The Planning Inspectorate

Appeal Decision

Site visit made on 3 May 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 26th May 2017

Appeal Ref: APP/D0840/W/17/3168946
Land to rear of Widemouth Bay Church, Leverlake Road, Widemouth Bay, Cornwall EX23 0AF

- 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 D Stacey against the decision of Cornwall Council.
- The application Ref PA16/07461, dated 10 August 2016, was refused by notice dated 5 October 2016.
- The development proposed is a new dwelling on site of holiday caravan.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline, with all matters reserved for future consideration. I have dealt with the appeal on that basis. I have also had regard to the illustrative layout plan.

3. Policies HSG04 and DVS1 of the North Cornwall Local Plan 1999 (LP) have been replaced by the Cornwall Local Plan (CLP), but LP Policy ENV1 has been saved.

Main Issues

4. The main issues in this appeal are:

   - Whether this would be a suitable location for a dwelling, having regard to the Development Plan.

   - The effect of the proposed dwelling on the character and appearance of the area.

Reasons

Whether a suitable location for a dwelling

5. The appeal site is largely laid to grass aside from two small scale agricultural sheds and a modest sized touring caravan, occupied for holiday purposes[1]. The site forms one corner of a large open field situated adjacent to Widemouth Bay church. It also adjoins the rear gardens of a row of housing fronting The Crescent. Vehicular access is obtained from Leverlake Road via an unmade track in a gap between the church and the houses.

[1] Unreferenced Certificate of Lawful Existing Use dated 28 July 1998.

6. CLP Policy 3 supports the provision of new housing outside of Cornwall's main towns where it consists of the rounding off of a settlement, development of previously developed land within or immediately adjoining a settlement, infill schemes that fill a small gap in an otherwise continuous built frontage and which do not physically extend the settlement into the countryside, and; rural exceptions sites for affordable housing.

7. Residential development continues to the east of the church on the opposite side of Leverlake Road. However to my mind, the garden boundaries of housing in The Crescent form a clear and definitive physical and visual edge to this built-up part of the village. The church is a diminutive structure, which occupies spacious grounds containing mature planting and is largely adjoined by land in open use. Therefore, it does not share similar characteristics to the built-up part of the village. Consequently, the site is not between two built-up areas.

8. The site is mostly open and undeveloped. There is no significant boundary feature separating the site from the rest of the field. The field forms part of an expansive area of open countryside surrounding the village. In my view, the site is therefore more closely related in both physical and visual terms to the wider open countryside setting as opposed to the built-up part of the village.

9. Given the relationship between the site, the built-up part of the village and the countryside identified above, I find that the dwelling would not amount to rounding off or infilling as meant by the CLP, as it would physically and visually extend residential building into the countryside and it would not fill a small gap in an otherwise continuous built frontage. The site is not previously developed land. Whilst policy 2 of the Poundstock Parish Plan supports affordable housing for people with local connections, no mechanism has been provided which would secure the dwelling as affordable housing for the initial and subsequent occupiers. I also understand that the Parish Plan expired in 2013. Consequently, the dwelling would not accord with CLP Policy 3 or CLP Policy 9, which concerns affordable housing on rural exceptions sites.

10. CLP Policy 7 restricts new housing in the countryside unless it meets certain criteria, including amongst other matters where there is an essential need for a rural worker to live in that specific location. This is consistent with the approach in paragraph 55 of the National Planning Policy Framework (the Framework) of avoiding new isolated homes in the countryside, unless there are special circumstances. Open countryside is defined in the CLP as the area outside of the physical boundaries of existing settlements. Given my findings above, it would not be unreasonable to conclude that the site is in the open countryside for the purposes of CLP Policy 7. However, no evidence has been advanced to suggest that any of the criteria in CLP Policy 7 or special circumstances such as those listed at paragraph 55 of the Framework would apply to the dwelling. Consequently, the dwelling would not accord with CLP Policy 7 or paragraph 55.

Character and appearance

11. Due to its largely undeveloped and open nature, the site has a rural character and appearance which is consistent with its setting in relation to the gently undulating open countryside beyond the village, which forms part of an Area of Great Landscape Value (AGLV).

12. I acknowledge that the application is in outline form and the siting of the dwelling is therefore only indicative. However, wherever positioned and however sensitively designed, due to the above factors the dwelling would result in the site having a more built-up and urbanised appearance. This would be reinforced by the external space around the dwelling, which would have a more residential character due to the presence of parked cars, hardsurfaced areas and domestic paraphernalia such as outdoor furniture, children's play equipment and ornamental planting. The above would all be entirely at odds with the rural characteristics of the site and that of its largely open, rural setting. Consequently, the dwelling would appear as an incongruous feature in its surroundings.

13. I note that the use as a caravan site would be superseded by the dwelling. Even so, due to its limited scale the lawful use is not obvious in its surroundings. Therefore, it does not significantly influence the character and appearance of the site. It has also been suggested that a new Cornish hedge would be planted along the north-east boundary of the site. However, this benefit would not outweigh the substantial harmful visual impact of the dwelling identified above. The examples of recent residential development in the vicinity of the site referred to have taken place within the built-up part of the village and are therefore not comparable with the appeal scheme in terms of their visual impact.

14. For the above reasons, the dwelling would cause unacceptable harm to the rural character and appearance of its surroundings. Therefore, the dwelling would not accord with saved LP Policy ENV1 and CLP Policy 23, as it would have a significant adverse effect on the landscape character of the AGLV. Consequently, the dwelling would also be inconsistent with the Framework objective of protecting valued landscapes at paragraph 109.

Other matters

15. I appreciate that the appellant suffers from poor health and he wishes to retire from full-time farming to live in the area and continue to contribute to the local community. This is an entirely understandable aspiration. I have also taken the considerable local support for the appeal into account. No doubt this reflects the high regard in which the appellant is held by many villagers. However, personal circumstances can change quickly, whilst the harm caused by the dwelling would endure for a long time after those circumstances have ceased to be relevant. Moreover, planning permission would run with the land. Therefore, whilst I have no reason to doubt the appellant's intentions, they can only be afforded limited weight.

16. Future occupiers of the dwelling might make more contribution to the year-round local economy compared with other properties in the area occupied as second homes. Whilst the village has some services including shops, cafes and a pub, these are mostly on the seafront and are focussed on holidaymakers visiting the area, as opposed to local residents. In order to meet most of their day-to-day needs, residents are therefore likely to have to travel to larger settlements such as Bude and Wadebridge. Whilst I understand that there is a regular bus service from the village, the appellant says that its use has declined. Although future occupiers of the dwelling might assist in sustaining the service, their contribution would be limited. Consequently, I am not persuaded that the future occupiers would greatly assist in sustaining local

rural services, thus minimising the need to travel. Moreover, as it stands the planning system could not prevent the dwelling being occupied as a second home in future. Accordingly, I have also given this matter limited weight.

17. I understand that a larger affordable housing led scheme on land including the site was previously discussed with Council officers. However, such discussions do not bind the Council's decision on any application made in that respect. Accordingly, this matter must also be afforded limited weight.

Conclusion

18. The dwelling would not accord with the Development Plan and it would be inconsistent with the Framework. Therefore, I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR