

Appeal Decision

Site visit made on 18 July 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 28 July 2017

Appeal Ref: APP/D0840/W/17/3171703

Land at Loscombe Road, Four Lanes, Redruth, Cornwall TR16 6QD

- 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 Mrs S Tregonning against the decision of Cornwall Council.
 - The application Ref PA16/10852, dated 16 November 2016, was refused by notice dated 9 February 2017.
 - The development proposed is erection of seven dwellings and construction of access road.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application is in outline with all matters reserved for future consideration except for the means of access. A drawing showing a site layout, a partial elevation, and boundary treatments was submitted. I have treated these as indicative and had regard to them in determining this appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

Character and appearance

4. The appeal site forms part of a field located adjacent to Loscombe Road, it sits alongside another field which together are bounded to the north by Andrew's Terrace which consists of 9 houses and to the south by a terrace of three dwellings, Loscombe Villas. Beyond that short terrace there is another gap in the frontage after which there is a largely continuous built frontage for the remainder of the western side of Loscombe Road. The built form is more continuous on the eastern side of the road. The gap in the frontage at the appeal site offers views over the rolling countryside for a very considerable distance.
5. Beyond the core of the village, which is centred on the cross roads, there are examples of large gaps in the street frontage on most of the routes heading out of the village. Some of these gaps are located only to one side of the road. Although the site is not subject to any landscape or other designations, the gap in the frontage provided, in part, by the appeal site and the other larger gaps are an important characteristic of the village where more sporadic development

is present at its extremities leading away from the denser and generally continuous development in its centre.

6. Policy 3 of the Cornwall Local Plan Strategic Policies (the LP) sets out the Council's strategy for the provision of development over the plan period. The majority of development, including housing, is to be accommodated within, or well related to, the named towns. The Policy also provides for development in other settlements where it amounts to the 'rounding off' of a settlement or 'infill' development.
7. It is the appellant's view that Andrew's Terrace should be regarded as the edge of the urban form of the settlement. If that were so, the appeal scheme cannot meet with the definition of 'rounding off' within the supporting text of the Policy. If this were not taken to be the case, while the development would be enclosed by Andrew's Terrace to the north it would not be substantially enclosed to the south where there would only be a hedge separating it from another field. Either way, the development could not be described as 'rounding off' in the meaning of the Policy.
8. In the supporting text, at paragraph 1.65, 'infilling' is defined as the filling of a small gap in an otherwise continuously built up frontage that does not physically extend the settlement into the open countryside. This definition is given without qualification and there is nothing to suggest that it should only apply to infilling in smaller settlements. The supporting text goes on to state that many frontages are not continuously built up and have large gaps between groups of buildings. Both the supporting text and the Policy itself require that consideration be given to these larger gaps as they can be important to the setting of settlements. The Policy requires that this should not be diminished.
9. It is not disputed that the land between Loscombe Villas and Andrew's Terrace should be regarded as a large gap. The development would result in the closing of this gap by more than half its length. The gap that would be retained would still be relatively sizable, and, having regard to the Policy's supporting text, would still be considered a large gap in its own right as it would be bigger than one or two dwellings. There would however be a significant reduction in the local distinctiveness of the village through the reduction in this gap. The open views would be reduced and the edge of the settlement would have a significantly more enclosed feel. This would result in harm to the character and appearance of the area.
10. As well as a retained gap to the south, other large gaps would still be present including the land to the south of Loscombe Villas. However the presence of these other gaps underlines that these are an important feature of the character of the village and their presence does not diminish or mitigate that harm that would result from the development. Open land and views would remain to the north of Andrew's Terrace. However this would be beyond the village and it does not make the same contribution to the character of the area as the large gaps between buildings.
11. The eastern side of Loscombe Lane has a much more continuous frontage. Planning permission has recently been granted for a number of housing developments, and, when taken together, these amount to a significant number of houses. I observed that the character of the eastern side of the road was different to the west. The details of the proposals I have been provided with also show that those schemes do not encroach as significantly on the

frontage. The more continuous built frontage to the east does not persuade me that the appeal scheme is acceptable. Rather it emphasises the importance of the large gap created by the appeal site in maintaining the more sporadic development which is characteristic of the extremities of the village.

12. Andrew's Terrace, with 9 houses and being located close to development on the opposite side of the road, cannot be described as isolated dwellings beyond the urban edge of the settlement. Therefore I do not consider that the supporting text, at paragraph 1.67 of the LP, is relevant to the appeal proposal. There is explicit reference in the supporting text that infill development should be limited to one or two dwellings in smaller villages or hamlets. A smaller village is not defined; however given the scale of Four Lanes and the range of services it contains I do not consider that it is a small village. These factors do not however lessen the requirement to consider the significance that large gaps in the built up frontage can make to the setting of a settlement.
13. I therefore conclude that the development would result in harm to the character and appearance of the area. It would be contrary to Policies 1, 2, 3, 12, and 23 of the LP. These seek to ensure that the environment is protected and that local distinctiveness and the special character of Cornwall is maintained and respected including by ensuring important gaps in settlements are not diminished. There would also be conflict with the aims of the National Planning Policy Framework (the Framework) to reinforce local distinctiveness.

Other matters

14. The Council consider that they are currently able to demonstrate a five-year supply of deliverable housing sites and the appellant as not provided any evidence to contradict this. This does not mean that complacency can set in when considering housing schemes. The social and economic benefits that would arise from new housing are material and need to be taken into account. The housing requirement in the LP and the various apportionments are minimum figures. Social benefits would arise from the scheme through the provision of housing and economic benefits would arise during construction and thereafter through the economic activities of future occupants. However the scale of these benefits would be modest given the relatively small scale of the development. The impact and importance of the benefits would not be as significant given the Council's current record of granting permissions and delivering housing in the locality. I therefore give these benefits only limited weight.
15. Positive pre-application advice was issued to the appellant suggesting, in the opinion of the Officer giving the advice, that the site was located within the village and fell within the general requirements of sustainable development. At the time, the current LP was an emerging document although it, including Policy 3, are mentioned within the advice and so were taken into account. At that point, as there was not an up-to-date development plan in place the requirements of paragraphs 49 and 14 of the Framework would have been in effect including the 'tilted balance'. This requires that planning permission be granted 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.
16. Although it is not explicitly clear in the pre-application advice, that policy landscape must have coloured the planning judgement and it would affect any

overall conclusions as to whether the proposal amounted to sustainable development. While the emerging Policy 3 would have been a material consideration, in the context of that particular time it would not carry the weight it does now nor would it be decisive. Once the LP was adopted, it was therefore necessary for the Council to consider the application in light of the new policy landscape where the 'tilted balance' did not apply. As such it was reasonable that the various conclusions would be different including an ultimate conclusion as to whether the scheme amounted to sustainable development.

17. My attention has been drawn to an appeal decision¹ for a site at Camborne including in respect of how the Inspector considered the relationship of the site to the built-up area and the balance of housing need even where a five-year supply of deliverable sites could be demonstrated. Camborne is one of the named towns in Policy 3 of the LP. The policy framework for considering new housing within, and well related to, those towns is different to that to be applied to the other settlements. Development is not to be limited to 'infill' and 'rounding off' nor is there a specific need to consider the effect on large gaps between buildings. Therefore the context of the Camborne appeal was substantially different and the conclusions do not persuade me that the appeal scheme is acceptable.
18. Four Lanes has a number of services, facilities, and public transport links; therefore future occupants would have options other than the private car to meet their daily needs. In transport terms the site would be suitable for housing. In itself this factor indicates a lack of harm but does little to weigh in favour of the development. Similarly the other matters that are not in dispute between the parties such as the ability to provide suitable access and create appropriate living conditions for neighbours and future occupiers also indicate a lack of harm but do not add any significant positive weight into the balance.

Conclusion

19. Social and economic benefits would arise from the development; however, even when considered in combination, these would not outweigh the harm to the character and appearance of the area. The harm that would arise is such that the development would not meet the environmental role of sustainable development as required by Policy 1 of the LP and the Framework. The adverse effects of the development are sufficient to mean that it would fail to accord with the development plan when considered as a whole. I therefore conclude that the appeal should be dismissed.

K Taylor

INSPECTOR

¹ APP/D0840/W/16/3142806