

Appeal Decision

Site visit made on 24 June 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/D0840/W/19/3242839

2 Greenbury, Greenbury Lane, Rosudgeon TR20 3QQ

- 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 B Lonsdale against the decision of Cornwall Council.
 - The application Ref PA18/11784, dated 11 April 2019, was refused by notice dated 28 June 2019.
 - The development proposed is outline planning permission (some matters reserved) for construction of two dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted in outline with all matters aside from layout reserved. I assessed the appeal as such.

Main Issues

3. The main issues are:
 - whether or not the site is a suitable location for housing, having regard to the development plan; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of location

4. Policy 3 of the Cornwall Local Plan: Strategic Policies Document 2010–2030 (CLP) establishes a hierarchy for the location of development, based upon the role and function of places. Amongst other things, it supports growth adjacent to or within settlements which would constitute the 'rounding off' or 'infilling' of the settlement.
 5. The treed bound appeal site is laid out as domestic garden. Vehicular access is provided from the A394 which passes the site to the south and connects to the settlement of Rosudgeon a short distance to the west. To the east of the site is a short row of dwellings. Greenbury Lane runs by the site's west boundary. It provides access to a small number of dwellings to the north, some of which are addressed together as 'Greenbury' by the Council's mapping software.
 6. That notwithstanding, the properties on Greenbury Lane are quite scattered within their own verdant grounds, with differing orientations and relationships
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to the road, which leads them to lack a clear, shared sense of form or place. Rural tracks appear to lead seamlessly away from Greenbury Lane and there is very little in the way of signage or other features demarking any point of entry into a definable settlement. This leads the group to best fit the CLP's definition of a '*low density straggle of dwellings*'. Moreover, there is a clear visual separation, and therefore little commonality, between this housing along Greenbury Lane and the short row of dwellings fronting the A384. The properties around the site do not therefore amount to a settlement in my view.

7. It follows that the site is, for planning purposes, within the open countryside. This leads the proposal to be considered under Policy 7 of the CLP, which seeks to avoid new homes in the countryside unless there are special circumstances. There is no evidence before me that any of Policy 7's prescribed circumstances would apply to the appeal scheme.
8. The appellant contends that the site comprises the extended grounds of the adjacent dwelling No 2 Greenbury and is therefore Previously Developed Land (PDL), the reuse of which finds potential support under Policy 21 of the CLP. However, the Council disputes the lawfulness of any residential use. No planning history of change of use has been put to me, and there is little clear evidence as to when domestic activity began at the site. Given such, there is no substantive basis upon which I can deduce that the site comprises PDL.
9. I acknowledge that the site is close to Rosudgeon and that the A394 is a main road connecting to settlements further afield. However, although there is a bus stop opposite the site, the regularity and range of its bus services have not been detailed, although they are described as infrequent by an interested party. Whilst the appellant has referred to footpath connections to Rosudgeon, details of the length and accessibility of these routes has not been evidenced. I observed that the A394 does not have a footpath to Rosudgeon and, given the speed of vehicles traveling along it, it would be a dangerous space for pedestrians. Consequently, even accepting that car reliance is inherently higher in rural areas, I find the site to have inadequate access to day-to-day services.
10. Bringing my findings together on this issue, the site is not a suitable location for housing, having regard to the development plan. The proposal would conflict with Policies 1, 3, 7 and 21 of the CLP. Whilst reference is made to the Chief Planning Officer's Advice Note: Infill/Rounding Off, this document is not part of the development plan and has had limited weight in my reasoning.

Character and appearance

11. This section of the A394 is characterised by countryside punctuated by small, dispersed pockets of housing in a typical variety of styles fronting the highway. Whilst detailed matters of design are reserved, the dwellings would be positioned in a typical linear fashion and they would also likely face the A394. As such, the dwellings would conform to the prevailing pattern and design of housing within this area. Additional landscaping, including tree planting, would serve to mitigate the modest urbanising effect of the development.
12. The appeal site is within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS), a designated heritage asset of the highest significance. Although there are indications of previous miner's accommodation and a smallholding at the site, there is negligible surviving evidence of such. The scheme would not therefore harm the Outstanding Universal Value of the WHS.

13. I therefore conclude on this issue that the proposal would not have a harmful effect on the character and appearance of the area. It would accord with the landscape aims of Policy 23 of the CLP and the National Planning Policy Framework (the Framework).

Planning Balance

14. Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise.
15. The government is seeking to significantly boost the supply of housing and the scheme would contribute two dwellings to local supply. It would do so without harm to the character and appearance of the area. Opportunities for further tree planting may provide environmental benefits. However, given the small scale of the proposal, its benefits in these regards would be modest.
16. The site would not, however, be a suitable location for housing having regard to the development plan. This constitutes harm of significant weight in my assessment, outweighing the modest benefits of the scheme. It leads me to the conclusion 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, the appeal should be dismissed.

Matthew Jones

INSPECTOR