

Appeal Decision

Site visit made on 1 August 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 18 August 2016

Appeal Ref: APP/D0840/W/16/3149837

Land adjacent to Swallows Rest, Windmill Road, St Minver, Wadebridge PL27 6RD

- 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 Mrs N Rawlings against the decision of Cornwall Council.
 - The application Ref PA15/12008, dated 22 December 2015, was refused by notice dated 22 February 2016.
 - The development proposed is described on the application form as '*construction of dwelling-house and garage*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is against the Council's refusal to grant outline planning permission with details of access, appearance, landscaping, layout and scale reserved (the 'reserved matters'). As such the plans associated with application Ref PA15/12008 are only indicative of the development proposed.
3. The Council sets out in paragraph 4.4 of their appeal statement that the emerging *Cornwall Local Plan: Strategic Policies* (the 'emerging plan') cannot yet be accorded full weight on account of the stage of preparation that it has presently reached.¹ I have approached the appeal on this basis.
4. The appellant's *Design and Access Statement* supporting the original application contains a different postcode, PL27 6RT, to that of the application form as employed in the banner heading above. However on the basis of the information before me I am satisfied that the postcode PL27 6RD is accurate.

Main Issue

5. The main issue is whether the location of the proposal would be acceptable with reference to local and national planning policy.

¹ With reference to paragraph 216 of the *National Planning Policy Framework* (the 'Framework').

Reasons

6. The proposal is to subdivide the appeal site to provide for a plot associated with a new dwelling which would be accessed via Windmill Lane. The appeal site is presently an open field used as a paddock which abuts the plot associated with the property named Swallows Rest. Swallows Rest is the last in an otherwise generally consistent line of properties to the north of the appeal site. Whilst the properties Shoulders Farm, Challamoor and Bramble Park are to the south of the appeal site, they are of a more dispersed arrangement than properties to the north, and on account of the topography of the land and intervening hedgerows are not readily apparent in conjunction with the appeal site.
7. The appellant contends in her appeal statement that the paddock is not of significant environmental value, and hence its use for residential development would accord with the encouragement given in the *National Planning Policy Framework* (the 'Framework') to using land without high environmental value in preference to other land. However the Framework qualifies the encouragement given to the effective use of land by relating it to '*land that has previously been developed...*'.² The appeal site is presently demarcated as a paddock rather than constituting in its entirety part of a domestic garden, and there was no evidence at the time of my site visit of permanent structures or fixed surface infrastructure. As such the appeal site cannot reasonably be defined as previously developed land within the terms of the Framework, and consequently the encouragement given in the Framework to making effective use of previously developed land carries little weight here.
8. The handful of properties to the north of the appeal site along Windmill Road forms a relatively distinct grouping which includes both historic and more modern buildings. The appeal site is nevertheless strongly rural in character, with relatively uninterrupted views of the surrounding countryside in all directions from nearby vantage points. Although the appeal site is partially obscured from view by hedgerows and mature trees, by virtue of its rural setting and current use it is clearly more akin to the countryside in character than to that of the built form of a settlement.
9. The appeal site is not within a settlement boundary defined within the *North Cornwall District Local Plan 1999* dated September 2007 (the 'Local Plan') or indeed within the emerging plan. Although it is possible to walk to the store hosted by Gunvenna Holiday Park, which is at a relatively short distance to the south, this store appears to be open only seasonally and at certain times to those who are not residents of the Park.³ Consequently in my view it cannot be relied upon for day-to-day provisions. Whilst there is a post office and public house in St Minver at approximately 1.5 kilometres distant from the appeal site, the services and facilities offered by St Minver are limited, and the route that pedestrians or cyclists would need to take to St Minver from the appeal

² At bullet point 8 of paragraph 17 and paragraph 111 of the Framework.

³ The appellant describes in section 2.1 of the *Design and Access Statement* supporting the original application that the shop facilities at Gunvenna Holiday Park are '*open to non-residents following opening times of the park*'. The appellant's appeal statement also refers throughout to this store as related to the 'Gonvenna (sic.) Holiday Park', however I observed during my site visit that the site is signed Gunvenna Holiday Park and I have consequently referred to it as such.

site would be unappealing as it is alongside winding carriageways without apparent dedicated walkways or lighting and which are in part single track.

10. Consequently the nearest settlements offering a range of services and facilities for day-to-day needs are Polzeath and Rock, both of which are approximately 3.5 kilometres distant.⁴ In this context it appears highly likely that the intended future occupants of the dwelling would be reliant on the use of private vehicles for the majority of day-to-day needs. Whilst the nearest bus stop is approximately 480 metres distant from the appeal site, it appears to benefit from limited bus services.⁵ As such it does not appear to me that nearby bus services can reasonably be said to offer a comparably convenient alternative to the use of private vehicles in this location.
11. The Framework sets out that decisions on proposed development need to take local circumstances into account, including in respect of the availability of sustainable transport in rural areas.⁶ However the Framework must be read as a whole, and no one element thereof automatically outweighs any other. It further sets out that patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling, and that the transport system needs to be balanced in favour of sustainable transport.⁷ I appreciate that the prevailing arrangement of properties in rural Cornwall is similarly dispersed as is the pattern of buildings nearby the appeal site. However the presence of this historic arrangement of properties does not justify its perpetuation in the present. In this context I therefore find that the location of the proposed dwelling would conflict with the approach in the Framework to encouraging the use of sustainable modes of transport.
12. Notwithstanding the proximity of other dwellings, given the nature of the appeal site, its clearly rural setting, and its distance from services necessary for day-to-date needs, I am of the view that the proposal can reasonably be described as for an isolated home within the countryside within the terms of paragraph 55 of the Framework. Paragraph 55 sets out that new isolated homes in the countryside should be avoided unless there are special circumstances, setting out a list of criteria that may constitute such circumstances. None of the circumstances listed in paragraph 55 apply to this proposal, namely that the proposal would not relate to the needs of rural workers, represent the optimal viable use of a heritage asset, re-use redundant buildings, or be of exceptional or innovative design. There is no evidence before me of other special circumstances that weigh in favour of the proposal.
13. Saved policy HSG4 '*Dwellings in the Countryside*' of the Local Plan sets out that new dwellings in the countryside will only be permitted where they are required for a person working in agriculture, subject to meeting certain requirements. However the Council's officer report associated with the original application explains that saved policy HSG4 of the Local Plan sets a more restrictive

⁴ As established in paragraph 5.23 of the Council's appeal statement, distances which appear not to be disputed by the appellant.

⁵ As set out in paragraphs 5.37 and 5.38 of the Council's appeal statement.

⁶ Including at paragraphs 10, 17, 29 and 34 of the Framework.

⁷ At bullet point 11 of paragraph 17 and paragraph 29 of the Framework.

approach to limiting isolated housing in the countryside than paragraph 55 of the Framework by referring specifically to agricultural workers, whereas certain other types of development may be appropriate within the terms of paragraph 55, a position with which I concur. However this does not mean that policy HSG4 ceases to carry any weight as it is, in part, consistent with paragraph 55 of the Framework, albeit more specific.

14. The Council have also cited in paragraphs 4.11- 4.16 of their appeal statement that in their view the proposal would conflict with policy 3 '*Role and function of places*' of the emerging plan. Broadly stated, policy 3 supports infill development subject to several criteria, including that a proposal would clearly relate to part of an established settlement, infill a small gap in an otherwise continuously built up frontage, or constitute 'rounding off' of a settlement. Notwithstanding that the weight accorded to the emerging plan must be tempered, development within the appeal site would not represent infilling or rounding off within the terms of policy 3, but rather represent an extension of the cluster of homes in this area into the countryside given the nature of the site and its surroundings as set out above.
15. The appellant explains in section 6.1 of her appeal statement that the proposal will entail social and economic benefits, and in final comments avers that the Council cannot presently demonstrate a five-year supply of deliverable housing sites. The Council has recently arrived at a revised calculation of objectively assessed housing needs during the examination of the emerging plan, and contends that on this basis they can demonstrate a five-year supply. However, as set out above, as the emerging plan is yet to be adopted it cannot be accorded full weight in this decision. As a consequence there is no definitive information before me to establish whether the Council's approach to housing supply is compliant with the approach in paragraph 49 of the Framework.
16. Any new home in Cornwall would entail some social and economic benefits in resulting in an addition to housing stock, in supporting employment during construction, and as future occupants would make use of services and facilities in the wider area. Recognition is given to such benefits in the Framework and in the *Planning Practice Guidance* (the 'Guidance') which sets out that housing can play a role in supporting the broader sustainability of villages and smaller settlements.⁸ However the benefits of one new home in this location would be essentially confined to a fractional numerical contribution to housing stock in Cornwall rather than representing an appropriately located dwelling. Moreover the social and economic benefits of the proposal would be small and negated by the negative environmental consequences of its location as identified above. Consequently even if the Council is unable to demonstrate a five year supply, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits.⁹
17. Several decisions made by the Council in respect of planning applications and advice given at pre-application stage have been brought to my attention by the

⁸ Reference ID: 50-001-20160519.

⁹ With reference to paragraph 14 of the Framework.

appellant where support has been given to what the appellant considers to be similar development to that proposed via this appeal. Whilst the appellant contends that several such cases indicate that the Council has taken a more permissive approach to enabling housing development elsewhere than in respect of application Ref PA15/12008,¹⁰ the development proposed, its location and surrounding context in each of these cases is different to this appeal, and each proposal must be determined on its particular merits.

18. Three further cases brought to my attention by the appellant relate to development proposed nearby the appeal site.¹¹ Nevertheless in each of these cases the development proposed relates to plots falling between properties to the north of the appeal site, which the Council are of the view makes these proposals more closely associated with the built form of the area than to the rural environment. As such those cases are not directly comparable with this appeal, and hence carry limited weight.
19. The appellant has also brought to my attention two appeal decisions within Cornwall Council's administrative area, Ref APP/D0840/W/16/3146224 and APP/D0840/W/16/3144526. It is axiomatic that the development to which these appeals relate is located in a different context with differing distances and ease of pedestrian or cyclist access to nearby services and facilities compared to this appeal. In respect of the former appeal, paragraph 14 of that decision sets out that '*the proposal would also be within reasonably close proximity to nearby services and facilities*'. In relation to the latter appeal, it appears that a greater level of services and facilities were similarly readily accessible from the appeal site (as set out in paragraph 5 of that decision). As such those appeals are of limited relevance to the circumstances that apply in this case.
20. For the above reasons I therefore find that the location of the proposal would not be acceptable, and that the proposal would conflict with the relevant provisions of saved policy HSG4 of the Local Plan, with the approach in policy 3 of the emerging plan, and with relevant elements of the Framework.

Other Matter

21. I note that reference is made in paragraphs 4.56-4.60 of the Council's appeal statement to the emerging *St Minver Parishes Neighbourhood Development Plan* (the 'neighbourhood plan'), and that the Council's officer report associated with the original application sets out that St Minver Highlands Parish Council do not object to this proposal. However no specific policies of the neighbourhood plan relevant to this appeal have been brought to my attention, and on the basis of the information before me the plan appears yet to have been made part of the statutory development plan. Consequently neither this, nor any other matter, is sufficient to outweigh my finding on the main issue above.

¹⁰ PA15/05009, PA15/05517, PA14/09379, PA14/00402, and a further unreferenced decision related to a proposal in Downgate, Callington as set out in section 4 of the *Design and Access Statement* supporting the original application.

¹¹ PA14/04962 and PA15/04309 associated with pre application advice Ref PA15/00210/PREAPP.

Conclusion

22. For the above reasons, and taking all other matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework, and I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR