
Appeal Decision

Site visit made on 30 January 2018

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2018

Appeal Ref: APP/D0840/W/17/3181536

Land West of Polventor, Vicarage Lane, Poundstock, Bude EX23 0AU

- 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 and Mrs S Trace against the decision of Cornwall Council.
 - The application Ref PA17/01756, dated 20 February 2017, was refused by notice dated 21 April 2017.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application is made in outline with all matters reserved for subsequent approval.

Main Issue

3. Whether the site is in a suitable location for new residential development, having regard to the Council's housing strategy and the effect of the proposal on the character and appearance of the area which lies within a designated Area of Great Landscape Value (AGLV).

Reasons

4. The Cornwall Local Plan (LP) was adopted in November 2016. Policy 3 deals with the role and function of places, and sets out a hierarchy for allocating new development, with named towns and two new eco-communities at the top. Outside of these locations, the policy provides that new development will be allowed in specific circumstances, the only one of relevance here being the rounding off of settlements.
5. The explanatory text to the policy defines "rounding off" as applying to development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road). It says that it should not visually extend building into the open countryside.
6. In this case the land is enclosed only on two sides, by Vicarage Lane along the site frontage and by the Western Power and Distribution track between the site and the neighbouring bungalow at Polventor. There is no boundary to the north, which is contiguous with an open field, and there is a hedgerow separating the site from the open field to the east. I therefore consider that

the land is not “substantially enclosed”. Moreover, it would visually extend development into the open countryside, elongating the ribbon of residential development towards Poundstock. Notwithstanding the Parish Council’s view to the contrary, I find that the proposal does not constitute “rounding off” as defined in the policy and that it falls outside of the categories of development deemed permissible under Policy 3.

7. Policy 7 deals with housing in the countryside. The explanatory text defines “open countryside” as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape). The policy says that the development of new homes in the open countryside will only be permitted where there are special circumstances, none of which apply to the appeal proposal. I consider that the site lies outside of the physical boundaries of the settlement, and thus the proposal would conflict with this policy.
8. Whilst I accept that the proposal is not an isolated dwelling as referred to in paragraph 55 of the National Planning Policy Framework (the Framework), it would nevertheless conflict with the strategic aim of the Council’s settlement policies, which reflect the aim of the Framework to locate housing in rural areas where it will enhance or maintain the vitality of rural communities, as well as recognising the intrinsic character and beauty of the countryside.
9. The site lies in an area designated as an AGLV. The LP says that they are areas of high landscape quality with strong and distinctive characteristics which make them particularly sensitive to development, and that within such areas the primary objective is conservation and enhancement of their landscape quality and individual character. Moreover, saved North Cornwall Local Plan Policy ENV1 says that, in AGLVs, protection of landscape character will be particularly important, an objective that is broadly echoed in LP Policy 23.
10. The landscape of the area is characterised by rolling topography, with a patchwork of medium sized fields bounded by hedgerows and groups of trees. The appeal site contributes to the agricultural character of the countryside, and as it lies on higher ground, the proposed dwelling would be highly visible from the west and from Vicarage Lane. Although one dwelling would make only a small to moderate impact on the overall landscape character, it would nevertheless fail to conserve the landscape quality and character of the AGLV. It would therefore conflict with saved Policy ENV1.
11. I therefore conclude on the main issue that the proposal would result in material harm to the character and appearance of the surrounding area, and would conflict with the policies I have referred to above. The decision notice alleges a conflict with LP Policy 1, but as this is a wholly permissive policy, the proposal does not directly conflict with it. Similarly, Policy 21 promotes the best use of land and buildings, and is of peripheral relevance to the proposal.

Other matters

12. The Council claims that it can demonstrate a 5 year supply of housing land, which has not been refuted by the appellants. This means that the “tilted balance” formulated in paragraph 14 of the Framework is not engaged. Whilst I recognise that the proposal would contribute towards meeting the housing needs of the County, and the Bude Community Network Area in particular, it would make only the smallest possible contribution, and whilst having regard to the fact that the 5 year housing target is not a minimum, and the aim of the

Framework to boost significantly the supply of housing this carries only modest weight. The construction and occupation of the dwelling bring with it some economic benefits, and this too carries some small weight. However, paragraph 12 of the Framework indicates that development which conflicts with an up-to-date plan should be refused unless material circumstances indicate otherwise. In this case, the benefits of the proposal do not outweigh the harm that I have found that would arise to the character and appearance of the area and from the conflict with the Council's housing strategy.

13. The site would be far enough away from, with no direct visual link to, nearby listed buildings in Poundstock, and would not harm their setting. Similarly, the prospect of the site being used as a habitat for protected species is insufficient to add to my reasons for dismissing the appeal.
14. A local resident has referred to another development permitted in Bangors, but without knowing the full details of this proposal, I am unable to make any meaningful comparison between it and this proposal, and it, and the resident's support for the scheme, do not alter my decision.

Conclusion

15. For the reasons given above, I conclude that the proposal conflicts with the development plan as a whole and that the appeal should be dismissed.

JP Roberts

INSPECTOR