



Appeal Decision

Site visit made on 29 June 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2020

Appeal Ref: APP/D0840/W/20/3248576

Land West of The Old Merrymeet Chapel, Merrymeet, Liskeard PL14 3LP

- 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 Peter & Mrs Lynette Luck against the decision of Cornwall Council.
 - The application Ref PA19/08054, dated 13 September 2019, was refused by notice dated 8 November 2019.
 - The development proposed is construction of single dwelling and garage (and continued use of land for stationing of mobile home during construction period).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is made in outline form with all matters save for access reserved. I have treated the proposal on this basis with reference only to the submitted Site Location Plan.

Main Issue

3. The main issue is the suitability of the site for a dwelling, having regard to local policies in relation to the location of housing.

Reasons

4. The appeal site lies to the south of the A390 and currently comprises part of a field used for equestrian grazing. There is a stable building in the south-west corner of the site in a discreet position adjacent to some large trees. There is currently a caravan in the rearward central part of the site and some evidence of domestication around the site generally.
5. To the far south-west beyond the site is a large building used as an equine veterinary centre. To the east of the site, adjoining the A390, is the former Merrymeet Chapel, which has been converted into a residential dwelling. To the north, on the opposite side of the A390, is the main built form of the village of Merrymeet. There are a few dwellings forming part of the village fronting the A390, but they are largely either well set back or set behind substantial boundaries. The main built form is therefore sited away from the A390, behind the frontage dwellings, accessed via a turning from the A390 towards Church Road.
6. On approach to the village from the west, the bus shelter is visible, but does not have any particular presence as a building within the street scene. The side

- elevation of the former chapel is visible and it appears as a standalone building. Whilst it may be used as a residential dwelling now, the building has been sensitively converted and its former use is still very apparent.
7. From the east, the approach to the village is dominated by the former chapel with little evidence of buildings beyond or opposite it. Both the stable building and veterinary centre are fairly discreetly sited in relation to the road and lack the same presence. They also benefit from a degree of screening by tree canopies and are constructed from materials and muted colours befitting of their countryside setting.
 8. In terms of the highway environment, despite the presence of a cluster of road signage and lighting columns in the vicinity of the junction to the village, the A390 itself is wide, caters for fast moving traffic and is unwelcoming for pedestrians. In my view, it represents a definite edge to the settlement of Merrymeet.
 9. Policies 1 and 2 of the Cornwall Local Plan (CLP)¹ identify the strategic requirements of the development plan. Policy 3 of the CLP seeks to support growth which is adjacent to or within settlements and which would constitute 'rounding off' or 'infilling', or the reuse of Previously Developed Land (PDL) within or adjoining that settlement. Whilst it is accepted that Merrymeet is a settlement, albeit without facilities, the proposal must 'infill', 'round off' or constitute the redevelopment of appropriately located PDL in order to comply with CLP Policy 3. Regard is to be had to the Council's Advice Note² on 'Infill/Rounding Off' for the purposes of such assessments.
 10. Whilst the former chapel is a residential dwelling, in visual terms, it stands apart from the settlement. The A390 appears to be the hard boundary that demarks the settlement edge. Neither the stable building or the veterinary centre appear as buildings that logically form part of the settlement and thus, the appeal site does not appear to form a gap that could be 'infilled' with a dwelling. The introduction of a dwelling on the site would visually extend the settlement beyond its current limits.
 11. For similar reasons, the proposal would not represent 'rounding off'. The caravan presently positioned on site, which is allegedly being used as sleeping accommodation, has had the effect of introducing a residential use onto a visually prominent site which stands apart from the settlement. The proposal to position a dwelling in place of the caravan would have similar effects.
 12. Though there are more substantial hedgerows enclosing other edges of the settlement which contrast with the mix of high boarded fence enclosure and low hedgerow around the appeal site, this aspect in itself is not determinative in respect of whether the site forms a logical part of the settlement. Nor does the presence of highway signage nearby extend any characteristics to the site that make it appear a part of the settlement.
 13. The case is also made that the appeal site is previously developed land (PDL) owing to the existence of the stables and alleged continuous equestrian use following its disaggregation from the adjacent veterinary centre. Whilst the site may benefit from PDL status, under CLP Policy 21, the increase of building density, as would be the case here, must take appropriate account of the

¹ Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP) (adopted 2016)

² Chief Planning Officer's Advice Note: Infill/Rounding Off – December 2017

character of the surrounding area. The site falls on the opposite side of the A390 which represents a hard edge to the settlement and would therefore visually extend development into the adjoining countryside. Such use of PDL would not be appropriate in terms of the character of the area.

14. I have considered the other allegedly similar cases cited by the appellants. From the evidence available, the smaller scale and looser form of those settlements, combined with the width, design and nature of the highways that separated the actual sites from neighbouring dwellings are very different in character to Merrymeet and its relationship with the A390. Additionally, the former chapel itself would have been considered under policies relating to the conversion of redundant buildings in the countryside. In any case, given that the matters at hand are site specific and fact sensitive, relying upon planning judgement, these decisions carry very limited weight in my reasoning.
15. Considered in the round, the appeal site reads in all reality as part of the countryside and therefore falls to be determined under Policy 7 of the CLP. Policy 7 seeks to avoid new homes in the countryside unless there are special circumstances. None of its prescribed circumstances would apply to this proposal.
16. In view of this main issue, the site is not suitable for a dwelling, having regard to local policies for the location of housing. It would conflict with the relevant aims of, in particular, Policies 1, 3, 7 and 21 of the CLP and the National Planning Policy Framework (the Framework). Despite the scheme's outline form, insofar as the introduction of a dwelling would visually extent the settlement beyond its current limits, it would also conflict with CLP Policy 23 which, amongst other things, seeks to maintain local distinctiveness and character.

Planning Balance and Conclusion

17. The proposal would provide a new, modest sized dwelling to the local housing stock which would contribute to the vitality of the community. These are modest benefits of the proposal given its overall scale. That the appellants intend to relocate to the proposed dwelling to pass their current home to a family member is a consideration I have also noted from the evidence.
18. The site would not, however, be a suitable location for housing having regard to local policy. This constitutes harm of significant weight in my assessment, outweighing the modest benefits of the scheme.
19. I therefore find that the proposal would conflict with the development plan when read as a whole and that there are no other considerations, including the Framework or support from local residents, that outweigh the conflict.
20. For the reasons outlined above, I conclude that the appeal should be dismissed.

Hollie Nicholls

INSPECTOR