The Planning Inspectorate

Appeal Decision

Site visit made on 14 October 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/D0840/W/19/3232824
Long Orchard (Residential Garden of Crannog), Barkers Hill, St Stephens PL12 4QB

- 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 Sam Murphy against the decision of Cornwall Council.
- The application Ref PA19/03200, dated 10 April 2019, was refused by notice dated 7 June 2019.
- The development proposed is single storey sunken dwelling within residential garden of Crannog House.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the Forder and Antony Passage Conservation Area.

Reasons

3. The Forder and Antony Passage Conservation Area is widely drawn around the relatively small settlement of Forder, such that it encompasses large tracts of undeveloped land that form a rural buffer to the built-up area. The character of the Conservation Area, then, is of an informal, rural settlement that sits distinct from the nearby sizeable settlement of Saltash. Its appearance is varied, with many small-scale simple historic buildings and some larger more recent additions. I have little evidence about the significance of the conservation area, but my own observations at the site visit lead me to agree with a previous Inspector[1] that it is defined by the natural beauty of the landscape and Forder's historic buildings.

4. The site is part of the residential garden of Crannog House and in that sense, there is no dispute that it constitutes previously developed land (PDL). However, whilst it is manicured in appearance and so clearly residential in nature, it is part of a green buffer between Saltash and Forder. This buffer is of clear importance to the separation and distinct identities of the two settlements and the character of the Conservation Area that I have identified.

5. The highway that runs along the site boundary is narrow and rural in nature, lined by mature hedgerows and banking. Accordingly, from my own

[1] APP/D0840/W/18/3202180

observations, when passing the existing double garage at Crannog House travelling from Saltash to Forder, there is a distinct impression of leaving the built-up area of Saltash and entering the rural environs of Forder that contribute to the character and appearance of the Conservation Area.

6. The site itself slopes steeply away from the public highway and the proposal is to construct a sunken dwelling within this hillside. In a clear response to the topography and site constraints, the majority of the roof would be below the level of the road and the highest point would likely be concealed by the existing hedgebank. As such, the dwelling would be well screened by the hedgerow and existing fence and is unlikely to be visible from the road alongside. If glimpses were available, the proposed green roof would render it largely unnoticeable. As such, I find that that the proposed building would not impinge upon the open break between Saltash and Forder and in this regard would be fundamentally different to the scheme considered by the previous Inspector, referenced above.

7. However, whilst using an existing point of access into the residential curtilage, the development would require a formalisation of the access. It may well be that the access would not require significant removal of hedgerow, that the Council's tree officer is satisfied that there would be no harm to trees and hedgerows and that there is no technical objection on highway grounds. Notwithstanding this, the Council's highway officer is clear that kerbing and surfacing of the verge and access splays would be required. The appellant points out that this could be secured by planning condition, but those works would have a visual impact.

8. The effect of the access works would be to create an access of domestic appearance at odds with the rural character and appearance of the lane. The installation of a 2.5m high gate as shown on the drawings and in photomontages provided with the Design and Access Statement, would screen views of the dwelling through the access, but would have a harmful urbanising appearance in itself.

9. I have already found that the site is part of the gap between Saltash and Forder and is an important part of the character and appearance of the Conservation Area. That gap is not of a great size and the introduction of domestic features into the lane would significantly erode the perceived separation between the settlements and harm the character and appearance of the conservation area.

10. As part of the development, the appellant proposes to plant a community orchard on land between the proposed dwelling and Orchard House, which is located on the opposite side of the gap to Crannog House. A planning obligation has been provided that would require the appellant to offer the community orchard to Saltash Town Council and to plant up to 30 fruit trees on it. If the Town Council were to fail to accept the offer of transfer, it would be dedicated as Access Land under S16 of the Countryside and Rights of Way Act 2000, with the intention of providing certainty over the long-term future use of the land.

11. The benefits of community orchards have been recognised by Government and could also provide valuable ecological benefits through the introduction of new habitat. If I were to accept that the obligation would deliver an orchard in this location then this, alongside the benefits of additional tree planting within the

gap between Saltash and Forder, which may well enhance the character and appearance of the conservation area in itself, would be a benefit of the scheme.

12. However, the orchard planting would not mitigate the harm that I have identified. It would not extend the length of the gap in any way, so as to compensate for the incursion into and visual shortening of the gap that would result from the access works. Whist the orchard may deliver additional open space for the community, in the absence of a clearly evidenced need for it, I therefore, attribute the benefits only moderate weight.

13. The proposal would deliver other public benefits, including the economic benefits arising from construction activities and the expansion of the housing market. Given the lack of technical objections, it could also deliver additional housing within a short period of time, in an accessible location. In this regard, I note that the Council, whilst discussing broader policies relating to the settlement strategy of Cornwall, does not raise any objection to the location of the development within the reason for refusal.

14. Indeed, there are a number of Policies of the Cornwall Local Plan 2010-2030 (LP) and the National Planning Policy Framework (the Framework) which lend support to the proposal. In particular there is LP Policy 21 that promotes the use of previously developed land and those aspects of the Framework that share those aims as well as those recognising the valuable contribution of small sites to housing supply and seeking to promote a high standard of design. I also note the appellant's argument that a significant portion of Cornwall's housing need will have to be met through the development of windfall sites. However, the proposal is only for one dwelling and there is no dispute that the Council can currently demonstrate a sufficient supply of deliverable housing land. These benefits are, therefore, of limited weight.

15. It has been suggested that there is a fallback position available to the appellant whereby buildings could be built on the land under permitted development rights. Whilst this may be the case, there is no evidence of an intention to do so. Moreover, as they would be incidental to the existing dwelling, there is no substantive evidence that such development would require the harmful access works that would be associated with the appeal proposal. Whilst a material consideration I, therefore, find this matter neutral in the planning balance.

16. In reaching my decision, I must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area[2]. As set out in paragraph 193 of the Framework, great weight should be given to the asset's conservation. Overall, I have found harm to the character and appearance of the conservation area. Whilst I am not convinced that this would translate into substantive harm to the natural environment such that would conflict with LP Policy 23, there would be clear conflicts with those aspects of LP Policies 12 and 24 that seek to maintain the distinctive natural and historic character of Cornwall, promote local distinctiveness and conserve heritage assets.

17. As outlined above, those matters of character and appearance, in part, contribute to the significance of the heritage asset. The development would affect only the fringes of the conservation area and would not completely

[2] Planning (Listed Buildings and Conservation Areas) Act 1990 S72(1)

obliterate the gap between the Forder and Saltash, so the harm to its significance would be less than substantial.

18. The Framework sets out at paragraph 196 that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I have found that those benefits are, at best, only of moderate weight and so cannot outweigh the great weight that I must attribute to the conservation of the heritage asset.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

M Bale

INSPECTOR