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## 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: 26<sup>th</sup> May 2017**

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**Appeal Ref: APP/D0840/W/16/3167444**

**Cuckoos Call, road from Wet Lane to Rylands, St Breward, Bodmin  
PL30 4PP**

- 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 and Mrs Wilson against the decision of Cornwall Council.
  - The application Ref PA16/06867, dated 25 July 2016, was refused by notice dated 19 September 2016.
  - The development proposed is residential development of two detached dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The adopted Cornwall Local Plan (CLP) has replaced the policies of the North Cornwall Local Plan 1999 (LP) referred to in the Council's decision, with the exception of saved Policy ENV1. I am required to determine the appeal against the policies of the current Development Plan.

### Main Issues

3. The main issues in this appeal are:
  - Whether this would be a suitable site for housing, having regard to the Development Plan.
  - Whether the proposed dwellings would conserve the landscape and scenic beauty of the Cornwall Area of Outstanding Natural Beauty (AONB).
  - Whether it has been demonstrated that there would not be a harmful effect on protected species.

### Reasons

#### *Suitability for housing*

4. The appeal site is comprised of a generous area of land largely laid to grass, which is bisected by a tree-lined stream. The site is broadly L-shaped and it partly adjoins the lane leading through the village. The site is between the modern bungalow at 'Cuckoos Call' and the village hall, to the north-west.
  5. CLP Policy 3 provides that new development in Cornwall up to 2030 will be largely accommodated in its main towns through a Site Allocations Development Plan Document or Neighbourhood Plans. Although limited details
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are provided, the larger scale developments in nearby towns referred to by the appellant are likely to be consistent with that policy approach. CLP Policy 3 supports the provision of new housing outside of the towns through the identification of sites in Neighbourhood Plans; 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 do not physically extend the settlement into the open countryside, and; rural exceptions sites for affordable housing. The CLP supporting text explains that large gaps between the edges of settlements and isolated dwellings are not appropriate locations for infill development.

6. The village hall is in a more concentrated cluster of buildings including a pub and a church as well as Glebe Farm, which I understand form a part of the village known as Churchtown. Consequently, to my mind the hall is in a more built-up part of the village. However, there is an extensive and largely undeveloped gap between the hall and the bungalow at 'Cuckoos Call', due to the considerable distance between the respective buildings. The site forms a substantial part of this gap. The bungalow is largely isolated in relation to other buildings. Whilst there is also modern housing opposite, the site is otherwise largely adjoined by open land in rural uses. Accordingly, to my mind the site contributes to physically and visually separating a built-up part of the village from more sporadic development.
7. Moreover, the open and undeveloped characteristics of the site are largely consistent with that of the adjacent and nearby areas of land in open use, which form part of the countryside setting of the village. There are no significant boundary features which separate the site from the surrounding countryside, either physically or visually. Therefore, in my view, the site relates more in both physical and visual terms to the surrounding countryside as opposed to a built-up part of the village and it contributes to the rural setting.
8. The dwellings would occupy a significant part of the existing space between the hall and the bungalow. Therefore, they would substantially extend built development beyond the edge of the built-up area, onto land which forms part of the countryside setting of the village. Therefore, the dwellings could not be described as rounding off or infilling as defined in CLP Policy 3 and the supporting text. The dwellings would not fill a small gap in an otherwise continuous built frontage and they would physically and visually extend building into the countryside.
9. There is no adopted Neighbourhood Plan identifying this site for development. The site is not previously developed land and the dwellings would not meet the requirements for affordable housing in CLP Policy 9. As a result, the dwellings would not accord with CLP Policy 3 or CLP Policy 9. However, I have not been supplied with any detailed evidence to suggest how the dwellings would be inconsistent with section 6 of the National Planning Policy Framework (the Framework).

*Whether the AONB would be conserved*

10. St Breward is located on the northern edges of Bodmin Moor and is in the Cornwall AONB. I am required to give great weight to the conservation of the landscape and scenic beauty of the AONB.

11. The site is relatively large and is in a conspicuous location in public views from the narrow, rural lane running through the village. When viewed from the south-east the site forms a substantial part of the attractive rural foreground of the group of traditional buildings, mostly constructed in stone with few openings and simple detailing, clustered on the hillside behind. The growth of trees around the church over the last few years has not significantly changed this setting. When viewed from the north-west, the site is largely seen in association with and forming part of more expansive areas of open land approaching the moor. Therefore, the open, undeveloped and naturalistic qualities of the site make a substantial visual contribution to the largely rural character and appearance of the village and its surroundings.
12. The dwellings would be relatively substantial two storey structures. Their size and bulk would significantly erode the existing naturalistic qualities of the site and would appear as obvious residential features in the street scene. Consequently, the dwellings would be viewed as a residential intrusion into the countryside beyond the built-up area of the village.
13. In terms of their detailed design, the dwellings would have wide plan forms with substantial gabled roofs and they would be finished in a mix of stone, tile hanging and render, with timber details on the upper parts of the front elevations. The elevations would contain extensive areas of glazing, including large French windows at the front with glazed first floor balconies. These elements would give the dwellings a somewhat fussy and overtly modern, suburban appearance. This would pay little regard to the simple design characteristics of traditional development in the vicinity, identified above. Whilst there are also some buildings of different ages and styles in the vicinity, these do not necessarily lend support to the design of the dwellings as not all of them respect the local distinctive character. Accordingly, the detailed design of the dwellings would be entirely at odds with the character of traditional development in this part of the village. Retention of existing planting on the site and additional landscape planting would not adequately mitigate the harmful impacts identified above.
14. The vehicular access, driveway and parking and turning arrangements would involve extensive areas of hardsurfacing adjacent to the frontage as well as deeper into the site, together with the erection of a vehicular bridge across the stream. This would all create an overly engineered and harsh appearance which could not be adequately softened by additional landscaping and would therefore be entirely at odds with the rural characteristics of the site and its surroundings. The visual impact of the dwellings and the associated works would also be emphasised by the presence of parked cars together with the accumulation of domestic paraphernalia such as outdoor furniture, children's play equipment and ornamental planting within the gardens.
15. I note that the appellant has offered to delete the timber treatment on the front elevations. I have also taken into account the appellant's explanations for the layout of the dwellings. This includes avoidance of overlooking 'Cuckoos Call', having a view over the adjacent stables to provide security for horses and to fully benefit from the sunrise and sunset. These factors are understandable but do not fundamentally alter my overall findings on this matter.
16. For all the above reasons, the dwellings would appear as urbanising and alien features in their otherwise largely rural surroundings and would therefore

cause unacceptable harm to the character and appearance of the area. One of the pressures identified as facing the area in the Bodmin Moor Landscape Character Assessment (LCA) undertaken as part of the Cornwall and Isles of Scilly Landscape Character Study<sup>1</sup> is housing development in uncharacteristic settlement forms. In my view, for the reasons I have set out above the dwellings would fall into that description.

17. Therefore, the dwellings would not conserve the landscape and scenic beauty of the AONB. Consequently, the dwellings would not accord with CLP Policy 23, CLP Policy 3 at paragraph 4 as well as LP Policy ENV1 and they would be inconsistent with the Framework at paragraph 115.
18. The dwellings would not accord with CLP Policy 12, as they would not maintain Cornwall's distinctive natural and historic character and they would also have adverse visual impacts, thereby failing to accord with CLP Policy 13. The above would also be inconsistent with paragraph 17 of the Framework, which advises that high quality design should always be sought and section 7, which enlarges on how this is to be achieved. This includes by promoting or reinforcing local distinctiveness.
19. The adopted Cornwall Design Guide (DG) can be afforded some weight. Given my findings above, I consider that insufficient attention has been paid in the design of the dwellings to advice in the DG, in particular at paragraph 7.3, as the building forms do not appear to be simple and drawn from local traditions and they do not protect the distinctive character of the countryside. Further, their design and siting has not sufficiently taken into account the impact on existing settlements and the landscape setting, as required by section 10. Therefore, the dwellings would be inconsistent with the DG.
20. The Cornwall AONB Management Plan (MP) does not have the same status as the Development Plan but can also be afforded some weight. The dwellings would also be inconsistent with MP policy MD5, as they do not take the opportunity to enhance the protected landscape. The dwellings would also be inconsistent with MP policy MD9, as they would not be compatible with the distinctive character of the location and they have not been designed to respect quality of place in the use of distinctive local building styles and materials. However, I have not found any direct inconsistency with MP policy CC1.

#### *Protected species*

21. No survey has been carried out to establish whether there are protected species which might be affected by the dwellings. I am mindful of the advice in the Planning Practice Guidance section 'Natural Environment', that ecological surveys should only be required where they are clearly justified. Even so, the site contains extensive natural features including a stream, a marshland area, trees and hedges, all of which have the potential to support species of ecological importance. The site is in an area referred to by the Council as an Area of Great Scientific Value and is in proximity to the Bodmin Moor North Site of Special Scientific Interest.
22. Consequently, in the absence of a survey it is impossible to determine the likely impact of the dwellings and the associated works on protected species.

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<sup>1</sup> Published June 2008.

Natural England did not consider those impacts in its response to consultation on the planning application.

23. Therefore, the dwellings would not accord with CLP Policy 23, as it has not been demonstrated that adverse impacts on protected species would be avoided. Whilst I have not been referred to a direct conflict with any policy in the MP, it follows that the dwellings would also be inconsistent with the guidance on biodiversity at paragraphs 109 and 118 of the Framework.

*Other matters*

24. The dwellings would not give rise to unacceptable overlooking or loss of privacy to adjoining or nearby residential properties. Adequate visibility could be provided to the access to enable vehicles associated with the dwellings to enter and leave the site without causing unacceptable harm to highway safety. The dwellings would not be at an unacceptable risk of flooding. However, these factors which would not weigh significantly in favour of allowing the appeal.
25. I am given to understand that part of the site comprising the proposed access point is registered as common land. However, this matter does not have a material bearing on the planning merits of the appeal scheme.

**Conclusion**

26. The dwellings would not accord with the Development Plan and they would be inconsistent with the Framework.
27. For the reasons given above I conclude that the appeal should be dismissed.

*Stephen Hawkins*

INSPECTOR