

Appeal Decision

Site visit made on 25 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/17/3174672

Land east of Cox Hill, Perranporth, Cornwall TR6 0AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Sharples & Mrs Sheila Sharples against the decision of Cornwall Council.
 - The application Ref PA16/08467, dated 10 September 2016, was refused by notice dated 8 March 2016.
 - The development proposed is siting of log cabin (mobile home).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the heading above is taken from the Appeal Form as this more accurately describes the location of the site.
3. The area is described as both Cocks Hill and Cox Hill in the appeal documentation. I have used the latter spelling.

Main Issues

4. The main issues in this case are:
 - whether the site would provide a suitable location for the proposed dwelling.
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

5. The appeal site comprises an area of grassy paddock which is accessed from an unmade track running to the east of Cox Hill. I understand that it is used as a horse and pony rescue sanctuary. Although there is a small agricultural building close to the gate, the site is otherwise undeveloped. It is proposed to construct a small dwelling on the north west corner of the site (close to the existing building) which would take the form of a log cabin.
 6. Policy 7 of the Cornwall Local Plan (the Local Plan) states that the development of new homes in the open countryside will only be permitted where there are special circumstances. According to paragraph 2.33 of the plan, open countryside is defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape).
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7. With this in mind, the appellants point out that built development in the area is widely distributed and surrounds much of the site. In order to illustrate this, plans and photographs have been provided showing a number of other properties in the area. These include Treetops, Transvaal House, The Orchard and Seacroft to the south west of the site, as well as Tredon, No 1 The Crescent and Nos 1 and 2 The Terrace to the south east. To the west, there are several properties on either side of Cox Hill (including the side lanes which contain a number of large dwellings such as Field House and Stanley House). During my site visit I saw that some of the rear gardens of the nearest properties run close to the site (including The Brambles) and are partially visible between the trees. Planning permission¹ has also been granted for a storage shed close to the entrance to the site, which appeared to be under construction at the time of my site visit.
8. I accept that there are a relatively large number of properties in the vicinity of the site (not just those visible from the main road). Nonetheless, I do not consider that the wider area can be described as a discrete settlement with a 'clear form and shape' as referenced in paragraph 2.33 of the Local Plan. Existing housing to the south west of the site (the lane containing Seacroft) is separated from other parts of Cox Hill by relatively large areas of undeveloped space. Similarly, housing to the south east (including Tredon) is also separated from the rest of Cox Hill by expansive open areas.
9. Although the site entrance in the north west corner is relatively close to some rear gardens and the newly constructed shed, it is clearly separated from the main grouping of built development around Cox Hill to the west. The landscape further to the east of the site entrance is undeveloped pasture and is continuous with the open countryside in this location. Land to the north and south of the site entrance is also mostly undeveloped, despite the presence of a disused railway line. As such, the proposed dwelling would be situated in the open countryside as defined by the Local Plan and is therefore in a location where Policy 7 aims to restrict new development.
10. Apart from protecting the undeveloped appearance of the countryside, Policy 7 is also a mechanism to steer the majority of new housing development towards the most accessible locations which are well served by shops and services. Indeed, one of the core principles of the National Planning Policy Framework (the Framework) is to actively manage patterns of growth in order to make fullest use of public transport, walking and cycling. Although I am not aware of any facilities in the vicinity of the appeal site, I am informed that Cox Hill is served by buses and it is a relatively short drive to Perranporth where there are various shops and services (including a supermarket). Nonetheless, it seems to me that the future occupiers of the dwelling would be mostly reliant on private vehicles to meet the majority of their everyday needs. I am conscious that the proposal is being advanced on the basis that it would lead to a reduction in car journeys and the appellants intend to sell their existing dwelling in Chasewater (thereby contributing to the local housing supply). However, the proposal would nonetheless create a permanent dwelling in the open countryside that would incrementally contribute to a more dispersed pattern of development that would not make the fullest possible use of public transport, walking and cycling opportunities.

¹ Council Ref: PA16/11010

11. I accept that the appeal site is no less accessible than many existing dwellings within the locality, although most of these would have been constructed prior to the publication of the Local Plan and Framework. The appellant argues that the Council has recently permitted a number of extensions to dwellings within Cox Hill. While this may be the case, such extensions would not necessarily lead to the creation of separate households capable of generating additional travel movements. Nor would they necessarily result in the incursion of built development into the open countryside. As such, these developments are not directly comparable with the appeal proposal. Whilst I am also informed that the Council has recently approved new dwellings in the area, I have been given relatively few details of these or the basis under which they were granted planning permission. Consequently, they do not set a convincing precedent in favour of the proposal before me in this case.
12. Although Policy 7 of the Local Plan restricts general housing development in the open countryside, new dwellings can be acceptable where there are special circumstances. This includes dwellings for full time agricultural, forestry and other rural occupation workers where there is up to date evidence of an essential need of the business for the occupier to live in that specific location. In this case, I am informed that the appellants operate a small horse and pony rescue sanctuary and travel to the site from Chasewater in order to attend to the animals. Both of the appellants are elderly and suffering from health problems which limits their ability to access the site. I understand that it can be some time before the appellants are able to attend to the horses' welfare and there has also been some vandalism.
13. The Council refer to former national planning policy set out in PPS7² which sets out a relatively detailed approach to assessing applications for rural workers dwellings, including a functional test (to demonstrate an essential need) and a financial test (to demonstrate that the business remains viable). Although this policy is now cancelled, I recognise that these tests may remain appropriate in some circumstances. However, in the current case, it is clear that the horse sanctuary is being run on a non-profit basis and therefore financial evidence of viability would not be relevant. While Policy 7 refers to the essential need of the 'business', it seems to me that this term can encompass viable activities carried out on a voluntary basis as well as profit making enterprises.
14. In my view, a small horse and pony rescue centre is a rural activity which could potentially generate an essential need for a dwelling. However, although the appellants provide a brief outline of activities taking place within the site and why they consider there to be an essential need for a dwelling, relatively little information has been provided to substantiate this. I am mindful that the appellants are not professionally represented in this appeal, but the information before me is not sufficient to conclusively demonstrate an essential need for a dwelling in this location. Such a development would be against the background of long established planning policies which strictly control new housing in the open countryside. In recognition of this, the proposal requires an appropriate level of scrutiny. Whilst the appellants go some way to showing that there is an essential need for a dwelling, the evidence provided is not sufficiently robust to demonstrate compliance with the terms of Policy 7.

² Planning Policy Statement 7: Sustainable Development in Rural Areas 2004.

15. I therefore conclude on this issue that the site would not provide a suitable location for the proposed dwelling. There would be conflict with Policy 7 of the Local Plan which restricts new housing development in the open countryside. There would also be conflict with Policy 3 of the plan, which aims to locate the majority housing development within established settlements. The proposal would also conflict with Policy 1, which establishes a presumption in favour of sustainable forms of development.

Character and appearance

16. The site is approached from Cox Hill along a lane which is also a public right of way, although I understand that the appellants have legal access to the site and have spent a considerable amount of time maintaining its upkeep. As there are mature trees and vegetation along this part of the lane, it retains a distinctly leafy and rural character, consistent with its countryside location. The landscape becomes more open near the entrance of the site, which is a grassy pasture occupying a hillside which slopes above the lane.
17. The appellant indicates that the proposed dwelling would be situated in the north west corner of the appeal site near the gate. It would be relatively modest in size, assuming the appearance of a log cabin. Although there would be domestic paraphernalia associated with the new dwelling, the development would not be visually prominent if located in the north west corner of the site. This area is mostly screened from the lane by the existing hedgerow and is not widely exposed in the surrounding landscape as it is low lying. If situated here, the proposed dwelling would have an acceptable visual impact.
18. However, the site plans do not show a specific location for the dwelling and include large parts of the surrounding hillside. If the proposed dwelling were to be located on other parts of the site, the visual impact would be more harmful and would undermine the rural characteristics of the landscape in this location. Although I have no reason to doubt the appellants' intention to locate the dwelling in the north west corner of the site as indicated, there is no planning mechanism before me to ensure that it is sited in this area. Consequently, I conclude on this issue that the proposal would have a harmful effect on the character and appearance of the area.

Conclusion

19. For the above reasons, and having regard to all other matters raised, including the support of the Parish Council, I therefore conclude that the appeal should be dismissed.

C Cresswell

INSPECTOR