
Appeal Decision

Site visit made on 24 September 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/D0840/W/19/3232534

Lyndon House, East Hill, Blackwater, Truro, Cornwall TR4 8HW

- 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 Mr P Medlin against the decision of Cornwall Council.
 - The application Ref PA19/02013, dated 6 March 2019, was refused by notice dated 28 May 2019.
 - The development proposed is erection of a bungalow & garage & alterations to existing access (re-submission of PA18/08030).
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Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by the Council and Mr P Medlin. These applications are the subject of separate Decisions.

Preliminary Matter

3. The St Agnes Parish Neighbourhood Development Plan 2018 – 2030 (NDP) carries full weight as part of the development plan following a successful referendum held on 8 August 2019. This is after the date that the Council determined the application. Both parties have had opportunity to comment on this matter.

Main Issue

4. Whether the site would be suitable for the proposed development, with particular regard to its location and the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located in an area of rather sporadic and low-density development beyond the settlement of Blackwater, which is to the west. Development near the site comprises dwellings and businesses including two holiday parks. This area of development lacks a clear form and shape and cannot therefore be considered to constitute a settlement, in accordance with paragraph 1.68 of the Cornwall Local Plan Strategic Policies 2010-2030 adopted 2016 (CLP).
6. The appeal site is a length of garden associated with an existing dwelling to the south, which runs parallel with the road to the west. It is bordered by

traditional Cornish hedges along the north, east and west boundary. Its southern boundary is partly open to the dwelling to the south and partly enclosed by a low fence interspersed with trees.

7. The Council granted a Certificate of Lawfulness earlier this year for the use of the appeal site as a residential garden¹. On this basis the parties agree that the appeal site is previously developed land (PDL). At my visit to the site I saw that the site was laid to lawn, and that there were a few domestic items including a touring caravan, trailer and goal posts. Despite this there was little by way of permanent structure at the site apart from two modest structures tucked into the southeast corner. The existing static caravan is not within the area of the appeal site. As a result, although PDL, the appeal site has an undeveloped character, which relates to the areas of agricultural land to the north, east and partly to the west. The boundary between the site and the road to the west is low, as is typical of field boundaries in the area, giving clear views into the site. It is seen to relate more clearly to the agricultural land to the east rather than to the dwellings to the south, which are partly screened by the existing trees marking the southern boundary of the site.
8. For these reasons the proposed bungalow would be prominent to view from the road. It would occupy a central position in the plot, with the garage building situated at the northern end, which would have the effect of stretching built form out along the length of the plot away from existing development, towards and alongside areas of open countryside. Although the sizeable developments of the holiday parks are close to the site to the northeast, they are separated by a small network of fields and well enclosed by mature boundaries to the extent that they are not prominent to view in the context of the appeal site. The proposed bungalow would be seen in relation to existing sporadic development in the area, however it would not follow an established pattern of development and would result in the spread of development into the countryside, which would harm the character and appearance of the area.
9. Policy 3 of the CLP establishes that outside the main towns housing will be delivered in various ways, including the rounding off of settlements and development of PDL. However, neither of these can apply to the proposal as the existing development adjacent to the site cannot be considered to constitute a settlement. It could also not be considered an infill scheme as it would not fill a small gap in an otherwise continuous built frontage.
10. Policy 21 of the CLP establishes that the development of PDL will be encouraged on the basis that proposals are sustainably located. In this respect paragraph 2.129 which precedes the Policy clarifies that accessibility and location are matters to consider.
11. I accept that there are some employment opportunities close to the site, but these are limited. The site has easy access to the main road network. The appellant suggests that a bus service runs near to the site, but no details of the frequency of the service or the destination have been provided. The nearby settlement of Blackwater can be accessed from the site via a footpath to the side of the road. However, the footpath is not lit and is on a significant hill.

¹ Council Ref PA19/00125

12. Therefore, accessing local services on foot or by bicycle is unlikely to be desirable for future occupants on a regular basis. Furthermore, based on the evidence before me and my observations on site, services and facilities in Blackwater appear to be limited. As such, future occupiers would be most likely to use a private car to access services and facilities to meet their day to day needs, and once making a journey by car would be likely to choose to travel further to larger settlements to access a greater range of services for reasons of convenience and choice. Therefore, although the appeal site is PDL, I do not find that the proposal would satisfy Policy 21 of the CLP as it would not be sustainably located.
13. In this respect the appellant has referred to a recent appeal case². The information before me relating to this case is limited, however I see from the Inspector's Decision that the site is related to a settlement with a range of facilities and that the route between the site and the settlement is reasonably level, with improvements that would be secured through a subsequent reserved matters application. Furthermore, the site already has a public house and sports facilities formed part of the proposal; both would be easily accessible and of benefit to future occupiers. On this basis the Inspector considered the proposal to be sustainably located. However, the nature of the proposal and the locational characteristics of the site differ significantly from the proposal before me, sufficient that I should take a different view in terms of Policy 21 of the CLP, and I therefore give this matter little weight.
14. The appellant also refers to pre-application advice the Council recently gave for a site in Camelford³. The site is immediately adjacent to the developed area of the settlement. The Council is satisfied that the site is sustainably located, with reference to Policies 3 and 21 of the CLP. The locational characteristics of this site also differ significantly from the proposal before me. Accordingly, I give this matter little weight.
15. Furthermore, unlike both of the cases referred to above, the appeal site is within the area of a neighbourhood plan that carries full weight. The NDP introduces a settlement boundary for Blackwater. The appeal site is well outside of this area and would therefore not accord with Policy 1. It would not satisfy Policies 2 or 3 as the proposal would not be for affordable housing or housing for specific needs. There is no evidence before me to suggest that the proposal would be a self-build scheme that could satisfy Policy 4 and it could not be considered infill with reference to Policy 7. The proposal would also not accord with Policy 10 owing to the harmful effect it would have on the character and appearance of the area.
16. In summary, the site would not be suitable for the proposed development and the proposal would have a harmful effect on the character and appearance of the area, contrary to Policies 1, 2, 3, 7, 21 and 23 of the CLP, Policies 1, 7 and 10 of the NDP and the National Policy Framework, which together seek to ensure that development proposals are well related to existing development, do not constitute unjustified development in the open countryside, are sustainably located in terms of accessibility and location, and sustain local distinctiveness and character.

² APP/D0840/W/18/3215936

³ PA19/00708/PREAPP

Other Matters

17. The appeal site is within the zone of influence for the Fal and Helford Special Area of Conservation (SAC). There is potential for the addition of a residential unit within this area to have a significant effect on the internationally important interests and features of this area, in combination with other plans and projects. The Council refers to this in its officer report with reference to Policy 22 of the CLP, where it suggests that mitigation may not be necessary owing to the scale of the proposal. However, as I am dismissing the appeal the potential significant effect will not occur and this matter does not therefore need to be considered further.
18. The site is close to Highlands, which is a listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
19. Highlands is to the southwest of the appeal site, separated by the road and an intervening field. Mature trees and vegetation around the listed building mean that it is not overly visible from the road, and at my visit to the site I was satisfied that there is no discernible inter-visibility between this heritage asset and the appeal site. On this basis I am satisfied that the proposal would not harm the significance of the listed building.

Conclusion

20. For the reasons above, the appeal should be dismissed.

Andrew Tucker

INSPECTOR