
Appeal Decision

Site visit made on 21 February 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 02 March 2017

Appeal Ref: APP/D0840/W/16/3160601
Trevean Lane, Rosudgeon TR20 9PD

- 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 Stuart Allen against the decision of Cornwall Council.
 - The application Ref PA16/05594, dated 17 June 2016, was refused by notice dated 12 August 2016.
 - The development proposed is the erection of dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the application was refused planning permission, the Council has adopted the Cornwall Local Plan Strategic Policies 2010 -2030 (CLP). The policies contained therein have replaced those within the Penwith Local Plan (PLP), which are referred to in the Council's reasons for refusal. This is explained in the Council's statement and the appellant has had opportunity to comment. No party has therefore been prejudiced by this change in development plan policy.

Main Issues

3. The main issues are:
 - whether development plan policy supports the principle of a new dwelling in this location; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Location of development

4. The Council's settlement strategy is contained within CLP Policy 2. It sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing homes and jobs in a proportional manner based on the role and function of each place. Policy 2a establishes key targets for the delivery of 52,500 new homes during the Plan period and Policy 3 establishes a hierarchy in which new development will be accommodated up to 2030.
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5. CLP Policy 3 explains that outside the main towns identified, housing growth is to be delivered through: identification of sites where required through Neighbourhood Plans; rounding off of settlements and previously developed land within or immediately adjoining settlements; infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside; and rural exception sites for affordable housing.
6. In this case, the Council has advised that there is no neighbourhood plan allocating sites for development. The site is not previously developed land and the proposal is not promoted as an exceptions site for affordable housing.
7. I accept that the development would be positioned between the dwellings known as 'Messina' to the south and 'Richmond' to the north, on the opposite side of the road. However, the appeal site occupies a prominent corner location with a road frontage not only to Trevean Lane but also more conspicuously to the A394. For the latter, the appeal site marks the start of a long line of undeveloped agricultural land which adjoins its southern side. The proposal would not therefore amount to infill development in an otherwise continuous built frontage and would physically extend the settlement into the open countryside.
8. For the purposes of the CLP, rounding off is defined as development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road). It is explained that it should not visually extend building into the open countryside.
9. In this regard, whilst enclosed to the north and east by roads with residential development beyond and by Messina to the south, the site is open to the west and the extent of the site amounts to an arbitrary line within an open field. It is not marked by an existing physical feature, even a field boundary, which would act as a barrier to future growth. The appeal proposal would not therefore meet the CLP definition of rounding off.
10. I accept that the development would not extend further west than the built form of Messina but this existing property and those adjacent to it, are set back beyond the depth of the field and are relatively well screened from the main A394 road frontage. Trevean Lane therefore currently marks the western extent of the residential development fronting onto the southern side of the A394. Here development is significantly more sporadic than on the northern side, which is the main focus for development and which extends a good deal further west than the appeal site. Consequently the southern side of the road appears more related to the open countryside rather than the main settlement. Development in this location as proposed would therefore visually extend building into the open countryside.
11. In support of the appeal, the appellant has drawn my attention to two decisions relating to Rosebud Cottage¹ and land adjoining Nampara Cottage², both of which I visited during my site visit. It is clear from the appeal decision relating to Rosebud that the primary policy consideration was Saved Policy H-6 of the PLP which has now been replaced by CLP Policy 3, and which in my view is

¹ Appeal Ref: APP/D0840/W/15/3141049

² Application Number: PA16/05274

more prescriptive. It does not therefore serve as a direct precedent to the appeal proposal.

12. The appeal site also forms part of a much larger and more open field than the land adjoining Nampara. Nevertheless, although enclosed on 2 sides, it does appear that the other two sides of the land adjoining Nampara are unrelated to any existing physical feature. In my view, a post and wire fence would not amount to a feature that would act as a barrier to future growth. On this basis, I agree that there does appear to be some inconsistency in the application of CLP Policy 3 by the Council. Nevertheless, I do find that it has been correctly applied in this case.
13. I agree that by being a proposal for open market housing does not in itself result in conflict with the first part of Policy MD5 of the Cornwall AONB Management Plan 2011 – 2016 (AONB Management Plan), and that CLP 3 does not preclude open market housing in the AONB. Nevertheless, being open market housing the proposal does not attract support from either policy.
14. I therefore conclude on this main issue that CLP Policy 3 does not support the principle of a new dwelling in this location.

Character and appearance

15. The appeal site forms part of an open agricultural field located within the Cornwall Area of Outstanding Natural Beauty (AONB).
16. CLP Policy 23 states that great weight will be given to conserving the landscape and scenic beauty within the AONB. Policy 3 and 23 state that proposals must conserve and enhance the landscape character and natural beauty of the AONB. This is consistent with paragraph 115 of the National Planning Policy Framework (the Framework) which highlights that AONB's have the highest status of protection in relation to landscape and scenic beauty.
17. In approaching views from the west, the land to the south of the A394 appears as open countryside rather than part of the settlement. Whilst there is residential development to the south at Messina, this is largely screened by the existing mature trees for the majority of the approach towards the site. Where it is seen from the main road it appears more akin to sporadic development in the countryside rather than part of the settlement to the north of the road. The dwelling on the eastern side of Trevean Lane is also largely screened in these approaching views. There is therefore a clear visual and physical distinction to the development on the opposite side of the road and the appeal site is seen as an agricultural field above the low enclosure to the road. It is therefore in keeping with this rural character and appears to form part of the open countryside.
18. The site is much less visible in approaching views from the east, but where it does become visible, the clear character distinction between the northern and southern side of the road becomes apparent and the site is again primarily seen as part of the open countryside. Whilst I acknowledge this would be less distinct in approaching views along Trevean Road, the proposal would result in a material domestication to the existing largely rural character of the lane.
19. Taken in isolation I raise no concern regarding the design of the appeal proposal, which is clearly not a major development. I also acknowledge that the site would be less sensitive to change than other parts of the coastal area.

However, the proposal would result in significant built form where there presently is none, along with an associated domestication of the site. This would be harmful to its rural character. Consequently, the proposal would not conserve (or enhance) the landscape character and natural beauty of the AONB, and this is a matter to which CLP Policy 23 and the Framework require I give great weight.

20. I therefore conclude on this main issue that the proposal would be harmful to the character and appearance of the area and as such would be contrary to CLP Policies 3 and 23. A decision to the contrary would not be consistent with Policy CC1 of the AONB Management Plan, which, amongst other matters, seeks to ensure that the social, environmental and economic benefits of landscape and seascape are clearly understood and is reflected in decision making. Whilst I agree that the proposal benefits from a sustainable location, it has not been demonstrated that the proposal would enhance the protected landscape, and as such would not meet the expectations of the second part of AONB Management Plan Policy MD5.

Other matters

21. As anticipated by paragraph 47 of the Framework, the proposal would increase housing supply, although this benefit would be limited due to the small scale nature of the development. Nevertheless, in this sustainable location it is a matter of moderate weight in favour of the appeal proposal. However, for the reasons I have explained, the proposal would not meet the environmental objectives of sustainable development and this harm would outweigh the social benefits I have identified and any benefits arising to highway safety from an improved visibility splay. Accordingly, the proposal would not amount to sustainable development, having regard to the advice at paragraphs 7 of the Framework. Not being sustainable, it follows that no such presumption, as anticipated in paragraph 14, applies.
22. Whilst it is stated that the use of the field for farming is uneconomic, I have no evidence to support this position, thereby reducing the weight I am able to attach to it.

Conclusion

23. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR