
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: 02 July 2020

Appeal Ref: APP/D0840/W/20/3247122

**Land South West of Tre Pol Pen, Ventongimps, Callestick, Cornwall
TR4 9LH**

- 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 Simon Crabb against the decision of Cornwall Council.
 - The application Ref PA19/07593, dated 29 August 2019, was refused by notice dated 13 November 2019.
 - The development proposed is described as a proposed new underground self-build starter home and dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Simon Crabb against Cornwall Council. This application is the subject of a separate Decision.

Procedural Matters

3. Whilst I note the submissions of the Council with regards to the description of development in the banner heading above, in the interests of consistency I have used the description as provided by the Appellant with section E of the appeal form.

Main Issue

4. The main issue is whether or not the proposed development would be in a suitable location for new a dwelling, having regard to the character and appearance of the surrounding area.

Reasons

Policy Context

5. The development plan comprises of the Cornwall Local Plan Strategic Policies 2010-2030¹ (the Local Plan). The evidence before me indicates that while Perranzabuloe is a designated area for a Neighbourhood Plan, no such plan has been published.
6. Policy 3 of the Local Plan seeks to control the distribution of new dwellings across Cornwall and provides that housing within named larger settlements will

¹ Adopted November 2016

be allocated according to the Site Allocations Development Plan Document and Neighbourhood Plans. Policy 7 of the Local Plan supports development proposals within the open countryside where it shown that special circumstances apply. The supporting text to this policy defines open countryside as being the area outside of the physical boundaries of an existing settlement where it has a clear form and shape.

7. The main parties have drawn my attention to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (The CPOAN). This advice note does not form part of the Development Plan and does not attract the same weight as Policies of the Local Plan in the determination of this appeal. However, whilst the advice note is informal guidance, it does nonetheless provide some clarity on the approach to be adopted in relation to matters such as infill and rounding off of settlements, and as such I have had regard to this advice.

Location of Development

8. The appeal site comprises land located in an area known as Ventongimps and adjacent to a narrow highway. Access to the site is provided by two gates which front onto the adjacent highway in the north eastern section and southern section of the site.
9. The site slopes uphill from southwest to northeast and is bordered to the southwest by open land upon which a structure is located which has the appearance of an agricultural outbuilding. To the northeast a trackway separates the site from the dwelling at Tre Pol Pen. To the northwest, the site is enclosed by roughly grassed and predominately open land.
10. The appeal site has the appearance of a small agricultural field or paddock and is situated between two groups of buildings, those which are located at Ventongimps Mill and those dwellings which comprise Tre Pen Pol and its immediate neighbours. The site has an intrinsically rural appearance and would be considered to form part of the surrounding, predominately open, countryside. There is no evidence before me which indicates that the appeal site has been identified for development within any neighbourhood plan, and the proposal has not been put forward as an exception site.
11. It has been put to me by the Appellant that Ventongimps would constitute a settlement in terms of planning policy and that the site forms part of that settlement. As noted above, I have been referred to the CPOAN which, amongst other matters, does provide some guidance on what would constitute a settlement.
12. The CPOAN provides that a settlement is a place where people collectively live in permanent buildings and that local residents are often well placed to assist in determining whether a particular group of buildings is considered to be a settlement. The advice note goes on to confirm that smaller villages and hamlets should have a form and shape with clearly definable boundaries, with further confirmation that there are no expectations of services and facilities.
13. The supporting text to Policy 3 of the Local Plan explains that a settlement should have a form and shape and clearly definable boundaries, not just a low density straggle of dwellings. The settlement should be part of a network of

- settlements and/or be in reasonable proximity to a larger village or town with more significant community facilities.
14. A post box is located close to Ventongimps Mill Farm. However, there are no meaningful services or facilities that may be reasonably required on a day to day basis within the locality. As noted, this on its own is not determinative of whether a collection of buildings dispersed over an area would constitute a settlement. However, as I observed on my site visit, the buildings at Ventongimps are scattered out in a linear pattern adjoining the lane which passes adjacent to the appeal site and, in my view, its character resembles a low density straggle of buildings.
 15. Whilst I acknowledge the submissions of those interested parties who have referred to Ventongimps as a hamlet, and further acknowledge that the CPOAN provides that "some linear settlements can meet the test of a clear form and shape", in my view Ventongimps has no clearly definable form or shape. There are some significant gaps in the built environment, and the group of buildings at Ventongimps Mill Farm and those close to Tre Pen Pol lack a definable coherence or common identity. For these reasons, I find that development close to the appeal site would accord with the definition of a low straggle of buildings as referred to within Policy 3 of the Local Plan.
 16. In light of the above, I conclude that Ventongimps not a settlement in terms of the development plan. Accordingly, the proposed scheme would not represent infill, rounding off or use of previously developed land (PDL) within or immediately adjoining as settlement, within the context of Policy 3 of the Local Plan.
 17. Even in the event that Ventongimps was considered to be a settlement which included the outlying development close to Tre Pol Pen, I consider that the appeal proposal would still not accord with the requirements of Policy 3 of the Local Plan. The appeal scheme would not infill a gap in a continuous built frontage. Furthermore, while I note the submissions of the Appellant with regards to rounding off of a settlement, here the site is not surrounded on at least two sides by existing built development. As noted above the site is surrounded by predominately open land and by a trackway which separates the site from Tre Pol Pen. Given the site's physical and visual affinity with the surrounding predominately open and undeveloped land, the proposal would be seen as extending the built form into the countryside.
 18. In terms of PDL, while the Council maintain that the site is in agricultural use, the Appellant has put it to me that the appeal site has been historically used for domestic storage and as evidenced by the presence of what is described as a domestic outbuilding and a container unit. However, I have not been provided with any documentary evidence or Certificate of Lawful Use that would help clarify that the structures that currently and previously existed at the site, were in domestic or commercial use rather than being agricultural storage buildings.
 19. For the above reason and given that the appeal site has the appearance of an agricultural field or paddock as described above, I conclude that the appeal site does not accord with the definition of PDL as provided within the National Planning Policy Framework (the Framework).

20. Consequently, the proposal would not comply with Policy 3 of the Local Plan with regards to use of PDL. As I have concluded that the site does not constitute PDL, the appeal scheme would not meet the requirements of criterion (a) of Policy 21 of the Local Plan regarding this matter. Furthermore, given that the proposal would encroach into the countryside and would not be located close to services and facilities reasonably required on a day to day basis, the scheme could not accord with the requirements of criterion (c) of Policy 21 of the Local Plan.
21. The Chief Planning Officer's Advice Note also refers to "other development within a settlement" which comments that although a proposal may not fit entirely the definition of infilling or rounding off, development may be acceptable where there is no significant harm arising to social, environmental or economic considerations.
22. In this instance, irrespective of whether Ventongimps could be considered to be a settlement, the proposal would cause an encroachment of built development into the countryside. Whilst I acknowledge that the proposed structure would be built into the ground, the inclusion of a formally laid out parking area and likely presence of paraphernalia associated with domestic occupation would be harmful to the rural character and appearance of the area and, consequently, the proposal would not meet the approach as set out in the Advice Note with regards to environmental and social considerations.
23. Policy 7 of the Local Plan supports development proposals within the countryside where it shown that special circumstances, such as where there is re-use of a redundant building, where the proposal is for a replacement dwelling or where accommodation is required for rural workers, apply. A number of criteria are listed against which proposals may be assessed. None of these special circumstances apply to the appeal proposal and, consequently the proposal would conflict with Policy 7 of the Local Plan.
24. Notwithstanding the above, the appeal site is not located far away from other places, buildings or people, and, consequently, the proposed dwelling would not be considered to be isolated in terms of the Framework. Accordingly, the provisions of paragraph 79 of the Framework do not apply in this instance.
25. The Appellant has referred to a number of other developments which have been allowed at appeal and which the Appellant maintains are comparable to the appeal proposal. The circumstances of the appeals at Trevenna Cross² and at Tresowes³ are well known to me and both those appeals concerned development of garden land within villages which had a clearly definable shape and form with definable boundaries. For these reasons, the circumstances of those appeals are not comparable to the appeal proposal.
26. In respect of the appeal at Wheal Rose⁴, the Inspector found that the proposal would be located within a settlement and that development would not visually extend the settlement into the countryside. As noted above, I have had regard for both the wording of the relevant policies of the development plan as well as to the guidance contained within the CPOAN, and I have concluded that even in the event that Ventongimps was a settlement, the appeal scheme could not be

² Appeal Reference: APP/D0840/W/19/3237217

³ Appeal Reference: APP/D0840/W/20/3246882

⁴ Appeal Reference: APP/D0840/W/19/3225000

considered to be infill, rounding off or use of PDL. Therefore, the appeal scheme and the development at Wheal Rose is not comparable. I have determined this appeal on its own merits.

27. For the above reasons, I 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 Policies 1, 2, 3, 7 and 21 of the Local Plan which, together and amongst other things, seek to direct development to sites in line with the role and function of each place and provides best use of land.

Other Matters

28. I acknowledge that future occupants of the proposal could contribute to the vitality of Goonhaven and other settlements. Further benefits would also arise by reason of the contribution made towards local housing supply in respect of self-build dwellings. However, in my view and by reason of the modest scale of the proposed development, the benefits which the appeal scheme would bring are limited in scope, and would be outweighed by the conflict with the development plan and the resulting harm to the character and appearance of the surrounding area to which I attach significant weight.
29. Whilst I acknowledge the circumstances of the Appellant and the intention to use some of the internal space of the proposal for office space, in my experience granting planning permission on grounds of personal circumstances will rarely be justified in the case of permission for the erection of a permanent building. It is likely that if the appeal were allowed that the development would be significantly longer lasting than the personal circumstances used to justify it. Furthermore, there is no substantive evidence before me which confirms that there are no suitable existing properties within the surrounding area that could be used to accommodate the Appellant, but that would not result in the harm identified above.

Conclusion

30. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR