

Appeal Decision

Site visit made on 28 February 2017

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 28 March 2017

Appeal Ref: APP/D0840/W/16/3163223

Land adjacent to Trerair, Penmayne, Rock, Cornwall

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr L Durrant against the decision of Cornwall Council.
 - The application Ref PA15/11816, dated 16 December 2015, was refused by notice dated 10 October 2016.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The North Cornwall District Local Plan no longer forms part of the statutory development plan for the area. I have determined this appeal against the policies of the Cornwall Local Plan, which was formally adopted by the Council during the course of the appeal process. Both parties have had an opportunity to comment on this matter.
3. The application was made in outline with all matters reserved, except access. I have considered the appeal on that basis. I have also taken account of the indicative layout plan showing five single storey dwellings on the site.

Main Issue

4. The main issues in this case are:
 - whether the site would provide a suitable location for the proposed residential development, having particular regard to the provisions of local planning policies.
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

5. The appeal site is an open field situated on the edge of Rock. It is accessed from the road through a gap between two dwellings. The north and west boundaries of the site adjoin the rear gardens of existing residential properties. The southern and eastern boundaries of the site are defined by an established hedgerow, beyond which other open fields are visible.
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6. Policy 3 of the recently adopted Cornwall Local Plan (the Local Plan) aims to steer the majority of new housing towards the main towns. However, the policy does enable a limited amount of new development to take place outside the main towns in particular circumstances. This includes sites specifically identified in Neighbourhood Plans, development that leads to the rounding off of settlements, previously developed land within or immediately adjoining settlements, infill development and rural exception sites for affordable housing brought forward under Policy 9 of the plan.
7. The emerging St Minver Neighbourhood Development Plan proposes a somewhat more restrictive approach to development on the edge of Rock. Although I understand that there is local support for the emerging plan, I only give this document limited weight in my decision as it has not proceeded to a referendum and is therefore still some way from being made.
8. The Local Plan defines 'infill' as development which fills a small gap in an otherwise continuous built frontage. While the appeal site is accessed through a small gap between dwellings, the site boundaries extend well behind the existing street frontage. As such, the proposed development cannot be described as an infill scheme for the purposes of Policy 3. I recognise that the appeal site is situated on the edge of Rock and a development of the scale proposed would be proportionate to the size and role of the settlement. However, there is little before me to indicate that the site comprises previously developed land and hence it cannot be justified on that basis. Nor is the proposal a rural exception scheme for affordable housing.
9. Paragraph 1.68 of the Local Plan supporting text indicates that 'rounding off' applies to land that is substantially enclosed but outside of the urban form of the settlement where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. It should not visually extend building into the open countryside. My attention has also been drawn to an advice note which has been produced by the Council and provides a more detailed interpretation of what is meant by rounding off. Whilst I have borne this document in mind, it is only in draft form and appears to have no formal planning status so I do not take its contents as definitive.
10. The appeal site is partially enclosed by development as there is housing along two of its sides and the existing hedgerow along the south and east boundaries provides a degree of physical containment. However, the other condition for rounding off (also reflected in the draft advice note) is that proposals should not visually extend development into the open countryside. In this case, the adjacent land to the south and east is essentially open and rural in nature and links to the wider countryside beyond the village, to the rear of properties in Rock Road. Whilst the appeal site is on the very edge of the countryside, it is nonetheless a component of it. Hence, as the proposal would visually extend building into this part of the countryside it cannot be described as rounding off for the purposes of Policy 3.
11. The appellant has provided a map showing a site with planning permission¹ for ten holiday homes situated to the south of the appeal site. I have also been referred to a lapsed planning permission² for 16 local needs dwellings on the field immediately adjacent to the appeal site and I understand that there has

¹ Council Ref: PA/14/10444

² Council Ref: E1/2009/00595

been renewed interest in pursuing this development. Although I accept that the nature of the appeal site may change over time if other developments enclose it further, my current assessment of the surroundings is that the proposal would not constitute rounding off.

12. I therefore conclude on this issue that the site would not provide a suitable location for the proposed development. There would be conflict with Policy 3 of the Local Plan which governs the location of new housing development.

Character and appearance

13. Although the road becomes more rural in character further to the south, the street scene in the immediate vicinity of the appeal site is dominated by residential development. This includes Croftlands which is situated directly opposite the site entrance. As the proposed vehicular access would be between two existing dwellings, views into the site from the street outside would be fairly restricted and it would be possible to design properties that are relatively inconspicuous from this viewpoint. While there would clearly be some urbanisation of the street scene if the access was formalised and dwellings were visible behind it, this would generally be in keeping with the more developed surroundings in this part of the road.
14. The proposed development would be a relatively small feature within the wider landscape and would be seen against the backdrop of the village. As such, its impact on the scenic beauty of the nearby Area of Outstanding Natural Beauty would be relatively limited. Although a tree that is the subject of a Tree Preservation Order exists close to the site access, the Council has not expressed concerns about the proposal in this respect and, having regard to the details provided, including the comments of the Council's Tree Officer, I see no reason to disagree with this view.
15. Nonetheless, the proposal would clearly result in the built form of the village incrementally encroaching into an undeveloped part of the countryside. This area is visible from the rear of properties situated along Rock Road and contributes to the local setting of the village. Development of the site would clearly erode part of this area, thereby undermining its rural characteristics. Whilst it is argued that the site is untidy, it nevertheless maintains an undeveloped and verdant appearance consistent with its rural location.
16. I therefore conclude on this issue that the proposal would harm the character and appearance of the area. There would be conflict with Policies 12 and 23 of the Local Plan in this respect.

Planning balance

17. I have been referred to some Appeal Decisions³ where it was found that the Council did not have a five-year supply of deliverable housing sites and the appellant states that this was the position when the appeal commenced. However, the Council's subsequent Appeal Statement indicates that a five-year supply of housing sites can now be demonstrated and this has not been contested by the appellant in their rebuttal. I have therefore determined the appeal on the basis that there is a five year supply of deliverable housing sites.

³ APP/D0840/A/14/2218999 and APP/D0840/W/16/3147376

18. Paragraph 6 of the National Planning Policy Framework (the Framework) advises that the overall purpose of the planning system is to achieve sustainable development, which has three dimensions; environmental, economic and social. In terms of the economic dimension, the proposal would provide a small contribution to the local economy during the construction process. Future occupiers are also likely to support local services. With regard to the social dimension, the proposal would also make a contribution of five homes to the local housing supply. The development would also make some contribution to maintaining the vitality of the existing community, albeit relatively limited given its scale.
19. In terms of environmental considerations, I have found that the proposal would incrementally harm the character and appearance of the area. Although I recognise that the proposed housing would be in walking distance of some basic village services, Rock is not a settlement that contains a wide range of employment opportunities and higher-order services. Nor do I have evidence of frequent or extensive public transport links. As such, future occupiers of the proposed dwellings are likely to be at least partly reliant on travel by private vehicles to meet their needs for employment, education, shops and services. Hence the proposal would not actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, which is one of the core principles of the Framework.
20. I am mindful that the Local Plan aims to concentrate the majority of development in named settlements, where it can best deliver strategic housing and employment priorities, as well as contributing to the environmental objectives of the plan. The Local Plan was adopted very recently and the settlement hierarchy established by Policy 3 is therefore compliant with the objectives of the Framework as well as being informed by recent evidence. Adherence to this pattern of development therefore enables social, economic and environmental considerations to be balanced in line with the overall objectives of the Framework. As the proposal would be contrary to the adopted settlement hierarchy, it would undermine these objectives by incrementally contributing to a pattern of development that would not optimise opportunities to deliver sustainable development. Overall, I find that this harm and the harm identified above to character and appearance would significantly outweigh the benefits of the proposal.

Conclusion

21. For the above reasons, and having regard to all other matters raised, the appeal should therefore be dismissed.

CD Cresswell

INSPECTOR