
Appeal Decision

Site visit made on 26 July 2016

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 3 October 2016

Appeal Ref: APP/D0840/W/16/3148996

Sea View, 2 Trenawin Lane, Connor Downs, Cornwall TR27 5JG

- 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 Mr C Jones against the decision of Cornwall Council.
 - The application Ref PA16/00675, dated 22 January 2016, was refused by notice dated 5 April 2016.
 - The development proposed is erection of two dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the Location Plan (828/01) has been submitted which indicates additional land under the appellant's ownership. As this does not prejudice either party's case, I have determined the appeal on the basis of the revised plan.
3. The Council confirm in their Appeal Statement that the second reason for refusal listed on the Decision Notice (concerning affordable housing) has been withdrawn.

Application for Costs

4. An application for costs was made by Mr C Jones against Cornwall Council. This application is the subject of a separate Decision.

Main Issue

5. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - whether the site provides a suitable location for the proposed housing having regard to the provisions of the development plan.

Reasons

Character and appearance

6. The appeal site comprises an area of land and outbuildings which are associated with an existing property (Sea View). Both Angarrack Lane and Trenawin Lane assume a distinctly verdant and rural character at this point as they lead away from Connor Downs and towards the open countryside. Whilst
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there is a large industrial building on the opposite side of Trenawin Lane, the street scene here is dominated by trees, hedgerows and a perception of openness. With the exception of Sea View, the landscape to the south of Trenawin Lane comprises open fields and agricultural land.

7. Sea View is a large detached dwelling set within a generous sized plot. It is set back from Angarrack Lane behind a large paddock area which contains trees with driveway access from Trenawin Lane via a gap in the hedgerow. Consequently, it is relatively inconspicuous and maintains verdant and rural landscape to the south of Trenawin Lane. The character of Trenawin Lane therefore differs from that nearer to the village, such as the eastern parts of Angarrack Lane, which has a continuous frontage of built development on one side of the road.
8. Although the existing outbuildings on the appeal site are partially derelict, they are not easily seen from the surrounding area due to their relatively small size. The proposed dwellings would be substantially taller and bulkier and would introduce separate parking areas and domestic curtilages. Whilst they may not be easily seen from Angarrack Lane due to the trees screening the site, they could be seen from Trenawin Lane. Despite partial screening by Sea View and mature trees, it would nonetheless be possible to discern the frontages of the new properties and their parking areas, particularly when standing near the entrance of the site. As such, the development would undermine the rural qualities of the lane. The dwellings would effectively extend the built form of the village further to the south of Trenawin Lane where there are no other dwellings apart from Sea View.
9. Furthermore, the proposal would change the character of the site from that of a solitary dwelling in a generally quiet, rural setting to that of a small cluster of development beyond the edge of the village. It would result in the site becoming more urbanised than at present, with an associated increase in domestic activity. Hence, whilst the proposed dwellings would not be highly prominent from within the village, they would nonetheless result in incremental harm to the character of the countryside at this point. In this regard, I am particularly mindful that among the 'core principles' of the National Planning Policy Framework (the Framework) is the need to recognise the intrinsic character and beauty to the countryside.
10. I therefore conclude on this issue that the proposed development would harm the character and appearance of the area. There would be conflict with Policies GD-1 and CC-1 of the Penwith Local Plan 2004 (the Penwith Local Plan) which aim to protect the character and appearance of the area.

Location

11. There is open agricultural land to the south and east of the appeal site and a large paddock area to the north. Apart from Sea View, the nearest building to the appeal site is the large industrial unit situated on the opposite side of Trenawin Lane. However, there is open space between the industrial building and the appeal site, which is well set back from the frontage of Trenawin Lane alongside Sea View. The built-up area of Connor Downs is situated to the north of the appeal site and is separated from the appeal site by open undeveloped areas, including the paddock to the north and Angarrack Lane.

12. Given that the appeal site is adjacent to open agricultural land and is physically separated from the main built up area of Connor Downs, I do not consider it to be well integrated within the village. Indeed, its relatively isolated location to the south of Trenawin Lane and Angarrack Lane has more in keeping with the open countryside which surrounds the village. Consequently, the appeal site should be considered as being outside the village for the purposes of development plan policy.
13. I am aware of an Appeal Decision¹ for a proposed development of 9 dwellings on a nearby site within the appellant's ownership. Although the appeal was dismissed for other reasons, the Inspector noted that the site was well related to the village and surrounded by existing development. I have not been provided with the exact location of this site, but information within the appeal documentation indicates that it is situated closer to the main built up area of Connor Downs. In the current appeal, I have found that the site would not be surrounded by existing development, unlike the findings of my colleague in relation to the 9 dwelling site. Hence, the circumstances of the current appeal materially differ from the circumstances of that previous scheme.
14. The proposed development would not comply with Policy H-8 of the Penwith Local Plan which restricts new housing outside villages. However, I recognise that this plan is dated and currently in the process of being replaced by the emerging Cornwall Local Plan. The appellant highlights Policy 3 of the emerging plan which indicates that infill development can be supported within the boundaries of a settlement. Nonetheless, I have found that the appeal site lies outside the boundaries of Connor Downs and therefore the proposal would not comply with the terms of draft Policy 3.
15. I note the appellant's reference to Policy 10a of the emerging plan suggesting that the site represents a rounding off of the village. I disagree. My conclusions regarding the character of this area do not lead me to the view that the appeal site represents a natural rounding off of the village. It is neither substantially enclosed, nor is there a clearly defined physical feature sufficient to act as a barrier to further growth. Furthermore, although the emerging plan has now reached an advanced stage of preparation, it is not yet formally adopted and therefore its housing policies cannot carry full weight.
16. The appellant argues that the Council is unable to demonstrate a 5-year housing supply and considers that policies related to the supply of housing should be considered out of date. In light of this, the appellant argues that the presumption in favour of sustainable development, as set out in paragraph 14 of the Framework, applies. This is disputed by the Council, but there is insufficient evidence presented for me to come to a definitive view on the matter either way.
17. The Framework states that there are three dimensions of sustainable development; social, economic and environmental. In terms of the social dimension, the quantitative impact of two dwellings would make a very small contribution to housing supply and I note that the development would be on brownfield land. Nonetheless, it cannot be seen as a significant incursion into any shortfall, even in the context of the Framework's imperative to boost significantly the supply of housing. Similarly, whilst there would be economic

¹ Appeal Decision APP/D0840/A/14/2217749

benefits from the construction process and potential use of local facilities, this would not be substantial.

18. In terms of the environmental dimension, I note that the site is relatively accessible to shops and services within Connor Downs. However, one of the core principles of the Framework is to recognise the intrinsic character and beauty of the countryside. I have already established that the proposal would erode the character of the countryside in this particular location. .
19. Even if I were to conclude that the Council could not demonstrate a five year housing land supply, and take the relevant policies as being out of date, the adverse impacts I have identified would significantly and demonstrably outweigh the limited benefits arising from the scheme. The proposed development would not therefore represent the sustainable development for which the Framework indicates a presumption in favour. I conclude on this matter that the site does not provide a suitable location for the proposed housing.

Conclusion

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

CD Cresswell

INSPECTOR