

Appeal Decision

Site visit made on 9 January 2018

by C J Ball DArch DCons RIBA IHBC

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

Decision date: 16 January 2018

Appeal Ref: APP/D0840/W/17/3181462

Land east of Moor Cottage, Trewiston Lane, Wadebridge PL27 6PY

- 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 Mr C Mead against the decision of Cornwall Council.
 - The application Ref PA17/00589, dated 21 January 2017, was refused by notice dated 14 March 2017.
 - The development proposed is a detached dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was made in outline with all matters reserved for future consideration. No indication is given of how the site might be developed and it is therefore simply an application for development in principle.

Application for costs

3. An application for costs was made by Cornwall Council against Mr Mead. In responding Mr Mead made an application for costs against the Council. These applications are the subject of a separate Decision.

Main Issue

4. Whether this is an acceptable location for new housing development.

Policy background

5. The Cornwall Local Plan (CLP) was adopted in November 2016. The Council can currently demonstrate a more than 5 year supply of deliverable housing land so that the CLP housing policies are up to date. In making its decision the Council gave weight to the then emerging St Minver Neighbourhood Development Plan (NDP). The NDP was 'made' in June 2017 and now forms a formal part of the local development plan. The appeal decision must be made in accordance with the development plan as it now stands, unless material considerations indicate otherwise.
6. CLP directs most housing to the main towns. Policy 3 confirms that, outside the main towns, housing sites should be identified through Neighbourhood Plans. It also allows for the rounding off of settlements and for infill on small gaps in built frontages. NDP policy STMNDP2.1 defines the built up area of Rock where development will generally be permitted and, to allow for the additional housing requirement of the CLP, policy STMNDP2.2 identifies among

others Residential Special Development Areas on the northern edge of the village and at Trebetherick. As policy STMNDP2.6 makes clear, development outside these defined settlement boundaries will only be permitted in exceptional circumstances.

Reasons

7. The site lies in the countryside, outside the defined built up area of Rock, adjacent to a small cluster of dwellings. Planning permission has been granted for 2 dwellings within the cluster, between Moor Cottage and Trewestcot, and for a dwelling in the garden of Wynds, resulting in an intensification of the cluster. I saw that the construction of all 3 dwellings is currently taking place.
8. The site is part of a small field behind Moor Cottage, lying between Wynds and the Trewiston Caravan/Holiday Park. The submitted plan shows that the development site would be in the south-eastern corner of the field, adjacent to the new house at Wynds, with the remainder of the field retained as a paddock. The site is screened by trees, hedges and shrubs from the existing cluster of development and is quite separate from it. Although it is currently being used to store spoil from the nearby development, the field has a definite agricultural character. While there is a low gappy hedge on its north-eastern boundary, the field is seen as part of the adjacent agricultural landscape.
9. The cluster of development is not part of the settlement of Rock and cannot be considered a settlement on its own. This site is outside and quite separate from the cluster, where development would effectively enlarge the existing cluster and encroach on the countryside. Residential development here would significantly undermine the character of the surrounding farmed landscape. The development of this separate site cannot therefore be regarded as a 'rounding off' of the settlement, or as infilling a small gap, as permitted under CLP policy 3. It is not within an area where development is permitted as identified by the policies of the NDP and there are no exceptional circumstances put forward to justify development in this location.
10. The appellant relies heavily on the previous decisions which allowed 3 more houses within the cluster. The dwelling adjacent to Trewestcot was permitted on appeal in July 2016, before the CLP or the DNP had been adopted. My colleague gave little weight to either. In the light of that decision, the other 2 dwellings were granted permission by the Council in October and December 2016. While the CLP was adopted in November 2016, the DNP – relied on to identify development locations – was not made until June 2017. As it neared adoption the DNP carried increasing weight and was a key factor in the Council's decision on this case. Since adoption it carries the full weight of the development plan. I have taken that into account. This represents a significant change in planning circumstances since the 3 additional dwellings were approved such that those permissions cannot justify this proposal.
11. I therefore find that, since development here would entirely conflict with the relevant and up to date development plan policies, this is not an acceptable location for new housing development. For the reasons given above I conclude that the appeal should be dismissed.

Colin Ball

Inspector