
Appeal Decision

Site visit made on 8 November 2016

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 20 December 2016

Appeal Ref: APP/D0840/W/16/3157291

Southlee Nurseries, Eric Road, Calstock, Cornwall PL18 9SH

- 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 J Bennett against the decision of Cornwall Council.
 - The application Ref PA15/10481, dated 9 November 2015, was refused by notice dated 2 February 2016.
 - The development proposed is construction of affordable owners accommodation (Re-submission of application PA14/08540).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was decided, the Cornwall Local Plan Strategic Policies 2010 – 2030 (the Local Plan) was adopted on 22 November 2016. This document replaces the majority of the saved policies within the Caradon Local Plan First Alteration, 2007 and the North Cornwall Local Plan, 1999. As both parties have had the opportunity to comment on the development proposal in light of the latest policy context, I have determined the appeal in accordance with the policies from the recently adopted Local Plan.

Main Issue

3. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the Area of Outstanding Natural Beauty (the AONB) and World Heritage Site (WHS); and
 - the location of the proposed development in relation to social, community and other facilities.

Reasons

4. Travelling along Eric Road from the centre of Calstock the continuation of ribbon development out of the village gradually fragments. As the frequency of dwellings becomes more sporadic, the route is more readily defined by a rural country-lane character and sense of remoteness. Consequently, notwithstanding its relative proximity to the village and other houses along Eric Road, there is a strong connection between the appeal site and the surrounding open countryside. The site is also within the Tamar Valley AONB and the
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- Cornwall and West Devon Mining WHS and so is afforded the highest status of protection in relation to its landscape and scenic beauty and significance.
5. The appeal concerns part of the large plot associated with Southlee Nurseries, comprised of a detached late 20th century dwelling and block of single-storey glasshouses. As the site follows the topography of the hillside falling away towards the valley bottom, the undeveloped portion between the boundary hedge and glasshouses plays an important role in contributing to the rural character and also in providing a green buffer between development along Eric Road.
 6. The appeal proposal would provide a single-storey, two-bedroom bungalow towards the upper portion of the undeveloped field to the side of the glasshouses. Despite a reduction in the overall footprint in the most recent design iteration, the appeal scheme would introduce built form of a domestic appearance on an area of open green space. Because of both the position and otherwise open nature of the appeal site, the introduction of the proposed dwelling would undermine the countryside context that characterises the area.
 7. The proposed access would cut a section out of the roadside boundary, giving views to the bungalow at the top of a relatively long and steep driveway. The WHS planning advice indicated that the choice of materials could reduce its impact. However, because of both the location of the plot and the position of the proposed building within it, the development would have a visual prominence within the Eric Road and wider Tamar Valley scene. The effect of the proposal would be to consolidate built development along Eric Road and extend the sporadic line of dwellings into the countryside, to the detriment of the area's rural character.
 8. Moreover, the evident suburban appearance of the design, compounded by the bank of solar panels, would render it an awkward and unattractive presence, irrespective of the sensitivity of this particular context. Overall, therefore, the architectural treatment would fail to complement the rural surroundings in what is a highly protected landscape.
 9. For these reasons I conclude the proposed development would result in encroachment from the settlement into the open countryside. It would also result small, yet material, harm to the character and appearance of the area, the landscape and scenic beauty of the AONB. Even though there has been no third party objection in relation to the WHS and AONB, I have afforded great weight to this harm. It has been suggested that the proposed dwelling would be an affordable dwelling and enable the owners of the nursery business to continue to live on the site. Even if the development was an affordable home, this modest public benefit would not be sufficient to outweigh the harm to the character and appearance of the area; to the significance of the World Heritage Site; and to the landscape and scenic beauty of the AONB.
 10. The proposed development is thus contrary to Policy 3, 12 and 23 of the Local Plan, which resists development that physically extends a settlement into the open countryside, seeks to achieve high quality design in new development, and to conserve and enhance the landscape character and natural beauty of the AONB. The scheme also fails to conform to the provisions within the Framework, notably the core principles which seek to secure high quality design which takes account of the character of different areas and recognises the beauty of the countryside; as well as the policies under Chapter 12, which seeks to sustain and enhance the significance of heritage assets.

The location

11. The appeal site lies outside the settlement of Calstock, and is consequently within the category of open countryside. As a large village, Calstock evidently provides some of the essential facilities and services that would satisfy everyday needs, however, access to these is via a long and relatively steep, un-lit country lane with no footway. Notwithstanding the proximity to the village and its facilities, the walk would not feel safe to walkers or cyclists thus limiting options to travel without using a car. Even though the appellant has successfully run his nursery business from the appeal site for a number of years, in my judgement the appeal proposal would not be located where it would enhance or maintain the vitality of rural communities, or support services in the settlement.
12. I note that the Council's affordable housing team consider the appellant is in housing need and that, in some circumstances, an affordable development within or close to a settlement may be acceptable. I recognise that the proposed bungalow could meet the requirements of an affordable development. In any event, due to the remoteness of the location, divorced from local services, I do not consider the appeal site would be an appropriate location for an affordable home even if it would meet local needs.
13. Paragraph 55 of the NPPF sets out the special circumstances under which an isolated home in the countryside may be acceptable, including the essential need for a rural worker to live permanently at or near their place of work. The appellant's have set out the difficult personal circumstances as justification for the proposed development. I acknowledge the appellant's desire to remain on the site and am also sympathetic to their health issues, which could be alleviated through bungalow-living.
14. There is no evidence to indicate that it is necessary to live at their place of work in order for the enterprise to function properly, including during the night and outside regular hours of work. If a worker were not present at most times, there is limited evidence to indicate that this would materially affect the functioning of the enterprise. I note that the business currently employs six workers, but, from the evidence provided, I do not see why their employment would necessarily cease if the appellant was to sell his existing home and move to smaller accommodation away from the appeal site. The appellant emphasises that they are close to retirement; this places some doubt over whether the enterprise is likely to endure in the long term. There is therefore a significant risk that the enterprise might cease in the near future, leaving behind a new dwelling that would not otherwise have been approved. In light of this, I do not find that any of the special circumstances under Paragraph 55 area met by the appeal scheme.
15. I therefore find that the proposed development would, due to the nature of the location, result in an unjustified isolated home in the countryside that would fail to enhance or maintain the vitality of the rural community. As such, the development would be contrary to Policy 9 of the Local Plan and to paragraph 55 of the NPPF, insofar as they state that affordable housing development should be well related to the physical form of the settlement, seek to actively manage patterns of growth and promote sustainable development in rural areas.

Other matters

16. My attention was drawn to other developments locally, in support of the appeal, including bungalows, agricultural conversions and holiday lets, some of which have been permitted outside villages or without planning permission. However, I do not have full details of the circumstances that led to these proposals and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect to scale, location, use and development plan policy. In any case, I have determined the appeal on its own merits.
17. The appellant's long connections with the local area, the benefit of freeing a larger dwelling for the open-market, and the lack of objections from neighbours, Parish Council or the Highway Authority are not considerations that outweigh the harm caused by the development. I also note the appellant's comments about the manner in which the Council determined the application, however, my role in this matter is confined to a consideration of the appeal proposal on its individual planning merits.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR