
Appeal Decision

Site visit made on 22 August 2017

by J Wilde C Eng MICE

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

Decision date: 04 September 2017

Appeal Ref: APP/D0840/W/17/3173670

Trewarne, High Cross, Constantine, Falmouth, Cornwall TR11 5RE

- 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 Miss Serafina Kent against the decision of Cornwall Council.
 - The application Ref PA16/11831, dated 14 December 2016, was refused by notice dated 9 February 2017.
 - The development proposed is the erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - a) Whether or not the proposed development would be in a sustainable location and would accord with national and local planning policy in this respect.
 - b) The effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is part of a sloping field in an area known as High Cross, which comprises a collection of dwellings and is located about 2km from the village of Constantine. The appeal site is outside of a settlement boundary and in planning terms is therefore in the countryside. The proposed dwelling would be single storey and situated to the west of several other dwellings.

Location and policy

4. Paragraph 55 of the National Planning Policy Framework (the Framework), makes clear that new isolated homes in the countryside should be avoided unless there are special circumstances. The paragraph seeks to promote sustainable development and to my mind the term isolated taken in this context means isolated from day to day services, rather than isolated from other dwellings.
5. The appeal site benefits from visits by a mobile library but there are no other services in the immediate vicinity. The nearest services to the appeal site would be in Constantine. As this is 2km away, the appeal site can therefore be

considered to be isolated. The road to that village from the appeal site is generally narrow and without footways or lighting. Whilst there is a bus service this is relatively infrequent and the last service is at about 1900 Hrs. It follows that the most likely mode of transport would be the car and that the appeal site can therefore be considered to be in an unsustainable location.

6. This means that for the proposed dwelling to comply with paragraph 55 it would need to satisfy one of the four criteria given as special circumstances. However, this would not be the case and therefore conflict exists with paragraph 55. I note that paragraph 55 also mentions that development in one village could maintain the vitality of rural communities by supporting the services in a nearby village. However, the appeal site is not in a settlement or village as defined in planning terms, therefore this caveat does not apply.
7. My attention has been drawn to policy 7 of the Cornwall Local Plan (LP). This is broadly consistent with paragraph 55 of the Framework and conflict would also arise with this policy.
8. Policy 3 of the LP seeks to distribute development according to the hierarchy of settlements. It indicates that other than at main towns identified within the policy, housing will be delivered either through the identification of sites through neighbourhood plans, or through rounding off of settlements or infill schemes. The only one of these that could possibly support the proposed dwelling would be the infill category.
9. However, the policy makes clear that to comply with the infill requirement the settlement should have *a form and shape and clearly definable boundaries* and that the proposed development would *fill a small gap in an otherwise continuous built frontage*. This would not be the case with the proposed development and therefore conflict also exists with policy 3.
10. The appellant has made the case that the proposed dwelling could be classified as a starter home. The Planning Practice Guidance indicates that such homes are expected to be on land that has been in commercial or industrial use (ref: 55-007-20150318) and that a planning obligation should be in place to ensure that the home would be offered for sale at 20% below its open market value (ref:55-003-20150318). In this case no planning obligation has been submitted and, notwithstanding a past use as an egg production facility, the appeal site is currently agricultural land. The proposed development cannot therefore be considered to be a starter home. Furthermore, the planning application form clearly states that the proposed dwelling would be market housing.
11. I note that extant planning permission exists on the site for an affordable dwelling. However, that permission was granted under a previous policy regime and would have been considered against specific policies relating to the provision of affordable housing, unlike the present case. Whilst that development, assessed against those specific policies, may have been seen as sustainable in the broadest sense, it does not follow that market housing should also automatically be considered as such.
12. My attention has also been drawn to two new dwellings adjacent to the appeal site. These however were replacement dwellings and would once again have been assessed under a different set of policies to the present case.

13. My attention has also been drawn to a potential dwelling at Treviades in High Cross (planning application ref: pa17/01355). However, I have not been supplied with details of this and the Council have indicated that it differs from the proposal before me in its setting and relationship to other dwellings. It cannot therefore be seen as a compelling precedent for allowing the current appeal.

Character and appearance

14. The appeal site lies within an Area of Outstanding Natural Beauty (AONB) and the Framework in paragraph 115 stresses that great weight should be given to conserving the landscape and scenic beauty of such areas.
15. The proposed dwelling would be sited towards the bottom of the field and would be seen in conjunction with other properties. It would be single storey such that only the roof, if anything, would be visible from the access track. Whilst there are two public rights of way in the area these are slightly sunken and shielded by vegetation.
16. Given these factors, and taking into account that the site already has permission for a dwelling, I do not consider that the character and appearance of the area would be so detrimentally effected as to merit refusing the scheme on this issue. I accept that the spread of domestic paraphernalia could be harmful to the character and appearance of the area but this could be limited by a condition. A suitable condition could also ensure the provision of sufficient and suitable boundary treatment to mitigate the appearance of the proposed dwelling. Accordingly I find no conflict with the Framework on this issue.

Planning balance

17. I have found that the proposed dwelling would be in an unsustainable location and would conflict with the Council's spatial strategy. These matters carry considerable weight.
18. The benefits of the proposed scheme would be a new dwelling that would contribute towards the social and economic elements of sustainability in a small way, and in this context I note the appellant's reasons for wanting the dwelling in this location. The issue of lack of harm to the character and appearance of the AONB is neutral in the planning balance. Overall however I consider that the identified harm clearly outweighs the benefits of the proposed development.

Conclusion

19. In light of the above reasoning, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR