

Appeal Decision

Site visit made on 29 November 2016

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 05 January 2017

Appeal Ref: APP/D0840/W/16/3152348

Jobs Cottage, Trew, Breage, Helston, Cornwall TR13 9QN.

- 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 Miss L Ryder against the decision of Cornwall Council.
 - The application Ref PA15/12059, dated 24 December 2015, was refused by notice dated 20 May 2016.
 - The development proposed is described as "construction of replacement dwelling, altered access, sewage treatment plant, associated works and new access".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Cornwall Local Plan was adopted during the course of the appeal process. I have determined this appeal in accordance with the policies of this plan.

Main Issue

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - whether the site would provide a sustainable location for the proposed development.

Reasons

Character and appearance

4. Trew is a small rural hamlet surrounded by open countryside. Although there are a range of housing styles in the area, most properties take the form of traditionally proportioned cottages and are arranged in a generally linear fashion along the main street frontage. The presence of agricultural land set amongst hedgerows and trees gives the street scene a distinctly open and verdant appearance, consistent with its rural setting.
 5. Jobs Cottage is situated at the northern end of the settlement at the junction of a lane which runs to the west. Despite being subject to alteration, it maintains a relatively simple and traditional appearance. As the rear elevation facing the lane is single storey, the property does not appear particularly prominent within the street scene. The lane running to the west of the site contains no other nearby development and has a highly rural character, with well established hedgerows and trees on either side of the road.
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6. The appeal site forms part of the existing residential curtilage of Jobs Cottage and is mostly open in nature. Although the site contains a derelict building which fronts the road and another small structure (labelled 'folly' on the plans) these are small buildings which are clearly subservient to Jobs Cottage. It is proposed to clear the site and construct a new dwelling immediately to the west of Jobs Cottage with the rear elevation abutting the lane. As this elevation would be two stories in height it would appear notably taller and bulkier than Jobs Cottage or the derelict building. Whilst there may be housing of similar size elsewhere within Trew, a new dwelling of the size proposed would clearly dominate the street scene in this particular location. The visual prominence of the dwelling would be somewhat exacerbated by the relatively complex form of the rear elevation which contains a mix of natural stone and render. Although there is a range of architectural styles in the settlement, most properties have relatively simple designs.
7. The new dwelling would be clearly seen from the road junction and would very noticeably extend built development further to the west, in a part of the lane that is characterised by its largely undeveloped and open appearance. As such, the proposal would harm the rural characteristics of the street scene in this location. In reaching this decision, I am mindful of the core principles of the National Planning Policy Framework (the Framework) to always seek to secure high quality design and to recognise the intrinsic character and beauty of the countryside. Although the appellant emphasises the need to construct a house with adequate floor to ceiling heights, there is little to suggest that the proposed design is the only way of achieving this.
8. I therefore conclude on this issue that the proposal would harm the character and appearance of the area. There would be conflict with Policy 13 of the Cornwall Local Plan (the Local Plan) which seeks to promote good design and maintain local distinctiveness.

Location

9. The appellant indicates that the appeal site previously contained a separate unit of accommodation. However, relatively little evidence has been presented to show that the use has been legally established. I have therefore considered the proposal on the basis that it would constitute a new dwelling rather than a replacement.
10. There are no shops or services within Trew and I have not been provided with information to suggest that it is well served by public transport. I understand that there is a village hall in nearby Carleen but the nearest shop is situated within Breague (which also contains a primary school and public house). Considering that Breague is situated approximately 1 kilometre from the appeal site, it cannot be said that these facilities are within a particularly convenient walking distance of the proposed dwelling. Furthermore, the route is mostly unlit and isolated with no pavement for much of the way. As such, it would not represent a particularly safe or attractive option for pedestrians or cyclists during hours of darkness.
11. It is therefore likely that future occupiers of the dwelling would be reliant on private vehicles in order to access even basic services, such as a village shop. As such, the proposal would not accord with a core principle of the Framework to actively manage patterns of growth in order to make fullest use of public transport, walking and cycling. Whilst dependence on private vehicles may be

expected in a rural location such as this, the proposal would only exacerbate this level of reliance. It would contribute to a pattern of development that would cause environmental harm as a result of increased car journeys and hence carbon emissions.

12. Nonetheless, the Framework also recognises that new housing can contribute to the vitality of rural communities by helping to support local services. In this regard, I accept that an additional household in Trew could play a small part in supporting the viability of services within Breague and elsewhere nearby. However, this argument could be used to justify any potential development site within the catchment area of a rural service. Policy 3 of the Local Plan therefore limits rural housing to particular types of windfall development, including homes built on infill sites within small settlements.
13. The Local Plan explains that infill development is only permitted within settlements that have a clearly definable form and shape and not just a low density collection of dwellings. In my assessment, Trew has a clearly definable shape and is therefore a settlement under which infill development may be supported under Policy 3. I also recognise that the appeal site forms part of the settlement, defining its north-west boundary.
14. Paragraph 1.35 of the Local Plan indicates that infill development for the purposes of Policy 3 falls into one of three categories. The first is where it fills a small gap in an otherwise continuously built up frontage. Given that the road frontage to the immediate west of the appeal site remains undeveloped, the proposal would not fall into this particular category of windfall.
15. The second type of infill identified in the plan is the redevelopment of an existing previously developed site. Although the proposal involves the removal of the derelict building to the west of Jobs Cottage and the folly to the south, the appeal site is essentially part of the private outdoor space associated with the existing dwelling. Considering that the definition of previously developed land within the Framework excludes land in built-up areas, such as private residential gardens, the proposal cannot be said to constitute infill on the basis that it is previously developed. Whilst the appellant argues that the site is not part of a built-up area, I have determined that the site forms part of the settlement and hence constitutes part of the built-up area. Besides, paragraph 1.37 of the Local Plan indicates that infill development is only supported within definable settlement boundaries.
16. The third category of infill identified within the plan refers to the rounding off of a settlement where its edge is defined by a physical feature that acts as a barrier to further growth. In this case, there is a barrier to growth insofar as there is a road to the immediate north and a clear boundary with the agricultural land to the west. I also recognise that Boslowen to the south and Jobs Cottage to the east define the other boundaries of the site.
17. Nonetheless, I have already established that the proposed dwelling would have a harmful effect on character and appearance and would noticeably extend built development along the lane to the west. As such, it would not visually 'round off' the settlement. Indeed, the wording of Policy 3 makes it clear that infill for the purposes of residential development must respect the settlement and landscape character. Consequently, the appeal proposal does not represent infill development in terms of the Local Plan.

18. The Framework indicates that the overall purpose of the planning system is to achieve sustainable development, of which there are three dimensions; environmental, social and economic. Assessed against these dimensions, I have found that the dwelling would cause environmental harm by virtue of its inaccessible location and its effect of character and appearance. Based on the evidence provided, the economic and social benefits of the scheme (in terms of its support for local services) would not be sufficient to outweigh this harm. Although it is argued that the Council do not have a 5-year supply of deliverable sites, the contribution that a single dwelling could make to any shortfall would be minor and I give this limited weight. Therefore, when taken as a whole, the proposal would not constitute sustainable development for which the Framework says there is a presumption in favour.
19. I therefore conclude on this issue that the site would not provide a sustainable location for the proposed development. The development would conflict with Policy 3 of the Local Plan which governs housing distribution.

Conclusion

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

Colin Cresswell

INSPECTOR