
Appeal Decision

Hearing held on 8 February 2017

Site visit made on 8 February 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 6th March 2017

Appeal Ref: APP/D0840/W/16/3149570
Turbary, Goonpiper, Feock, Truro TR3 6RA

- 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 & Mrs Toby and Lucy Frostwick against the decision of Cornwall Council.
 - The application Ref PA16/00557, dated 18 January 2016, was refused by notice dated 11 March 2016.
 - The development proposed is erection of a single dwellinghouse.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by Mr and Mrs Frostwick against Cornwall Council, and Cornwall Council against Mr and Mrs Frostwick. These applications are the subject of separate Decisions.

Preliminary Matters

3. The address of the appeal site in the heading above is that agreed at the hearing.
4. I made an accompanied visit to the site on the day of the hearing, and an unaccompanied site visit on 9 February 2017.
5. Since the Council made its decision on the application, the Cornwall Local Plan (CLP) was adopted on 22 November 2016. The policies of the Carrick District Local Plan referred to in the Council's reasons for refusal no longer form part of the development plan. Evidence has been submitted by the main parties to address the changed development plan position. As a recently adopted Local Plan I give the CLP full weight and my decision is made in that context.

Main Issues

6. Based on the written submissions and the evidence presented during the hearing, I consider the main issues to be the effect on the character and appearance of the area, having regard to its location within the Cornwall Area of Outstanding Natural Beauty (AONB); whether the site would be accessible to services and facilities; and whether there is a shortfall in housing land supply to which the dwelling would contribute.
-

Character and appearance

7. The site lies within the Cornwall AONB. The statutory purpose of including land within an AONB is to conserve and enhance its natural beauty. Paragraph 115 of the National Planning Policy Framework (Framework) requires that great weight be given to conserving landscape and scenic beauty and confirms that AONBs have the highest status of protection in relation to these matters. CLP Policy 23 2(a) states that great weight is to be given to conserving and enhancing the AONB, and proposals must provide for an identified local need and be appropriately located to address the AONB's sensitivity and capacity. It is not suggested in this case that the dwelling is required to meet a particular local need.
8. In addition, Policy 7 of the CLP addresses housing in the countryside and seeks to restrict the forms of development that are allowed. Supporting text defines open countryside as the area outside of the physical boundaries of existing settlements. The strategy for the distribution of housing within Cornwall is set out in Policy 3 of the CLP. This directs the majority of development to the main towns. In recognition of the rural nature of much of the area, Policy 3 also makes provision for housing in other areas, through the rounding off of settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role.
9. Settlement boundaries are not defined in the CLP, and it was argued that Goonpiper should be regarded as a settlement or as part of the settlement of Feock. However, it is quite different in character from Feock. Goonpiper is characterised by sporadic and linear development within a rural setting whereas Feock has development focused around and between several roads, and is of a considerably larger scale. It was agreed that the appeal site lies some 330m from the former settlement boundary of Feock, and I noted that apart from a repair and car sales garage, the gap between Feock and Goonpiper is largely undeveloped countryside.
10. Paragraph 2.33 of the CLP defines open countryside as the area outside of the physical boundaries of existing settlements where they have a clear form and shape. I find that Goonpiper does not comprise a settlement in its own right or as part of Feock. The proposal therefore falls to be assessed against Policy 7 as housing in the countryside.
11. Although the appeal site forms part of the garden of Turbary, the proposal would extend the existing sporadic development at Goonpiper southwards. It would reduce the undeveloped gap between Goonpiper and Feock and would result in the further encroachment of built form in the countryside outside the confines of any settlement. Whilst there would be limited views of the new dwelling from the road or nearby locations, I found on my site visit that it is likely that there would be some longer distant views across the valley during the winter months of the proposed dwelling. These views reinforce my assessment of the separateness of the dwellings at Goonpiper from Feock and the attractive rural nature of Goonpiper's surroundings.
12. There is potential for improvements to screening of the site and to access, but the consolidation of built form in this location would have a harmful impact upon the character and appearance of the rural area and would fail to either conserve or enhance the AONB.

13. The parties agreed that in the light of the Dartford BC vs SSCLG judgement the appeal site constitutes previously developed land (PDL). However, the definition of PDL in the Framework states that where this is a curtilage to developed land it should not be assumed that the whole of the curtilage should be developed. Furthermore, whether or not the appeal site should be regarded as PDL, I find that the harm to the character and appearance of the area and to the AONB is such that the principle of re-using PDL set out in Paragraph 17 of the Framework should not apply.
14. I therefore conclude that the proposal would be in conflict with Policy 7 of the CLP and would fail to protect the landscape of the AONB in conflict with Policy 23 2(a) and paragraph 115 of the Framework.

Accessibility to services

15. The housing policies of the CLP are set within the wider context of Policy 1 of the Plan which reflects the presumption in favour of sustainable development, identified in the Framework. This presumption in favour of sustainable development is supported by Policy 2 of the CLP which sets out the spatial strategy including maintaining the dispersed development pattern of Cornwall and providing homes and jobs based on the role and function of each place. Policy 7 goes on to confirm that the CLP seeks development in the most sustainable locations to protect the open countryside and that the majority of development will be provided in settlements with a range of facilities.
16. Goonpiper is a loosely knit group of largely residential development. Other than the garage and Methodist Church, there are no facilities within easy walking distance of the appeal site. Whilst there are 30 mph speed limits on some stretches of road closer to Feock and Penelewey, the road through Goonpiper and outside the appeal site is subject to a 40 mph speed limit. There are no pavements or streetlights and, although there is an intermittent grass verge on the west side of the road, I consider the walk to the nearest shop and post office in Playing Place, some 2.7 km distant, is unlikely to be an attractive proposition for many residents.
17. There are currently two bus services which run along the road which passes the site. One of these services runs six days a week with an approximately two hourly service. This service would offer an alternative to use of a private car for some trips. I have also taken into account the Feock Parish community transport scheme which assists residents to reach facilities and services not served by the bus routes. However, the nearest primary schools at Kea, Carnon Downs and Devoran are around 4 km from the appeal site. The frequency of buses is such that they are unlikely to be used for trips such as taking children to primary schools. Moreover, there is no service in the evenings or on Sundays which would make residents reliant on the private car for trips at these times.
18. Given the lack of services within Goonpiper and Feock, future residents would have to travel outside Goonpiper and Feock to meet their basic needs and they would, to a large extent, be dependent on the private car to do so. As such, the site is not well located in relation to access to jobs, shops and other services by modes other than the private car.
19. Paragraph 55 of the Framework is concerned with housing in rural areas. To promote sustainable development housing should be located where it will

enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby. New isolated homes in the countryside should be avoided unless there are special circumstances. I find that with the exception of the bus service, the site is isolated from facilities and services. There is little evidence to demonstrate that a new dwelling on the appeal site would support any specific facilities or services.

20. In view of the restricted accessibility to services and facilities to support any future occupiers of the site, I find that the proposal does not meet the aim of the CLP in paragraph 2.33 to provide development in the most sustainable locations.

Housing Land Supply

21. There was considerable discussion at the hearing concerning the matter of the five year housing land supply within Cornwall Council area. In particular the appellants argued that in the absence of a demonstrable supply of housing land the policies of the CLP should be considered as out of date and the presumption in favour of sustainable development set out in paragraph 14 of the Framework should apply.
22. However, this is a very recently adopted Local Plan and, whether or not there is any shortfall in the housing land supply, the appeal proposal falls to be considered against the policies in the Framework taken as a whole. I find that the proposal would harm the character and appearance of an area which forms a part of the AONB, and in consequence it would be in conflict with paragraph 115 of the Framework. Furthermore I have found that the restricted accessibility to services and facilities is such that a dwelling in this location does not accord with the aims of the recently adopted Local Plan.
23. In these circumstances, even if there was a shortfall in the housing land supply of the scale suggested by the appellant, having regard to the very limited contribution to such a shortfall which one dwelling would make, I find that the benefit is outweighed by the harm I have identified in relation to the AONB and the need to secure development in the most accessible locations.

Other matters

24. I have considered the various appeal decisions and Court judgements which were submitted to me. However, each case falls to be considered on its own merits, and none of the submitted documents alters or outweighs the particular considerations which led to my conclusions in this case.
25. The permission for a new dwelling at 'Roseland View' in Feock predates the adoption of the CLP. There are clear differences between Feock and the appeal site. Consequently I do not find inconsistencies in the Council's approach.

Conclusion

26. The proposal would extend a linear and sporadic area of housing within the countryside, causing harm to the character and appearance of countryside which falls within the AONB where the highest status of protection should be accorded in relation to landscape and scenic beauty. Furthermore, the site is not within a location well served by services and facilities. In these circumstances I find that the benefit of adding one dwelling to the supply of

housing development would be outweighed by the harm to the AONB and the conflict with the Policies of the recently adopted CLP. As a result the presumption in favour of sustainable development in paragraph 14 of the Framework does not apply in this case.

27. I therefore conclude that the appeal should be dismissed.

J E Tempest

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green, BA	Green Planning Studio Ltd
Ruth Reed, BA Dip Arch MA PGCertEd PPRIBA	Green Planning Studio Ltd
Toby Frostwick	
Lucy Frostwick	

FOR THE LOCAL PLANNING AUTHORITY:

Jim Lee, Appeals Officer, Cornwall Council
Martin Cookman, Team Leader Strategic Planning, Cornwall Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Signed Statement of Common Ground dated 8 February 2017
- 2 Judgment, Cheshire East BC v SSCLG & Renew Land Developments Ltd submitted by the appellants
- 3 Cornwall County Council internal email 03 February re sites referred to in HLS; referred to in hearing; requested
- 4 SSCLG decision and Inspector's report, Sandgate Nurseries, Henfield, Horsham APP/Z3825/W/14/3001703 submitted by Council
- 5 A4 plan showing Feock area, 1:8000 submitted by Council