
Appeal Decision

Site visit made on 9 August 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: : 29 August 2017

Appeal Ref: APP/D0840/W/17/3175453

Pumps Meadow, Back Lane, Tregony, Truro, Cornwall

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Barbary against the decision of Cornwall Council.
 - The application Ref PA16/10749, dated 14 November 2016, was refused by notice dated 10 April 2017.
 - The development proposed is described in the application form as the 'erection of two dwellings and garages'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Cornwall Council against Mr R Barbary, which is the subject of a separate decision.

Preliminary matters

3. Application Ref PA16/10749 was made in outline with matters of access, appearance, landscaping, layout and scale reserved (the 'reserved matters'). I have therefore treated as indicative the supporting plans and references to reserved matters within the appellant's Design and Access Statement.
4. The development plan comprises principally the Cornwall Local Plan Strategic Policies 2010 - 2030 (adopted November 2016, the 'LP'). The appellant's observation that there has been 'no material change in local planning policies over the last 20 years' is inaccurate.¹

Main issue

5. 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.

¹ Paragraph 16 of his statement of case, reiterated in paragraph (ff) of final comments.

Reasons

6. The appeal site is a part of a long narrow field, known locally as Pumps Meadow, located off Back Lane.² It is presently laid to grass, bounded by established hedgerows, and punctuated by occasional trees. Back Lane runs parallel behind Fore Street, the latter being the principal route through Tregony around which the built form of the village is tightly clustered.
7. Aside from occasional buildings, Back Lane is a clear physical feature defining the extent the settlement and the Tregony Conservation Area ('TCA') in this location. To the north-west of Back Lane the land is characterised by similar strip fields as that of which the appeal site is part, connecting with a patchwork of agricultural fields beyond. The natural character and location of the appeal site result in it appearing more akin to countryside than part of the established built form of the settlement.
8. I understand that Orchard Meadow, a dwelling adjacent to the appeal site beyond Back Lane was approved in the mid-1960s. The Park, a relatively modern residential estate permitted before the adoption of the LP on the site of a former caravan site, is located on the opposite side of the public footpath abutting the south-western boundary of the appeal site.³
9. Orchard Meadow and the Park estate are, however, atypical of the prevailing pattern of development in the area as described above. They do not significantly alter the natural boundary that Back Lane represents in terms of the extent of the village. Moreover both received consent in a different policy context to that which currently applies. Accordingly their presence does not justify allowing unacceptable development in the present.
10. LP policy 3 'Role and function of places' guides development in Cornwall towards a hierarchy of locations. Outside of identified main towns, development will be delivered via neighbourhood plans, the 'rounding off' of settlements, 'infill schemes', and rural exception sites.
11. There is currently no neighbourhood plan for Tregony.⁴ The proposal cannot be described as either the rounding off of Tregony or infill therein. There is no clear physical feature to the north-west that would act as a barrier to future growth.⁵ On account of the character of the appeal site and its surroundings, the proposal would extend the settlement into the open countryside surrounding the village (rather than represent infilling of a small gap in an otherwise continuous built up frontage).⁶ The proposal is for market housing and therefore LP policy 9 'Rural exception sites' does not apply.
12. Whilst the appeal site is relatively close to the services and facilities of Tregony, it is not supported by LP policy 3. By consequence of falling within the open countryside, with reference to paragraph 2.33 of the LP, LP policy 7 'Housing in

² Notwithstanding that the address given in the Council's decision notice is 'Land south of Orchard Meadow'.

³ The planning background to Orchard Meadow and the Park estate set out in the Council's appeal statement.

⁴ As explained in the associated Council's officer report.

⁵ I note in particular paragraph (oo) of the appellant's final comments which states that 'the remainder of the field will obtain access by means of the existing track at the western boundary of the site'.

⁶ With regard to the definition of these terms in paragraphs 1.65 to 1.68 of the LP in particular.

the countryside' applies. No argument has been made by the appellant that the proposal would accord with the provisions of policy 7.⁷

13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This approach is essentially reiterated in LP policy 24 'Historic environment'. Criterion b. of LP policy 2 'Spatial strategy' similarly requires that consideration is given to the effect of development on the character and setting of settlements.
14. The National Planning Policy Framework (the 'Framework') requires that, when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.⁸ Any harm that would result from proposed development should be balanced against the public benefits that would arise.⁹ The Framework further sets out that planning should recognise the intrinsic character and beauty of the countryside and that it is appropriate to reinforce local distinctiveness.¹⁰
15. Whilst the boundary of the TCA is the opposite side of Back Lane to the appeal site, the Framework and Planning Practice Guidance (the 'Guidance') explain that the significance of a heritage asset 'derives not only from a heritage asset's physical presence, but also from its setting'.¹¹ Although the appeal site falls behind the principal route through Tregony, it is nevertheless part of the setting of the TCA. Residential development here would be readily apparent as the appeal site abuts Back Lane and a public footpath, notwithstanding that the proposal is in outline. The natural character of the appeal site reflects the historic development of the settlement and contributes to its rural character.
16. Moreover the strip field pattern beyond Back Lane represents a medieval land pattern. This is referred to as a 'distinctive feature' in Landscape Character Area LCA40 as described in the Cornwall and Isles of Scilly Landscape Character Study dated 2008. By overwriting this field pattern, the proposal would result in harm to the character of Tregony, the setting of the TCA and its historic integrity.
17. I have established above that in its character and location the appeal site is more akin to open countryside than representing part of the established settlement. Notwithstanding the presence of Orchard Meadow and the Parks estate, I have also identified that the proposal would conflict with the approach in LP policy 3 and 7 (and would not be supported by other LP policies).
18. By virtue of overwriting a natural area of land which is representative of the medieval development of Tregony I have furthermore established that the proposal would result in harm to the character of the settlement and the historic integrity of the TCA. The proposal therefore conflicts with relevant provisions of LP policies 2 and 24 and with relevant elements of the Framework cited above.

⁷ The proposal would not be for a replacement dwelling, the subdivision of an existing dwelling, reuse redundant buildings or provide for accommodation for rural workers (as are development types permissible via policy 7).

⁸ Paragraph 132.

⁹ Paragraphs 133 and 134.

¹⁰ Including at paragraphs 17 and 60.

¹¹ With reference to the definition of 'significance' in the Glossary to the Framework and Guidance Reference ID: 18a-009-20140306.

Accordingly I conclude that the appeal site is not an appropriate location for the development proposed, with particular regard to the effect thereof on the character and appearance of the area.

19. However the development proposed would affect a modest element of the setting of the TCA, and the dwellings proposed would be viewed from most vantage points in conjunction with Orchard Meadow and the Parks estate nearby. Accordingly the harm arising to the TCA would be less than substantial within the terms of the Framework. That harm needs to be balanced against the public benefits of the proposal, to which I will return.

Other matter

20. I note the concern of local residents regarding the potential for the proposal to increase flood risk nearby given that a tributary runs through the site. However the Council explain that the site is not within flood zones 2 or 3, and that in their view a suitable approach to layout and drainage conditions could prevent undue effects from arising in this respect. There is limited information before me in respect of drainage measures proposed or their feasibility. Nevertheless, even were the proposal acceptable in this regard, this would be effectively neutral in my determination of the case.

Overall planning balance

21. I accept that the proposal would be beneficial in enabling the creation of two additional homes in Cornwall, in supporting employment during construction, and as future occupants would make use of nearby services and facilities. I also note that a nearby resident has commented that the proposal would potentially result in the appeal site being 'tidied up'. It is ambiguous as to what element of the site would benefit from tidying up, and there is no evidence before me to demonstrate that this action is reliant upon the development proposed.
22. However, any benefits of the proposal would inevitably be modest, particularly compared against the significant levels of development proposed for the Truro and Roseland Community Network Area ('CNA') in which the appeal site falls.¹² There is no robust evidence before me to counter the Council's position that they are presently able to demonstrate a five year land supply of deliverable housing sites relative to needs, and as such the development proposed is not necessary to meet housing requirements in Cornwall as they stand. Moreover the support accorded in general terms to enabling housing delivery via the LP and Framework is not at the expense of ensuring that all development integrates appropriately with its surroundings.

Conclusion

23. For the above reasons, and having considered all other matters raised, the public benefits of the proposal do not outweigh the harm to the TCA that would result from the development proposed. The combined benefits of the scheme do not justify making a decision in this instance that is contrary to requirements of the development plan taken as a whole. In the absence of sufficient material

¹² Policy 2a 'Key targets' of the local plan establishes a housing apportionment of 1,200 for the CNA.

considerations to indicate otherwise, I therefore conclude that the appeal should not succeed.

Thomas Bristow

INSPECTOR