
Appeal Decision

Site visit made on 24 October 2016

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 13th January 2017

Appeal Ref: APP/D0840/W/16/3148401

3 Church Lane, Flushing, Falmouth TR11 5UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Janet Dourley against the decision of Cornwall Council.
 - The application Ref PA15/06793, dated 21 July 2015, was refused by notice dated 22 October 2015.
 - The development proposed is the erection of four detached dwellings and improvements to access road.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application is made in outline with all matters other than access reserved for subsequent approval.
3. The Council confirmed that as a result of the Court of Appeal decision in *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council* [2016] EWCA Civ 441 and the subsequent amendments to the Planning Practice Guidance, which resulted in a change to national policy regarding the thresholds for the provision of affordable housing, the Council has withdrawn its reason for refusal in respect of affordable housing

Main Issues

4. The main issues are:
 - i) The effect of the proposal on the Council's housing strategy, and
 - ii) The effect of the proposal on the character and appearance of the area which lies within the South Coast Central section of the Cornwall Area of Outstanding Natural Beauty (AONB).

Reasons

5. Since the making of the appeal the Cornwall Local Plan (CLP) was adopted on 22 November 2016, and thus I am required to determine the appeal in accordance with the development plan unless material considerations indicate otherwise. CLP Policy 7 deals with housing in the countryside and says that the development of new homes in the open countryside will only be permitted where there are special circumstances, none of which applies to the appeal
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proposal. The explanatory text to the policy says that open countryside is defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape).

6. In this case, the appeal site mostly comprises an overgrown area of hillside to the east of a row of dwellings on Church Lane. There are open fields to the north and the gardens of houses further to the east. Historically, the site has been excluded from settlement boundaries in previous plans, but this is not determinative. In my judgement, although I recognise that it is arguable, the appeal site creates a green gap of sufficient size to form a projection of the countryside into the built-up area of the settlement. The size of the gap is significant and it is not the kind of small gap in an otherwise built-up frontage where one or two dwellings might constitute infilling. I therefore find that the site lies outside of the physical boundary of Flushing, and, by definition, in the open countryside.
7. I agree that the site would not be isolated in physical terms, or in terms of its accessibility to services and facilities. However, this does not alter my view that the proposal would be contrary to a recently adopted development plan policy. It follows that the proposal would not accord with the housing strategy for the area, and would conflict with CLP Policy 7.

Character and appearance

8. Flushing is a small settlement on the hillside on the north side of the Penrhyn river estuary. The scenic beauty of the area is derived from the steep slopes which line the estuary, which is punctuated by steeply incised river valleys. Fields and woodland add to the natural beauty of the area. There is a line of trees immediately to the south of the site, which partly screens the site from view from across the estuary, and there are also trees along the northern boundary.
9. I acknowledge that the site would appear as a small element in a wide vista, and on its own, the site is not especially noticeable. The appellant argues that the site is not an integral part of the landscape or scenic beauty of the Area of Outstanding Natural Beauty (AONB), but I disagree. Whilst the site does not possess the same character as the agricultural fields to the north, it nevertheless contributes to the green, undeveloped character of Flushing's hinterland, and in my judgement, contributes to the natural beauty of the area.
10. I was referred to a number of viewpoints from the other side of the valley, many of which I took in on my visit. Whilst I have given careful consideration to the landscape and visual analyses of the various viewpoints referred to in the appellant's evidence, I disagree with the overall conclusions that the impact would be negligible. When seen in views from the eastern parts of Falmouth, the site is sufficiently far away for the field not to be especially noticeable. However, from viewpoints towards the north-western part of the town, particularly from North Parade, the site is clearly discernible and its greenery, together with that of the hillside in front, behind and to the east, makes a positive contribution to the attractiveness of the landscape.
11. I consider that views across the river towards Flushing are likely to be valued both by those who live on the opposite bank in Falmouth, and by visitors to the town. I consider that the filling of much of the green space with built

development would have an appreciable adverse impact on the landscape qualities of the AONB.

12. Whilst trees to the south of the site would filter views of the houses when seen from the south, their effect is less pronounced when seen from viewpoints further west, and in any event they could not be relied upon to provide screening in perpetuity.
13. Even though the scale and appearance of the houses are not before me, I am satisfied that four dwellings would spread built development across the hillside and would harm the scenic beauty of the area, and would be of a materially greater magnitude than the approved extension of the house at 3 Church Lane. As required by paragraph 115 of the National Planning Policy Framework, great weight should be given to conserving landscape and scenic beauty in AONBs which are amongst those designated areas which have the highest status of protection in relation to landscape and scenic beauty.
14. In this regard, I consider that whilst there may have been some change to the landscape since the decision of the Inspector who dealt with an appeal for two dwellings on the site in 1989¹, his conclusion is still relevant. He found that the site was prominent when viewed from Falmouth and that it gives an attractive setting to the village below. As in that case, the proposed houses would be below the skyline, but this does not alter the harmful impact that the proposal would have on the landscape quality of the area.
15. I therefore conclude on the second main issue that the proposal would result in material harm to the character and appearance of the countryside, would fail to conserve the scenic beauty of the AONB, and would conflict with CLP Policy 23 which deals with the natural environment.

Other matters

16. Local residents have raised concerns about the suitability of the access to the site. Whilst I acknowledge that the alignment and condition of the road leading to the site is not ideal, the provision of a further four dwellings would not generate sufficient movements as to materially change existing conditions, and there is insufficient evidence before me to show that the road is physically incapable of accommodating construction traffic. The improvements proposed to Arnhem Terrace would help to mitigate the impact of the proposal and thus this does not add to my reasons for dismissing the appeal.
17. At the time that the application was determined, the Council could not identify a 5 year supply of housing land. The Council now says that it can do so, having regard to the higher needs figure included in the CLP and the latest supply data included in its latest housing supply statement dated December 2015, which identifies a 5 year supply. The appellant has not disputed this position, and thus the provisions of paragraph 49 of the National Planning Policy Framework do not apply here.

Balancing exercise and conclusion

18. I have had regard to the social benefits of the proposal in increasing the supply, choice and variety of housing, and the economic benefits that would arise from the construction and occupation of the four dwellings. However,

¹ Ref: T/APP/P01810/A/88/99107/P7

these benefits are outweighed by the environmental harm that would result, to which I attach great weight. This and the conflict with the development plan mean that the proposal cannot be considered as sustainable development. For the reasons given above, I conclude that the proposal conflicts with the development plan as a whole, and that the appeal should be dismissed.

JP Roberts

INSPECTOR