

Appeal Decision

Site visit made on 26 November 2019

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

an Inspector appointed by the Secretary of State

Decision date: 07 January 2020

Appeal Ref: APP/D0840/W/19/3236013

Land West of 3 Green Meadows, Camelford PL32 9UD

- 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 R Biscombe against the decision of Cornwall Council.
 - The application Ref PA19/03466, dated 18 April 2019, was refused by notice dated 1 July 2019.
 - The development proposed is described as the outline application for the construction of six dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with all matters reserved except for access. I have determined the appeal on this basis.
3. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

Main Issues

4. Since the application was determined and the appeal lodged, the Council has withdrawn the reason for refusal in relation to the effect of the proposed development on ecology. The Appellant has been made aware of this change to the reasons for refusal and has had the opportunity to comment. Therefore, the third reason for refusal given by the Council no longer applies to this appeal.
5. Accordingly, the main issues in this appeal are:
 - Whether or not the proposed development would be in a suitable location for new dwellings, having regard to the character and appearance of the surrounding area; and,
 - The effect of the proposed access arrangement on the safety of vehicular and pedestrian traffic.

Reasons

Character and Appearance

6. The appeal site comprises part of the eastern section of an agricultural field which is bounded to the north and south by hedgerow and banks. The land slopes relatively steeply uphill from southeast to northwest, with further agricultural fields being situated northwest of the site and northwest of the remaining section of agricultural field within which the appeal site is located. The site is located at the edge of Camelford and close to existing built development.
7. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 ('the Local Plan') seeks to control the distribution of new dwellings across Cornwall, providing that housing within larger settlements such as Camelford will be allocated according to the Site Allocations Development Plan Document and Neighbourhood Plans. The evidence before me indicates that Camelford is not included within Cornwall's Allocation Development Plan Document.
8. The Camelford Neighbourhood Plan (the CNP) is at an early stage in its adoption and I concur with the main parties that the CNP therefore attracts only limited weight in the determination of this appeal. However, the evidence provides that the most recent version of the CNP¹ which is currently being consulted on, places the appeal site outside of the proposed development envelope of Camelford. In consideration of the location of the site adjacent to the existing built form of development, its physical and visual relationship with the remaining section of agricultural field and the expanse of agricultural land northwest of the site, in my view the site is located adjacent to and outside of the settlement.
9. Outside of the larger settlements such as Camelford, Policy 3 of the Local Plan provides that housing will be restricted to particular types of windfall development, including dwellings built on previously developed land, infill sites and rounding off of settlements. The site is agricultural land and therefore would not constitute previously developed land in the context of the Framework. However, the Appellant has put it to me that the appeal proposal would constitute 'rounding off' or 'infill' and therefore would accord with the provisions of criterion 3 of Policy 3 of the Local Plan.
10. In this regard, the Council have drawn my attention to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (the CPOAN) which, whilst being informal guidance, provides clarity on the approach to be adopted in relation to rounding off of settlements, and as such I have had regard to this advice.
11. The supporting commentary of Policy 3 of the Local Plan defines 'infill' as development which fills a small gap in an otherwise continuous built frontage and does not physically extend the settlement into the open countryside. In this regard, the Appellant has drawn my attention to the relationship between the appeal site and two adjacent sites for which the Council previously granted planning permission for dwellings.
12. However, whilst I have considered the submissions and evidence provided by the Appellant, in respect of the appeal scheme the proposed development

¹ Dated September 2019.

would not fill a gap in a continuous built frontage and, by reason of the location of the site outside of the settlement boundary and the agricultural land that is situated northwest of the site, the appeal proposal would physically extend Camelford into the countryside. The proposal would therefore not constitute infill development in the context of Policy 3 of the Local Plan.

13. Policy 3 of the Local Plan further defines 'rounding off' as being 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). This text further confirms that rounding off of settlements should not visually extend building into the open countryside and reflects the guidance contained within the CPOAN.
14. In this respect, the appeal site is partially enclosed by development as there are residential dwellings north and east of the site. However, and as described above, the land adjacent to the site to the west and northwest is essentially open and rural in nature. Whilst the appeal site is on the very edge of the countryside and adjacent to the settlement boundary, it is nonetheless a component of the countryside. Hence, as the appeal scheme would visually extend the built form of Camelford into this part of the countryside, it cannot be described as rounding off for the purposes of Policy 3 of the Local Plan.
15. Whilst I acknowledge that the submissions of the Appellant with regards to the proposed Camelford Bypass acting as a barrier to further growth west of the site, no such barrier to growth currently exists. Whilst there may be aspirations that such a road network will be built in the future, there is currently no guarantee that such works will be completed. As such, I conclude that there would be no barrier to growth west and northwest of the site and, therefore, the proposal could not be considered to fall within the definition of rounding off as described in the supporting text to Policy 3 of the Local Plan.
16. Exceptions in relation to new developments in the open countryside are provided for under Policy 7 of the Local Plan. This policy supports development proposals within the open countryside where it shown that specific 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 specific circumstances.
17. The proposed development would be a relatively small feature within the wider landscape. As such, its impact on the character and appearance of the surrounding area would be relatively limited. Nonetheless, the proposal would clearly result in the built form of Camelford incrementally encroaching into an undeveloped part of the countryside. By reason of the appeal site's position towards the top of a hillside, the proposal would be visible within the wider landscape and development of the site would clearly erode part of the countryside beyond the settlement, thereby undermining its rural character and appearance.
18. For the above reasons, I conclude that the proposed development would not be in a suitable location for new dwellings, having regard to the character and appearance of the surrounding area. It would, therefore, conflict with Policies 1, 2, 3, 7, 21 and 23 of the Local Plan which seek to ensure that development proposals can be considered sustainable development by ensuring that development protects local distinctiveness and the character of the area and does not extend development into the open countryside.

19. Whilst I note that the Council's decision notice refers to paragraph 79 of the Framework, which concerns isolated homes in the countryside, as described above the site is located adjacent and near to other residential dwellings within Camelford. The Framework does not define what is meant by the term 'isolated'. However, a court judgement² determined that 'isolated' should be given its ordinary objective meaning, being 'far away from other places, buildings or people'.
20. In this instance, while the appeal site is located outside of Camelford, it is not far from the dwellings which are located on Green Meadows and therefore it cannot be said that the site is isolated. Consequently, the provisions of paragraph 79 of the Framework do not apply in this instance.
21. Further to the above, whilst I acknowledge the submissions made by the Appellant with regards to the recently approved residential development east of the site, that development completed the logical boundary to the settlement by continuing the line of development which extends from the cul-de-sac containing the residential properties at 16 and 17 Green Meadows, to the rear of the property at 13 Greenhills. I have only been provided with limited information with regards to the assessment of those proposals, but in my view the schemes and their location relative to the built extent of Camelford are not comparable to the appeal scheme before me. Consequently, I have determined this matter on its own merits.

Highway Safety

22. The Council indicated that its concern with the scheme related to the absence of information regarding the access point and associated visibility. The Appellant's appeal submissions contain an additional plan. This shows the existing access point, which would be used for the scheme, and includes visibility splay information that would meet the requirements of the Highways Officer. The Highways Officer confirmed that it would not object to the access subject to the imposition of appropriate conditions and the Council does not dispute this.
23. I acknowledge that the Highways Officer indicated that the additional information supplied by the Appellant during the course of the appeal would be sufficient in relation to any resubmitted scheme. However, the evidence before me indicates that objections from interested parties, including the Camelford Town Council, predominately concerned the effect of the proposal on traffic within the town rather than highway safety concerns regarding the point of access.
24. Consequently, I do not consider that accepting the additional plan in relation to the appeal scheme would prejudice any third party with regards to the safe and suitable access to the site. The Council have also suggested a condition in relation to this matter, which the Appellant has confirmed is acceptable.
25. Subject to the imposition of a relevant condition, I conclude that the proposal would not have a harmful effect on highway safety. Consequently, the appeal proposal would comply with Policy 27 of the Local Plan and would accord with paragraphs 108 and 109 of the Framework which, together and amongst other things, require that development provides safe and suitable access.

² Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin).

26. As noted above, I acknowledge the comments from interested parties with regards to the impact of the development on the road network from additional traffic generated by the scheme. However, in this respect and due to the scale of the proposal, I do not consider that the residual cumulative impacts could be defined as severe. Consequently, the appeal proposal would not conflict with paragraph 109 of the Framework in this regard.

Other Matters

27. Notwithstanding the above, the proposed scheme would provide some social benefits in terms of a contribution of six dwellings towards housing supply in an area where there is access to services and facilities. Furthermore, the scheme would provide economic benefits in terms of employment opportunities during the construction phase I accept that additional households at the appeal site could play a small part in supporting the viability of services within Camelford.
28. Given the size of the appeal scheme these benefits would, however, be limited in scope. I do not consider that they would outweigh the harm to the character and appearance of the surrounding area as identified above.

Conclusions

29. For the reasons given above, the scheme conflicts with the development plan when considered as a whole and there are no material considerations to outweigh the identified harm and subsequent development plan conflict in relation to the suitability of the location of the appeal site with regards to the character and appearance of the surrounding area. I therefore conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR