
Appeal Decision

Site visit made on 21 March 2017

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 April 2017

Appeal Ref: APP/D0840/W/16/3164950
Dewetha, West End, Blackwater TR4 8EX

- 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 & Mrs Came against the decision of Cornwall Council.
 - The application Ref PA16/05051, dated 23 May 2016, was refused by notice dated 19 August 2016.
 - The development proposed is a fully accessible, low energy home, single dwelling and adjoining garage in rear garden area of Dewetha.
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Decision

1. The appeal is allowed and planning permission is granted for a single dwelling and adjoining garage in the rear garden area of Dewetha West End, Blackwater TR4 8EX in accordance with the terms of the application, Ref PA16/05051, dated 23 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 (dated 16/11/2016), 2 (dated 20/06/2016), 3 (dated 20/06/2016), 4 (dated 20/06/2016), 5 (dated 20/06/2016), 6 (dated 20/06/2016) and 7 (dated 20/06/2016).
 - 3) No development shall take place until details of all external materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
 - 4) The dwelling shall not be occupied until drainage works for foul and surface water have been carried out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The drainage works shall be retained and maintained thereafter in accordance with the approved details.

Preliminary matters

2. Since the date of the Council's decision, the Cornwall Local Plan (CLP) has been adopted. As such, saved policies 3A and 6D of the Carrick District Wide Local plan, referred to in the decision notice, no longer have effect. The decision notice also refers to Policies 1, 2, 3 and 7 of the, at that time, draft Cornwall Local Plan. The Council has provided copies of the adopted versions of these policies and the appellant has had the opportunity to comment on them.
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3. In paragraph 1 above I have amended the description of the development so that it more succinctly describes the proposal.
4. The appellant submitted an amended Location Plan, drawing no. 01, with the appeal which identified the proposed vehicular access. As, even without this plan, it was not disputed where the proposed access would be, I do not consider any party would be prejudiced by me determining the appeal on the basis of this amended plan.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. West End is a small collection of buildings which run along the side of one of the main roads into Blackwater. Most of these developments front the road, but there is a commercial building, adjacent to the proposed vehicular access, which is set back from the road, and there is a large dwelling set behind some houses a short distance further south-west along the road. This irregular layout of development, plus an area of woodland in the midst of the houses, gives this group of buildings a diffused character with no strong cohesion.
7. The proposed dwelling would be located on land behind a row of terraced properties, one of which is Dewetha. The land is domestically used comprising closely mown grass and containing a number of items of residential paraphernalia including a child's trampoline, formal planting and a small chicken coop and run. The north-western and north-eastern boundaries of the site are defined by mature bushes and trees, whilst the south-eastern boundary to the rear gardens of the adjacent houses is relatively open. This means the site appears as being visually associated with the terrace and distinct from the open land to the north.
8. Consequently due to the nature of the site's boundaries, and the disparate layout of West End, I consider the proposal would not be spatially isolated from West End and would not represent an encroachment into the open countryside. Indeed I consider the proposal would comfortably meet the definition of 'rounding off' as set out within the explanatory text to Policy 3 of the CLP.
9. In respect of the site's relationship with Blackwater, I consider that West End is perceived as being part of the outskirts of Blackwater, and the site is also seen within this context. I acknowledge there is an area of open land between the terrace within which Dewetha sits, and a bungalow known as Toronto which is almost contiguous with the main part of Blackwater. However I do not consider this open land distinguishes firmly between the edge of Blackwater and the start of a separate settlement at West End, particularly as Toronto sits in a fairly open plot and is itself surrounded by undeveloped land, and so contributes to the visual tapering of development from Blackwater into West End. The Council state the site is 250 metres from the edge of the settlement boundary of Blackwater, but I have no evidence before me to support this. As such the development would meet the advice in paragraph 55 of the National Planning Policy Framework (the 'Framework') by supporting the rural community of Blackwater.

10. In summary, the development would not represent a protrusion into the open countryside and would respect the established pattern of development. Consequently it would not harm the character or appearance of the area and so would accord with Policies 2 and 3 of the CLP which both seek the provision of housing in suitable locations.
11. The proposal would constitute sustainable development as it would protect the character and appearance of the area, would provide a high quality built environment and would be appropriately located. It would therefore comply with the sustainable development aims of Policy 1 of the CLP and the Framework.
12. As I do not consider the development would be within the open countryside, Policy 7 of the CLP is not applicable.
13. I note the Council's concerns that the development could set a precedent. However, although I recognise there may be other sites in proximity of the appeal site which may be comparable in some respects, each case must be determined on its own merits.

Conditions

14. I have considered those conditions suggested by the Council against the requirements of the Planning Practise Guidance (PPG) and the Framework. In accordance with the advice in the PPG and the Framework I have imposed the standard condition relating to the commencement of development and a condition specifying the relevant plans in order to provide certainty. I have also attached a condition relating to finishing materials so as to preserve the character and appearance of the area, and a condition requiring the provision of a suitable drainage system in order to ensure the satisfactory drainage of the development.
15. One condition requires compliance prior to the commencement of development so that the effects of the proposal are properly mitigated for in order to make it acceptable.
16. I have not attached the suggested condition withdrawing permitted development rights. Paragraph 200 of the Framework advises that such conditions should not be used unless there is clear justification for doing so, and the PPG suggests that such conditions should only be used in exceptional circumstance. In this case, no such circumstances or justification have been demonstrated to me.

Conclusion

17. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR