



Appeal Decision

Site visit made on 30 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 03 July 2020

Appeal Ref: APP/D0840/W/20/3247150

Land East of Otterham Park, Otterham, Camelford, Cornwall PL32 9SL

- 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 M Quinn against the decision of Cornwall Council.
 - The application Ref PA19/06342, dated 26 July 2019, was refused by notice dated 1 November 2019.
 - The development proposed is for outline planning permission with some matters reserved (appearance, landscaping, layout and scale reserved, access to be decided) for the erection of up to three dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission with some matters reserved (appearance, landscaping, layout and scale reserved, access to be decided) for the erection of up to three dwellings at Land East of Otterham Park, Otterham, Camelford, Cornwall PL32 9SL, in accordance with the terms of the application Ref: PA19/06342 dated 26 July 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. I have amended the original description of development to reflect that provided within the Council's decision notice in the interests of accuracy and consistency.
3. Outline planning permission is sought with all matters reserved except for access. The details submitted with the application include an illustrative block plan. Whilst not formally part of the scheme and provided for illustrative purposes, I have nevertheless treated these details as a guide as to how the site might be developed. I have determined the appeal on this basis

Main Issue

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

Reasons

5. The appeal site comprises land at Otterham Station and which is accessed from the B3262 highway. There is residential development to the west, north west and south of the appeal site. The site is bounded to the northeast by an established hedge bank beyond which there is an area of predominately open agricultural land.

6. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030) (the Local Plan). It sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place.
7. Policy 3 of the Local Plan sets out the strategy for the delivery of housing. Growth is centred on the named, larger settlements within the county. Otterham is not one of the named larger settlements. Criterion 3 of Policy 3 of the Local Plan provides that outside the larger named settlements, housing growth is to be delivered through the identification of sites through Neighbourhood Plans, rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining settlements, infill schemes and rural exception sites.
8. The evidence before me confirms that there is no made Neighbourhood Plan for Otterham and that the proposal has not been put forward as an exception site. The Council maintains that appeal site is outside of the boundary of the settlement and is located within the countryside.
9. As noted above, the appeal site is somewhat enclosed by residential development which is located within Otterham Park and at Belah Meadow. The site is separated from Otterham Park by a low wall which demarcates the boundaries of the garden amenity areas and separates the development at Otterham Park to that which is located at Belah Meadow.
10. Whilst the site is located at the periphery of Otterham Station, due to the presence and position of the existing nearby dwellings described above and by reason of the established hedge bank which forms the eastern boundary of the site, in my view, the appeal site appears to have a greater affinity and relationship to the residential built up area of Otterham Station rather than with the open countryside which can be found east and southeast of the site.
11. The main parties have drawn my attention 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 infill, PDL and rounding off of settlements, and as such I have had regard to this advice. The proposal would not fill a small gap in an otherwise continuous built frontage, so would not meet the definition of infill development. However, it has been put to me by the Appellant that the site can be considered to be PDL and would represent rounding off of the settlement.
12. In respect of PDL, while I acknowledge the historical information provided with regards to use of part of the site in conjunction with the railway line and station, very little evidence of the historic use of the site remains, with any features which would be recognisable as forming part of the former railway line having blended back in the land. Consequently, based on the information before me and from the observations made on my site visit, the appeal site would not constitute PDL as defined by the National Planning Policy Framework (the Framework).
13. Notwithstanding the above, the appeal site is constrained and predominately enclosed by residential development at Otterham Park and dwellings within Belah Meadow. To the south the site is bounded by the B3262 highway with residential development on the opposite of this highway from the proposed

point of access. As noted above, the site is bounded to the east by the establish hedge bank which, in my view, marks the logical boundary of the settlement. These established physical features would act as a barrier to further growth.

14. As I consider that the site has a greater affinity and association with the built form of the area and would be enclosed by features that would act as a barrier to further growth, the appeal scheme would not visually extend development into open countryside. It follows therefore, that the proposed development would comply with the principles of rounding off in terms of Policy 3 of the Local Plan.
15. With regards to the impact of the proposal on the character and appearance of the surrounding area, the evidence before me indicates that the site is located within Landscape Character Area CA36 (Delabole Plateau) of the Cornwall and Isles of Scilly Landscape Character Study (the CISLCS).
16. With a sensitive approach to design, landscaping and layout at the reserved matters stage, the development could integrate well with the abovementioned adjoining residential development. On that basis, and given the proposal would be seen to be physically related to the settlement rather than being an extension or encroachment into the countryside, the distinctive Cornish landscape as described within the CISLCS would be sustained. Accordingly, the proposal would not be harmful to the character and appearance of the surrounding area.
17. For the above reasons, I conclude that the site would provide a suitable location for the appeal scheme and would comply with Policies 2, 3 and 23 of the Local Plan which, amongst other things, seek to deliver housing based on the role and function of places, and which respects the distinctive landscape character of Cornwall. Given that the proposal would not be harmful to the surrounding countryside and landscape, the proposal would therefore accord with the objectives of Saved Policy ENV1 of the North Cornwall District Local Plan (1999).
18. The Council have also cited Policy 21 of the Local Plan within their reason for refusal and, for the reasons given above, I concur that the appeal site cannot necessarily be considered to be PDL. In this respect, whilst the proposal would not accord with criterion (a) of Policy 21 of the Local Plan, the proposal would, in my view, nonetheless appropriately increase building density within Otterham and would provide convenient access to a bus stop which provides regular services to the nearby larger settlements. In this respect, the proposal would accord with criterion (c) of Policy 21 of the Local Plan which seeks the best use of land.

Other Matters

19. An interested party has referred to a water pipe that crosses the appeal site, and to an easement in relation that water pipe. However, this is a private matter between the relevant parties and a matter of civil law, and as a planning application is determined on its planning merits, this is a consideration that has not altered my assessment of the appeal.
20. Furthermore, whilst I acknowledge the concerns of interested parties with regards to highway safety, in my view the point of access onto the B3262

highway would provide sufficient visibility to allow for vehicles to safely enter and exit the appeal site despite the high speeds of vehicles using the public highway.

21. The site is located within close proximity of the Ottery Valley Site of Specific Scientific Interest (SSSI). Natural England were consulted and concluded that following submissions of amended plans, there will be no significant adverse impacts on the Ottery Valley SSSI arising from the proposal. There is no evidence or submissions that lead me to any other conclusion than that provided by the Statutory Nature Conservation Body.

Conditions

22. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance.
23. Other than the standard outline conditions dealing with reserved matters and time limits, in the interests of the living conditions of future residents and in the interests of highway safety it is reasonable to include conditions requiring approval of the pedestrian link to Belah Meadow from the appeal site and in relation to vehicle access to the site. Furthermore, in the interests of protecting the environment, I have included a range of conditions with regards to assessment of, and remediation works that may be necessary, in relation to land contamination.
24. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council in order to better reflect the relevant guidance. The Appellant has been provided with the opportunity to comment on the wording of the Council's suggested pre-commencement conditions and these have been agreed by the Appellant.

Conclusion

25. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. Details of the appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. An application for approval of reserved matters must be made no later than the expiration of 3 years from the date of this decision and the development hereby approved shall commence no later than 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. The development hereby approved shall not be occupied until details of the pedestrian link to Belah Meadows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and permanently retained thereafter.
4. No dwellings shall be occupied until the means of access shall have been constructed in accordance with approved plan 2001. A dated 2 October 2019. The access shall be retained in accordance with the approved details thereafter.
5. No development, other than demolition of any buildings or structures, shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: a) a survey of the extent, scale and nature of contamination; b) the potential risks to: ' human health; ' property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; ' adjoining land; ' ground waters and surface waters; ' ecological systems; and ' archaeological sites and ancient monuments.
6. No development shall take place where following the risk assessment land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred options, the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site

will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

7. The approved remediation scheme in condition 6. shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority before the development or relevant phase of development is occupied.
8. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.