
Appeal Decision

Site visit made on 24 January 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 28 February 2017

Appeal Ref: APP/D0840/W/16/3157900

The Yard, Dunstan Lane, St Mellion, Saltash PL12 6UE

- 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 Bryan Hammond against the decision of Cornwall Council.
 - The application Ref PA16/06080, dated 1 July 2016, was refused by notice dated 26 August 2016.
 - The development proposed is erection of detached dwelling with garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Cornwall Local Plan was adopted by the Council on 22 November 2016. Policy H07 of the Caradon Local Plan has therefore been superseded and I have not taken it into account in my decision.

Main Issues

3. The main issues in this appeal are:
 - Whether this would be a suitable site for housing, having regard to the settlement strategy, access to services and facilities, the Development Plan and the National Planning Policy Framework.
 - The effect of the proposal on the character and appearance of the area.

Reasons

Whether a suitable site for housing

4. The appeal site is mainly made up of a levelled and hardsurfaced area. It is adjoined by rising open countryside on three sides. On the opposite side of the semi-rural lane is a row of substantial detached houses forming part of an estate of around seventy dwellings associated with the St Mellion golf and leisure complex. A previous appeal in respect of a dwelling at the site was dismissed in March 2016¹.
5. Adoption of the Cornwall Local Plan (LP) means that this appeal has to be determined in accordance with its policies unless material considerations indicate otherwise. I have been referred to LP Policy 3, which provides for the

¹ Reference APP/D0840/W/15/3139694.

rounding off of a settlement or development of previously developed land adjacent to a settlement, or infilling within an otherwise built-up frontage not physically extending a settlement. The adjacent estate consists almost exclusively of well-spaced modern housing. Although there are some private leisure facilities available in the adjacent golf complex, the estate does not have any of the facilities that would normally be found in a village. The Council does not recognise the estate as a settlement. The estate is physically separated from the built-up part of St Mellion, the nearest recognised village, by a substantial tract of open land comprising countryside as well as part of the golf course. Accordingly, the estate could not be described as being a part of St Mellion village in a meaningful sense.

6. Therefore, the estate could not in my view be regarded as a settlement, or indeed part of one, in the conventional sense and although relatively large, it would be more akin to the 'low density straggle of dwellings' which is described as being unsuited to infilling in the supporting text to LP Policy 3. I acknowledge that the re-use of previously developed land would not create a precedent for the development of open countryside. I also recognise that land with a countryside setting may not necessarily be within the open countryside. Nevertheless, the previous Inspector considered that the appeal site was in the open countryside and I have not seen anything which would lead me to a different conclusion. For the above reasons, in my view the appeal site is not located in or adjacent to what might reasonably be described as a settlement as meant by LP Policy 3 and it is therefore in the open countryside for the purposes of planning policy.
7. LP Policy 7 restricts new housing in the open countryside to the replacement or subdivision of existing dwellings, the re-use of rural buildings or where a need for accommodation for a rural worker has been established. The appellant has not argued that there would be a need for accommodation for a rural worker. Therefore, the proposal would not accord with LP Policy 7, as it would result in a new house in the open countryside.
8. Having regard to its proximity to the estate, the appeal site could not be described as 'isolated in the countryside' in a physical sense. St Mellion has some limited facilities and services, notably a Church, a primary school and a public house, together with access to bus services to Plymouth and Launceston. Even so, to access the village pedestrians or cyclists would generally have to travel along largely unlit roads and paths for around 1500 metres. These factors are likely to discourage many potential pedestrians or cyclists. Moreover, the limited facilities and services in the village would not provide the full range of the incoming residents' daily needs. Callington, the nearest larger settlement, is approximately 5 kilometres away. Incoming residents would therefore be likely to be reliant on the car for most of their journeys to access facilities and services.
9. The difficulties in terms of accessing services and facilities by means other than the private car leads me to the conclusion that in a functional sense, the proposed dwelling would be isolated in the countryside. This would significantly offset any benefit afforded by incoming residents in terms of supporting the limited range of local facilities and services and maintaining the vitality of the local community. Overall therefore, the proposal would be inconsistent with the Framework objective at paragraph 55 of promoting sustainable development in rural areas.

10. My attention has been drawn to a recent appeal decision² in the Council's area, in which an Inspector found that a new dwelling would not be not isolated in the countryside, being separated from a village by a single field and with easy pedestrian and cycle access to a school, shops, a post office and a church. I have also been referred to LP Policy 21³, which encourages re-use of land and buildings of low environmental or historic value. However, for the above reasons the appeal decision is not comparable with this scheme and the proposal would not accord with LP Policy 21, as the appeal site is not sustainably located.

Character and appearance

11. The previous Inspector concluded that a two storey dwelling would be an incongruous addition to the landscape and would harm the intrinsic character and beauty of the countryside. The proposed dwelling would be around 1.5 metres lower than the previous scheme. Consequently, the scale of the proposal would be substantially reduced in comparison.
12. Even so, the proposed dwelling would have a significant overall size and bulk. Situated on the levelled area, it would be elevated in relation to the lane and the housing opposite, with open countryside on three sides. The previous Inspector described the appeal site as not being well related to the existing pattern of development along the lane, being located on the opposite side in an open countryside setting. These factors have not changed.
13. I accept that the Cornish hedge along the frontage would reduce the appearance of the proposed dwelling from the lane during part of the year. Even so, it would not be effective all year round. Although adjacent to rising land, the roof of the new dwelling in particular would appear as a visible, built residential feature in the adjoining open countryside. I have not been referred to any longer distance views of the proposal in the landscape. Nevertheless, the fact that a development may not be particularly noticeable is not a good reason for granting permission as it would lead to the progressive erosion of the countryside.
14. I acknowledge that the appeal site currently possesses an industrialised appearance at odds with its countryside surroundings and that its re-use would be supported by paragraph 111 of the Framework. Even so, the appeal site is largely open and absent of substantial buildings. Any improvement in its appearance would therefore be significantly outweighed by the harmful effects of introducing residential built form into the open countryside.
15. Therefore, notwithstanding the reduction in scale since the previous appeal, the proposed dwelling would appear as an alien feature in its surroundings, causing unacceptable harm to the intrinsic character and beauty of the countryside. Accordingly, it would not contribute to protecting and enhancing the natural environment, being inconsistent with the environmental role of sustainable development, as set out at paragraph 7 of the Framework.

Other Matters

16. I have taken account of the considerable local support for the proposal as well as the local objections. Whilst reference has been made to the appellant's

² APP/D/0840/W/16/3146813.

³ Formerly Policy 22 in the draft version of the LP.

family circumstances, planning permission normally runs with land and such matters will rarely outweigh planning considerations. Whilst I note the references to other planning decisions in the area, no details have been provided in order to enable any comparison to be made. Moreover, each case is decided on its individual merits. General reference has also been made by interested parties to the requirement to make provision for gypsy and traveller and travelling showman's sites. Nevertheless, it has not been argued that the proposal would meet any requirement in that respect.

Planning Balance

17. The Framework advises at paragraph 7 that as well as the environmental role of sustainable development, the proposal has to be assessed against the economic and social roles. All three roles are mutually dependent. The proposal would provide some economic benefits, notably short-term jobs in the construction sector. It would also provide some social benefits in terms of incoming occupiers contributing to maintaining or enhancing the vitality of the local community and local facilities and services. However, given the small-scale of the proposal and the limited local services and facilities, these benefits are of limited weight.
18. Whilst the Council can demonstrate a five-year supply of housing land, the appellant considers that an additional buffer of 20% should have been applied to the Council's housing land supply figures, in accordance with the advice in paragraph 47 of the Framework. However, I have not been supplied with any evidence of actual housing delivery in recent years compared with what was planned, in order to make any detailed assessment in that respect. Consequently, this matter does not affect the weight afforded to the small-scale contribution to the supply of housing which would be made by the proposal. There would also be a small-scale benefit arising from the re-use of previously developed land.
19. I acknowledge that the previous Inspector considered that the benefits of the proposal weighed heavily in favour of its sustainability. Even so, his findings were reached in the context of a shortfall housing land supply and prior to adoption of the LP. Both matters represent a material change in circumstances since the previous appeal.
20. For reasons set out above, the proposal would not fulfil the environmental role. This adverse impact would significantly and demonstrably outweigh the small-scale benefits of the proposal, when assessed against the policies in the Framework taken as a whole. As a result, the proposal would not amount to sustainable development as set out in the Framework.

Conclusion

21. The proposal would not accord with the Development Plan or be consistent with the Framework and for the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR