

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/16/3163814

Land between Foxhaven and Meadow View, Eastcott, Morwenstow, Bude EX23 9PL

- 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 Miss Natalie Harrison against the decision of Cornwall Council.
 - The application Ref PA16/03321, dated 11 April 2016, was refused by notice dated 3 June 2016.
 - The development proposed is a sustainable dwelling providing an affordable home for Miss Natalie Harrison on the land between Foxhaven and Meadow View, Eastcott, Morwenstow, Bude EX23 9PL.
-

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 submitted illustrative plans and elevations of the proposed dwelling.
3. The North Cornwall Local Plan 1999 (LP) has been replaced by the adopted Cornwall Local Plan (CLP), but policy ENV1 has been saved.

Application for Costs

4. An application for costs was made by Cornwall Council against Miss Natalie Harrison. This application is the subject of a separate Decision.

Main Issue

5. The main issue in this appeal is whether this would be a suitable site for housing, having regard to the Development Plan, access to services and facilities and the National Planning Policy Framework.

Reasons

Whether the site is suitable for housing

6. The appeal site consists of a rectangular plot, which faces onto a rural road. The frontage largely consists of mature planting, with the rest of the land mostly laid to grass and shrubs. The plot is situated between two modern bungalows forming part of the modest hamlet of Eastcott. The hamlet is
-

located in a wider landscape setting dominated by undulating open countryside. The appeal site and its surroundings have an overwhelmingly rural character and appearance, which is reinforced by the extensive mature planting generally running along both sides of the road and the proximity to the wider open countryside.

7. CLP Policy 3 supports the provision of new housing outside of Cornwall's main towns through 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. However, the supporting text to CLP Policy 3 indicates that hamlets without clearly definable boundaries consisting of little more than a low-density straggle of dwellings are inappropriate locations for infilling.
8. Eastcott is mainly made up of a small collection of mostly detached dwellings arranged at irregular intervals along either side of the road. The substantial spaces between the dwellings are largely undeveloped and contain mature planting. Therefore, these spaces generally have a naturalistic character and more closely identify with the surrounding countryside, as opposed to adjacent buildings. The above has all resulted in a dispersed pattern of development which lacks any definite more built-up area, with the spaces between buildings largely integrated into their rural surroundings.
9. Although the appeal site has dwellings on either side they do not form part of an otherwise continuous built frontage; they are simply a part of the dispersed residential development in the locality. Being generally undeveloped and well-planted, the appeal site mostly shares the characteristics of other spaces between buildings in the locality. Therefore, it relates more to the countryside surroundings as opposed to the adjacent dwellings or any larger grouping of residential buildings.
10. The proposed dwelling would result in a substantial portion of the appeal site being occupied by built form. This would significantly reduce the existing space between the dwellings on either side. As a result, the dwelling would create a more concentrated pattern of residential development in the countryside. For this and the above reasons, the dwelling would amount to a substantial physical residential intrusion into the countryside around the hamlet.
11. The illustrative details show a split level dwelling, of a scale not dissimilar to the bungalows on either side and similarly set well back from the road. I accept that appearance and landscaping are matters reserved for future consideration. Even so, the likely size and bulk of the dwelling together with the access arrangements, vehicle parking and domestic structures and paraphernalia in the front and rear gardens would all give rise to a more urbanised and built-up appearance to the appeal site and its surroundings. As a result, the dwelling would be viewed as a rather obvious residential intrusion into the countryside. Although the visual impact is likely to be relatively localised, this would nevertheless be entirely at odds with the rural character and appearance of the surroundings.
12. Furthermore, the supporting text to CLP Policy 3 indicates that in order to be suitable for infill development, the settlement should be part of a network of settlements and/or within reasonable proximity to a larger village or town with significant community facilities. However, the nearest village to the appeal site

containing a range of services and facilities required to meet day-to-day needs including shops, a primary school, public houses and a church is Kilkhampton. The village is located around 5 kilometres from Eastcott.

13. I understand that there are regular bus services from Eastcott to Kilkhampton and destinations further afield such as Bude and Hartland. Buses can be accessed from the A39 adjacent to the Eastcott road junction. Even so, in order to do so it would be necessary to walk from the appeal site for several hundred metres along the road, which is narrow, lacks separate footways and lighting and which is subject to the national speed limit. Moreover, there are no shelters at the bus stops for use by passengers during inclement weather.
14. In order to walk or cycle from the appeal site to Kilkhampton, it would be necessary to travel for several kilometres along a section of the A39 which also lacks footways and lighting, has steep gradients in places and is mostly subject to the national speed limit. The levels of vehicular traffic along the A39 are high, especially during the summer months. Therefore, public transport walking or cycling are unlikely to be perceived as safe or convenient alternative modes of travel to the private car. Whilst I acknowledge that a degree of car use in rural areas is inevitable, future occupiers of the dwelling are likely to be almost wholly reliant on the private car in order to meet most of their day-to-day needs. Accordingly, the appeal site is not within what could be described as a 'reasonable proximity' of a larger village with significant community facilities in terms of its accessibility by alternative modes of transport to the private car.
15. Therefore, 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. Moreover and in any event, the appeal site is not in a location where the CLP would regard infilling as appropriate, having regard to the dispersed pattern of development and the relative proximity to the nearest larger village with a range of services and facilities. No evidence has been advanced to the effect that the dwelling would meet the criteria for affordable housing on rural exceptions sites in CLP Policy 9 and it is not previously developed land within or immediately adjoining a settlement. Consequently, the dwelling would not accord with CLP Policy 3 and CLP Policy 9. The failure of the dwelling to make the fullest possible use of public transport, walking and cycling would also be inconsistent with a key principle of the National Planning Policy Framework (the Framework) at paragraph 17.
16. Furthermore, the significant adverse effect on the character and appearance of the countryside caused by the dwelling would not accord with saved LP Policy ENV1 and CLP Policy 23 and it would be inconsistent with the Framework key principle of recognising the intrinsic character and beauty of the countryside, also at paragraph 17.
17. In light of the above conclusions, the dwelling could reasonably be regarded as an 'isolated new home in the countryside', which paragraph 55 of the Framework seeks to avoid unless there are special circumstances. However, no evidence has been advanced to suggest that any special circumstances would apply to the dwelling or that it would satisfy the criteria in CLP Policy 7 concerning housing in the countryside. Consequently, the dwelling would be inconsistent with paragraph 55 and it would not accord with CLP Policy 7.

Other matters

18. It is understandable that the appellant would wish to return to live in the area with her son. I also note that she would have access to local employment. Whilst I have no reason to doubt the appellant's intentions, personal circumstances can change quickly whilst the harm caused by the dwelling would endure for a long time. Moreover, planning permission runs with the land rather than the individual. Therefore, I can only give this matter limited weight.
19. I have taken account of the other matters raised by interested parties. These include comments concerning the extensive planning history of the appeal site and a possible precedent for future development. However, this appeal falls to be determined on its individual planning merits, as would any future applications on this or nearby land. Whilst I note the allegations concerning loss of privacy and overshadowing, such matters would normally be considered at reserved matters stage. Concerns have also been expressed regarding the adequacy of foul and surface water drainage and the effect on local ecology. However, there is little firm evidence to support the points being made. Consequently, I can only give the above matters little weight.

Planning balance

20. In order to be sustainable, development has to be assessed against the three mutually dependent objectives-economic, social and environmental-set out at paragraph 7 of the Framework. The dwelling would provide modest economic benefits, especially through the provision of short-term jobs during the construction phase and from the increased use of local services and facilities by the future occupiers. There would also be a modest social benefit through the provision of one dwelling. Even so, the Council has confirmed that it has a 5-year housing land supply, so that benefit can only carry limited weight. Whilst the illustrative plans show a building designed to meet the 'Passivhaus' energy performance standard, the application is in outline form so I can only give this matter limited weight.
21. Nevertheless, there would be substantial environmental harm caused by the dwelling due to the failure to protect the natural environment and the failure to contribute towards mitigation and adaptation to climate change, including moving to a low carbon economy. Therefore, the adverse impacts of the dwelling would significantly and demonstrably outweigh the limited benefits, when assessed against the policies in the Framework taken as a whole. As a result, the dwelling would not amount to sustainable development.

Conclusion

22. The dwelling would not accord with the Development Plan and it would not amount to sustainable development as defined by the Framework. Therefore, I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR