



Appeal Decision

Site visit made on 18 May 2020

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

an Inspector appointed by the Secretary of State

Decision date: 26 May 2020

Appeal Ref: APP/D0840/W/20/3246958

Summers Field, Coxpark, Latchley, Cornwall PL18 9BB

- 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 M Cloake against the decision of Cornwall Council.
 - The application Ref PA19/03856, dated 7 May 2019, was refused by notice dated 22 August 2019.
 - The development proposed is for alterations to existing rest room to form studio apartment.
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Decision

1. The appeal is dismissed.

Main Issues

2. Although the Council has given one reason for refusal, having reviewed the evidence I have considered it appropriate to identify two main issues. I shall return to this matter in the relevant sections below.
3. Accordingly, the main issues in this appeal are:
 - Whether or not the proposed development would be in a suitable location, having particular regard to the location of the appeal site within the Tamar Valley Area of Outstanding Natural Beauty (the AONB); and,
 - The effect of the proposed development on the setting of the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS).

Reasons

Location of Development

4. The appeal site is situated approximately 1.5 kilometres north of St Anne's Chapel, and approximately 1.5 kilometres west of settlements at Latchley and Chilsworthy, and comprises a rectangular agricultural field located adjacent to a highway. A substantial structure has been constructed in the northwest corner of the agricultural field, which is accessed from the highway in the southwest corner of the field, via a trackway.
5. The evidence before me indicates that a majority of the substantial structure located in the north west of the appeal site, was previously granted planning permission¹ by the Council for use as an agricultural and horticultural shed. The

¹ Local Planning Authority Reference: PA11/00620

proposal seeks to add a dormer to the eastern elevation of the existing building and change its use to form a new studio apartment. Consequently, the proposal would represent a new dwelling.

6. The Appellant maintains that the site currently forms part of the settlement known as Coxpark and that the proposal would accord with the provisions of Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030² (the Local Plan).
7. Policy 3 of the Local Plan sets out the strategy for the delivery of housing across Cornwall and growth is centred on the named, larger settlements within the county. Coxpark is not listed as a named settlement within Policy 3 of the Local Plan. The supporting text to this policy provides that settlements that are not named within Policy 3 of the Local Plan can help meet housing requirement by, amongst other things, windfall development, including dwellings built on previously developed land, rounding off and infill sites within small settlements.
8. In this regard, I have also been referred 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 what would constitute a settlement, as well as guidance in relation to infill and rounding off of settlements, and as such I have had regard to this advice. The CPOAN provides that a settlement is a place where people collectively live in permanent buildings and confirms that smaller villages and hamlets should have a form and shape with clearly definable boundaries.
9. The surrounding area is lacking in any services or facilities that may be required on a day to day basis and the buildings in and around the Coxpark area have no recognisable centre. The buildings that are present close to the site are predominately arranged in a linear pattern close to the highway with substantial gaps between buildings and is typical of the very small groups of buildings which are scattered across Cornwall. If the buildings which are located nearest to the appeal site, were to fall within the remit of Policy 3 of the Local Plan with regards to settlements, then the character of the Cornish countryside could be at risk of undue pressure for residential development and unacceptable change.
10. In my view, based on the definitions and guidance contained within Policy 3 of the Local Plan and in relation to information provided by the CPOAN, the scatter of residential and agricultural buildings present in the surrounding area do not display the attributes, role or function of a settlement that is suitable for housing growth.
11. Even in the event that Coxpark was to be considered to be a settlement for the purposes of Policy 3 of the Local Plan, the appeal site could not reasonably be described as land that is substantially enclosed but outside the urban form of the settlement given the substantial gaps that are present between the site and nearby buildings and due to the predominately open nature of the surrounding agricultural land. Consequently, the proposal could not be considered to be rounding off.
12. Furthermore, whilst there are buildings present close to the appeal site which also front onto the adjacent highway, as described above there are significant

² Adopted November 2016

and substantial gaps between these buildings. Consequently, the proposal could not be considered to be infill within the context of Policy 3 of the Local Plan. My conclusion in this regard would not be altered by the proposed provision of two affordable dwellings on land to the south of the appeal site at Fir Tree Farm.

13. Given the above conclusion that the appeal site is located within the countryside for planning purposes, new housing developments are to be assessed against Policy 7 of the Local Plan. This policy supports housing proposals within the open countryside where it shown that special circumstances, such as where there is re-use of a redundant building, where accommodation is required for rural workers, or where the proposal is for affordable housing, apply.
14. The appeal proposal is not for rural workers and would not provide affordable housing. Whilst the proposal does not seek to replace an existing dwelling, the Appellant has put it to me that the appeal scheme would accord with criterion 3 of Policy 7 of the Local Plan by replacing a redundant building.
15. In this regard, criterion 3 of Policy 7 of the Local Plan, amongst other matters, provides that the building to be converted into housing should have an existing lawful residential or non-residential use and be ten years old or greater. Further clarification is provided in paragraph 2.36 of the Local Plan which indicates that buildings should have been erected and used for the purpose for which they have a lawful use for at least ten years before they will be considered for reuse as housing.
16. There is some disagreement between the parties as to whether the building has existed in its current form for a period of more than ten years, by reason of the existence of a previous structure at the site. Nonetheless, the evidence before me indicates that the existing building was constructed after permission was granted by the Council in 2011. As such, the proposed reuse of the building would not be permitted under the terms of criterion 3 of Policy 7 of the Local Plan.
17. Whilst I acknowledge the Council's submissions in respect of location of the appeal scheme with regards to access to services and facilities, paragraph 103 of the Framework provides that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this instance, and as noted above, whilst the appeal site is located within the countryside, there are nearby settlements that could provide the necessary services and facilities required on a day to day basis. Consequently, I conclude there would be no harm in relation to the location of the appeal site with regards to access to services and facilities.
18. The appeal site is located within the Kit Hill section of the AONB. The Cornwall and Isles of Scilly Landscape Character Study³ (the LCS) characterises the surrounding area as open wildland composed of lowland heathland contrasting with planned farmland, providing extensive panoramic views. The LCS further notes that some areas on lower land have been spoiled by unplanned and inappropriate development. The presence of nearby narrow roads and lanes, high hedges and predominately open agricultural landscape, reinforces and reflects the LCS characteristics described above.

³ Published 2008

19. In accordance with paragraph 172 of the National Planning Policy Framework (the Framework), great weight must be given to the conservation and enhancement of the AONB's landscape and scenic beauty. This is reflected in Policy 23 of the Local Plan and within paragraph 10.5.8 of the Tamar Valley AONB Management Plan 2019-2024 (the TVMP).
20. The Appellant has put it to me that the proposal would not have a harmful impact on the AONB given that the building to be extended and converted is currently used for ancillary residential purposes and is located within a residential area that forms part of a settlement.
21. In this regard, the evidence before me indicates that the current building at the appeal site has lawful use as an agricultural storage building. It is utilitarian in appearance and typical of modern agricultural buildings which are part and parcel of a working, farmed rural landscape and do not appear out of place within the site or in the context of its surroundings. For the reasons given above, I have found that the appeal site is not located within a settlement.
22. Whilst I acknowledge that the proposed dormer extension would be situated on the eastern elevation of the building, it would nonetheless be partially visible from the adjacent highway and visible from within the wider surrounding area. Consequently, the proposal would add to the built form at the site and would change the character and appearance of the site from agricultural to residential with the lighting, activity and domestic paraphernalia associated with residential occupation detracting from the quality of the surrounding landscape.
23. In summary of the above, I have found that the appeal site is located outside of any settlement and within the countryside. The proposal would not accord with any of the exceptions to new housing development within the countryside as provided for within Policy 7 of the Local Plan and would therefore conflict with this policy. For the reasons given above, the appeal scheme would not conserve or enhance the landscape and scenic beauty of the AONB and, therefore, the proposal would be in conflict with Policy 23 of the Local Plan and paragraph 172 of the Framework which together and amongst other things, seeks to protect the AONB from inappropriate development. Furthermore, the proposal would not accord with paragraph 10.5.8 of the TVMP.

World Heritage Site

24. The appeal site is located within the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS). Paragraph 184 of the Framework states that World Heritage Sites are a designated heritage asset which are an irreplaceable resource, and which should be conserved in a manner appropriate to their significance.
25. Whilst an objection from the Cornish Mining World Heritage Officer has been noted in the Council's Officer Report with regards to the effect of the proposal on the setting of the WHS, the Council did not include this matter as a reason for refusal. However, the Appellant has now had the opportunity to respond to the concerns raised by the Heritage Officer and, given the level of protection afforded to such heritage assets, it is appropriate that this matter should form part of the main issues in this appeal.
26. In this regard, and for the same reasons given above in relation to the proposal's impact on the landscape and scenic beauty of the AONB, the

proposed development would have an urbanising effect on the appeal site which currently exhibits greater affinity with the open countryside which forms part of the setting to the WHS, than as being part of a residential area. Consequently, the proposal would have a harmful impact on the setting of the WHS.

27. The harm identified above, would be less than substantial harm in terms of paragraph 193 of the Framework affecting only its immediate surroundings. Therefore, in accordance with paragraph 196 of the Framework, it is appropriate to weigh the harm caused by the proposal against any public benefits that would arise from the development. In this regard, I will return to the level of public benefits in the Planning Balance and Conclusion given below.

Planning Balance and Conclusion

28. The proposed development would have a harmful effect on the landscape and scenic beauty of the AONB, the conservation of which must be afforded great weight, and further would result in less than substantial harm to the setting and significance of the WHS.
29. The appeal scheme would provide some economic benefits in terms of limited employment opportunities during construction, and would further contribute a single unit towards housing supply. I have also considered whether the proposed scheme would provide any benefit in supporting the vitality of Latchley, Chilsworthy or St Anne's Chapel, or any of the other surrounding rural settlements, and in this regard I conclude that it would be likely that future residents would make use of services and facilities across the area, thereby supporting the local economy.
30. However, having regard to all of the above matters, and given the modest scale of the proposed development, the benefits of the proposed scheme would be limited. Such benefits either individually or in combination do not outweigh the identified harm and the associated development plan conflict. Furthermore, while it is recognised that opportunities to use sustainable transport modes will vary between urban and rural areas, the adverse environmental impacts of the proposal as identified above in relation the AONB, would significantly outweigh the benefits when assessed against the policies in the Framework taken as a whole.
31. Consequently, for the reasons given above, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR