

Appeal Decision

Site visit made on 23 January 2017

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 08 February 2017

Appeal Ref: APP/D0840/W/16/3159769

Land near Chytan Farm lying to the north of Tamerisk, Trethurgy, St Austell PL26 8YD

- 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 and Mrs Matthew Turner against the decision of Cornwall Council.
 - The application Ref PA16/04133, dated 29 April 2016, was refused by notice dated 13 July 2016.
 - The development proposed is 4 bedroom detached house with 1 bedroom annexe and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the heading above is taken from the Appeal Form as this more accurately describes the location of the site.
3. The Restormel Borough Council Local Plan 2001 no longer forms part of the statutory development plan for the area. I have determined this appeal in accordance with the policies of the Cornwall Local Plan, which was formally adopted by the Council during the course of the appeal process.

Application for costs

4. An application for costs was made by Cornwall Council against Mr and Mrs Matthew Turner. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether the site would provide a suitable location for the proposed development, having particular regard to the provisions of local and national planning policies.

Reasons

6. The appeal site is part of an open field which is accessed from the road through a farm gate. It is laid to pasture and is surrounded by fencing on three sides with a hedgerow forming the boundary with the road. The site is situated to south of the main built up area of Trethurgy and although there are some individual dwellings within the vicinity, the surrounding landscape is predominantly agricultural in nature.
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7. It is proposed to build a family sized dwelling on the site. Policy 3 of the Cornwall Local Plan (the Local Plan) restricts housing development in the countryside, but does allow some limited infill development to take place within settlements on the basis that it could help to support the sustainability of smaller communities. Paragraph 1.35 of the Local Plan indicates that 'infill' falls into one of three categories. The first is where it fills a small gap in an otherwise continuously built up frontage. While there are some other dwellings in the vicinity of the appeal site, they are well spaced apart there is clearly not a continuous frontage of built development along this part of the road. As such, the first category of infill would not apply. Nor is there evidence that the proposal would accord with the second category of infill which applies to previously developed land.
8. The final type of infill refers to the rounding off of a settlement for one or two dwellings, where its edge is defined by a physical feature that acts as a barrier to further growth. Although the term 'rounding off' is not precisely defined, the appeal site is an open field which adjoins another open field and so there is clearly not a physical barrier to further growth. In addition, paragraph 1.37 of the plan states that settlements where infill development is permitted must have a form, shape and clearly definable boundary- not just a low density straggle of dwellings. In this case, the appeal site and surrounding area cannot be said to have a definite form and shape, even though there are some existing houses nearby. Hence, I do not consider that the proposal can be considered to be infill development for the purposes of Policy 3.
9. As an exception to this restrictive approach to development in the countryside, Policy 7 of the Local Plan allows housing for rural workers in order to support established rural businesses. I appreciate that the appellants own a locally based business and the proposed dwelling would enable them to live close to their place of work. However, it has not been demonstrated that this is a functional requirement of the business. Furthermore, little evidence is provided to show that no other suitable accommodation is available, which is another requirement of the policy. As such, I do not consider that the proposal has been shown to meet the terms of Policy 7.
10. I understand that the appeal site has been donated to the appellants by a family member and would allow them to build a new dwelling at a relatively affordable price in an area where land prices may otherwise be prohibitive. Although Policy 9 of the Local Plan permits affordable housing in rural areas under certain circumstances, such developments need to address a wider community need (evidenced through a local needs survey). There is little before me to indicate that the appeal proposal would help to address such a need and therefore it cannot be justified under Policy 9.
11. I am therefore led to conclude that the proposed development would not be in accordance with the Local Plan. Planning law dictates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In taking account of other considerations, I have borne in mind that the National Planning Policy Framework (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.

12. Turning firstly to the environmental considerations, I have not been provided with any evidence to suggest that the appeal site is well served by public transport and I understand that the nearest local shops are situated some distance away in Luxulyan and St Austell. Hence, future occupiers of the proposed dwelling are likely to be heavily reliant on private vehicles to meet their day-to-day needs for even basic services. 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. The proposed dwelling would contribute incrementally to a more dispersed pattern of development that would cause environmental harm as a result of increased vehicle journeys and hence carbon emissions. Considering that this harm conflicts with one of the core principles of the Framework I assign it a good deal of weight in my decision.
13. The appellants argue that their family currently travels over 170 miles per week as a result of commuting to work and tending their ponies. A dwelling in the location proposed may therefore result in fewer vehicle journeys for this particular household. However, such arrangements will not necessarily exist in perpetuity and the proposed dwelling would clearly be a permanent feature. While the dwelling would only take a small amount of agricultural land and occupation of the site may help its long-term management, this is not necessarily the only way of ensuring that the land is maintained in the future. I note that the dwelling would incorporate an energy efficient design, would retain the hedgerow and would reflect the appearance of neighbouring properties, but the lack of harm in these respects does not outweigh the harm I have identified above.
14. In terms of economic considerations, there would be a small benefit to the local economy arising from the construction of the dwelling. I also recognise that it would enable the appellants more convenient access to their locally based business, but little evidence has been provided to show that there is a functional need for the dwelling in order to support the viability of this business.
15. With regards to the social aspects of sustainable development, it is argued that occupants of the dwelling would be likely to support the Post Office and local shop at Luxulyan. Although this may be the case, the same benefits could be achieved by housing in more accessible locations. Similarly, while I understand that the appellant's business provides a valued service within the local community, the viability of this is not necessarily contingent on the proposed dwelling being constructed.
16. I recognise that the family sized dwelling being proposed would enable two smaller homes to be placed on the market, thereby contributing to local housing supply. Nonetheless, the contribution to the housing supply would be relatively modest. I am also aware that the proposed dwelling would enable the family to live together in an area connected with their cultural heritage. It may also improve the social care of more elderly family members. However, notwithstanding the affordability of local homes, similar benefits may be achieved by living elsewhere in the locality.
17. Therefore, whilst the proposed development does offer some benefits in terms of the social and economic aspects of sustainable development, these are not sufficient to outweigh the environmental harm that I have identified. Overall,

the material considerations put forward in support of the proposal do not warrant a departure from the policies of the Local Plan. In reaching this decision I have taken account of other planning permissions referred to by the appellants, including a nearby barn conversion¹. Whilst I do not have full details of that case, local and national planning policies favour reuse of previously developed sites. Hence, the circumstances of that particular case appear to be different from the current proposal.

Conclusion

18. I fully understand the appellants' wish to build a family home in an area where they have strong community ties and run a local business and appreciate that the site provides a good opportunity for them to pursue this. However, I am required to determine the proposal on the basis of planning policy. Based on the evidence before me in this appeal, I conclude that the site would not provide a suitable location for the proposed development. There would be conflict with Policy 3 of the local Plan which governs the distribution of new housing development.
19. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

CD Cresswell

INSPECTOR

¹ Council Ref: PA13/08996