
Appeal Decision

Site visit made on 25 August 2020

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

an Inspector appointed by the Secretary of State

Decision date: 01 September 2020

Appeal Ref: APP/D0840/W/20/3252472

Land South of 3 Swelle Cottages, Poundstock, Bude, Cornwall EX23 0DW

- 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 & Mrs M Faulkener against the decision of Cornwall Council.
 - The application Ref PA20/00228, dated 2 January 2020, was refused by notice dated 19 March 2020.
 - The development proposed is the conversion of outbuilding to dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of accuracy and consistency, I have used the address as provided on the Council's Decision Notice in the banner heading above.

Main Issue

3. The main issues are;
 - Whether the proposed development would be in a suitable location for housing with regards to National and Local Planning Policy; and,
 - The effect of the proposed development on the living conditions of future occupiers, with particular regard to risks from land contamination.

Reasons

Location of Development

4. The appeal site comprises land and an outbuilding which was originally approved as a garage and store. The submissions confirm that construction of the outbuilding was originally permitted¹ by the Council in January 2013 and, subsequently, was amended by a later permission² in December 2013. Those planning permissions included conditions which restricted its use as a garage and store ancillary to the host dwelling at 3 Swelle Cottages.
5. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan)³. It sets out a

¹ Local Planning Authority Reference: PA12/09630

² Local Planning Authority Reference: PA13/09168

³ Adopted November 2016

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.

6. The main parties agree that the appeal site is located outside of any settlement. Policy 3 of the Local Plan seeks to control the distribution of new dwellings across Cornwall and includes provisions setting out circumstances in which development at locations such as the appeal site, may occur. As such Policy 3 of the Local Plan limits rural housing to particular types of windfall development, including dwellings built on previously developed land (PDL) and rounding off, within or immediately adjoining small settlements. However, as noted above the appeal site is not located within a settlement and, by reason of the separation distance to Poundstock, could not be considered to be immediately adjoining a settlement.
7. The supporting text to Policy 7 of the Local Plan defines open countryside as being the area outside of the physical boundaries of an existing settlement where it has a clear form and shape. The policy supports development proposals within the open countryside where it is shown that special circumstances exist. A number of criteria are listed against which proposals may be assessed and, amongst other things, this policy is supportive of proposals which reuse suitably constructed existing buildings and where such development would lead to an enhancement of the immediate setting.
8. In this regard, criterion 3 of Policy 7 of the Local Plan provides that the building to be converted into housing should have an existing lawful residential or non-residential use and be ten years old or greater. Further clarification is provided in paragraph 2.36 of the Local Plan which indicates that buildings should have been erected and used for the purpose for which they have a lawful use for at least ten years, before they will be considered for reuse as housing.
9. The existing building is located adjacent to, but separated from, 3 Swelle Cottages. The appeal building is simple in form and utilitarian in appearance. The design, scale and location of the appeal building reinforce its appearance as an ancillary building which serves the adjacent cottage. From the information before me, and from observations made on my site visit, it does not appear that the appeal building is disused or redundant. Furthermore, it is apparent from the details of the previous planning permissions as described above, that the appeal building is less than ten years old. As such, in combination with the apparent continued use of the building, the proposed reuse of the building would not be permitted under the terms of criterion 3 of Policy 7 of the Local Plan.
10. I note that the appeal proposal would not increase the overall footprint or scale of the existing building. However, the appeal proposal would introduce features, such as the replacement of the garage doors with windows and a door which would have a domestic appearance, which would alter its character and appearance as an ancillary building to that of a residential dwelling. Furthermore, it is likely that the proposal would result in an intensification of residential activity with all the domestic paraphernalia that that would entail.
11. The appeal site is located adjacent to, and set back from, the A39 highway and is highly visible to those travelling along this main road. The combination of the above factors leads me to conclude that the appeal proposal would not appear well related in terms of character and appearance to the existing cottages

which are located adjacent to the site and, by reason of the design and intensification of residential activity at the site, the appeal scheme would be harmful to the character and appearance of the surrounding area. In this regard, I find that the proposal would not lead to an enhancement of the immediate setting. I, therefore, conclude that the proposal would conflict with criterion 3 of Policy 7 of the Local Plan.

12. The Appellants have put it to me that the proposed development would represent best use of land and an existing building, in accordance with the provisions of the Local Plan. Policy 21 of the Local Plan 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.
13. As noted above, the appeal site is located close to the A39 highway but outside of the nearest settlement at Poundstock. The evidence before me indicates that Poundstock provides access to a village hall, farm shop and bus stop. However, the route between the site and the services and facilities that Poundstock provides, is steeply inclined in places and access on foot or by bicycle would require travelling along sections of the A39 highway where there are no pavements or street lighting. In my experience and as I observed on my site visit, volume of traffic using this highway is significant. Consequently, travelling to the nearest services and facilities would not represent a particularly safe or attractive option for pedestrians or cyclists especially at night or in adverse weather conditions.
14. For the above reasons, I conclude that future occupants of the appeal scheme 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. Given that the appeal site is not well located with regards to services and facilities, and given that increasing density of housing at the appeal site would not be appropriate with regards to the character of the surrounding area as described above, the appeal scheme would not accord with Policy 21 of the Local Plan when taken as a whole.
15. In the determination of this appeal, I acknowledge that the proposed development would provide some benefits in terms of an additional unit towards housing supply, with future residents contributing to the viability of those businesses located within the wider surrounding area. However, these benefits are limited due to the scale of the proposal and, accordingly, I attach limited weight to these benefits.
16. Weighing against the proposal, I attach significant weight to the proposal's conflict with the development plan and the resulting identified harm to character and appearance of the surrounding area. These matters lead me to conclude that the identified harm and development plan conflict would outweigh the limited benefits that the scheme would provide. Furthermore, the likely heavy reliance on motor vehicles to access services and facilities would conflict with the environmental dimension of sustainable development. Consequently, the appeal scheme would be in conflict with Policy 1 of the Local Plan, which seeks to support sustainable development within Cornwall.
17. In light of all of the above reasons, I conclude that the appeal scheme would conflict with Policies 1, 2, 3, 7, 12 and 21 of the Local Plan which, together and

amongst other matters, seek to direct development to sites in line with the role and function of each place and provides best use of land in a location which has suitable access to services and facilities reasonably required on a daily basis.

Living Conditions

18. Policy 16 of the Local Plan concerns health and wellbeing and, amongst other things, seeks to ensure that development protects, and alleviate risks to, people and the environment from unsafe, unhealthy and polluted environments by avoiding or mitigating against harmful impacts and health risks such as land contamination.
19. The evidence before me indicates that there is a pump house located within the appeal site which may potentially be hazardous with regards to land contamination by reason of leakage of hydrocarbons. Whilst it is acknowledged that the Appellants provided a document entitled Contaminated Land Report in support of the planning application, this was dated October 2018 and the evidence indicates that the report did not provide the necessary information in relation to a requested phase 1 preliminary assessment report.
20. I acknowledge that conditions can be imposed in relation to such matters that would provide the opportunity to fully investigate the whole site. However, given the sensitive nature of the surrounding area and by reason of the precautionary approach as advocated by the National Planning Policy Framework (the Framework), I consider further information with regards to potential land contamination is required prior to any permission being granted.
21. Therefore, there is insufficient information relating to contamination at the site and the potential implications on the living conditions of future occupiers. The proposal would therefore conflict with the provisions of Policy 16 of the Local Plan as described above, and would fail to accord with the aims and objectives of paragraphs 178 and 179 of the Framework which, amongst other matters, states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.

Other Matters

22. The Appellants have drawn my attention to several other developments within the wider surrounding area, and I am informed that these developments have been permitted outside villages and towns. However, I do not have full details of each of the referred to applications and permissions, and as such am unable to conclude whether they are directly relevant to this appeal in terms of compliance with the development plan. In any case, I have considered this appeal based on the evidence before me and on its own merits.

Conclusions

23. 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