



Appeal Decision

Site visit made on 6 November 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/D0840/W/24/3337510

Land adjacent to Hunrosa, Tresaddern Hill, St Day, TR16 5JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Isaacs against the decision of Cornwall Council.
 - The application Ref is PA22/10639.
 - The development proposed is construction of two detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The proposal would be served by a single access point onto a highway in close proximity to a crossroads. Although the highway is subject to a 30 miles per hour(mph) speed limit, a speed survey undertaken in December 2023 indicates that the 85th percentile speeds of vehicles passing the proposed access were 35mph for vehicles travelling southbound, and 41mph for those travelling northbound.
4. Whilst the 85th percentile is the speed at or below which 85% of the vehicles recorded were travelling, it reflects a representation of natural speed behaviour of vehicles. Although the speed survey does show a 'mean speed' of between 30.5 - 31.5 mph, my observations at my site visit, although only a snapshot in time, was that the road was relatively fast flowing and busy.
5. Notwithstanding, the proposal would provide sufficient visibility to allow drivers of vehicles exiting the site in a forward gear to safely enter the highway. However, if a vehicle were required to reverse onto the highway, or indeed into the site, the resultant lack of visibility of approaching vehicles or those exiting the crossroads, combined with speeds of vehicles approaching along the highway, would result in potential vehicle conflict and resultant highway safety concerns.
6. During the application process, the proposal has been amended from 2 parking spaces per proposed dwelling, to that now before me, which seeks to provide 2 parking spaces in total, with an adjacent turning area. The area that was previously proposed for the additional parking spaces, whilst now not demarcated, still appears as hardstanding adjacent the proposed parking spaces and turning area.

7. The Appellant's tracking plans demonstrate that the proposed turning area would be sufficient to allow vehicles parked in the demarcated areas to turn and access and egress the appeal site in a forward gear. However, the tracking does not go so far as to demonstrate that any vehicles parked in the adjacent hardstanding would be able to turn. Nevertheless, it is put to me that a planning condition could be imposed in order to prevent the obstruction of the turning and parking areas.
8. The National Planning Policy Framework (Framework) sets out that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
9. Whilst an obstruction within the turning area, or indeed additional parking on the adjacent area of hardstanding could be visible from the public domain, the appeal site would need to be continuously monitored to ensure future occupants, or visitors to the site did not obstruct the areas. I am not satisfied that a condition as suggested could be sufficiently enforced to prevent the occasional temporary use of the turning area, or indeed vehicles parked on the adjacent hardstanding. As such, I find this matter cannot be appropriately dealt with by condition.
10. Even if it is the case that there have been no historic accidents along this stretch of highway, the proposal is in a location where pedestrians are able to walk to services and facilities and there are planned improvements to pedestrian highway infrastructure, the resultant impact on highway safety of vehicles having to reverse onto the highway could be significant. This is accentuated by the provision of only 2 parking spaces, which, given the lack of safe on-street parking I observed, could encourage any visitors to the dwellings to seek to park within the turning area or adjacent hardstanding, if the parking spaces were already in use.
11. Consequently, I conclude that the proposal would result in harm to highway safety. It would therefore conflict with Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 which seeks, amongst other things, to ensure the development provides safe and suitable access to the site for all people and not cause a significantly adverse impact on the local or strategic road network. The proposal would also conflict with the provisions of the Framework which requires development to provide safe and suitable access for all users and that development should be refused if there would be an unacceptable impact on highway safety.

Other Matters

12. The appeal site lies within the Gwennap Mining District of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) and is near the Grade II listed Pound at SW 732 418, and St Day Conservation Area (CA).
13. The Framework states that World Heritage Sites are heritage assets of the highest significance, which are internationally recognised to be of Outstanding Universal Value (OUV). The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (WHSMP) describes the WHS as a series of ten areas comprising the distinctive patterns of buildings, monuments and sites which together form the coherent series of distinctive cultural

landscapes created by the industrialisation of hard-rock mining processes in the period 1700 to 1914.

14. In respect of OUV this is expressed as the radical reshaping of the landscapes of Cornwall as a result of deep mining and includes mining settlements and social infrastructure. I observed there to be a clear visual differentiation between existing modern development at and surrounding the appeal site, and the historic built form and landscape. As such, the proposal would not harm the historic pattern of development, appearance, or wider historic association with the extensive mining activity of the area. I therefore find that the proposal would have a neutral effect on, and therefore preserve the OUV and integrity of the WHS.
15. The significance of the Grade II listed Pound at SW 732 418 is derived in part, from its age and historic use as a parish pound. The setting of the heritage asset includes the immediately surrounding agricultural land that would have had an operational relationship with the heritage asset. Given the separation distance from the appeal site, the intervening highway, the existing use of the appeal site and the presence of adjacent modern built form, the proposal would have a neutral effect on the significance of this heritage asset.
16. The significance of the CA is derived in part, from its historic townscape, association with the surrounding rural landscape, and settlement pattern associated with the historic development of the settlement. Given the distance of the CA to the appeal site, intervening agricultural land, built form and rolling topography, the proposal would have a neutral effect on, and thus preserve the character or appearance of the CA.
17. A planning permission for 2 dwellings¹ at the appeal site has previously been granted, and I am informed is extant. Given the character of that permission, I consider that there is a real prospect of this fallback development being implemented. However, even if the turning area associated with the extant permission is smaller than that now proposed, and the Council imposed a condition in relation to preventing obstructions in that particular case, the extant permission features an additional parking space to the proposal before me, as well as an access further away from the junction.
18. Therefore, I find the proposal significantly differs from the fallback position in terms of access and parking arrangement. It would be more harmful than the fallback position to the local highway network due to the reasons provided above. For these reasons, I attribute limited weight to the fallback position.
19. The appeal site lies within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). The SAC's key interest features include salt marshes, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs.
20. Within the zone of influence, new residential development would lead to increased levels of recreational activity. This would be likely to have a significant effect on the designated features of the SAC either on its own or cumulatively with other similar development, without avoidance measures.
21. A financial contribution has been secured through an undertaking under S111 of the Local Government Act 1972 for the purposes of delivering mitigation

¹ PA15/10346

and management. However, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal.

22. Given my conclusions on the main issue above, it is not necessary for me to consider this matter any further as the proposal would not take place and would not affect the SAC.

Conclusion

23. The proposal would conflict with the development plan, read as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

S Harrington

INSPECTOR