
Appeal Decision

Hearing held on 7 February 2017

Site visit made on 7 February 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 30 June 2017

Appeal Ref: APP/D0840/W/16/3151726

Land adjacent to Tremayne Farm, Tremayne, Prazz an Beeble, Cornwall TR14 9PH

- 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 Daniel Mock against the decision of Cornwall Council.
 - The application Ref PA16/00700, dated 22 January 2016, was refused by notice dated 21 March 2016.
 - The development proposed is outline application for 3no. dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr Daniel Mock against Cornwall Council and another such application was made by Cornwall Council against Mr Daniel Mock. These applications are the subject of separate Decisions.

Procedural Matters

3. The application was submitted in outline, with the matters of access, landscaping, layout, scale and appearance all reserved for future consideration. The submitted 'Proposed Site' drawing shows the layout of three dwellings on the site and the original planning application form refers to one 3-bedroom house and two 4+ bedroom houses. However, it was clarified by the appellant at the Hearing that that layout should be considered as indicative and that neither it nor the dwelling sizes are for consideration at this outline stage. I have determined the appeal on that basis.
 4. Since the Council issued its decision notice, the Cornwall Local Plan (the Local Plan) has been adopted. The Council and appellant agree that the policies that are relevant to this appeal are Policy 3 and Policy 7. I have taken those policies into account in my determination of the appeal.
 5. The Council, in its decision notice, included the second and third reasons for refusal relating respectively to the absence of provision for affordable housing and the absence of an assessment of the habitat of the site. In respect of the former, the Council highlighted that due to a change in policy it would no longer require such provision in this case. Furthermore, the appellant has not indicated an intention for the proposed scheme to make such provision. In
-

respect of the latter, again the Council confirmed that it removed its objection and that more detailed requirements could be secured at the reserved matters stage. I have therefore not included those matters as main issues.

6. The parties have made reference to other appeal decisions relating to sites elsewhere. Whilst having regard to these, I have determined this appeal on its own merits based on all of the evidence before me.

Main Issues

7. The main issues are:

- i) whether or not the proposal would be in a suitable location for the dwellings concerned, having regard to access to services and facilities to serve the day to day needs of prospective residents;
- ii) the effect of the proposed development on the character of the area;
- iii) the planning balance, having regard to housing provision.

Reasons

Suitability of location having regard to access to services and facilities

8. Policy 3 of the Local Plan sets out a hierarchy for new development based on the role and function of places and that, other than in the main towns, housing will be delivered through, amongst other things, the rounding off of settlements and infill schemes that fill a small gap in an otherwise continuous built frontage that does not physically extend the settlement into the open countryside. Policy 7 of the Local Plan sets out that new homes in the open countryside will only be permitted where there are special circumstances with new dwellings restricted to replacements, subdivisions of existing, reuse of certain buildings, temporary worker accommodation, and for full time agricultural and forestry and other rural occupation workers. The supporting text explains that the purpose is to ensure that development occurs in the most sustainable locations.
9. Those policies relate to a recently adopted Local Plan and are broadly consistent with the National Planning Policy Framework (the Framework) which in paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to say that for example, where there are groups of smaller settlements, development in one village may support services in a village nearby. It also states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. I have also had regard to bullet point 11 of paragraph 17 of the Framework which states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, albeit that paragraph 29 states that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
10. The site is located outside of the settlement boundary but immediately adjacent to existing residential properties comprising the hamlet of Tremayne. Therefore, although the hamlet is set within the open countryside, due to the close proximity to those other dwellings the site could not be regarded as being in an isolated location in relation to other residential properties. However,

although it would only be a fairly short walk or cycle into Praze an Beeble, that village only has a small number of services and facilities including a primary school, small shop, post office, public house and doctor's surgery.

11. Furthermore, it is likely that access on foot to the village via the B3280 would be generally unattractive as it has no footway until close to the village and is unlit during the hours of darkness. A footpath across intervening fields links the site to the village. However, it is likely that that too would be an unattractive route during the hours of darkness and in poor weather conditions, as well as for pushing pushchairs or wheelchairs. Although I acknowledge it was only a snapshot observation, I also saw that it was difficult to pass along it at one point due to water that had not drained away.
12. The nearest bus stop is also in the village and so the above factors would be likely to substantially lessen the attractiveness of walking to catch the bus to reach larger centres further afield. Access to services and facilities to serve the day to day needs of prospective residents, including the full range of shops, secondary schools and leisure facilities, together with wider employment destinations, would therefore be likely to involve a heavy reliance on private motorised transport as opposed to more sustainable walking, cycling or public transport.
13. Additionally, having regard to paragraph 55 of the Framework, I have not received any substantive evidence to demonstrate that the development of the proposed dwellings in this location would be needed to enhance or maintain the vitality of rural communities in the vicinity.
14. For the above reasons, I conclude on this issue that the proposal would not be in a suitable location for the dwellings concerned, having regard to access to services and facilities to serve the day to day needs of prospective residents. As such, in respect of this issue, it would be contrary to Policies 3 and 7 of the Local Plan and paragraphs 17 (bullet point 11) and 55 of the Framework.

Character and appearance

15. Tremayne consists of a pleasant, informally laid out small cluster of dwellings and farm buildings extending southwards from the adjacent B3280 road and otherwise surrounded by fields. The site is located at the southern end of Tremayne with old farm buildings to the west and the fairly large gardens of existing dwellings set well back from the site to the north.
16. Only the bungalow of Marandell is further to the south. However, that dwelling is on the opposite side of the footpath referred to previously and somewhat separated from the rest of the settlement, being surrounded on all sides by fields, albeit accessed by a driveway bisecting the site. The site is therefore not clearly within the physical boundaries of the hamlet, which does not have a clear form and shape at this point. Instead, despite being currently largely overgrown, it links to and associates strongly with the open countryside beyond it to the east in particular, albeit across a field boundary.
17. As such the proposal would not be clearly seen as infill development or a rounding off of the existing hamlet. Instead it would intrude into the pleasant openness of that edge of settlement location, introducing an inevitable and uncharacteristic degree of formality. As such, despite there being no design or layout details at this outline stage, the addition of three dwellings would be

likely to represent an incongruous and jarring addition to the hamlet's countryside setting. This would be particularly apparent from the adjacent footpath immediately to the south of the site and on the approaches along that path, especially from the south-east. It is also likely that it would be seen as such, albeit to a lesser extent due to restricted views between existing buildings and structures, from the southern end of the lane serving the hamlet.

18. For the above reasons, I conclude on this issue that proposed development would cause unacceptable harm to the character of the area. As such, in respect of this issue, it would be contrary to Policy 7 of the Local Plan which seeks to prevent the development of new homes in the open countryside unless there are special circumstances none of which, as previously referred to, apply in this case. It would also be contrary to the Framework which, in paragraph 17 states that planning should, amongst other things, take account of the character of different areas, recognising the intrinsic character and beauty of the countryside.

Other matters

19. I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the listed building (the LB) to the north of the site, comprising Tremayne Farmhouse and adjoining outbuildings. Those LBs are already seen in the context of the variety of building designs and ages within the hamlet. Furthermore, there would remain a significant degree of separation between them and the site due to their fairly large intervening garden areas. I am therefore satisfied that the proposed development would preserve the setting of the LBs, subject to appropriate design details that would be considered at the reserved matters stage.

The planning balance, having regard to housing provision

20. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
21. Paragraph 47 of the Framework sets out the need to boost significantly the supply of housing. It is disputed by the parties as to whether or not the Council can demonstrate a five year supply of deliverable housing sites (5 year HLS) and I have had regard to the submissions and discussions at the Hearing on this matter. Under paragraph 49 of the Framework, housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year HLS. Having regard to paragraph 14 of the Framework, this states that the presumption in favour of sustainable development means, where relevant development plan policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
22. The proposed development would have the benefit of adding additional housing to the local supply. However, even if I were to conclude that there is not a 5 year HLS, that there is a shortfall of the scale claimed by the appellant, and

that relevant policies for the supply of housing should not be considered up-to-date, the weight that I attach to the addition of only three dwellings to that supply is not substantial. It would also be likely to contribute to the local economy, in terms of generating employment during the construction phase and additional income and support for shops and services, although it is likely that any such benefits would be small, relating only to three dwellings. Furthermore, as referred to previously, I have not received any substantive evidence to demonstrate that the development of the proposed dwellings in this location would be needed to enhance or maintain the vitality of rural communities in the vicinity.

23. The Council has drawn my attention to another recent appeal decision Ref APP/D0840/W/16/3149570 relating to a proposed single dwellinghouse in the countryside, that was dismissed for reasons including harm to the character and appearance of the area which forms part of an Area of Outstanding Natural Beauty and restricted access to services and facilities. This was regardless as to whether or not there is a 5 year HLS. Whilst having regard to that decision, I do not have full details of the proposal to enable a proper comparison. Furthermore, it relates to a completely different location to the current appeal which I have in any case determined on its own merits.
24. I have found that there would be adverse impacts of the development relating to the suitability of location having regard to access to services and facilities to serve the day to day needs of prospective residents and to the character of the area. Those adverse impacts of granting permission would significantly and demonstrably outweigh the benefit of adding only three dwellings to that supply, and those small economic benefits associated with the construction and occupation phases referred to above, when assessed against the policies of the Framework taken as a whole. It would therefore not be a sustainable form of development for which there is a presumption in favour. This is a material consideration.

Conclusion

25. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Daniel Mock	Appellant
Matthew Green BA	Green Planning Studio Ltd
Ruth Reed BA DipArch MA PGCERT ED PPRIBA	Green Planning Studio Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Jim Lee	Council Appeals Officer
Martin Cookman	Council Strategic Planning

INTERESTED PERSONS:

Mike Hawkey	Local Resident
Sandie Hawkey	Local Resident
Katharine Marquis	Local Resident
Gabrielle Cavill	Local Resident
Chris Wildman	C.W. Auto's, Tremayne
Kim Barnes	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING:

1. Signed copy of Statement of Common Ground.
2. Copy of decision on appeal made by Stonegate Homes and Littleworth Properties Limited, land at Sandgate Nurseries, West End Lane, Henfield, Sussex Ref APP/Z3825/W/14/3001703.
3. Copy of Report on the Examination into the Cornwall Local Plan Strategic Policies Ref PINS/D0840/429/12.
4. Cornwall Council costs application.