

Appeal Decision

Site visit made on 24 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: 09 February 2017

Appeal Ref: APP/D0840/W/16/3158224

Land opposite Navarino Bungalow, North Petherwin, Launceston, Cornwall

- 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 Mr M Adams against the decision of Cornwall Council.
 - The application Ref PA16/03795, dated 25 April 2016, was refused by notice dated 1 June 2016.
 - The development proposed is erection of a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The North Cornwall District Local Plan 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.
3. The application was made in outline with all matters reserved for future determination. I have considered the appeal on that basis.
4. The address in the heading above is taken from the Appeal Form.

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. Navarino is a small hamlet which, together with the Tamar Otter and Wildlife Centre, comprises a low density grouping of dwellings positioned on either side of a narrow, rural lane. The appeal site is an open paddock which is situated between existing development. The wider surroundings are predominantly agricultural in nature, with the small settlement of Petherwin Gate lying approximately 400 metres along the lane further to the west.
 7. There are very few services and facilities within the vicinity. I understand that the Tamar Otter and Wildlife Centre has a visitor café and the appellant lists a number of amenities within the North Petherwin area, including a village hall, church, football club and industrial units. However, there are no local shops
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where even basic day-to-day needs for groceries could be met. Future occupiers of the proposed dwelling would clearly need to travel in order to meet their everyday requirements, with Launceston being the nearest higher order service centre approximately five miles away.

8. A core principle of the National Planning Policy Framework (the Framework) is to actively manage patterns of growth in order to make fullest use of public transport, walking and cycling. Given the distances involved, it would be difficult for future occupiers of the proposed dwelling to meet many of their everyday needs by walking or cycling, although Navarino is relatively well served by public transport with a bus route linking to Launceston. However, while future occupiers may have the choice of taking a bus, it would not necessarily provide a convenient option at all times during the day and evening given that services are fairly limited. Besides, paragraph 35 of the Framework it makes clear that access to public transport is only one factor in an assessment of sustainable transport. Priority should also be given to pedestrian and cycle movement.
9. Based on the evidence presented, I consider it most likely that future occupiers of the proposed dwelling would use private vehicles to meet the majority of their day-to-day needs. I recognise that use of private vehicles may be a fact of life in some rural locations such as this, particularly to access higher order services. Nonetheless, an additional dwelling in this area would only exacerbate the level of use. The proposed dwelling would incrementally contribute to a more dispersed pattern of development that would cause harm as a result of increased vehicle journeys and hence carbon emissions, conflicting with the objectives of the Framework in this regard.
10. Nevertheless, paragraph 55 of the Framework also recognises that new housing can contribute to the vitality of rural communities by helping to support local services. With this in mind, I recognise that an additional household in Navarino could play a small part in supporting services within North Petherwin and the wider surroundings. Of course, this argument could be used to justify housing proposals within the catchment area of almost any rural service. Policy 3 of the Cornwall Local Plan (the Local Plan) therefore strictly controls housing development in the countryside but does allow limited infill development to take place within settlements on the basis that it could help to support the sustainability of smaller communities.
11. According to paragraph 1.37 of the Local Plan, hamlets in which infill sites are allowed should have a form and shape and clearly definable boundaries- not just a low density straggle of dwellings. Even though Navarino is very small, it has a reasonably clear linear form which defines its boundaries. The plan also advises that the settlement should be part of a network of settlements or be in reasonable proximity to a larger village with more significant community facilities, such as a primary school. Whilst the primary school is some distance from the appeal site and many of the services referred to by the appellant are somewhat dispersed, Navarino could be said to be part of a loose network of small settlements with some facilities shared between them.
12. However, the Local Plan is quite specific about what is defined as 'infill' for the purposes of Policy 3. Paragraph 1.35 of the plan indicates that infill falls into one of three categories. One of these refers to previously developed land and there is no evidence before me to suggest this applies to the appeal site.

Another category of infill is the rounding off of a settlement where its edge is defined by a physical feature that acts as a barrier to further growth. While the exact meaning of 'rounding off' is not fully explained within the plan, the appeal site cannot be described as being on the edge of the settlement given that there is other development to the east and west.

13. The final category of infill defined within the plan is the filling of a gap in an otherwise continually built up frontage that does not physically extend the settlement into the countryside. Although the appeal site is situated between Green Acres and the Tamar Otter and Wildlife Centre, the road frontage between these properties is not continually built up. While the residential curtilage of Green Acres adjoins the appeal site, the dwelling is set within a large garden. This creates a partially undeveloped road frontage to the west of the appeal site. Similarly, Otterside is set back from the road frontage behind the Tamar Otter and Wildlife Centre car park.
14. I am conscious that paragraph 1.36 indicates that many frontages are not continuously built up and have gaps bigger than one or two dwellings between buildings. The paragraph advises that these gaps contribute to the character of the area and the development of these gaps would not therefore be considered to be infill under the policies of the Local Plan. In this particular case, the space between the Tamar Otter and Wildlife Centre and the eastern elevation of Green Acres is relatively substantial, and clearly forms a gap capable of accommodating more than one or two dwellings. Hence, I do not consider that the appeal site can be classified as being suitable for infill.
15. It seems to me that the Local Plan adopts an intentionally narrow definition of infill in order to limit the amount of sporadic development across Cornwall. Whilst development in smaller rural settlements can benefit community vitality, this has to be balanced against the harm of enabling more dispersed patterns of development that encourage car use and undermine the character of the countryside. The definition of infill development within Policy 3 provides a method of striking such a balance.
16. Planning law dictates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. I understand that when the appeal proposal was originally determined, the Council were unable to demonstrate a five-year supply and the development plan policies therefore carried less weight. However, the Council indicate that a five-year supply of housing sites can now be shown. In the absence of any evidence to dispute this, I am therefore able to give Policy 3 of the Local Plan considerable weight in this appeal.
17. Most of the planning decisions and examples of pre-application advice referred to by the appellant appear to have been made before the Local Plan was adopted. It also appears to have been at a time when the Council were unable to demonstrate a five-year housing land supply. As such, the imperative of the Framework to significantly boost housing supply was pertinent. Indeed, this formed part of the Inspector's reasoning in the appeal¹ at Lewannick where two open market dwellings were allowed. Furthermore, whilst there may be some

¹ Appeal Decision: APP/D0840/A/14/2223175

similarities between the circumstances of the appeal proposal and the other examples quoted, I have demined this appeal on its individual merits.

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

CD Cresswell

INSPECTOR