

Appeal Decision

Site visit made on 31 July 2017

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 14 August 2017

Appeal Ref: APP/D0840/W/17/3173808

Land adj to Westward and Green Acres, Trevarrian, Nr Newquay

- 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 Ms Anne Barrett against the decision of Cornwall Council.
 - The application Ref PA17/00099, dated 5 January 2017, was refused by notice dated 23 February 2017.
 - The development proposed is a self-build dwelling
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved. I have determined the appeal on that basis.

Main Issue

3. The main issue is whether the site provides a suitable location for the proposed dwelling having regard to local and national planning policies.

Reasons

4. Trevarrian is small village situated in the countryside near the coast. The appeal site is part of an agricultural field which is accessed through a gate at the end of a cul-de-sac. It is proposed to construct a detached, self-build dwelling on the site which would use the existing agricultural access.
5. Policy 7 of the Cornwall Local Plan (the Local Plan) limits new development in the open countryside. According to paragraph 2.33 of the supporting text, open countryside is defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape). In this case, the end of the cul-de-sac marks a clear boundary between the developed area of Trevarrian and the countryside. Beyond the gate, the field links with other fields to create a distinctly open and undeveloped area. Although there is a holiday park adjacent to the appeal site, as well as housing to the north, these developments are contained within clearly defined boundaries. As such, the site is within the countryside for the purposes of the Local Plan.
6. Policy 3 of the Local Plan aims to steer the majority of new housing towards the main towns. However, the policy does enable a limited amount of new development to take place outside the main towns in particular circumstances. This includes sites specifically identified in Neighbourhood Plans, development

- that leads to the rounding off of settlements, previously developed land within or immediately adjoining settlements, infill development and rural exception sites for affordable housing brought forward under Policy 9 of the plan.
7. According to Policy 3, infill is defined as development which fills a small gap in an otherwise continuous built frontage and does not physically extend the settlement into the open countryside. In this case, I note that the new dwelling would be situated near the end of the cul-de-sac close to Green Acres and Westward. However, it would also extend development into a field which is part of the open countryside. As such, the proposal cannot be described as infill according to the definition within Local Plan.
 8. Policy 3 refers to the *rounding off of settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role* (my underlining). The appellant interprets this to mean that the only test for determining if a proposed development comprises 'rounding off' is whether it immediately adjoins the settlement and is of a size and scale appropriate to its role. However, it is clear enough from the wording that this applies to previously developed land brought forward under the policy. Additional clarification is provided within paragraph 1.68 of the Local Plan which provides separate descriptions of previously developed land and rounding off in the context of Policy 3. While I accept the appellant's point that the supporting text does not carry the same weight as the policy, I have little reason to deviate from the definition of rounding off provided within paragraph 1.68 in this particular instance.
 9. According to paragraph 1.68, rounding off applies to development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road). Although the northern boundary of the site adjoins housing and the eastern boundary abuts a holiday park, the southern and western boundaries are continuous with an open field. While the indicative plans show a farm access being retained, this is part of the open field rather than a formalised road. As such, it seems to me that the edges of the site are not clearly defined by physical features and therefore the proposal could not be described as rounding off.
 10. Furthermore, paragraph 1.68 also states that rounding off should not visually extend building into the open countryside. It is not possible to assess the full visual impact given that the application was made in outline. However, I have considered the Landscape Sensitivity and Capacity Assessment and agree that the proposed dwelling would not be a prominent feature within the wider surroundings, which are designated as an Area of Great Landscape Value. Nonetheless, I have already determined that the dwelling would encroach upon the open countryside and my assessment of the site leads me to conclude that it would be at least partially seen from closer quarters, including the adjacent holiday park and the public right of way to the west. Thus the development would not amount to rounding off as defined in paragraph 1.68, even though I am informed that the increase in the built up area of the village would only increase by 0.7% as a result of the proposal.
 11. Although the development of a single dwelling would be proportionate to the size and role of Trevarrian, there is no indication that the site comprises previously developed land and hence it cannot be justified on that basis alone.

Nor is the proposal a rural exception scheme for affordable housing, which is another form of development permitted by Policy 3.

12. My attention has been drawn to an Appeal Decision¹ where a new dwelling was allowed in the rear garden of Dulce Domum, a nearby property. However, in that particular case, the appeal site was situated within an existing residential curtilage and therefore the proposal did not involve encroachment into the countryside as it does in the current case. The main issue before the Inspector concerned living conditions and it is noted that the Council had no objection to the principle of development in terms of location.
13. With this in mind, the appellant points out that Trevarrian contains a public house, is relatively well served by buses and there is a primary school approximately 2.8 kilometres away in St Mawgan. It is also argued that a wide range of services are provided within the surrounding network of villages and that there are various employers in the area, including those associated with the nearby airport as well as in Newquay. While this may be the case, Policy 3 establishes a clear settlement hierarchy where the scale of growth is based on the role and function of places. The scale of housing growth within Trevarrian is governed by the terms of the policy, which is up-to-date and compliant with the National Planning Policy Framework (the Framework). For the reasons set out above, I have found that the proposal would not be in compliance with Policy 3 and its approach to development in smaller settlements.
14. The appellant has referred to a number of planning permissions² for housing development granted by the Council. In the approval at Dingleys Farm the officer report gives limited weight to Policy 3 as the Local Plan had not been adopted and the previous development plan was considered out of date in terms of the Framework. The application for a dwelling at Vogue was also determined prior to adoption of the Local Plan and the officer did not appear to assess the proposal against Policy 3. Instead, the officer considers that previous appeal decisions (unspecified) were supportive of development in such locations. However, these appeals appear to have been determined in an environment where the development plan was out of date. In the approval at Rosudgeon, the officer considered the site to lie within the dispersed area of the settlement and therefore compliant with Policy 3. While I recognise some similarities between that scheme and the appeal proposal, my assessment of the appeal site is that it is within the countryside.
15. I have also been referred to a number of appeal decisions³ where new housing has been allowed in relatively small communities elsewhere in Cornwall. However, the appeals at Wheal Rose and Rosudgeon were decided before the Local Plan was adopted and were not assessed against the terms of Policy 3. This was also the case in the appeal for a new dwelling at Sheffield. In these cases, the Inspector also took account of the fact that the Council were unable to demonstrate a 5-year housing land supply. In the more recent appeal at Blackwater, the proposed dwelling was in the garden of an existing property and the Inspector considered that it would not represent encroachment into the open countryside. Hence, I do not consider that these decisions lend a great deal of support to the current proposal.

¹ Appeal Decision: APP/D0840/W/15/3133789

² Council Refs: PA16/05274, PA15/07306, PA15/01992, PA16/04470.

³ Appeal Decisions: APP/D0840/W16/3164950, APP/D0840/W16/3141049, APP/D0840/W16/3144526 and APP/D0840/W16/3145288.

16. The proposed development would be contrary to the settlement hierarchy established by Policy 3, thereby harming the strategic housing distribution objectives of the Local Plan. However, the appellant argues that the proposal would help to meet other planning objectives and therefore Local Plan policies should be applied flexibly. Whilst I recognise that growth can maintain the vitality of local communities by helping to support local services, there is relatively little before me to indicate that scheme being proposed would contribute to this objective to such an extent that it would outweigh the conflict with Policy 3. I appreciate that the dwelling would enable the appellant's family to live nearer to their local community, but personal circumstances of this nature are not exceptional and therefore carry limited weight.
17. The Self-build and Custom Housebuilding Act 2015 requires Councils to keep a self-build and custom housebuilding register. According to the National Planning Practice Guidance, the main purpose of the register is to provide information on the demand for these types of housing as part of the authority's evidence base. This is part of the planned approach to development as set out in paragraph 50 of the Framework.
18. At present, the Council's Self Build and Custom Build Housebuilding Report December 2016 indicates that permission has been granted for sufficient serviced plots to meet the demand identified on the register for the first period. As such, the evidence indicates that there is a reasonable supply of self-build and custom build plots coming forward. Furthermore, the Council indicates that a 5-year supply of general housing land can be demonstrated within the Community Network Area. While I note that the majority of those on the local register seek individual building plots rather than communal schemes, this does not justify development in locations that would undermine the settlement hierarchy established by Policy 3.
19. The Housing White Paper: Fixing Our Broken Housing Market 2017 was published after the Local Plan was adopted. Amongst other things, it advocates boosting the supply of small windfall sites and encourages self-build housing. It is stated that there will be future changes to national planning policy in order to enable this. However, while I recognise the Government's intentions in relation to these issues, I have based my decision on existing planning policies as set out in the Local Plan and Framework.
20. I therefore conclude on this issue that the site would not provide a suitable location for the proposed development. There would be conflict with Policy 3 of the Local Plan which governs the location of new housing development and Policy 7 which restricts development in the countryside.

Conclusion

21. For the above reasons, and having regard to all other matters raised, the appeal should therefore be dismissed.

C Cresswell

INSPECTOR