

---

## Appeal Decision

Site visit made on 26 April 2016

**by Robert Gully MEng CEng MICE**

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

**Decision date: 30 June 2016**

---

**Appeal Ref: APP/D0840/W/16/3144526**

**Trewan House, Wheal Rose, Scorrier, Cornwall TR16 5DF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
  - The appeal is made by Mr M Begley against the decision of Cornwall Council.
  - The application Ref PA15/06614, dated 16 July 2015, was refused by notice dated 14 September 2015.
  - The development proposed is a self build dwelling.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a self build dwelling at Trewan House, Wheal Rose, Scorrier, Cornwall TR16 5DF in accordance with the terms of the application, Ref PA15/06614, dated 16 July 2015, subject to the following conditions:
    - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
    - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
    - 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
    - 4) No development shall take place until a Construction Method Statement and programme of works has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
      - i) construction vehicle details (number, size and type);
      - ii) vehicular delivery hours;
      - iii) the parking of vehicles of site operatives and visitors;
      - iv) loading and unloading of plant and materials;
      - v) storage of plant and materials used in constructing the development;
-

- vi) wheel washing facilities; and
  - vii) measures to control the emission of dust and dirt during construction.
- 5) The development hereby permitted shall not be occupied until the installation of a system to serve the development for the disposal of sewage has been completed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The details shall include a programme for maintaining the system if required. The system shall be retained and maintained thereafter in accordance with the approved details.
- 6) No development shall commence until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved by the local planning authority. The development hereby permitted shall not be occupied until the approved scheme has been implemented and shall thereafter be managed and maintained in accordance with the approved details. Those details shall include:
- (i) a timetable for its implementation, and
  - (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

### **Preliminary Matter**

2. The application is for outline planning permission with all matters reserved.

### **Main Issue**

3. The main issues are:
- whether or not the occupants would have adequate access to services; and
  - the effect on the character and appearance of the settlement and countryside.

### **Reasons**

#### *Access to services*

4. The appeal site would lie at the end of a lane which extends from the public highway past a varied but continuous string of primarily residential properties which front the latter part of the lane on the north side, with the host dwelling Trewan House being the last property on that side.
5. On my site visit, the location of the convenience store cited by the appellant appeared to lie within the caravan park to the south, whose entry sign indicated that it is not open all year round. Notwithstanding this, a farm shop and bakery which I saw to the north and south respectively would provide some coverage of basic needs in the local vicinity. Although accessing the farm shop on foot might be off-putting to some future occupants due to the lack of footways and relatively frequent traffic, the shops available would be readily accessible by bicycle or a short car trip, or a longer off-road walking route by

footpaths. Furthermore, access to the footway heading south towards the bakery near the A30, and a number of employment opportunities located there, was relatively straightforward.

6. The Framework acknowledges at paragraphs 29 and 34 that the need to travel needs to be minimised, however, this should take account of the specific context of rural areas. The appellant has argued that school bus and relatively frequent public bus services are available through the village, which is not disputed by the Council. Therefore, in the context of a rural village, Wheal Rose would afford opportunities to meet core basic needs locally or by sustainable means. Furthermore, I note the officer's conclusion in their report on the planning application at nearby Lansdowne Park<sup>1</sup> that it was in a sustainable location, and that the appeal site is located similarly close to services.
7. On the basis of the above, I conclude that the proposal would provide adequate access to services for its occupants.

#### *Character and appearance*

8. Wheal Rose is a generally dispersed village located within the countryside, with no defined or readily definable settlement boundary. However, there are groups of similar uses.
9. Beyond the property Meadowside, which sits opposite the appeal site, the access lane from the public highway turns through an S-bend, before continuing onwards in a less established form. This signifies a clear change in character at the end of continuous development. The appeal site has more affinity, through its domesticated appearance, with the prevailing residential character seen along the lane towards the rest of the village.
10. Whilst I note the Council's submissions regarding lawful use, there is no substantive evidence to indicate that the existing appearance of the appeal site, as a domestic garden, is not set to continue in the event the appeal proposal were not to go ahead. As such, I have considered the character and appearance of the appeal site to be as seen on my visit. Dwellings on the north side of Green Lane are visible uphill in the distance across the appeal site. This gives a domesticated village feel to the view northwards from the lane, rather than one of open countryside.
11. The appellant has submitted an indicative layout showing a proposed dwelling located to the east of the site. A dwelling here would closely reflect the existing pattern of development along the lane and be located at the S-bend of the lane where the character alters. On this basis, I am satisfied that an acceptable proposal could be secured at reserved matters stage which would respect the existing change in character in the vicinity of the appeal site.
12. The site would not be readily visible from within the village, or on the approach along the access lane, as it would be screened by existing vegetation or properties. This would include from the public highway uphill of the junction with the site access lane, where higher ground gives the widest views of the area. For example, the appeal site would be substantially hidden from the property Westway to the north east, and the adjacent highway there, by the

---

<sup>1</sup> PA15/05105 Former Car Park, Lansdowne Park, Wheal Rose, Scorrier

vegetation on the field boundary to the rear of Trewan House and its relatively low elevation.

13. Overall, the proposal would be located in a site which is immediately prior to a notable change in character on the lane, such that its introduction would not readily signal a sporadic extension of the settlement. Furthermore, its relative lack of visibility from the wider village and highway would limit any effect on the character and intrinsic beauty of the countryside seen in wider views.
14. I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the settlement and the countryside. The appeal proposal would therefore be in accordance with Saved Policy 3A of the Carrick District Wide Local Plan 1998. This policy seeks, amongst other things, to avoid significant adverse impact upon the beauty of the countryside, the diversity of the landscape and the character and setting of settlements.
15. Furthermore, for the reasons given above, the appeal site is not isolated from nearby development, which clearly comprises the coherent but generally scattered village of Wheal Rose. Therefore, the special circumstances required by the Framework in paragraph 55 for 'new isolated homes' do not apply.
16. The emerging Cornwall Local Plan 2010-2030 is still progressing through examination and therefore I give it limited weight. I note that this is a position the Council agree with in their appeal statement.

### **Other Matter**

17. I note the appellant's argument that there is no 5 year supply of housing land. Although the provision of a single new dwelling would be a modest benefit, this matter has not had any significant bearing on my decision given my conclusion on the 2 main issues.

### **Conditions**

18. I have imposed a reserved matters condition to reflect the outline nature of the application, along with the standard commencement condition to provide certainty.
19. I have not included the Council's suggested condition on a Construction Environmental Management Plan as there is no evidence to suggest that the site is contaminated or that a single dwelling would be likely to cause pollution problems. Moreover, the appellant's Sensitive Development Questionnaire suggests there is limited risk. However, I have imposed the suggested condition relating to a Construction Traffic Management Plan as the lane, particularly on the approach to the appeal site, is narrow and concerns have been raised with regard to construction traffic by a neighbouring property. However, I have referred to a Construction Method Statement as the condition does not just control traffic movement. I have also omitted the Council's suggested requirement to submit vehicular routes, as there would be only one realistic entry route from the public highway and no concerns were raised regarding wider traffic routing.
20. I have also imposed conditions relating to foul and surface water, with the latter being included in response to evidence of surface water issues brought to my attention on behalf of a local resident. Pre-commencement details are required for the sustainable drainage scheme as this is a matter that cannot be

easily amended once development is underway and hence agreement is required at an early stage to ensure its satisfactory implementation and operation.

**Conclusion**

21. I have found that the proposal would provide adequate access to services for occupants and its effect on character and appearance would be acceptable, such that it complies with relevant development plan policy. In these circumstances paragraph 14 of the Framework, in respect of decision-taking for proposals that accord with the development plan, says that planning permission should be granted.
22. I therefore allow the appeal subject to conditions.

*R Gully*

INSPECTOR