parks and that The Mews is a very visible development with little soft landscaping to its road frontage. However, this latter development is not on the same side of the road as the appeal site and has a greater affinity with other built development, whilst the appeal site, as I have explained, relates more to the adjoining green spaces and, cumulatively, makes a positive contribution to this section of land north of the road.
16. Consequently, the scheme would not accord with the 'other development within a settlement' category in the Advice Note. This is because there would be

significant harm in this immediate area to its character and appearance, and thereby to the environment. The development of this field with two dwellings would also not fit within the form and shape of the settlement in this location as required by this section of the Advice Note.

17. Future occupants of the proposed dwellings would have good access to local services and facilities by foot and bicycle, and the ability to connect with the local bus service. However, when taking account of the harm to the character of the area that would result from the scheme, it would not be appropriate to increase the building density of the site. There would, consequently, be conflict with the requirements of Policy 21 of the Local Plan, which concerns making best use of land and existing buildings.
18. In support of the scheme, the appellant has highlighted the approval for a dwelling at Harmony Cottage² which was permitted in December 2022. I saw this site at my visit, and while it lies further from the centre of the village than the appeal site, it is amongst a cluster of other dwellings, does not involve the development of an open field and would have a different effect on the character and appearance of the area when compared with the appeal proposal. In these circumstances, I am not satisfied that this permission has the same impacts or characteristics as the appeal site and proposal and, therefore, this is a matter that should attract only limited weight in support of the appeal scheme.
19. The Council refer to the emerging Perranzabuloe Neighbourhood Development Plan 2018-2030 (the emerging NDP). While I note that the site would fall outside the settlement boundary proposed in the emerging NDP, given the stages that the plan would need to complete before any referendum, and potentially being made, the settlement boundary and the related policies merits limited weight in relation to the considerations in this appeal.
20. In the light of the above analysis, I conclude that the development plan would not support the proposed development in this location and that the proposal would unacceptably harm the character and appearance of the area. Accordingly, the scheme would conflict with Policies 3, 7, 12, 21 and 23 of the Local Plan and the Framework, and the additional information in the Advice Note, which provide, amongst other things, the locational approach to new housing development across the plan area.

Highway safety

21. The plans submitted in conjunction with the highway statement at the appeal stage show visibility splays across the frontage of the site. The appeal site lies well within the 30mph speed limit area and the road has a reasonable width and a fairly gently curving alignment. The appellant argues that the provision of the splays would meet with the requirements for a 30mph section of road, although the splay to the west would pass across a section of the frontage of the adjoining land and I am not clear that this would fall within the highway to allow the vegetation to be cut back.
22. The Highway Authority refer to speed survey data taken within the 30mph limit on a section of the road to the south east that showed the 85th percentile speeds were well in excess of 30mph. It believes that visibility splays at the

² Application PA22/08275 – Proposed 1 Marketable 3 bedroom dormer bungalow – Harmony Cottage, Bodmin Road, Goonhavern, Cornwall TR4 9QF.

site should be provided to meet a speed of 42mph from a setback point of 2.4m within the access.

23. While this speed data is of some age and at a different section of this road, it nevertheless is of relevance and, notwithstanding the effect that the visual appearance that The Mews may now have on the speed of drivers approaching this part of Halt Road, there is uncertainty in my mind as to the actual speed of vehicles passing the site and the sight lines that would be appropriate. There may not have been any accidents at this access or stretch of road in the past decades, however, I attach that limited weight because the present access is to a modest sized field and the proposal, on the inside of this gentle curve in the road, would introduce new and additional traffic. It is said that if the field was to accommodate horses or be used as a camping site then this would generate more traffic movements than the proposed housing. However, the field does not appear to have any facilities, such as a stable or a toilet block that would facilitate such uses on a regular basis and, therefore, I attach these potential options, and the related traffic movements, little weight.
24. I appreciate that drivers should be adhering to the speed limit, however, from the past evidence this does not appear to be the case, and it is necessary to provide an access with sight lines that would provide safe egress for drivers having regard to the existing road conditions.
25. The Highway Authority has recommended that a seven day speed survey should be commissioned outside of the proposed site access to provide more accurate speed data. It is explained that this would then allow it to consider a revised visibility splay depending on the results. I am not aware that this survey work has been completed and, therefore, I am not satisfied that the proposed splays would provide the necessary visibility for emerging vehicles leaving the site in connection with the movements associated with two dwellings.
26. I consider that, as this matter concerns highway safety, it is appropriate to take a precautionary approach and, based on the information that I have available, I am not satisfied that a safe and suitable access would be achieved for vehicles leaving the site. I conclude that this would result in an unacceptable impact on highway safety. Accordingly, the scheme would conflict with Policy 27 of the Local Plan and the Framework which, notably, sets the highway approach to development.

Other Matters

27. The Council has highlighted for consistency purposes another appeal in Goonhavern that has been before the Inspectorate for decision³. This is another appeal that I am determining and, therefore, I am aware of the issues although that proposal has its own locational and policy circumstances, and seeks holiday let accommodation. The schemes are not, therefore, directly comparable.

³ Appeal Ref: APP/D0840/W/23/3314874 - Land opposite Meadowside Farm, Goonhavern, Truro, Cornwall TR4 9FD

Conclusion

28. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁴.
29. The proposal would provide two family sized dwellings in generous plots of land on a site that was close to the services and facilities at Goonhavern and with good access to the local bus service. This would mean that the site was well positioned to reduce the need for occupants to be dependent on the private car for all journeys.
30. Cornwall Council has recently published a series of papers and made resolutions to provide interventions to seek to address Cornwall's housing crisis⁵. It is explained in the papers that it is commonly acknowledged that there is a (national and) local housing crisis, driven in part by insufficient supply over many years of the homes required to meet the needs of a growing and ageing population.
31. The provision of two dwellings would support the actions to address the housing crisis and would assist the Framework objective to significantly boost the supply of homes. The dwellings would be delivered on a windfall site and add to the mix of housing available at Goonhavern. The construction work could be undertaken by a small or medium sized builder and there would be economic and social benefits both during the build and in subsequent occupation. The scheme would provide modern housing, constructed to a high standard, which could incorporate renewable and low carbon technologies that would minimise its carbon footprint. The site is of sufficient size to provide a biodiversity net gain. However, despite all these benefits that would flow from the delivery of the proposal, as only two additional units of accommodation would be provided, I attribute the benefits limited weight.
32. On the other hand, the development would not be located in a position which would be supported by the development plan, there would be undue harm to the character and appearance of the area and the scheme would not provide a safe and suitable highway access. These are significant deficiencies of the scheme. I attribute these harms and related policy conflicts substantial weight against the proposal.
33. These harms and related policy conflicts would be such that the scheme would not comply with the development plan when considered as a whole. It follows that the benefits of the scheme, which should be attributed limited weight, would not outweigh the harms which merit substantial weight.
34. Drawing these matters together, the proposed development would not accord with the development plan when considered as a whole and the evidence does not indicate a decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Wyborn INSPECTOR

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

⁵ Including the Housing Strategy for Cornwall 2030 and the Cornwall Council Cabinet paper 15 December 2021 titled Securing Homes for All: A Plan to respond to Cornwall's Housing Crisis and the related appendices.