



Appeal Decision

Site visit made on 13 December 2023

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2024

Appeal Ref: APP/D0840/W/23/3324656

Last west of Sunnyside, East Road, Kilkhampton, Bude, Cornwall EX23 9QS

- 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 Adrian Clements against the decision of Cornwall Council.
 - The application Ref PA23/02975, dated 11 April 2023, was refused by notice dated 16 June 2023.
 - The development proposed is Erection of one detached 3 bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of one detached 3 bedroom dwelling at Sunnyside, East Road, Kilkhampton, Bude, Cornwall EX23 9QS in accordance with the terms of the application, Ref PA23/02975, dated 11 April 2023, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. Amended plans were submitted with the appeal. However, as I have found that the appeal proposal is acceptable based on the plans determined by the Council, it has not been necessary for me to consider the amended plans and whether to accept them.
3. A revised National Planning Policy Framework (the Framework) was published in December 2023. However, as the provisions in the Framework that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issue

4. The main issue is whether the lack of off-street parking for the proposed development is acceptable, with particular regard to highway safety and the living conditions of existing residents.

Reasons

5. The appeal site is a relatively small plot previously forming part of the adjoining property's garden. Now separated from Sunnyside, it is only accessible via a gate and steps which leads to the highway adjoining the southern boundary. In the site's vicinity, the B3254 includes no footway and is relatively narrow. However, being reasonably straight and having a dashed centre line, it has good visibility for vehicular traffic and is wide enough for most vehicles to pass one another.
6. Although creating a family-sized house, the proposed development includes no off-street parking. Future occupiers using a vehicle would therefore have to park on nearby roads or car parks and then access the site on foot. Doing so via the B3254

would not be particularly safe given the lack of a footway between the A39 junction and the site's existing entrance. However, the creation of a new pedestrian access on the site's northern boundary with the public footpath means that the future occupiers would be able to safely access the proposed dwelling.

7. In terms of parking, there is a public car park a short walk from the site. Although this would involve crossing the busy A39, doing so would not be unacceptably hazardous given that visibility along this stretch of highway is relatively good and the speed, due to the village centre location, is limited to 30mph. There is also additional on-street parking available in the locality, including along the A39 and on some minor side streets. These would not involve a dissimilar walk to the site.
8. If parking in these areas, occupiers would have to transport items they may be carrying from their vehicle to the site on foot. However, as the walk would be relatively short and is level, this would not be an unacceptable situation, even if several trips were required. In addition, the evidence before me does not indicate that there are any waiting/loading restrictions on the B3254 in the vicinity of the site's existing pedestrian gate. Most vehicles are also likely to be able to pass one another on this stretch of highway, which has good visibility along it. On this basis, it seems to me that a vehicle could if necessary pause on the B3254 next to the site's southern access to load/unload without creating significant highway safety issues or unacceptably disrupting the flow of traffic. In coming to this view, I have taken into account the presence of existing driveways in the site's vicinity, that the highway is an important, busy route and that there are no public laybys nearby.
9. It has been put to me that there is already parking pressure in the surrounding area, and I recognise that the closest public car park is not large and on-street parking in the locality is not unlimited. However, the available evidence neither indicates that current on-street parking demand is excessive and that existing residents are unable to find suitable or convenient parking spaces, nor that the additional demand from vehicles associated with one extra house could not be accommodated. The references in the Manual for Streets to various possible negative effects of on-street parking do not lead me to a different conclusion.
10. Although the Council's parking standards indicate that housing is expected to include one to two off-street parking spaces, this depends on the accessibility of the location, whilst the standards are only a guide and do not set a minimum figure. Development plan policies also do not stipulate that off-street parking must be provided for every new dwelling and the Council accepts that parking spaces are not always required.
11. In this instance, whilst Kilkhampton is relatively small, there are various services and facilities within walking distance of the site, including food shops, takeaways, and nurseries and schools. The area is also served by several public buses and the site is a short walk from some of the village's bus stops. Accordingly, although future occupiers may own vehicles – particularly given the family sized nature of the proposed dwelling – and use them to access larger settlements with employment, medical facilities, secondary schools and other services, Kilkhampton can reasonably be described as highly accessible. Future occupiers would also not be solely reliant on the private vehicle and the development would support the modal hierarchy set out in Policy T1 of the Climate Emergency Development Plan Document (DPD). Furthermore, whilst most dwellings in the vicinity of the site may have off-street parking, some houses in the settlement, such as some terraced properties, are likely to rely on on-street parking. The proposal's lack of off-street parking would therefore not be an unusual situation relative to its context.

12. For the above reasons, I conclude that the lack of off-street parking for the proposed development is acceptable, with particular regard to highway safety and the living conditions of existing residents. I therefore find that it accords with Policy 13 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and DPD Policy T2. Amongst other aspects, these require development to provide an appropriate level of off-street parking and meet the Council's parking standards taking into account the accessibility of the location, creating opportunities and incentives for active travel, and the local context. The proposal would also be consistent with the provisions in the Framework in relation to promoting sustainable transport.

Other matters

13. The site is within the Kilkhampton Conservation Area (CA) which is significant for, amongst other things, its historical context and various notable buildings in the centre of the village. The Council considers that the design and form of the proposed development is acceptable and does not allege that it would harm the character or appearance of the CA. Having considered the development and visited the site, I concur and find that the development would preserve the character and appearance of the designated heritage asset. In coming to this view, I have taken into account the previous dismissed appeal on the adjoining site.
14. Given the site's location, elevation above the highway and its lack of access, construction works for the proposed development could result in some disruption and are likely to need careful consideration and planning. However, the Council's Officer Report sets out that there is nothing to indicate that construction would not be possible and identifies that construction practices would need to be tailored to the site and that any disruption would be temporary. Securing full details of construction methods (including matters such as traffic management and construction-related parking and deliveries) by condition could therefore ensure that there would be no unacceptable impacts on the highway and the living conditions of adjoining occupiers, both from this development and in-combination with other nearby housing schemes.
15. A number of other matters have been raised by interested parties and I have taken them all into account. This includes: impact on wildlife; inaccuracies in the submitted plans and appellant's appeal statement; overlooking of adjoining occupiers; viability of the proposal; and future cuts to services in Cornwall. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conditions

16. I have had regard to the various suggested planning conditions and considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents, for clarity and consistency, and to ensure that details are submitted for the Council's approval where relevant.
17. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. I have imposed a condition covering boundary treatment in the interests of the character and appearance of the surrounding area and the living conditions of adjoining occupiers.
18. Given the site's lack of vehicular access and its position in relation to the B3254 and several properties, a pre-commencement condition securing a construction

method statement plan is necessary and reasonable in the interests of the safe and efficient operation of the highway and existing residents' living conditions. The suggested condition includes various details to be covered in the method statement. However, I have omitted these so that the parties can agree the precise requirements, including those listed in the Council's suggested condition and any relevant others as necessary, based upon relevant guidance and site circumstances at the time that the details are agreed.

19. Although the Council has suggested a condition removing various permitted development rights, the PPG indicates that such conditions may not pass the tests of reasonableness or necessity. In this instance, the submitted evidence does not indicate that the condition is necessary and reasonable, particularly given that many of the rights only allow for relatively minor additions and alterations. Permitted development is also subject to various restrictive criteria, which in this case is further restricted due to the site's location in a conservation area. I have therefore declined to impose the condition.

Conclusion

20. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan as a whole. The appeal is therefore allowed.

T Gethin BA (Hons), MSc, MRTPI

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan and proposed block plan (Drawing No 384-PL-01, Rev C); Floors plan as proposed (Drawing No 384-PL-02, Rev C); Elevations as proposed (Drawing No 384-PL-03, Rev A); and Context elevations (Drawing No 384-PL-04, Rev B).
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) Prior to the commencement of above ground works, details of the proposed boundary treatments including any gates, walls and fences shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be implemented prior to occupation of the dwelling hereby permitted and shall not thereafter be altered or removed other than by necessary replacement.

END OF SCHEDULE