



Appeal Decision

Site visit made on 16 December 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2020

Appeal Ref: APP/D0840/W/19/3232680

Lyndhurst, Tresamble Hill, Pelean Cross, Ponsanooth TR3 7JF

- 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 and Mrs Martin against the decision of Cornwall Council.
 - The application Ref PA18/10260, dated 30 October 2018, was refused by notice dated 10 January 2019.
 - The development proposed is a one storey four-bedroom family home.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the suitability of the site for a dwelling, having regard to local policy for the location of housing.

Reasons

3. The site is part of the grounds of the dwelling Lyndhurst, which is within a group of buildings set around the convergence of roads at Pelean Cross, north of Ponsanooth village. The site is elevated somewhat above the public highway which bounds the site to the south and west, from which it is separated by a hedgerow. Lyndhurst is to the north, with open land to the east.
4. Policies 1 and 2 of the Cornwall Local Plan Strategic Policies 2010–2030 (CLP) identify the strategic requirements of the development plan. Policy 3 of the CLP seeks to support growth which is adjacent to or within settlements and which would constitute the 'rounding off' or 'infilling' of that settlement, or the reuse of Previously Developed Land (PDL) within or adjoining that settlement.
5. The buildings at Pelean Cross are loosely arranged, largely set back from the crossroads, and by and large well screened by trees and hedgerows. This leads them to have little perceptible commonality or shared identity, and to resemble a low-density straggle. They are clearly separated from Ponsanooth by intervening agricultural land. Given such, the appeal site is not within, adjacent to or adjoining a settlement under the CLP's terms.
6. This leads the site to fall, for planning purposes, within designated countryside, and the proposal for consideration under Policy 7 of the CLP. Policy 7 seeks to avoid new homes in the countryside unless there are special circumstances. None of its prescribed circumstances would apply to this proposal.
7. The CLP, consistent with the National Planning Policy Framework (the Framework), does encourage the best reuse of PDL pursuant to Policy 21. Whilst the Council have questioned the status of the site as PDL, to my mind it

is largely within the garden of Lyndhurst and can be fairly considered as PDL¹. Under Policy 21, the reuse of PDL to increase building density, as would be the case here, must take appropriate account of both the character of the surrounding area and access to services and facilities.

8. With regard to access to services and facilities, there are four bus stops in the immediate vicinity providing access to two bus services. These services are of such a range and frequency that they would offer sustained and broadly reliable public transport to occupants of the dwelling, enabling adequate access to the facilities in the local area and those further afield.
9. However, the area around the road junction is rural and, despite its previously developed status, the appeal site reads in all reality as part of the countryside. The proposed dwelling would maintain a forward siting which, given also its elevation above the highway, would lead it to have a degree of prominence and visibility above the boundary hedgerow, at odds with the otherwise discrete development at Pelean Cross. I am not persuaded that additional growth to the existing hedgerow would adequately screen the building. As such, it would be an anomalous intervention, to the detriment of this rural environment. For this reason, the scheme would not make for the best or effective reuse of PDL.
10. The appellant has drawn my attention to previous planning permissions in the area. With regard to the scheme Ref PA18/01576, a principal reason for that decision was the visual improvement to the Imperial Motors site. I also note that the scheme approved under Ref PA18/03001, whilst similar in some respects, relates to a separate grouping of buildings closer to Ponsanooth. Given that the matters at hand are site specific and fact sensitive, relying upon planning judgement, these decisions carry very limited weight in my reasoning.
11. I therefore conclude that the site would not be suitable for a dwelling, having regard to local policy for the location of housing. It would conflict with the relevant aims of Policies 1, 2, 3, 7 and 21 of the CLP and the Framework. I find no conflict with the transport aims of Policy 27 of the CLP. The Council has also latterly referred to Policy 23 of the CLP and the Housing Implementation Strategy (2019). However, these matters have not altered my findings against this main issue.

Other Matters

12. I have had regard to the appellant's concerns in relation to the procedural conduct of the Council before the appeal. However, the matters raised are not germane to my assessment of this section 78 appeal, which is limited to the planning merits of the proposal.

Planning Balance

13. Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise².
14. The government is seeking to significantly boost the supply of housing and the scheme would provide a new, family sized, level access dwelling to the local housing stock. The scheme would allow the appellants heightened opportunity to carry on living and working on the land in this location. The additional

¹ As per *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors* [2017] EWCA Civ 141

² Section 38(6) of the Planning and Compulsory Purchase Act 2004

household would contribute to the vitality of the local community, and its services and facilities through their increased use. Given the scale of the development, these are modest benefits of the proposal.

15. The site would not, however, be a suitable location for housing having regard to local policy. This constitutes harm of significant weight in my assessment, outweighing the modest benefits of the scheme.
16. I therefore find that the proposal would conflict with the development plan when read as a whole and that there are no other considerations, including the Framework, that outweigh the conflict.

Conclusion

17. For the reasons outlined above and taking all matters raised into account, including the support of the Parish Council for the planning application, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR