



Appeal Decision

Site visit made on 25 November 2024

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/D0840/W/23/3331850

Land at rear of 4 Lane Reddin Terrace, Newlyn, Cornwall TR18 5BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mrs Maria Sanchez Villagra against the decision of Cornwall Council.
 - The application Ref is PA23/01682.
 - The development proposed is described as "The proposal is to build a single dwelling on a large plot at the rear of 4 Lane Reddin Terrace, Newlyn TR18 5BL. At the moment there is an existing concrete block building that was built when Lane Reddin Terrace was constructed, this would be demolished or adapted and incorporated into the new structure. The intention is to build an eco-friendly, low carbon home that would be aesthetically designed and in keeping with the natural surroundings. The sloping nature of the site allows us to extend the footprint of the new structure without raising the roofline or affecting any sight lines of nearby properties. The plot is one of a series that lie behind the houses on Lane Reddin Terrace that are owned by the homeowners. An alleyway and raised embankment separates them from the houses, placing them approximately 5m above ground level. The land is accessed separately by a path that runs along the top of the embankment. This path, though adequate, would be improved in this project, which would be to the benefit of other residents."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the site on the application form describes the location of the site and its relationship to 4 Lane Reddin Terrace as there is not an exact alignment. The location of the site is clear from the site location plan and the address above adequately refers to the site.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location

6. The site is within the settlement boundary of Newlyn and there is no dispute between the parties that the location is suitable with regards to a residential use and complies with Policies 1 and 3 of the Cornwall Local Plan (CLP) in this regard.

Land Use and amount of development

7. The appeal site lies on land to the rear of Lane Reddin Terrace. This area is divided into plots which broadly correspond to the adjacent terrace. The topography of the land slopes up steeply with the houses and the road being on different levels.
8. There is a large area to the rear of the houses on Lane Reddin Terrace which is undeveloped, save for small ancillary buildings. To the west of this open area is a house and beyond that trees and open countryside.
9. Due to the topography of the area the site is visible from a number of surrounding vantage points. During my site visit I noted the site was visible on approach to Newlyn from Penzance on Western Promenade Road/New Road as well as from within Newlyn on Cliff Road and Strand. The site, along with the neighbouring land, when observed from the surrounding area presents as a pleasing ingress of the countryside which forms an important part of the setting of the settlement.
10. The terrace of properties on Chywoone Hill form a strong visual edge to the settlement with development beyond being limited and of a looser pattern. Other visible houses, including Roseland to the north, which has been recently extended, are situated towards the end of the terrace. Whilst there is a house to the east the main area of open space beyond the terrace remains undeveloped. The introduction of a dwelling in the space between the clear linear form of the terrace and the housing beyond would have a visually harmful impact on the character of this part of Newlyn.
11. Whilst the design specifics are for consideration at the technical consent stage the narrow nature of the plot and its location to the rear of the terrace would be an anomaly within the area. It is acknowledged that there is an existing building on the site, however, this is a small ancillary building which has limited visual impact.
12. In conclusion, whilst only for one dwelling, the proposed land use and amount of development would conflict with Policies 2 and 12 of the CLP which, amongst other things, seek development which ensures a physical and aesthetic understanding of its location and maintains and enhances natural and historic character.

Other Matters

13. The ownership of the land and its relationship to 4 Lane Reddin Terrace have been raised by both parties. However, the visual harm identified above would result regardless of whether the site was linked to any of the terrace properties adjacent. The narrow nature of the plot is relevant in so far as it results in the location of the development plot.
14. The loss of the garden area has been raised by the Council, however, it has not been demonstrated that there is conflict with the policies in the CLP in respect of this matter.
15. The site is located close to a conservation area (CA). As the site is outside of the CA there is no statutory requirement to determine whether the proposals would preserve or enhance the CA. The Council has not presented a case to demonstrate that the setting of the CA would be affected by the proposals. Given the case before me and my own observations on site I have not reached a different conclusion.

Planning Balance and Conclusion

16. The proposal would contribute to housing supply in a location where there is good access to services and could be available for a local resident. There would also be economic benefits arising from the construction process. Potential improvements to the access are noted and also that the proposed dwelling could be 'eco-friendly'. However, given that the proposal is for a single house these benefits would be modest and when balanced against the harmful impact on the character and appearance of the area are contrary to the aims and objectives of the CLP.
17. The appeal scheme would conflict with the development plan. There are no material considerations identified, individually or cumulatively, to indicate a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, the appeal should be dismissed.

H Faulkner

INSPECTOR