

Mr And Mrs A J Newton 33A Tehidy Road Tywardreath Par PL24 2QD	Your ref:	
	My ref:	PA13/03005/PREAPP
Dear Mr And Mrs Newton	Date:	20 November 2013

Pre-application enquiry reference	PA13/03005/PREAPP
Proposal	Pre application advice for erection of dwelling
Location	Whisperings Coombe St Austell Cornwall
Applicant	Mr And Mrs A J Newton

I refer to your enquiry received on 9 October 2013 concerning the above and would inform you that this letter is written on the basis of the information supplied with your enquiry and the submitted drawings.

I refer to your enquiry received on 22 May 2013 concerning the above and would inform you that this letter is written on the basis of the information supplied with your enquiry and the submitted drawings.

The proposal seeks to erect a new residential property to the north of Whisperings, which is land forming the extended curtilage of the property. A small strip of private amenity area is available immediately behind the property. Due to the rising nature of the ground the amenity area is terraced, with further available at a higher level. There is an existing garage building and access off the main road within the site. The site is bordered by woodland to the east, and the land slopes steeply up into the tree line and beyond.

The site is not located within a development envelope defined by saved policy 3 of the Restormel Local Plan 2001 and as such the application would be technically considered as development in the countryside.

The main considerations when determining this enquiry is the principle of residential development outside of any defined development envelope, without justification. Further considerations include the effect of the proposal on the character and appearance of the area and amenity.

Policy considerations

At the heart of the National Planning Policy Framework 2012 (NPPF) is a presumption in favour of sustainable development. This means that LPAs should positively seek opportunities to meet the development needs in their area unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

For decision making this means approving development proposals that accord with the development plan without delay and where the development plan is absent or silent or where relevant policies are out of date granting permission unless any adverse impacts in doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

The Restormel Local Plan came in to effect in 2001 and has been a 'saved' document since 2011.

Cornwall Local Plan Strategic Policies 2010-2030 Pre- Submission Document March 2013. From the day of publication, decision takers may also give weight (unless other material considerations indicate otherwise) to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies, and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF the closer to the NPPF the greater the weight to be given.

On that basis following its publication it is appropriate to refer to the submission draft of the Cornwall local plan in consideration of proposals, along with other saved policies but to consider the weight to be given in the context of the caveats set out above, particularly where there appears to be a conflict with the NPPF.

In the light of the age of the existing local plans across Cornwall there is logic in giving greatest weight to the NPPF and emerging local plan along with any saved policies listed in the emerging local plan in giving the most up to date position and guidance for decision making across Cornwall.

Hierarchy of relevant planning policies

National Planning Policy Framework 2012

Section 1 Building a Strong Competitive Economy
Section 3 Supporting a Prosperous Rural Economy
Section 4 Promoting Sustainable Transport
Section 6 Delivering a Wide Choice of Quality Homes
Section 7 Requiring Good Design
Section 8 Promoting Healthy Communities
Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 11 Conserving and Enhancing the Natural Environment

Cornwall Local Plan Strategic Policies 2010-2030 Pre- Submission Document March 2013

Policy 1 Presumption in favour of sustainable development
Policy 2 Key targets and spatial strategy
Policy 3 Role and function of places
Policy 6 Housing mix
Policy 7 Housing in the countryside
Policy 13 Design
Policy 22 Best use of land and existing buildings
Policy 23 Natural environment
Policy 27 Transport and accessibility

Restormel Local Plan 2001

Policies 1 and 2 Plan Strategy Policies
Policy 6 Development and Design Principles
Policy 76 Housing Development outside of Development Envelopes
Policy 79 Parking Policy
Policy 80 Traffic Safety

Principle of development

Section 6 of the NPPF paragraph 55 suggests that to promote sustainable development in rural areas, housing should be located where it will enhance or

maintain the vitality of rural communities. For example where there are groups of smaller settlements, development in one village may support services in another. However Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Policy 7 of the draft Cornwall Local Plan seeks to protect the open countryside from inappropriate development. However it is recognised that there will be a need for some housing in existing settlements.

Housing for settlements other than the main towns will be delivered mainly through, existing commitments, affordable housing led schemes and infill developments.

There is a distinction between (i)'infill' sites in the built-up area of towns and large villages, and (ii) 'infill' sites of one-two housing units in smaller villages and hamlets.

For the purposes of this policy, the 'infilling' of one-two housing units in smaller villages and hamlets is defined as: (i) the filling of a small gap in an otherwise continuously built up frontage that does not physically extend the village, hamlet or smaller settlement into the open countryside (ii) the redevelopment of an existing previously developed site within or adjoining the settlement or (iii) the rounding off of a settlement where its edge is defined by a physical feature such as a road.

The principle of residential development in this location must be considered against policy 76 of the Restormel Local plan as it outside of any development envelope.

As such the scheme does not accord with Policy 76 of the Restormel Local Plan 2001 as it outside a defined development envelope and does not constitute any of the housing development permitted outside of development envelopes.

Draft policy 22 of the Cornwall Local Plan 2013 states that to ensure the best use of land development proposals should give priority to:

- a. previously developed land or buildings
- b. despoiled, degraded, derelict and contaminated land
- c. the subdivision of properties, the re-use or conversion of existing vacant properties and building density that will ensure an efficient use of land; and
- d. safeguard Grade 1,2 and 3a agricultural land for food production.

The site already has planning consent for the erection of an attached annexe to the north of the dwelling. This proposals footprint would extend into the existing lawned garden area, between the property and its detached garage.

This proposal is on land further north that has a more sylvan feel. The land is terraced and rising from the road into the woods. The presence of the existing detached garage results in this particular part of the plot being considered to be despoiled and previously developed. A proposal to extend or replace this garage building, and divide the plot would not result in significantly more development in this wooded area. The garden area for the proposal would be formed from what is already utilised as garden area, and suitable screening and window location would result in a scheme that did not unduly adversely impact the dwelling already on the site.

It is considered the proposal would satisfy the criteria of Policy 3 infill development at para 1.31 (ii) and receive support from Policy 22 Best use of land and buildings.

Impact on character and appearance of the area

The site lies within an Area of Great Landscape Value. Policy 14 of the Restormel Local Plan 2001 states that development will not be permitted that would cause harm to the landscape, features and characteristics of the area. In this case given the existence of the garage building and the presence of the domestic garden the proposal is not felt to harm characteristics of the area.

Amenity

The plot as a whole has been viewed to be a suitable size to allow an additional dwelling while retaining a degree of private garden for the existing bungalow. A proposed dwelling could utilise the garden area to the north of the plot. With suitable arrangement of windows and boundary screening the two properties are considered capable of not unduly impacting upon the amenity of each other.

Conclusion

The construction of a dwelling within the existing garden area of The Whisperings is supported by national and emerging local planning policies. There exists clear conflict with the saved policies of the Restormel Local Plan 2001, however as indicated at the start of this response, with the passage of time the weight given to the emerging local policies will increase.

The Local Planning Authority would also recommend early consultation with the parish council and those parties likely to be affected by this proposal prior to submission of any future planning application as this will identify any concerns and possible issues that may arise in the future.

On the submission of any future planning application the Local Planning Authority will of course seek the views of statutory consultees including the Parish Council and any residential properties that may be affected by the proposed scheme which may have a bearing on the final recommendation on the planning application.

This advice is provided without prejudice to the outcome of a full assessment of a planning application(s) and the final decision of Cornwall Council on such applications in due course.

You should note that this letter does not constitute a formal decision by the Council (as local planning authority). It is only an officer's opinion given in good faith, and without prejudice to the formal consideration of any planning application. However, the advice note issues will be considered by the Council as a material consideration in the determination of future planning related applications, subject to the proviso that circumstances and information may change or come to light that could alter the position. It should be noted that the weight given to pre-application advice notes will decline over time.

Yours sincerely

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