
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/17/3175135

Land off Quenchwell Road, Carnon Downs, Truro TR3 6LN

- 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 Arvinder Bains against the decision of Cornwall Council.
 - The application Ref PA16/05608, dated 16 June 2016, was refused by notice dated 13 February 2017.
 - The development proposed is the construction of 2 dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

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

Preliminary matter

3. Application Ref PA16/05608 was made in outline with matters of appearance and landscaping reserved for future determination. Other than in relation to matters of access, layout and scale which are not reserved, I have therefore treated the associated plans as illustrative.

Policy background

4. Policy 2a of the Cornwall Local Plan Strategic Policies 2010 - 2030 (adopted November 2016, the 'LP') establishes housing delivery targets. There is no evidence before me to counter the Council's position that they are able to demonstrate a five year land supply of deliverable sites in this context.¹ As such the proposal falls for determination in accordance with the development plan unless material considerations indicate otherwise.
5. The supporting table to LP policy 2a specifies a housing target for the Truro and Roseland Community Network Area ('CNA'), in which the appeal site falls, of 1,200 homes over the plan period. Accepting that the housing target set via policy 2a a minimum, table 1 of the LP sets out the housing supply situation in Cornwall as at 31 March 2016. Within the CNA to this date 548 dwellings have

¹ With regard to paragraph 4.7 of the Council's appeal statement, and paragraphs 47, 49 and 14 of the National Planning Policy Framework.

been completed and a further 486 permitted. Therefore 1,070 dwellings have been completed or permitted relative to the target of 1,200 (representing strong progress).

6. Pursuant to LP policy 2a, LP policy 3 'Role and function of places' guides development towards a hierarchy of locations. Its aim is twofold: to ensure that development is suitably located with regard to the spatial pattern of development set via the LP, and to ensure that development integrates appropriately with the character and appearance of its surroundings.
7. Outside of identified main towns, as is the location of the appeal site, development will be delivered via neighbourhood plans, the 'rounding off' of settlements, 'infill schemes', and rural exception sites. Development brought forward in this manner would contribute towards the additional 297 dwellings which are forecast via Table 1 of the LP to be delivered through 'windfall' provision in the CNA.
8. The Council undertook consultation on the emerging Feock Neighbourhood Development Plan (the 'FNDP') between 29 June 2017 and 10 August 2017.² Although the FNDP does not specifically refer to the appeal site, the approach that it sets to delivering development is largely through criteria-based policies.
9. Whilst identifying 'existing boundaries of the built up area', including those edges which are 'critical or sensitive', the FNDP supports 'small-scale infill'. The nearest settlement boundary defined in the FNDP is that of Carnon Downs, which in so far as relevant here essentially replicates that set in the former Carrick District Wide Local Plan (adopted in 1998). This boundary falls approximately 340 metres away from the appeal site.³
10. The Glossary to the FNDP defines infill primarily 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'. Whilst on account of its stage of preparation the FNDP cannot yet be accorded substantial weight,⁴ the definition of infill therein is nevertheless consistent with that of LP policy 3.⁵
11. No case has been made by the appellant that the proposal would represent the 'rounding off' of the settlement, and as the dwellings proposed would be market housing LP policy 9 'Rural exception sites' does not apply.

Main issues

12. Given the planning background set out above, the main issue are:
 - 1) whether or not the appeal site is an appropriate location for the development proposed, with particular reference to LP policy 3, and
 - 2) the effect of the proposal on the character and appearance of the area.

² Pursuant to Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as amended, as explained in paragraph 4.31 of the Council's appeal statement.

³ Paragraph 3.5 of the Council's appeal statement.

⁴ With reference to paragraph 216 of the Framework

⁵ Including as set out in paragraphs 1.65 to 1.68 of the LP.

Reasons

Infill development

13. The appeal site is part of an untended field used as a paddock. It abuts Quenchwell Road adjacent to the village sign and 30 miles per hour speed limit boundary. It has a frontage of around 85 metres,⁶ and is in the main bounded by established hedgerows. The topography slopes down from Quenchwell Road through the appeal site towards the agricultural fields behind and the rural landscape beyond. On account of the topography the wider landscape is occasionally visible from Quenchwell Road when alongside the appeal site.
14. There are several houses of varying ages and designs nearby. These are not regularly arranged or along a consistent building line. They are predominantly detached properties with comparatively spacious plots demarcated by hedges and trees. The garden centre adjacent is a substantial complex. However it is not visually prominent, being set back and down from Quenchwell Road which is in that location is lined by a bank of trees. The presence of natural boundary features, trees, and occasional undeveloped fields such as that of which the appeal site is part and those opposite the garden centre lends the area a semi-rural character.
15. The irregular arrangement of properties here and the generous spaces between them result in a scattered pattern of development, which is significantly less dense and regular than along the street Valley View some distance to the south. In my view the regular pattern of development along Valley View visually defines the northern extent of the established built form of the village. This observation is consistent with the settlement boundary defined in the emerging FNDP.
16. I accept that recent permissions granted by the Council would slightly increase the level of residential density nearby.⁷ However they would not significantly alter the characteristic low density irregular pattern of development nearby or the semi-rural character of the area described above. Moreover the planning circumstances relevant to those cases are materially different to those engaged here.⁸
17. Whether a proposal would represent infill development within the terms of policy 3 of the LP is a matter of planning judgement. I accept that the dwellings proposed would broadly reflect the prevailing pattern, scale and arrangement of properties nearby. However for the above reasons in its character and on account of its surroundings, the appeal site is more akin to an element of the countryside than part of the built form of Carnon Downs.
18. On account of the scattered and irregular arrangement of properties nearby and the presence of occasional undeveloped parcels of land I cannot reasonably find that there is a 'continuous built up frontage' in this location. In my view an 85 metre site frontage does not represent a 'small gap' with reference to

⁶ Council statement paragraph 5.11, which is not specifically disputed by the appellant.

⁷ Permissions Ref PA15/06122, PA16/07179, and Ref PA16/04149.

⁸ Application Ref PA15/06122 related to the conversion of a former annexe to Dunvegan, application Ref PA16/07179 related to the erection of a dwelling within residential land, and application Ref PA16/04149 to the conversion of a redundant building to a dwelling. All were determined before the adoption of the LP.

paragraph 1.65 of the LP. The proposal therefore does not accord with LP policy 3.

19. As set out in paragraph 182 of the National Planning Policy Framework (the 'Framework'), any development plan must be consistent with national policy in order to be sound. In this context one of the aims of LP policy 3 as set out above reflects the approach in paragraph 17 of the Framework, i.e. that planning should 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.'
20. I accept that the garden centre contains some retail provision, and that the Carnon Inn is reasonably close by. However between the appeal site and the garden centre there is no dedicated footway. The Carnon Downs village shop and nearest school in Devoran also fall beyond a convenient walking distance.⁹ In this context the occupants of the dwelling proposed are likely to be reliant on the use of private vehicles, resulting in some degree of environmental harm contrary to the overarching approach of the LP and the Framework. For the above reasons I conclude that the appeal site is not an appropriate location for the development proposed.

Character and appearance

21. In summary LP policy 2 'Spatial strategy' seeks to ensure that all development integrates appropriately with the character and appearance of its surroundings. Recognition is also given in the supporting text to LP policy 3 to the value that gaps between development may have in relation to the visual setting of a settlement. The Framework similarly establishes that planning should seek to recognise the intrinsic character and beauty of the countryside, and that it is appropriate to seek to reinforce local distinctiveness.¹⁰
22. Figure 3a of the emerging FNDP describes the area between Valley Lane and the garden centre as a 'sensitive edge' of Carnon Downs. The FNDP describes how the wooded stretch of land here is designated for its ecological value, and acts as a visual buffer to the settlement. Whilst this reinforces my observation that the appeal site falls outside of the established built form of Carnon Downs, the development proposed would not affect this area directly.
23. Nevertheless, as set out in respect of the first main issue, the natural character of the appeal site and the nature of its surroundings mean that it is more akin to countryside than part of the established built form of Carnon Downs. Notwithstanding that the appeal site is subject to no designations relevant to landscape character, and matters of appearance and landscaping are reserved, I conclude that residential development here would inevitably erode to a limited extent the semi-rural character of the area in conflict with the relevant provisions of LP policies 2, 3 and paragraph 17 of the Framework.

Other matters

24. I accept that the proposal would be beneficial in enabling the creation of two additional homes in Cornwall of modern construction standards, in supporting

⁹ The Council specifies that the shop falls approximately 1060 metres distant, and the nearest school approximately 3175 metres away.

¹⁰ At paragraphs 17 and 60.

employment during construction, and as future occupants would make use of services and facilities in the area. I have further set out above that the development proposed would broadly reflect the prevailing pattern, scale and arrangement of properties nearby. However the benefits of two new homes in these respects would inevitably be modest, particularly compared against the significant levels of development proposed for the CNA.

25. Given that there is no evidence before me to indicate that the Council are unable to demonstrate a five year land supply, and moreover as the housing delivery figures for the CNA point to strong progress in terms of delivery, the development proposed cannot be said to be necessary to meet housing requirements 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 surrounding environment. The Framework furthermore reiterates the importance of a planned system.¹¹
26. Aside from the applications referred to above in footnote 7, the appellant has brought to my attention three further consents in support of his position. However appeal Ref APP/D0840/W/16/3162355 relates principally to the approach to 'rounding off' in LP policy 3 as opposed to infill, and in that decision the inspector found that the appeal site was 'substantially enclosed' by surrounding development in contrast to the situation here.¹²
27. Similarly in appeal Ref APP/D0840/W/16/3169295 the inspector identified that the appeal site was between 'two properties that form part of the existing settlement', and was separated from the wider landscape and countryside.¹³ Planning permission Ref PA16/10402 is opposite the junction of Valley View and Quenchwell Road, and therefore the surrounding context is different to that in this appeal.
28. Accordingly the combined benefits of the scheme do not justify making a decision in this instance that is contrary to the requirements of the development plan taken as a whole, and no other matters are of such significance so as to alter or outweigh my reasoning in respect of the main issues in this case.

Conclusion

29. For the above reasons, and having taken all other matters raised 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

¹¹ Including at paragraphs 17 and 150 in particular.

¹² Paragraph 14 of that decision.

¹³ Paragraph 8 of that decision.