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# Appeal Decision

Hearing held on 12 December 2012

Site visit made on 13 December 2012

by **D G T Isaac LLB**

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

Decision date: 28 January 2013

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**Appeal Ref: APP/D0840/A/12/2175830**

**Land at West Tolgus, Redruth, Cornwall TR15 3TN**

- 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 First Step Homes (SW) Ltd against the decision of Cornwall Council.
  - The application Ref. PA11/05442, dated 30 June 2011, was refused by notice dated 3 November 2011.
  - The development proposed is 40 dwellings of mixed tenure.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. There are two main issues in this appeal. The first is the effect of the proposed development on the character and appearance of the surrounding area. The second is whether the proposed development would be acceptable having regard to the aims of local and national planning policies concerning the accessibility of development.

## Reasons

### *Character and appearance*

3. The appeal site is an undeveloped area of land which is located on the south side of the road that runs through West Tolgus. The main A30 road which is a dual carriageway at this point runs a short distance to the south of the site.
4. Development on the north side of the road that runs through West Tolgus in the vicinity of the appeal site is mainly characterised by a ribbon development of bungalows which ends broadly opposite the western end of the site, with more sporadic development further to the north and mainly open land to the east. Most of the neighbouring land on the south side of the road comprises open fields with only two dwellings nearby on this side of the road and open land between those dwellings and the appeal site. In addition, the road in the vicinity of the appeal site has the appearance of a country lane.
5. With the above characteristics in mind, on approaching the site along the road from its junction with Broad Lane there is an overall feeling of having moved from an urban area to a rural area and a sense of separation between the appeal site and the urban area. In addition when viewed from the main A30

road, the site and its immediate surroundings form part of the rural setting outside the urban area. Consequently, although the site is not very far away from an urban area, I consider that the site and its immediate surroundings are nevertheless distinctly rural in character.

6. Policy 2 of the Cornwall Structure Plan (SP) seeks to ensure that the quality, character, diversity and local distinctiveness of the natural and built environment of Cornwall is protected and enhanced. SP policy 10 advises that most housing development should be in or well integrated with the existing built-up areas of towns, giving priority to previously developed sites and having regard to the character of settlements. SP policy 16 also indicates that most development will be in, or well integrated with, the existing built up areas of towns and should not harm their character.
7. The Draft Kerrier District Local Plan was never adopted by the Kerrier District Council (the former District Council for this area before the most recent local government reorganisation) and it now carries very little weight. In the absence of an up to date adopted local plan for the area with a proposals map defining the built-up areas of settlements, I therefore consider that in determining whether a proposed development would be in or well integrated with the existing built up areas of a town, the particular circumstances of each case need to be considered individually.
8. In the Camborne, Pool and Redruth Community Network Area Discussion Paper which was prepared to inform the emerging Local Development Framework for the area, a distinction has been drawn between the urban area and the wider network area which includes rural areas. However, the urban area does not appear to be defined in this document or on any associated map and the Local Development Framework for the area is still at a relatively early stage. Consequently, this reinforces my view that in determining whether a proposed development is in or well integrated with the existing built up areas of towns, each case currently has to be considered on its individual merits.
9. In this case, having regard to the change of character that is evident on approaching the appeal site from Broad Lane, the sense of separation between the urban area and the site, and the distinctly rural character of the site and its immediate surroundings, I consider that the site is clearly outside the existing built-up area of the town. Furthermore, the overall size and layout of the proposed development which would have the appearance of a housing estate with distinctly urban characteristics would be such that it would appear out of keeping with its distinctly rural surroundings in this location. In addition, having regard to the change of character that is apparent on approaching the site from Broad Lane and the sense of separation that is evident between the urban area and the appeal site, in my opinion, the proposed development would appear detached from the urban area to an extent that it would not be well integrated with the built up area of the town.
10. I recognise that the site is not within an area specifically designated for its landscape quality or open character. Nevertheless, the site and its surroundings do make an important contribution to the rural setting around the fringe of the urban area in views from the A30 and from the road that runs through West Tolgus. Moreover, when viewed in the context of the overall surroundings, the number and layout of the proposed new dwellings in this particular location would result in a development that would detract from the

rural character of the site and its surroundings to an extent that would have a significantly adverse effect on the character and appearance of the area.

11. I therefore conclude on the first main issue that the proposed development would have a harmful effect on the character and appearance of the surrounding area and that it would conflict with SP policies 2, 10 and 16.

#### *Accessibility*

12. SP policy 28 requires consideration to be given to the location and accessibility of development in order to minimise the need for travel and increase choice of travel by walking, cycling and public transport. It also seeks to ensure that opportunities to optimize walking, cycling and public transport are reflected in the scale, location and form of development proposals. This is broadly consistent with current government advice in the National Planning Policy Framework ("the Framework") the publication of which resulted, amongst other things, in the previous advice in Planning Policy Guidance Note 13: *Transport* (PPG 13) to which a number of references were made in the appellant's statement being revoked and replaced.
13. The Department for Transport's *Manual for Streets* also encourages a reduction in the need for travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents. It further indicates that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot.
14. Paragraph 4.4.1 of *Manual for Streets* makes it clear that the distance of 800m is not an upper limit, which allows for some flexibility in considering the distance of a proposed development from services and facilities. Nevertheless, following the revocation of the earlier advice in PPG 13, the distance of up to about 800m to which reference is made in *Manual for Streets* provides a useful starting point as well as the most up to date detailed national guidance in considering questions of location and accessibility.
15. The closest shop to the site is a convenience store which is about 950m away and the nature of the route to this shop is such that it is unlikely that many people would often walk there and back rather than use a car. The other nearest shops are all over 1km away from the site with some concentrated in the village centre at Illogan which is about 1450m away and others in the opposite direction. Residents of the proposed development would therefore not have any shops within 800m of the site. Moreover, the overall nature and generally scattered arrangement of the nearest shops and services in relation to the site and the location of some supermarkets further away would be unlikely to encourage residents of a development on the site to walk to obtain access to their daily needs rather than use a private car.
16. In addition there do not appear to be any dedicated cycle lanes or routes in the vicinity of the site and the absence of any such cycle lanes or routes together with the nature of some of the roads in the locality, would not encourage cycling as an alternative to use of a car.
17. I acknowledge that there are bus stops about 550m from the site on Broad Lane. However, I am not satisfied that it has been shown that the public transport services available from these closest bus stops would provide

sufficiently regular or direct connections with other places or other public transport services as to result in a realistic likelihood that they would be used to any material extent by residents of a development in this location as an alternative to use of the car.

18. I have also noted the position of the various other bus stops which have been highlighted on the accessibility plan submitted by the appellant. However, I am not satisfied that it has been shown that there are any bus stops within comfortable walking distance of the site for any public transport services that would be likely to be used to a material extent by residents of a development on the site as an alternative to use of the car.
19. I recognise that the proposed development would incorporate the construction of a footway along the section of the road adjoining the site and a further section of footway on another part of the road where there is currently no footway. I have also noted that the Highway Authority did not raise any objection to a proposal for 30 dwellings on this site on giving pre-application advice in relation thereto in 2009. Nevertheless, having regard to the distance of the site from services and facilities and the overall scattered nature of the services and facilities in relation to the site, I am not satisfied that residents of the proposed development would have a range of facilities within comfortable walking distance of the site and I consider that the location of the proposed development would not optimize opportunities for walking, cycling or public transport. Moreover, with that in mind, I have arrived at the overall view that in terms of accessibility the proposed development would fail to accord with the overall aims of SP policy 28 and that it would be unacceptable having regard to the aims of local and national planning policies concerning the accessibility of development.
20. I therefore conclude on the second main issue that the proposed development would not be acceptable having regard to the aims of local and national planning policies concerning accessibility of development and that it would conflict with SP policy 28.

#### *Housing land supply*

21. I have considered the representations made by the appellant regarding housing need in this area along with the submissions made to the effect that the Council's claim that there is a five year housing land supply for the area is questionable.
22. The appellant does not dispute the general approach taken by the Council in taking the middle option proposed in the Core Strategy as the preferred option upon which the housing requirement for the area should be based and at first sight, the figures produced by the Council using this approach appear to show that there is a five year land supply for the area. However, the appellant contends that a number of the sites that have been included by the Council in calculating the expected supply should not have been included in the light of the advice in paragraph 47 of the National Planning Policy Framework regarding the sites which should be considered to be deliverable in calculating housing land supply.
23. I have considered the representations made by the appellant and the Council regarding the sites which the appellant has contended are not deliverable as described in footnote 11 to paragraph 47 of the Framework. In the light of

those representations I consider that some of the sites, or parts thereof, that have been included by the Council in its calculations are not deliverable and should not be included in calculating the relevant five year housing land supply figures. Moreover, having regard to the overall number of sites, or parts thereof, that have been included in the Council's calculations which do not appear to be deliverable as described in the footnote to paragraph 47 of the Framework, I am not satisfied that the Council has shown that there is an up to date five year housing land supply for this area.

24. Nevertheless, although I am not satisfied that it has been shown that there is a five year housing land supply for the area, this is not sufficient to outweigh my conclusions on the main issues in this appeal which provide sufficiently compelling reasons to dismiss the appeal.

*Affordable housing*

25. I acknowledge that the appellant is an affordable housing provider and that half of the proposed new dwellings would be "affordable dwellings". I am also satisfied that the Unilateral Undertaking which has been submitted by the appellant would ensure that the number of affordable units proposed would be delivered.
26. Having considered all of the relevant representations, I am in addition satisfied that there is a need for affordable housing in this area and that the proposed development would make a significant contribution towards meeting some of that need. I have also taken into account the support expressed for the proposal by the Council's Affordable Housing Officer.
27. Nevertheless, although I consider that the proposed development would offer a significant benefit in terms of meeting some of the need for affordable housing in the area, this is not sufficient to outweigh the adverse effects of the proposed development that I have identified in my conclusions on the main issues.

*Other matters and overall conclusion*

28. Turning to other matters, I am not persuaded that the proposed development would constitute sustainable development as described in the Framework in all relevant respects and the advice in the Framework does not lead me to alter my conclusions on the main issues or to conclude that the appeal should be allowed. I acknowledge that the Unilateral Undertaking submitted by the appellant also contains an obligation to make a contribution towards education facilities in the area. I have also considered all of the other matters raised in the representations that have been made about the proposed development. However, none of these or any of the other matters raised alter my conclusions on the main issues which provide sufficiently compelling reasons to dismiss the appeal.
29. Overall therefore, for the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

*D G T Isaac*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Stephen Bott BA, MRTPI  
Jon Pearson Member IHIE  
Derek Coyle

Agent  
Transport Consultant  
Managing Director, First Step Homes (SW) Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Peter Blackshaw BA(Hons), MRTPI    Principal Development Officer

### INTERESTED PERSONS:

Eleanor Glanville  
Robert Drew  
Barbara Skinner

Secretary, West Tolgus Residents Association  
Local resident  
Local resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Letter of notification and circulation list
- 2 Extracts from the Proposals Map of the Draft Kerrier Local Plan
- 3 Photographs and further representations submitted by Eleanor Glanville
- 4 Representation submitted on behalf of Nigel Sowden