

Appeal Decision

Site visit made on 18 August 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/D0840/W/20/3250111

Moorfield Barns, School Road, Praze-an-Beeble, Camborne TR14 0LB

- 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 Mrs G E Carter against the decision of Cornwall Council.
 - The application Ref PA19/06679, dated 30 July 2019, was refused by notice dated 4 October 2019.
 - The development proposed is for the construction of a single storey dwelling (revised).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs G.E. Carter against Cornwall Council. This application is the subject of a separate Decision.

Main Issues

3. It has been put to me that the Council did not refuse the planning application for reasons of the principle of development in relation to its location and that the deciding issues concern the visual impact of the proposed development and its relationship with Moorfield Barns. However, the submitted evidence indicates that the suitability of the appeal proposal in relation to its location forms part of the Council's concerns and is covered in its reason for refusal.
4. For example, the Decision Notice refers to the appeal site's countryside setting outside of Praze-An-Beeble and alleges conflicts with development plan policies that relate to this issue. The Council's Officer Report also covers the topic, including in relation to the site's location and the settlement boundary of Praze.
5. Consequently, it is clear to me that the location of the proposed development is a relevant consideration, and I note that the main parties appeal statements also cover the topic in some detail. The main issues are therefore:
 - whether the proposed development would be in an appropriate location, with particular regard to the character and appearance of the surrounding area; and
 - whether the living conditions of the occupiers of Moorfield Barns and future occupiers of the proposed development would be acceptable.

Reasons

Character and appearance

6. The area surrounding the appeal site includes a variety of built form, including Moorfield Barns and Moorfield House to the west, the primary school to the north-east and the development of terraced houses to the north-west on Crewenna Road. Other development elsewhere in Praze is further away and is thus not relevant to the site and its setting.
7. Located within what is described as its curtilage, the appeal site forms part of the plot of Moorfield Barns. However, while this affords it a relatively residential character, the site as a whole has an open and spacious appearance. Despite the boundary wall, this visually links it with the adjacent open field and its rural surroundings. It is also separated from surrounding built form by the degree of separation to the above buildings and by features such as the highway, trees and strong boundary hedges with extensive soft landscaping. The site is therefore experienced as visually and physically distinct from the residential built environment of Praze and instead appears from the public realm as relating to its rural surroundings and being outside of the settlement.
8. The Crowan Parish Neighbourhood Development Plan 2018-2030 (CPNDP), was 'made' on 18 September 2019 and therefore formed part of the development plan when the Council made its decision on the planning application now the subject of the appeal. It establishes settlement boundaries for a number of villages, including Praze. Although located close to it, the site is outside of the settlement boundary of Praze as defined by the CPNDP.
9. Although the site is not located in a designated area and despite boundary treatment and soft landscaping, I observed on my site visit that it is relatively prominent and is clearly visible from the public realm. This includes through the entrance, at various points along the adjoining highway in both directions, from the adjacent junction and from the development on Crewenna Road. The setting of the proposed dwelling, its siting contiguous with the field to the east and the reasonable degree of separation to Moorfield Barns means that the appeal proposal would be experienced as extending the residential built environment beyond the edge of Praze and into the rural surroundings. The appellant's present house acting as a backdrop and the potential for additional soft landscaping do not lead me to a different conclusion.
10. With a single-storey and designed to appear as a traditional converted barn, resembling that of Moorfield Barns, the form of the proposed dwelling would be relatively modest. Its scale would also appear acceptable in relation to the size of the site. However, given its fenestration – with eight openings visible from the public realm – and its position, it would nevertheless appear as a reasonably sizeable residential building encroaching into the rural landscape. Irrespective of the positioning and size of the openings and the fenestration of Moorfield Barns, this would accentuate the impression of the proposed development extending domestic built form beyond the settlement. Accordingly, it would be read as eroding and failing to positively contribute to the character of its rural surroundings. In coming to this view, I have taken account of the fact that the Council has not referred to any design codes.
11. CPNDP Policy HT1 sets out, amongst other aspects, that small scale development on previously developed land within the development boundaries

will be supported. Although the supporting text indicates that the intention of the policy is to direct development to existing settlements to minimise impact on the open countryside, the policy itself does not place a blanket exclusion on development which is located outside of settlement boundaries. However, Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) indicates that housing growth outside of main towns will also be delivered through, amongst other aspects, development of previously developed land within or immediately adjoining settlements.

12. The main parties agree that the site constitutes previously developed land and, given its association with Moorfield Barns, I agree. Nevertheless, the site is not within the defined settlement boundary and, given its situation and visual and physical separation from surrounding built form, it also cannot reasonably be described as being within or immediately adjacent to the settlement of Praze. Accordingly, there is no policy support for the appeal proposal in relation to CPNDP Policy HT1 and CLP Policy 3.
13. A number of appeal decisions have been put to me as indicating that the appeal proposal is acceptable in relation to this matter. However, the circumstances of each of the developments are sufficiently at variance to the site that I have judged this appeal proposal on its own individual merits. For example, the site at Whitecross was found to be immediately adjoining the settlement, the scheme at St Erth was for a rural exceptions site and the site at Wheal House was found to be part of the settlement and involved rounding-off.
14. For the above reasons, I conclude that the proposed development would not be in an appropriate location, with particular regard to the character and appearance of the surrounding area. I therefore find that it conflicts with CLP Policies 1, 2, 3, 12 and 23 and CPNDP Policy HT4. Amongst other aspects, these set out the Council's approach to decision making, its spatial strategy and hierarchy for accommodating development, and require development of a high quality to: ensure Cornwall's enduring distinctiveness and maintain and sustain the special character of Cornwall and the locality; be well related to the physical form of the settlement and be appropriate in character and appearance; and be of a design that recognises and respects landscape character. The proposal would also be inconsistent with the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed places.
15. For the above reasons, the proposal would not comply with CPNDP Policy HT1. However, given that policy is silent on development outside of settlement boundaries, I find that there is no direct conflict with it either. Be that as it may, the policy does not support the development while its aim, to direct development to existing settlements, would not be achieved by the appeal proposal.
16. The Council alleges a conflict with Framework paragraphs 70 and 79. However, my attention has not been drawn to any words in them that are relevant to this main issue and I am satisfied that the site is also not isolated. The provisions in those paragraphs have therefore not been determinative in my decision.

Living conditions

17. The proposed development would utilise part of the plot of Moorfield Barns. The proposed and existing dwellings and their associated parking and garden areas

- would be separated by the erection of a stone wall with timber fence on top. Access would be via Moorfield Barns' existing but widened vehicular entrance off the highway.
18. There would be a reasonable degree of separation between the dwellings. The proposed boundary treatment would separate the two properties and their plots. The amount of fenestration on the elevation of the proposed dwelling that would face Moorfield Barns would also be limited and largely located behind the proposed stone wall and fence. As such, the relationship between the two properties and the living conditions of future occupiers of the proposed development would be acceptable. Although somewhat constrained in terms of size and layout, it seems to me that there would also be sufficient space for vehicles to park and turn within each of the proposed plots.
 19. However, the shared access would be situated adjacent to Moorfield Barns. Vehicles and any pedestrians using the shared entrance would therefore pass in close proximity to it. Although vehicles and pedestrians heading to the proposed dwelling would only pass in front of part of Moorfield Barns before being separated from it by the proposed boundary treatment, the shared access would nevertheless result in significant overlooking of the existing dwelling, particularly given the extensive fenestration on its eastern elevation. Although vehicular and pedestrian movements associated with only one dwelling would be likely to be limited, vehicles entering and leaving the appeal site would also lead to some additional disturbance given they would pass directly in front of part of Moorfield Barns.
 20. It has been put to me that shared access arrangements are not uncommon and that such scenarios are not prohibited in principle. Be that as it may, this does not mean that the arrangement proposed here would be acceptable.
 21. Two permitted developments with higher densities and in smaller gardens than the appeal site have also been brought to my attention. Given the submitted details of each scheme, it was not necessary for me to visit the sites in question. However, the particular circumstances of those schemes – which the available evidence indicates involve a shared access running beside the existing host dwellings rather than in front of them, as is the case with this appeal – do not reflect this site and appeal proposal and are therefore not particularly comparable. Accordingly, I attach limited weight to the examples and have determined the appeal proposal on its own merits.
 22. For the above reasons, although the living conditions of future occupiers of the proposed development would be acceptable, I conclude that the living conditions of the occupiers of Moorfield Barns would not be acceptable, with particular regard to the shared access arrangement. I therefore find that the appeal proposal conflicts with CLP Policy 12. Amongst other aspects, this requires development to protect individuals and property from overlooking and unreasonable loss of privacy and disturbance. The proposal would also be inconsistent with the provisions in the Framework in relation to achieving a high standard of amenity for existing users.

Other matters

23. The site is within an area identified to be at risk of flooding. Although the Council identified some shortcomings with the submitted Flood Risk Assessment (FRA), it considered that these could be dealt with by condition

and did not cite flooding as a reason for refusal. However, the Environment Agency submitted comments at appeal stage highlighting that it has an outstanding objection to the proposal on the basis of an inadequate FRA. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

Planning Balance

24. The proposed development has been amended compared to the previously refused planning application for a similar scheme on the site. The appeal proposal would provide social benefits in the form of an additional dwelling in a rural area and economic benefits would arise from employment related to the construction phase of the development. The Council has also not raised concerns regarding construction standards, landscaping or the safety of existing and future occupants.
25. However, given the development's scale, I am satisfied that the benefits would be relatively limited. The harm I have identified above and the conflict with the development plan is therefore not outweighed by these considerations and is sufficient for me to find against the proposal. The development also cannot reasonably be described as providing environmental benefits given my findings in relation to its effect on the character and appearance of the surrounding area.

Conclusion

26. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR