
Appeal Decision

Site visit made on 27 February 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: : 8 March 2017

Appeal Ref: APP/D0840/W/16/3162412

Land adjacent to Higher Trecoombe, Road from Trethinna Hill to Serpells Meadow, Polyphant PL15 7PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Ponting against the decision of Cornwall Council.
 - The application Ref PA16/04691, dated 20 May 2016, was refused by notice dated 9 August 2016.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Cornwall Council against Mr J Ponting, which is the subject of a separate decision.

Preliminary matters

3. Application Ref PA16/04691 was made in outline with matters of appearance and landscaping reserved (the 'reserved matters'). As such, other than in so far as they relate to access, layout and scale which are not reserved matters, the associated plans are illustrative of the development proposed.
4. The Council cited in their decision notice that the proposal would conflict with various saved policies of the North Cornwall Local Plan adopted originally in 1999 (the 'North Cornwall Plan'). However of those policies, all aside from ENV1 have now been superseded by the Cornwall Local Plan Strategic Policies 2010-2030 adopted on 22 November 2016 (the 'Local Plan').
5. The Council's decision notice also references policies of the Local Plan, then emerging, and the parties have commented on this changing policy context at appeal. I have therefore determined the proposal in accordance with the development plan unless material considerations indicate otherwise.

Main Issue

6. The main issue is whether or not the appeal site is an acceptable location for the development proposed, with reference to local and national planning policy.
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Reasons

7. The appeal site is part of an open field accessed via an unnamed rural carriageway which is variously bounded by Cornish banks, hedgerows and occasional trees. The topography slopes down broadly from north to south through the site to the rolling rural landscape beyond.
8. A Polyphant village road sign falls close by, as do a handful of dispersed properties including the Bowden-Derra Park residential home which I understand is proposed for expansion. Nevertheless the appeal site is approximately 750 metres distant from the main built form of Polyphant.¹
9. Given the nature of its surroundings, there are largely open views of the countryside in many directions from various vantage points within and around the appeal site. The appeal site furthermore falls within the North Petherwin to St Clether Area of Great Landscape Value (AGLV), albeit at the fringe thereof. Thus the appeal site is clearly within the open countryside and on account of its undeveloped nature is entirely consistent with this setting.²
10. Polyphant is served by a church, small shop and post office, and there are some nearby employment opportunities including the residential home referred to above. However future residents of the dwelling proposed would need to travel further afield to access many day-to-day services such as schools and a wider range of retail and employment facilities.
11. The nearest settlements with a greater offer of such services and facilities are Lewannick and Tregadillet which fall approximately 2 and 4 miles distant from the appeal site respectively, significantly beyond a convenient walking distance. I accept that it may be possible to walk or cycle from the appeal site to Polyphant or indeed to other settlements. However the route that must be traversed to do so is in the main via narrow single track rural lanes commonly enclosed by Cornish banks and without dedicated footways or lighting.
12. I acknowledge that many rural properties are served by similar carriageways, nevertheless the characteristics of the route that would need to be taken from the appeal site to reach many services and facilities are relevant, in so far as they indicating that walking or cycling from the appeal site is unappealing. Consequently future occupants of the dwelling proposed are in my view likely to be highly reliant on the use of private vehicles.
13. There is furthermore no robust evidence before me that bus services, or indeed the availability of home delivery services, are of sufficient proximity, frequency or convenience as may be the case so as to meaningfully reduce the reliance

¹ As set out in paragraph 2.2 of the appellant's final comments submitted at appeal.

² This distinguishes the proposal before me from appeal Ref APP/D0840/A/14/2223175 and application Ref PA15/06906 which have been brought to my attention by the appellant. Based on the limited information before me, in both of these instances the appeal or application site appears to abut the existing built form of the relevant settlement (Lewannick and Nanstallon respectively). As such they are not directly comparable with the circumstances relevant to this appeal.

upon the use of private vehicles that would arise in connection with the dwelling proposed.

14. Consequently, and notwithstanding the recognition within the National Planning Policy Framework (the 'Framework') that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, in my view the proposal would lead to a high level of reliance upon private vehicles by future occupants. This would result in clear harm in respect of the environment dimension of sustainable development.
15. Policy 2a 'Key targets' of the Local Plan establishes a minimum annual delivery target in Cornwall of 2,625 homes. Similarly the Framework seeks to boost significantly the supply of housing, and also acknowledges that rural housing can help support the vitality of rural communities.³ However neither the encouragement given to housing provision within the Local Plan nor within the Framework is at the expense of appropriately located development.
16. Policy 3 'Role and function of places' of the Local Plan establishes that only in certain circumstances will housing be supported outside of main town centres. The appeal site is not identified through a neighbourhood plan, nor may it be considered as a rural exception site as no affordable housing is proposed. Given the rural environs of the appeal site and the dispersed form of development in the area, in my view the appeal site cannot be said to represent the rounding off of a settlement or infill development within the terms of policy 3.
17. Consequently in the light of the reasoning above, it is therefore appropriate to describe the proposal as for an isolated home in the countryside. The appellant makes no case, considered in this light, that the proposal would be permissible by virtue of any of the criteria set by policy 7 'Housing in the countryside' of the Local Plan. I concur with this position and would furthermore note that the development proposed does not appear to fall into any of the categories of special circumstances listed in paragraph 55 of the Framework where new isolated homes in the countryside may be acceptable.
18. Policy ENV1 of the North Cornwall Plan and policy 23 'Natural environment' of the Local Plan, broadly summarised, establish that within Areas of Great Landscape Value proposals should maintain the character and distinctive landscape qualities of such areas. The Framework similarly sets out that the planning system should seek to protect valued landscapes.
19. Whilst the visual effect of the proposal would be limited by the presence of boundary features, and there are a handful of scattered properties reasonably nearby, it is nevertheless in my view highly likely that the dwelling would be partially visible from certain vantage points given the topography of the area and access arrangements.⁴
20. At present the undeveloped nature of the appeal site is consistent, and thus reinforces, the natural characteristics of the AGLV.⁵ Consequently by virtue of

³ As reiterated via Planning Practice Guidance Ref ID: 50-001-20160519.

⁴ Paragraph 5.11 of the appellant's appeal statement describes the impact as 'minimal' rather than non-existent.

⁵ Whilst the appellant contends that the AGLV has been 'somewhat downgraded by the fact that the A30 dual carriageway cuts through the AGLV some 1350m to the south of the appeal site', and indeed by the presence of wind turbines, this does not serve to justify unacceptable development in the present.

the introduction of a built form where none is present, and by the domestication of the appeal site that would result, the proposal would lead to some degree of visual harm.

21. I accept that the degree of harm is at present uncertain given that matters of appearance and landscaping would fall to reserved matters applications, and is moderated by the nature of the appeal sites' surroundings as set out above. Consequently the visual harm that would arise is not determinative in itself, however nonetheless carries some further limited weight against the proposal.
22. For the above reasons I therefore conclude that the appeal site is not an acceptable location for the development proposed, and that it does not accord with the relevant provisions of policies 3, 7 and 23 of the Local Plan, of policy ENV1 of the North Cornwall Plan, and with relevant elements of the Framework.

Other Matters

23. Whilst the proposal would result in an addition to housing stock in Cornwall, the benefits in this respect would be essentially confined to a small numerical addition rather than in terms of appropriately located development. Moreover the appellant accepts that the Council is presently able to demonstrate a five year land supply,⁶ with reference to paragraph 49 and 14 of the Framework, and there is no robust evidence before me to arrive at an alternative position in this respect. Consequently such development is not necessary to contribute to the targets for housing delivery set within the plan.
24. The proposal would have further some social and economic benefits in supporting employment during construction and as future occupants would make use of services and facilities in the area. However such benefits would be highly limited in respect of one new home, and consequently do not outweigh the clear environmental harm that would result as detailed above.
25. I acknowledge that there is some local support for the proposal, in part based on the appellant's stated intention to provide the house for the benefit of a local individual. However there is no mechanism before me to secure the occupation of the property in this respect, and I cannot reasonably impose a condition to this effect as to do so would not be related to planning matters and unenforceable.⁷ Consequently neither this, nor any other matter, is sufficient to outweigh or alter my findings in respect of the main issue in this case.

Conclusion

26. For the above reasons, and having taken into account all other matters raised, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. The proposal does not represent sustainable development and I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

⁶ At paragraph 2.6 of the appellant's final comments submitted at appeal.

⁷ With reference to the approach in paragraph 206 of the Framework and relevant Planning Practice Guidance.