
Appeal Decision

Site visit made on 11 April 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/D0840/W/23/3323674

Land north of and adjacent to St Agnes Primary School, West Kitty, St Agnes Cornwall

- 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 Ms Charlotte Graham against the decision of Cornwall Council.
 - The application Ref PA22/04553, dated 12 May 2022, was refused by notice dated 20 January 2023.
 - The development proposed is rural exception site seeking to erect up to affordable 5 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is made in outline with all matters except access reserved for future consideration.
3. The evidence indicates that the scheme would provide all units delivered on the site as affordable housing and a unilateral undertaking has been submitted in this respect. The proposal has the potential to have significant effects in combination with other plans and projects on the Penhale Dunes Special Area of Conservation. However, as the proposal is unacceptable for other reasons, I have not undertaken an appropriate assessment or considered this matter further.

Main Issues

4. The main issues are whether a safe and suitable access could be provided and maintained to the appeal site and the effect of the proposal on the character and appearance of the area.

Reasons

Access

5. The track along which the site would be accessed via vehicle from Beaconsfield Place/West Kitty carries the path of a public footpath, which is identified as a Gold Priority Path by the Council. The track is narrow, being of limited width for the majority of its length to the appeal site. A number of existing properties utilise the track for their vehicular access whilst there is a playground accessed off the track closely to the north-east of the school field.

6. Having visited the site and considered the evidence, I am not convinced that the passing places identified would be available for use on a consistent basis. Some of those passing places appear to effectively form part of the driveways and accesses of existing properties off the track and as such some could accommodate parked cars or be chained off from the track. They are also not that large and some drivers may be uneasy utilising them, even if available as a result of their size. One of the identified passing places is the entrance area to the playground. If passing spaces were unavailable then a driver may be required to perform a long reversing manoeuvre until a pass could safely be made.
7. I note that peak time trip projections are limited, the fact that many residents would often walk into nearby St Agnes, and intentions to provide a path along the fringe of the site to the school. I note the accident record for the area which does not indicate an existing problem and the consultation responses.
8. However, it is not just residents that would be accessing the site by vehicle but delivery vehicles associated with online shopping and delivery. Those, and residential movements would combine with people on foot or other forms of non-motorised transport along what appears to be a popular footpath link which serves the wider footpath network to the west as well as a playground. The track and footpath also provide a through link on foot for residents on Tregease Road and beyond.
9. Although turning space may well be able to be provided within the development site itself, there is the risk of conflict through introducing additional vehicle movements to a constrained access track between not only opposing vehicles but also vehicles and pedestrians given the limited width of the track and the unknown availability of passing places, with the potential for vehicles to have to undertake lengthy reversing manoeuvres. That potential conflict raises significant concerns about the safety of pedestrians using the access track and a safe and suitable access could not therefore be provided. There would subsequently be an unacceptable impact on highway safety.
10. There would be conflict with Policy 27 of the Cornwall Local Plan (2016) (CLP) which amongst other things states that all developments should provide safe and suitable access to the site for all people.

Character & appearance

11. The appeal site is formed of a grassed field on the western side of St Agnes situated outside of but adjacent to the settlement boundary. The main body of development associated with St Agnes sits to the north-east on the opposite side of the track that leads to the site.
12. There is however an existing residential property on the southern side of the track at Peacehaven, whilst a large building which is part of the school site is prominent in views from the appeal site and the footpath on the approach to the site from the open land to the west.
13. It is the case that the site has the appearance of forming part of the countryside that closely fringes St Agnes in this part of the settlement and it does contribute positively to the character and appearance of the settlement. There would therefore be some harm that would arise to local landscape

character, which is within the Heritage Coast designation and which draws positively on the existing open characteristics of the site.

14. However, any harm arising from the development of the site to the level proposed would be very limited, as on approaches to the site from the west the visual impact of encroaching into the countryside would be limited due to the existing views that are available towards significant levels of built development on the western side of St Agnes as well as the imposing school building.
15. The site can therefore be considered well related to the built up area of St Agnes and is therefore in principle a site which would meet the criteria of a rural exception site under Policy 9 of the CLP. There would be some conflict with Policy 23 of the CLP and policies 6 and 10 of the St Agnes Parish Neighbourhood Development Plan which broadly amongst other things seek to protect landscape quality and village character although given the inevitable positioning of rural exception sites that is not unexpected and harm associated with that conflict would be very limited.
16. I therefore conclude on this matter that the provision of up to five dwellings, with detailed matters reserved for future consideration would not likely have any significant adverse impact on the character and appearance of the area.

Other Matters

17. I have considered the appeal and Council decisions that have been put before me. These include APP/D0840/W/22/3308876 & APP/D0840/W/23/3316917. Key matters relate to impact on character and appearance as well as rural exception sites which I have not found issue with. Appeal reference APP/D0840/W/22/3309357 dealt with the issue of whether that site proposed for housing would have a safe and suitable access whilst APP/D0840/W/22/3292433 dealt with pedestrian access to services and facilities. However, nothing within those decisions indicates circumstances which closely replicate those before me at this site and I afford these limited weight.

Planning Balance and Conclusion

18. I have identified an unacceptable impact on highway safety as a result of the proposed access. I accept that the scheme would provide dwellings well located for the services and facilities of St Agnes which would contribute towards housing supply and would have economic and social benefits arising from construction spend and employment and spend associated with occupation of the dwellings. The scheme would also provide affordable housing throughout.
19. However, even were I to afford the same weight to the provision of housing /affordable housing as the appellant, the benefits of the scheme would not outweigh the harm identified. The proposal would conflict with the development plan and there are no material considerations including the Framework¹ which indicate a decision should be made otherwise than in accordance with the development plan. The appeal is therefore dismissed.

T Burnham

INSPECTOR

¹ National Planning Policy Framework 2023.