
Appeal Decision

Site visit made on 19 June 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 4 July 2017

Appeal Ref: APP/D0840/W/17/3169631

Land adjacent to Trepool, Ruan Minor, Helston, Cornwall TR12 7JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Charles Deacon against the decision of Cornwall Council.
 - The application Ref PA16/06877, dated 10 July 2016, was refused by notice dated 4 October 2016.
 - The development proposed is described on the application form as 'two infill dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Whilst I have given the description of development in the banner heading above as was used in the application form, whether the proposal represents 'infill' development is disputed with reference to policy 3 'Role and function of places' of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 22 November 2016, the 'Local Plan').

Main issue

3. The main issue is whether or not the appeal site is an appropriate location for the development proposed, with particular regard to the effect thereof on the character and appearance of the area.

Reasons

4. The appeal site is part of an agricultural field which at the time of my site visit was overgrown and untended. The appellant explains that it has been used as a builders' yard, however no remnants of this use are apparent, and no planning history is before me in this regard.
5. The site falls near the village of Ruan Minor, which benefits from various services and facilities. The northern boundary of the site, demarcated by an established hedgerow, abuts the principal route to Ruan Minor from the west (apparently unnamed, hereafter referred to as the 'road'). The village sign falls opposite as does the boundary of the village's 30 miles per hour speed limit.

6. The topography of the appeal site slopes gently away from the road broadly towards the south, in which direction the field of which the appeal site is part abuts other fields. There are a number of buildings nearby, including neighbouring dwellings Trepool and the White House,¹ and those comprising Treleague Dairy on the opposite side of the road.
7. Nevertheless the pattern of development surrounding the appeal site is relatively dispersed. Combined with the presence of occasional fields, such as the appeal site and that adjacent to Treleague Dairy, this results in a semi-rural character here. This character is in marked contrast to that of the main built form of Ruan Minor, which is instead tightly clustered around Chapel Terrace, Glebe Place and Mundys Field.
8. The Cornwall AONB Management Plan 2016-2021 dated May 2016 (the 'AONB Plan') and the Cornwall and Isles of Scilly Landscape Character Study published in 2008 (the 'LCS') characterise the surrounding area as a rugged open plateau of predominantly pastoral fields demarcated by traditional hedgerows. Whilst modest in scale and of limited prominence on account of the topography, in its present state the appeal site nevertheless reflects and reinforces these characteristics.
9. Policy 3 'Role and function of places' of the Local Plan guides development towards a hierarchy of locations. Criterion 3 thereof explains that outside of main towns, development will be delivered through the identification of sites through neighbourhood plans, the rounding off of settlements, infill schemes or rural exception sites. Policy 3 seeks to strike a balance between enabling organic growth and ensuring that all development is appropriately located, both in respect of accessibility and effects on the character of the environment.²
10. There is presently no relevant neighbourhood plan here.³ The proposal is not for affordable housing as defined in the National Planning Policy Framework (the 'Framework'). On account of the dispersed pattern of nearby development, the appeal site does not represent a small gap in an otherwise continuously built up frontage, but rather a field which by virtue of its openness contributes to the character of the area.
11. The nature of the appeal site and its surroundings is such that there is no clear physical feature that would act as a barrier to further growth, particularly to the south where the landscape is largely agricultural fields. Rather the proposal would represent encroachment into undeveloped land which in character relates more closely to the open countryside than to the established settlement of Ruan Minor. The proposal would therefore neither represent infill development nor the rounding of an existing settlement.⁴

¹ The latter permitted via planning permission Ref PA12/06245.

² The appellant has referred to paragraph 89 of the Framework in this context which relates to 'limited infilling in villages'. However this reference is in respect of Green Belt policy, which is not applicable here.

³ As set out in paragraph 5.4 of the Council's appeal statement.

⁴ With regard to paragraphs 1.65 and 1.68 supporting policy 3 of the Local Plan. Whilst the appellant has submitted correspondence from the Council dated 23 August 2013 which indicates that development at the appeal site may be considered as infill, this pre-dates the adoption of the Local Plan and subsequent pre-application advice (Ref PA12/02680/PREAPP and PA16/00297/PREAPP). In pre-application advice the appeal site is identified as being within the open countryside and as not representative of infill development.

12. AONBs are designated for the purposes of conserving and enhancing natural beauty. Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. Criterion 2(a) of policy 23 'Natural environment' of the Local Plan sets out that 'great weight' will be given to conserving landscape and scenic beauty in Areas of Outstanding Natural beauty. This reiterates the approach in paragraph 115 of the Framework, which also explains that AONBs have the 'highest status of protection in relation to landscape and scenic beauty'.
13. I accept that the dwellings proposed would be visible in conjunction with other buildings nearby. I also acknowledge that they would broadly reflect the scale, design and arrangement of dwellings nearby, and that the boundary features of the site would limit their visual prominence (which could be secured via condition were the proposal otherwise acceptable).
14. However the dwellings proposed would be readily apparent from a number of vantage points nearby, in particular from the shared access where a stretch of hedgerow is proposed for removal. As described above the adjacent road is the principal route to Ruan Minor from the west and has a dedicated footway in this location. By virtue of the introduction of built development in what is presently undeveloped land which as established above contributes to the natural beauty of the area, the proposal would result in harm to the AONB.
15. For the above reasons I therefore conclude that the appeal site is not an appropriate location for the development proposed, and that the development proposed would detrimentally affect the character and appearance of the area. The proposal conflicts with the relevant provisions of policy 3 and 23 of the Local Plan, and with relevant elements of the Framework cited above.

Other matters

16. The appellant has brought a number of other cases to my attention in support of his proposal, none of which are directly comparable with the circumstances here. Whilst I accept that the White House in planning permission Ref PA12/06245 was determined by the Council to represent infill development, this decision pre-dates the adoption of the Local Plan and moreover in that instance the application site was part of an existing residential garden as opposed to an open field as is the case here.
17. Two appeals referenced by the appellant relate to development which the inspector determined was permissible with reference to the Local Plan, then emerging, as an affordable housing scheme.⁵ Permission Ref PA13/10702, from the limited information before me, does not appear to be within the AONB and relates to the garden of an existing property. In a further appeal the inspector noted that the appeal site in that case was 'not rural in character'.⁶
18. I acknowledge that the proposal would result in certain benefits. It would entail the creation of two new homes in Cornwall in a location relatively close to services and facilities. There would be further social and economic benefits

⁵ Ref APP/D0840/C/16/3147298 and APP/D0840/C/16/3147305.

⁶ Ref APP/D0840/W/14/3001637.

arising, including in supporting employment during construction and as future occupants would make use of nearby services and facilities.

19. However the benefits of two new homes would be modest. Moreover there is no robust evidence before me to indicate that the Council are unable to demonstrate a five year land supply of deliverable sites relative to needs,⁷ or that nearby services and facilities are in need of additional trade to ensure their continued viability. Moreover neither the support in the Local Plan nor Framework to the provision of rural housing is at the expense of ensuring that all development is appropriately located and integrates acceptably with its surroundings.
20. There is some discussion in the information before me as to whether the proposal would be supported were it for affordable housing. However this is not the proposal before me and there is no way in which I can legitimately alter the nature of the development proposed in this respect or therefore consider this hypothetical scenario.⁸ As such neither this, nor any other matter, is sufficient to outweigh or alter my reasoning above.

Conclusion

21. For the above reasons, and having taken all other matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

⁷ With reference to paragraph 47 of the Framework and to the evidence referred to in paragraph 5.2 of the Council's appeal statement.

⁸ With regard to Planning Practice Guidance Reference ID: 21a-012-20140306.