
Appeal Decision

Site visit made on 22 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/D0840/W/20/3247124

Fenwick House, Dunmere, Bodmin PL31 2RD

- 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 Thomas against the decision of Cornwall Council.
 - The application Ref PA19/10194, dated 18 November 2019, was refused by notice dated 21 January 2020.
 - The development proposed is for outline planning for the construction of 2 dwellings with all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the original description of development to reflect that provided within the Council's decision notice and as stated at section E of the appeal form in the interests of accuracy and consistency. Furthermore, I have used the address of the appeal site as provided in the Appeal Form and Council's decision notice in the interest of consistency.

Main Issue

3. The main issue is whether or not the site is a suitable location for housing having regard to local and national planning policy.

Reasons

4. The appeal site forms part of the garden grounds associated with Fenwick House, located close to the A389 highway which connects Bodmin to Wadebridge. The site is accessed from the A389 highway, which further connects to an unmade trackway located adjacent to Fenwick House and east of the appeal site. There is residential development north of the appeal site at Sunnyside, with that development being separated from the appeal site by undeveloped land. Further development is situated to the east of the appeal site and across the A389 highway. The appeal site is otherwise predominately surrounded by woodland and the large pond which is located west of the site.
5. Dunmere is located outside of Bodmin and comprises buildings which have been predominately positioned close to the main highway. The main parties have referred to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) 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 previously developed land, infill and rounding off of settlements, and as such I have had regard to this advice.
6. Whilst I have noted the submissions of the main parties with regards to the designation of Dunmere as a settlement, in my view, the site is separated from Dunmere by the River Camel and, by reason of this feature and the separation distance between the appeal site and any meaningful collection of buildings that comprise Dunmere, I conclude that the appeal site is not located within, adjacent to or adjoining a settlement in the context of Policy 3 of the Local Plan.
 7. Given the above, the appeal site is located within the countryside for planning purposes and, consequently, the proposal should be assessed against Policy 7 of the Local Plan. This policy supports housing proposals within the countryside where it shown that special circumstances, for example 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. None of these special circumstances apply to the appeal proposal.
 8. As noted above, the appeal site forms part of the residential garden associated with Fenwick House. Given its location outside of a built-up area of a settlement, it comprises previously developed land (PDL) within the context of the National Planning Policy Framework (the Framework). Policy 21 of the Local Plan concerns making the best use of land and buildings and provides that encouragement will be given for development which, amongst other matters, makes use of PDL or appropriately increases building density taking account of the effect on character and appearance and the accessibility of services and facilities.
 9. With regard to access to services and facilities, the site is located within walking distance of the bus stop situated on the A389 highway within Dunmere and close to the Borough Arms. However, the route between the site and the bus stop is steeply inclined and access to these facilities on foot or by bicycle would require travelling along sections of the A389 highway where there are no pavements or footways. I observed on my site visit, that the volume of traffic using this highway was significant. Consequently, travelling to the connecting bus routes would not represent a particularly safe or attractive option for pedestrians or cyclists particularly in adverse weather conditions.
 10. Further to the above, whilst the appeal site is also located close to the Camel Trail, access to this cycleway would also require travelling along sections of the highway where there are no pavements or footways. The Camel Trail does provide traffic free access to Bodmin, but the evidence before me indicates that the trail is unlit and, in combination with the above, would make journeys from the site to services and facilities reasonably required on a daily basis, difficult and unlikely.
 11. For the above reasons, I conclude that future occupants of the proposed dwellings would not have adequate access to services or facilities and that use of a private motor vehicle is likely to be the main mode of transport of any future occupants of the appeal scheme. The increased levels of car journeys from the site would likely result in increased levels of carbon emissions thereby causing environmental harm.

12. As noted above, the appeal site is within the countryside for planning purposes. The surrounding area is rural in character and appearance and, despite the appeal site being considered to be PDL, the site reflects and positively contributes to the rural character of the surrounding area and to the Camel and Allen Valley Area of Great Landscape Value. Whilst I acknowledge that the appeal scheme is in outline and that the proposal would replace an area of hardstanding within the site, the appeal proposal would nonetheless result in a significant increase in the density of residential development at the site which would not reflect the rural character of the area.
13. In summary of the above, even in the event that Dunmere was considered to be a settlement, the appeal site could not be considered to be located within, adjacent to or adjoining that settlement. The appeal scheme would not provide adequate access to services and facilities reasonably required on a day to day basis without dependence on private motor vehicles. By reason of the increase in the density of built form at this rural location, the proposal would not reflect or respect local distinctiveness and would be harmful to the rural character and appearance of the surrounding area. Consequently, the appeal scheme would not represent best use of land in terms of Policy 21 of the Local Plan.
14. In light of the above, the appeal proposal would conflict with Policies 1, 2, 3, 7, 21 and 23 of the Local Plan which, amongst other matters, requires that development respects and sustains local distinctiveness and character and makes best use of land. For the same reasons the proposal would not accord with paragraphs 91, 102, 103, 110, 127, 148 and 150 of the Framework.
15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
16. The appeal scheme would provide benefits in the form of additional units towards housing supply thereby supporting the intention to significantly boost the supply of housing nationally. Furthermore, the proposal would provide some economic benefits in the form of employment opportunities during the construction phase and through the spend of future occupants within those businesses which are located within Bodmin and at Dunmere. However, given the scale of development, I attach only moderate weight to these considerations in the determination of this appeal.
17. Against these benefits, the appeal site would not be in a location which is suitable for housing and would conflict with the development plan. The harm resulting from the conflict with the development plan as described above, weighs significantly against the proposal, and I conclude that the identified significant harm would outweigh the moderate benefits that the scheme would provide.
18. The Appellant has drawn my attention to two previous planning permissions given by the Council, maintaining that the approved schemes are comparable to the circumstances of the appeal proposal with regards to the distance between the respective sites and the nearest services and facilities.
19. However, I have only very limited information with regards to these previous permissions and whilst I have noted the distances between the respective sites and the nearest services are comparable to the appeal scheme, access to services and facilities from the appeal site also requires consideration of

additional factors such as the gradient of connecting routes and whether access on foot or by bicycle can be achieved without crossing busy roads. It appears from the information provided that the cited permissions were considered to provide adequate access to services and facilities, whereas I have concluded above that the appeal scheme would not provide adequate access with regards to these matters. I therefore find that the circumstances of the cited permissions are not comparable and as such I have determined this appeal on its own merits.

Conclusion

20. 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. I therefore conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR