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## Appeal Decision

Site visit made on 29 November 2016

**by Colin Cresswell BSc (Hons) MA MBA MRTPI**

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

**Decision date: 21 December 2016**

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**Appeal Ref: APP/D0840/W/16/3157087**

**Land at Harcourt Lane, Feock, Truro 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 Mr Martin Denny against the decision of Cornwall Council.
  - The application Ref PA16/03840, dated 20 April 2016, was refused by notice dated 15 July 2016.
  - The development proposed is erection of two detached dwellings with all matters reserved except access.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Cornwall Local Plan was formally adopted during the course of the appeal process. This supersedes the Carrick District Wide Local Plan 1998 which no longer forms part of the development plan for the area. I have therefore determined this appeal in accordance with the Cornwall Local Plan.
3. For clarity, the site address in the header above is taken from the Appeal Form rather than the original Application Form.
4. The application was made in outline with all matters reserved except for access. I have determined the appeal on that basis.

### Main Issues

5. The main issues in this case are:
  - the effect of the proposal on the character and appearance of the area.
  - the effect of the proposal on highway safety.

### Reasons

#### *Character and appearance*

6. The appeal site is a grassy paddock and small area of woodland which occupies gently sloping land near the junction of Harcourt Lane and the road to Feock. The street scene in this area is distinctly rural in nature, with the narrow lanes being enclosed by mature trees and boundary vegetation. A small group of historic buildings associated with Porthgwidden House are situated immediately
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to the south of the junction. The area otherwise maintains a largely undeveloped appearance, with trees and open spaces being the most dominant features as the road winds down the hill towards Feock. Due to its especially high scenic quality, the whole of this coastal landscape is designated as an Area of Outstanding Natural Beauty (AONB).

7. Although details of the design are not available, the application form shows two detached dwellings with at least four bedrooms each, indicating relatively large properties. Due to the topography of the area and the presence of trees within the landscape, the dwellings would not be easily discernible from more distant vantage points within the wider surroundings. However, the development is likely to be somewhat more conspicuous when seen at closer quarters.
8. The plans indicate that a visibility splay of 32 to 43 metres would need to be provided around the existing access. Whilst it is proposed to retain the most significant trees, these works would inevitably increase the prominence of the entrance and facilitate views into the interior of the site. I am informed that there is already an overgrown track leading into the paddock, but I saw little evidence of this during the site visit and it has clearly grassed over. Hence, the hard surfaces necessary to form a new access into the site would inevitably provide the frontage with a more developed appearance. Furthermore, it is likely that any housing on the site would be highly conspicuous from near this entrance. Apart from the dwellings themselves, the associated gardens and domestic curtilages would also be perceivable, even if there were new planting within the site boundaries.
9. The appellant's Landscape and Visual Impact Appraisal acknowledges that the development could be seen from near the site entrance but suggests that the impact would be limited as there is existing residential development within Green Close which adjoins the northern boundary of the site. However, whilst I accept that these homes can be seen in the vicinity of the entrance, they can hardly be described as conspicuous given the level of physical separation across an open field and the screening that exists along the northern boundary of the site. In contrast, the proposed development would be clearly noticeable from near the entrance. As well as reducing openness, the proposal would alter the character of the site from that with an essentially rural appearance to that of a housing development.
10. Furthermore, I disagree with the suggestion that the visual impacts would be experienced by a limited number of receptors. Apart from being seen by passing traffic as it slows at the junction, there is also a bus stop opposite the site entrance where pedestrians are likely to linger, and I am aware that the area is well visited by tourists. Parts of the development would also be visible from the road as it heads down the hill towards Feock, especially when the trees are not in leaf. The rural characteristics of this lane are defined by its vegetated frontages with a sense of openness beyond. Even if the boundary planting were strengthened along the road frontage, there would be a perceivable reduction in openness.
11. It is argued by the appellant that low-density development of the sort proposed is a characteristic feature of the area. Whilst this may be the case with Porthgidden and parts of Feock (including Green Close) the appeal site enables visual separation between these places. By introducing housing development in a location that is defined by its open and undeveloped

appearance, the setting of both Feock and Pothgwidden would be undermined. Hence, the character and appearance of the area would be harmed.

12. It is argued that the proposal would be in compliance with Policy 3 of the Cornwall Local Plan (the Local Plan). This allows infill development where it would respect the settlement and landscape character of the locality. In this particular case, I have found that the proposal would harm the character of the area and hence the proposal would not comply with Policy 3 irrespective of the built development adjacent to its boundaries. I also note that paragraph 1.36 of the Local Plan supporting text recognises that gaps in development which add to the character of areas are not appropriate locations for infill.
13. I therefore conclude on this issue that the proposal would have a harmful effect on the character and appearance of the area. There would be conflict with Policies 2 and 3 of the Local Plan which, amongst other things, aim to protect the distinctive characteristics of localities.

#### *Highway safety*

14. Emerging visibility from the existing access is restricted due to the presence of mature vegetation and protected trees along the southern boundary of the site. Although it is suggested that the road is lightly trafficked throughout the year and vehicles travel at less than 30mph, I have not been provided with a great deal of evidence to substantiate these claims. As such, I consider that a 2.4 metre by 43 metre visibility splay would need to be provided in order to create safe access in this location, especially given the advice provided within Manual for Streets, which is referenced by both parties.
15. Drawing JG03 shows that it would possible to achieve a 2.4 metre by 43 metre visibility splay and the appellant indicates a willingness to abide by a condition to limit its height. While the emerging visibility would be partially impeded by the retained trees, I consider that it would not obscure approaching traffic to the extent that it would negate the effectiveness of the splay. Emerging vehicles could safely creep forward onto the road. I note the Council's concerns that two vehicles could meet at the site entrance. However, whilst this may have some effect on the flow of traffic in the area, it would not necessarily represent a safety hazard. Even taking into account that the road to Feock is relatively dark due to tree cover, I consider that it would be possible to engineer a safe access in this location.
16. I therefore conclude on this issue that the proposal would have an acceptable impact on highway safety. There would be no conflict with Policy 27 of the Local Plan that requires developments to provide a safe and suitable access.

#### **Conclusion**

17. I recognise that two new homes would make a contribution to housing supply in the area and could help to support local shops and services. I have also found that the proposal would be acceptable in terms of highway safety.
18. However, the benefits of the proposal would not be sufficient to outweigh the harm I have identified in terms of character and appearance. Even though the National Planning Policy Framework aims to significantly boost housing supply, it also indicates that 'great weight' should be given to the protection of scenic beauty within the AONB.

19. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

*Colin Cresswell*

INSPECTOR