
Appeal Decisions

Site visit made on 27 November 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 05 December 2019

Appeal Ref: APP/D0840/W/19/3235953

Land East of Hillside, Trethias, St Merryn, Padstow, Cornwall, PL28 8PL

- 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 Brandon Treloar against the decision of Cornwall Council.
 - The application Ref PA19/04399, dated 22 May 2019, was refused by notice dated 7 August 2019.
 - The development proposed is described as outline application for erection of a self-build, custom 3-bedroom house and detached garage and workshop, creation of parking and turning area and the building of a Cornish hedge to separate the plot from the adjoining field. Open a new entrance from the highway on the north of the plot to service the plot and adjoining field, and close off the existing entrance at the east of the plot.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of consistency, I have used the address as provided by the Appellant on the Appeal Form, in the heading above.
3. Outline planning permission is sought with all matters reserved. I have determined the appeal on this basis.

Main Issues

4. Although the Council has given one reason for refusal, having reviewed the evidence I have considered it appropriate to identify two main issues. This approach is supported by the Appellant's statement.
5. Consequently, the main issues in this appeal are;
 - Whether the proposed development would be in a suitable location for housing with regards to National and Local Planning Policy; and,
 - Whether the development would conserve or enhance the landscape and scenic beauty of the Cornwall Area of Outstanding Natural Beauty (AONB).

Reasons

Location of Development

6. Trethias is a very small loose collection of buildings which contains no services or facilities, located on a narrow single lane track approximately one mile south

of Constantine Bay and approximately 750 metres southeast of Treyarnon. The appeal site comprises an irregular shaped field which includes a small area of hardstanding, and which is enclosed towards the north, east and south by the narrow high hedge lined lane which wraps around the site. The surrounding open fields, high hedges, patches of woodland and scatter of agricultural buildings give the area an intrinsically rural feel, and as such I conclude that the appeal site is located within the open countryside.

7. Constantine Bay, Treyarnon and the settlement of St Merryn provides access to some services and facilities that may be required on a day to day basis. However, access to these settlements and the services they contain would be via steeply inclined, winding and unlit single track lanes which do not provide any dedicated pedestrian footways.
8. Consequently, whilst the distance to the nearest services and facilities may be practical for some able bodied individuals in good light and good weather, in my view it would unlikely be so for the elderly, those with restricted mobility or even perhaps for all during darker and more inclement autumn and winter months. As such I conclude that use of a private motor vehicle is likely to be the main mode of transport of any future occupants of the proposed dwelling. Whilst dependence on private vehicles may be expected in countryside locations, the proposal would only exacerbate this level of reliance. It would contribute to a pattern of development that would be likely to cause environmental harm as a result of increased car journeys and hence carbon emissions.
9. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 ('the Local Plan') seeks to control the distribution of new dwellings across Cornwall and includes provisions setting out circumstances in which development at locations such as the appeal site, which are outside a number of identified settlements, may occur. As such Policy 3 of the Local Plan limits rural housing to particular types of windfall development, including dwellings built on previously developed land, infill sites and rounding off, within small settlements.
10. The Local Plan explains that infill development and rounding off is only permitted within settlements that have a clearly definable form and shape. I have considered the Appellant's submissions that planning permission has been granted for sites which the Appellant contends are comparable to the appeal site, and I agree that consistency in planning decisions is a key consideration.
11. However, in my assessment I find that Trethias has no clearly definable form, and appears to be a small collection of dwellings and buildings which has been constructed either side of the lane and which may have once supported the agricultural activities of Trethias Farm. As such I conclude that the loose collection of buildings adjacent to the appeal site would not represent a settlement, and consequently I find that the proposed scheme would not represent infill or rounding off.
12. Policy 3 of the Local Plan further allows for the development of previously developed land immediately adjoining a settlement that is of a scale appropriate to its size and role. However, I have established above that the loose collection of buildings nearest to the appeal site would not constitute a settlement.

13. An exception in relation to new developments in the open countryside is provided for under Policy 7 of the Local Plan. This policy supports development proposals within the open countryside where it shown that special circumstances, such as where there is re-use of a redundant building or where accommodation is required for rural workers, apply. Here the proposed scheme would not give rise to any such special circumstances.
14. For the reasons given above, I find that the appeal proposal would conflict with Policies 3, 7 and 21 of the Local Plan which, amongst other things, seek to protect the open countryside and areas of high environmental value from inappropriate development. Furthermore, given the likely reliance on motor vehicles, the proposal would be contrary to Policy 1 of the Local Plan which seeks to improve environmental conditions within the area. Additionally, the scheme would be in conflict with Policy 2 of the Local Plan which sets out the overall spatial strategy for development within Cornwall, as there is nothing before me that suggests sites around Trethias have a role to play in providing additional general housing for the wider area.
15. In addition to the above, and for the same reasons given in the preceding paragraphs, the appeal scheme would also not accord with the provisions of paragraphs 91, 102, 103, 110, 148 and 150 of the National Planning Policy Framework (the Framework) which, together and amongst other things, seeks to ensure that development is suitably located with access to services and facilities for all, by means other than by reliance on private motor vehicles.

Effect on the AONB

16. The evidence before me indicates that the appeal site is located within the Carnewas to Stepper Point area of the AONB, which extracts from the AONB Management Plan describe as having a peaceful and wild nature interrupted sharply in some coastal places by recreational activity. As set out in paragraph 172 of the Framework, great weight must be given to the conservation and enhancement of the AONB's natural landscape and scenic beauty.
17. Although the site is somewhat screened from views by vegetation, it would nonetheless be visible from within the wider surrounding area and from the network of narrow lanes around the site which are located on hillsides overlooking the site. As such I find that the introduction of a dwelling at the appeal site would add to the built form within this rural countryside location, with parking arrangements and the paraphernalia associated with residential occupation detracting from the quality of the surrounding landscape. This would be detrimental to local distinctiveness and to the character and appearance of the surrounding rural area.
18. As such, I conclude that the landscape and scenic beauty of the AONB would not be conserved or enhanced by the appeal scheme. The proposal would therefore be contrary to Policies 12 and 23 of the Local Plan, which seeks to ensure that Cornwall's distinctive natural character and the character, including the landscape and scenic beauty of the AONB, is protected. It would also fail the provisions set out in paragraphs 127, 170 and 172 of the Framework which seek to protect the natural environment and Areas of Outstanding Natural Beauty.
19. Whilst I note that the reasons for refusal as provided by the Council include reference to paragraph 181 of the Framework, there is no evidence before me

which confirms that the site is located within an Air Quality Management Area or that the development would not be in compliance with limit values or national objectives for pollutants. Consequently, the application of paragraph 181 does not apply in relation to this matter.

Other Matters

20. The Appellant has drawn my attention to several other developments within the wider surrounding area, some of which have been permitted outside villages and towns. However, I do not have full details of each application and as such am unable to conclude whether they are directly relevant to this appeal. In any case, each appeal is determined on its own merits.
21. I acknowledge that the Appellant has longstanding connections to the local community. However, I have seen nothing to suggest that a house elsewhere in the local area which would meet the Council's requirements of the protection of the countryside, would not allow the Appellant to maintain those connections. As such, I have attributed limited weight to these personal circumstances in determining this appeal. Having regard to the legitimate and well established planning policy aims to protect the countryside, protect the historic environment and provide development in accessible locations, a refusal of permission would be proportionate and necessary.
22. In the determination of this appeal, I have also considered the details submitted by interested parties in relation to the proposed development and the potential risk of flooding in the surrounding area. In this instance, however, I have found the proposed scheme conflicts with the development plan, and there is no further information put forward by interested third parties which outweigh the harm caused by the development.

Conclusion

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

A Spencer-Peet

INSPECTOR