



Appeal Decision

Site visit made on 9 December 2019

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2020

Appeal Ref: APP/D0840/W/19/3238777

**Dolphin House, A39 Between Boxs Shop And Treskinnick Cross,
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 T Perry against the decision of Cornwall Council.
 - The application Ref PA19/00435, dated 21 December 2018, was refused by notice dated 10 April 2019.
 - The development proposed is a single detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal has been made in outline with all matters reserved. The plans, however, do show a proposed siting for the dwelling and the use of the existing access to link with Vicarage Lane. I have treated this as indicative information as to what the appellant has in mind for the proposal in these respects.
3. At the appeal stage, ecological information has been submitted which the Council has accepted addresses the second reason for refusal such that this matter could be addressed by condition, in any approval. I have found no reason to disagree.

Main Issues

4. The main issues are:
 - whether the development plan would support the principle of a dwelling in this location, and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Location of development

5. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) explains that outside the main towns identified, housing growth is to be delivered through the identification of sites where required through Neighbourhood Plans, rounding off of settlements and development of previously developed land within or immediately adjoining settlements, infill

- schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend development into open countryside, and rural exception sites.
6. My attention has been drawn to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (the Advice Note). While informal guidance, the note provides more detailed background to the approach to be adopted in such cases and I have had regard to the advice.
 7. Bangors is broadly situated around the crossroads, and while there are some examples of properties being set back behind other buildings and/or the road, generally buildings front the road within the settlement. In the vicinity of the site, along Vicarage Lane, the properties follow this general linear pattern.
 8. The evidence does not indicate that a Neighbourhood Plan covers the area, the site is not advanced as a rural exception site, and the site would not infill a small gap in an otherwise continuous built frontage. In terms of the principles of rounding off, it is necessary to examine the characteristics of each site.
 9. The site lies to the rear of Dolphin House, is separated from the garden area of Dolphin House by a section of hedge and is gently sloping. It forms part of a field that has been sub-divided into smaller sections by fencing and an access way. The site is partly laid to grass and partly in production for vegetables. While Sedum House lies tight to the rear of the cemetery, back from the road, other properties broadly to the east have a frontage to the main road (A39) and accord with the general pattern of development.
 10. The erection of a dwelling on the site would, in all likelihood, notwithstanding the details of the layout and landscaping at the reserved matters stage, appear visually as an extension of built development beyond the established rear boundary of Dolphin House into more open and undeveloped land. In this location, it would not provide a symmetry or completion to the settlement boundary and would facilitate incremental growth away from the established pattern of buildings in the vicinity. The proposed broadly northern boundary is not presently defined by any edging feature and the formation of the new boundary, despite what may be proposed at the reserved matters stage, would still appear as an arbitrary feature within this more open area.
 11. While there is some relationship of the site with the buildings, and the permitted and unbuilt dwellings in the vicinity, and there is residential curtilage to the west, although this is well screened from the site, the site also has a reasonably open and undeveloped feel. The views from parts of the site through to countryside in the mid-distance give an association of the site with the wider landscape. In these circumstances and taking all the matters into account including its present use and appearance, I consider that the site does not have the character and appearance of falling within the physical boundaries of the settlement and, therefore, having regard to the above analysis, the proposal would not meet the policy requirements for rounding off.
 12. The Advice Note also refers to "other development within a settlement" and comments that although a proposal would not entirely fit the definition of infilling or rounding off, it would nevertheless be within the form and shape of that settlement and be acceptable where there is no significant harm arising to social, environmental or economic considerations. It is explained that this would, in this respect, accord with Policy 21 c) of the Local Plan concerning

increasing building density where appropriate, taking into account the character of the surrounding area and access to services and facilities to ensure an efficient use of land.

13. In this case, the site would fall beyond the settlement and not fit the form and shape of the settlement in this location which, notwithstanding Sedum House, generally aligns with the pattern of the roads. Consequently, while the proposal would increase building density it would not acceptably accord with the character of the surrounding land and, therefore, would not meet with the approach in the Advice Note and the requirements of Policy 21 of the Local Plan. While the section in the Advice Note refers to a test regarding no significant harm to the social, environmental or economic considerations, this is not incorporated into Policy 21 which I have given greater weight as it forms part of the adopted development plan.
14. I have taken into account the other permissions which have been approved in the locality and the argument that these are examples of the application of Policy 3 of the Local Plan and which should influence the approach to the appeal site. It is clear from these permissions that Policy 3 of the Local Plan, as a matter of principle, would support additional housing of an appropriate scale to be constructed in this settlement. While I do not have complete background details, it seems to me that the two dwellings to the approximate north-east of the site¹ would adjoin the main road and therefore not be at odds with the general pattern and character of development in the locality. After their construction there would still be a meaningful area of undeveloped land, including the appeal site, to the broadly west of these new dwellings and therefore this earlier permission would not in itself support building on the appeal site.
15. I have more limited details on the two dwellings² further up and on either side of the A39, however, again based on the limited details I have available these proposals could appear to front the road and therefore accord in general with the settlement pattern. I also noted the house that had recently been constructed³ in Vicarage Lane and that this accords with the general linear pattern of development.
16. I noted at my site visit, the affordable housing scheme⁴ that has been constructed by the crossroads. Again, I have limited details, but note that Policy 3 of the Local Plan allows rural exception sites which are not required to meet the requirements of rounding off. The development has changed the character of this corner of the crossroads, however, I consider that the delivery of the affordable housing in this location provides limited weight in support of an open market dwelling on a site back from a road frontage and in a location on the other side of the crossroads. I have also had regard to the indication of pre-application discussions for further affordable housing in this location but I afford this matter very limited weight based on the information before me.
17. At the final comments stage, a scheme for 5 dwellings has been brought to my attention. The site lies to the south of the Methodist Hall and I have taken into account the pre-application advice from the Council. The site is not enclosed on

¹ PA17/08655 (and PA19/05525)

² PA16/09205 and PA17/00203

³ PA15/11706

⁴ PA13/09721

the western boundary, however, it does front the road and as the application is yet to be determined I afford it limited weight.

18. In terms of whether the appeal site could be considered previously developed land, the information indicates that the site was not included within the residential area when Dolphin House was approved. There is no evidence of a certificate or other verified information before me that would support a proposition that the site should be considered previously developed land. I therefore attribute this matter limited weight.
19. While I have taken all these other cases in the general area into account and the influence that they have, and will have in the future if constructed, on the appearance of the area and with the application of Policy 3 and 21 of the Local Plan, I have examined this proposal on its merits. In the light of the above analysis, I conclude that the development would not be a suitable site for a dwelling because the principle would not be supported by the policies of the development plan, in particular Policies 1, 3, 7 and 21 of the Local Plan.

Character and appearance

20. The land to the west of the main road in this area, including the appeal site, lies within the Area of Great Landscape Value (AGLV) and Heritage Coast. Policy 23 of the Local Plan requires that, within these locations, development should maintain the character and distinctive qualities of such areas. The wider area, including the appeal site, falls within Landscape Character Area 38 (Bude Basin) as referenced in the Cornwall and Isles of Scilly Landscape Character Study. The surrounding area has some typical features of this Character Area including a gentle undulating land form with medium sized fields laid to pasture with hedgerows.
21. The site forms part of a moderate sized and generally open area of land beyond the settlement and therefore in a location defined as countryside. Because of the reasonably good hedge and tree boundaries along the broadly south west and broadly north west extent of the wider field like area, the site is reasonably contained and makes a modest, but positive, contribution to the immediate landscape. In all likelihood, despite any detailed landscaping, layout and design details at the reserved matters stage, the introduction of a dwelling, with car parking and related domestic paraphernalia, would add a more suburban character to the site and thereby detract from its rural qualities.
22. As a consequence, the development would diminish the rural appearance of the site and thereby erode, albeit to a reasonably modest extent, the character and distinctive qualities of the AGLV and Heritage Coast.
23. For these reasons, the proposal would not meet with the National Planning Policy Framework (the Framework) requirement that development should recognise the intrinsic character and beauty of the countryside.
24. The large gardens stretching back from the properties located generally to the west have been drawn to my attention and that they may be previously developed land forming part of the extent of the settlement. However, these areas are generally well screened from the wider landscape and, in terms of the buildings, they generally front the road. The dwelling in this case would be set back behind Dolphin House and therefore would be likely to cause greater harm and encroachment in terms of the impact of built development upon the

landscape. I therefore attribute the adjoining properties and their garden extent limited weight in the considerations.

25. In the light of the above analysis, I conclude that the development would harm the character and appearance of the area, in particular with regard to the location within the AGLV and Heritage Coast. As a consequence, the proposal would conflict with Policy 23 of the Local Plan, saved Policy ENV1 of the North Cornwall District Local Plan (1999) and the Framework which seek, amongst other things, to sustain local distinctiveness and character.

Other Matters

26. The site lies in proximity to the settlement with some services and I saw at my visit the nearby bus stop. The evidence indicates there is a regular bus service to local towns. The Framework, in principle, would support the additional dwelling as it would help to enhance or maintain the vitality of this rural community. This would accord with the approach set out in paragraph 78 of the Framework. The proposal would also provide economic and social benefits both during construction and in subsequent occupation. The provision of an additional windfall dwelling would make a small but worthwhile contribution towards housing delivery. Biodiversity benefits could be incorporated at the reserved matters stage and the access to this rear land and the junction with the road could be improved as part of this proposal. However, the cumulative benefits carry limited weight because only a single unit would be provided and in the circumstances where the Council is able to demonstrate a 5 year supply of deliverable housing sites.
27. The provision of a dwelling in this location would not be isolated and therefore the proposal would not conflict with paragraph 79 of the Framework. However, this does not equate with compliance with the development plan policies for the location of development and the protection of the character and appearance of the area.

Conclusion

28. While the benefits of the scheme afford limited weight, the conflict with policies of the development plan and the harm to the character and appearance of the area are matters which I attribute significant weight. It is such that the proposal would conflict with the policies of the development plan when considered as a whole and with the Framework. There are no material considerations that outweigh this identified harm. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR