
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: 06 March 2017

Appeal Ref: APP/D0840/W/16/3164059

Land at Trenance, Access to Trenance Estate, Trenance TR8 4DD

- 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 R Bayliss against the decision of Cornwall Council.
 - The application Ref PA16/00907, dated 21 April 2016, was refused by notice dated 20 September 2016.
 - The development proposed is the erection of dwelling.
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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 Policies 6 and 35 of the Restormel Local Plan (RLP), which are referred to in the Council's reasons for refusal. I have not therefore considered the policies of the RLP further. The change to the development plan is explained in the Council's statement and the appellant has had opportunity to comment. No party has therefore been prejudiced.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site relates to a sloping parcel of land located at a coastal settlement of, in the main, relatively large dwellings set in good sized plots. The site at present is largely covered with low level vegetation and as such has an unkempt and undomesticated appearance.
5. A previous appeal against a refusal for the construction of a new sustainable house incorporating garage and parking area on this site was dismissed on 12 March 2013¹. In reaching his decision, the Inspector highlighted that the site contributes to the character of the area by virtue of its openness and that it is this openness and lack of urbanisation, particularly when seen in conjunction with the other undeveloped areas in the vicinity of the site, that gives the area its particular rugged appearance. I agree with these observations and that

¹ Appeal Ref: APP/D0840/A/12/2184996

highlighted by the appellant that the site's rough grassland cover and lack of 'man-made structures' create its 'untamed' natural character.

6. I appreciate that efforts have been made to concentrate the development in the south west part of the site so that the remainder of the site would remain open. Nevertheless, the proposal would introduce significant built form into a site where none presently exists. In combination with the extent of hard surfacing, these aspects would occupy a significant portion of the site, thereby diminishing its openness and existing undomesticated characteristics which fit with the ruggedness and wild appearance of the coastal scenery. In this regard the proposal would not address the concerns expressed by the previous Inspector.
7. The proposed planting and green roof system to the secondary drum and enrichment of species diversity would not acceptably mitigate the harm I have found. Moreover, although in principle the implementation of an Ecological Management Plan could be controlled by way of condition, I do share the Council's concern that the landscape design shown on drawing number TRC:GA:06 does not appear to provide for any amenity space for the dwelling. Therefore, whilst I appreciate that efforts have been made to retain the wild character for part of the site, it does raise concern over the practicability of such a solution moving forward, and any likely pressure for further colonisation of at least part of this area.
8. Therefore, although I acknowledge that the Council's Landscape Officer did not object to the proposal, I cannot agree that the proposal as a whole will help secure the continuance of the site as a valuable area of 'open' native coastal habitat or that the continued open and wild nature of the site is dependent on the construction of a dwelling and associated works upon it.
9. The previous Inspector also raised concern that *"when viewed from the coast path on the far side of Mawgan Porth beach, the appeal site is instrumental in providing a gap between the more densely developed area to the south and south-east of the site and the more sparsely developed area to the north and north-west."* The main focus of concern is not therefore whether the proposal would achieve an appropriate density, although this is clearly important, but rather the role of the appeal site in providing a gap between these developed areas.
10. Notwithstanding this position, taken in isolation, the density of the proposal would compare favourably with that of the surrounding properties and in this regard would conform to the character of the area. However, it would reduce the undeveloped rural gap and increase density overall. Moreover, although there are exceptions, most of the surrounding dwellings sit comfortably within their plots and occupy a central position set back from their boundaries, thereby adding to the existing sense of spaciousness. In contrast, the appeal dwelling would be positioned close to the western boundary of the site and in combination with 'Waters Edge', which itself is one of the exceptions being relatively close to its boundary, and 'Trevealadour', would create an uncharacteristic cluster of dwellings in close proximity. Its siting adjacent to the access road would also result in a more imposing presence and with the consequential domestication, would significantly change the perception of the site.

11. Again, I appreciate that efforts have been made to work with the landscape in an attempt to reduce the impact from that previously proposed. To this end the reduction in the size of the dwelling and the repositioning from the higher northern part of the site, to the lower south western part of the site, would result in a scheme which is significantly less prominent. I also accept that the proposed dwelling would be screened or partially screened by the landform and existing development from a number of directions, including from some parts of the coastal path. However, the dwelling would remain prominent in a number of views from the network of access tracks in the area and from a number of surrounding residential properties. In these views the proposal would detract from the existing openness provided by the site.
12. I acknowledge that the design of the dwellings in this area varies, with both traditional and contemporary styles. I have also noted the curved design of the Scarlet Hotel to the south. In principle therefore, a contemporary approach at the appeal site would not be unacceptable. Indeed paragraphs 59, 60 and 65 of the National Planning Policy Framework (the Framework) highlight, amongst other matters, that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, in the context in which the appeal proposal would predominantly be viewed, the design concept of three interlocking circular volumes would contrast strongly with the prevailing rectangular forms of the other dwellings. This would have the effect of drawing further attention to the development and in doing so restrict its assimilation into the landscape.
13. For these reasons, I do not agree with the findings of the appellant's Assessment of the Predicted Impacts that the proposal would provide a positive contribution to the Area of Special Character. Even if the designation of the land as an Area of Special Character has not been carried through to the current development plan and the site falls outside of the designated Heritage Coast, this does not diminish the area's intrinsic qualities or reduce the harm I have found to a site which forms an important component of the overall rugged and dramatic setting of this coastal settlement.
14. I therefore conclude that the proposal would be harmful to the character and appearance of the area and as such would conflict with CLP Policy 3, which states, amongst other matters, that proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished. It follows therefore that I also find conflict with paragraphs 61 and 109 of the Framework, which require integration of new development into the natural, built and historic environment and the protection of valued landscapes.

Other matters

15. The appellant states that the Council do not currently have a five-year housing land supply. However, no evidence is provided to support this assertion. The Council's position is that it can demonstrate a five-year housing land supply. In any case, as anticipated by paragraph 47 of the Framework, the proposal would boost housing supply, although this benefit would be limited due to the small scale nature of the development. Nevertheless, in a relatively sustainable location, the proposal would make a positive contribution towards

the objectives of the social dimension of sustainable development. The proposal would also make a modest contribution to the economic dimension though the construction of the dwelling and from future occupants supporting the services and facilities of the settlement.

16. 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 and economic benefits I have identified. Accordingly, the proposal would not amount to sustainable development, having regard to the advice at paragraphs 7 of the Framework. Not being sustainable development, it follows that no such presumption, as anticipated by CLP Policy 1 and paragraph 14 of the Framework, applies.

Conclusion

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

Richard S Jones

INSPECTOR