



Appeal Decision

Site visit made on 30 September 2020

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/D0840/W/20/3249582

Land north of Trewithian, Poundstock, Bude, EX23 0DS

- 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 C Gilbert against the decision of Cornwall Council.
 - The application Ref PA19/09662, dated 1 November 2019, was refused by notice dated 2 March 2020.
 - The development proposed is residential development of 5 dwellings and new access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has raised concerns over the Council's handling of the application, including conflicting advice received from Planning Officers, from positive advice at the pre-application stage and during the applications determination, to an Officer recommendation to refuse permission at Planning Committee. The appellant also alleges that the local planning authority been inconsistent in determining similar applications for housing development. A further concern has been raised over compliance with Parish Council protocols.
3. The handling of application and how the proposal was assessed by Planning Officers, as well as the protocol for consulting with the Parish Council, are not matters that I can comment on in relation to an appeal that has been made under section 78 of the Town and Country Planning Act 1990. Whilst I have had regard to the positive advice initially received from Planning Officers and the examples of other similar developments permitted by the Council, this has not affected my duty to determine the appeal proposal based on an impartial assessment of the merits of this specific case. Any outstanding complaints on procedures, protocol and alleged inconsistencies would need to be taken up directly with the Council.

Main Issues

4. The main issues are:
 - whether the proposed development would be acceptable having regard to local and national planning policies on the location of housing; and,
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitability of the location

5. The appeal site is located on the western side of the A39. It comprises an open field that at the time of my site visit was being used to graze sheep.
6. The spatial strategy for the area is set out in Policy 2 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP). In relation to housing, it seeks to manage the location and scale of new development. This approach is expanded in Policy 3, which confirms that housing development will be accommodated in accordance with a hierarchy, with part 1, delivered through a Site Allocations Development Plan Document or Neighbourhood Plan for the identified main towns; part 2 through specific eco-communities; and part 3, in areas outside the main towns, through Neighbourhood Plans, rounding-off of settlements, previously developed land, infill or rural exception sites.
7. The settlement of Poundstock is best described as a small village (I note that the Council's decision notice refers to the "*built form of Bangors*" but that most of the submissions refer to it as Poundstock, and I have, therefore, adopted the latter throughout).
8. Based on my observations on site and the evidence before me, the village has a well defined shape, with built development concentrated in a linear form either side (east west) of the A39 crossroads with Vicarage Lane. Whilst there is some limited development north of this crossroads, to the south west the boundary of the village is well defined by the rear of the properties that front onto Vicarage Lane. This is repeated on the south eastern side of the crossroads, with various properties fronting the lane including Bangor's Organic Bed & Breakfast.
9. In functional and visual terms, the appeal site does not form part of the village. The northern boundary of the appeal site abuts the church, but this building, as with other adjoining properties, faces the lane. As you enter the village from the south, on the A39, the view is of the rear of these properties, with the appeal site seen in the forefront as an open field. There is no visual link between the predominantly linear pattern of development in the village and the appeal site.
10. Whilst the southern boundary of the appeal site adjoins an existing property, Trewithian, with a further property adjoining this, these properties are isolated and are not viewed in the same context as the built form or pattern of development in the village. It is not uncommon to find properties such as this located well outside village boundaries. As you drive or walk along the A39, the appeal site clearly reads as being an open agricultural field that links with the field behind it, and the woodland and hills beyond that.
11. For the above reasons, I find that that the appeal site forms part of the open countryside that surrounds the village.
12. Within this context, the appeal site is not allocated for development, it is not within an identified main town and does not form part of one of the eco-community proposals. In relation to part 3 of Policy 3, there is no current Neighbourhood Plan and the proposal is not being promoted as a rural exception site (in line with Policy 9).

13. The appellant contends that the proposed development represents infill and/or rounding-off in, accord with part 3 of Policy 3. Paragraph 1.65 to Policy 3 confirms that *"For the purposes of this policy, 'infilling' is defined as the filling of a small gap in an otherwise continuously built up frontage that does not physically extend the settlement into the open countryside."* As I have found, the appeal site does not form part of a continuous built frontage, it is not a *"small gap"* and it would involve physically extending the built form of the village into the open countryside.
14. Paragraph 1.67 of the CLP states that large gaps are often found between the edge of settlements and other isolated dwellings beyond its edge, but that these are not appropriate locations for infilling. In my view, this accurately describes the appeal site.
15. For the above reasons, the proposed development does not fall within the definition of infill.
16. In terms of rounding-off, the Council have produced a Chief Planning Officer's Advice Note on Infill/Rounding-off (December 2017) (CPO Note). Whilst the latter is not a statutory document, its purpose is to assist in interpreting part 3 of Policy 3 of the CLP. It is, therefore, an important consideration in this appeal and provides helpful guidance on what the Council regard as rounding-off.
17. Based on the CPO Note and Policy 3, the proposed development would not, in my view, represent rounding-off. This finding is supported by the following: the appeal site does not have the appearance of being within the physical boundaries of the village; it does not include a clearly defined physical edge or feature on its western boundary that would act as a firm barrier to future growth; it would not provide for the symmetry or completion of the village boundary; it would visually extend the village and built development into the countryside; and, it would not represent a logical extension to the village. Furthermore, there is no evidence before me that the appeal site is contaminated or despoiled land, and on the contrary the site is clearly used for agricultural purposes as I observed on my site visit.
18. As with all such assessments, they require an element of planning judgement to be applied and should be considered on a case by case basis. Even so, these findings are supported by the observations I made on my site visit, as well as the various photographs and plans that have been provided in evidence.
19. The appellant contends that the speed limit restrictions to be introduced on the A39 south of the appeal site represent a fundamental interpretation of the village boundary. I do not accept that speed restrictions can be used as a consideration in determining the physical boundaries and built form of settlements. The appellant argues that the appeal proposal would contribute to the sense of symmetry in the village. I do not share that view for the reasons given above. The appellant also contends that there is a good element of development north and south of the crossroads axis. As I have found, there is some limited development north of the crossroads, but this does not affect the findings I have reached.
20. The appellant has referred to an existing access to the south of the appeal site. However, that is not an uncommon feature in countryside locations. With

regard to Bangors Organic, to the east of the appeal site and the A39, this is a smallholding producing organic vegetables, either grown in the open or in polytunnels, and is not part of the built form of the village.

21. The appellant refers to the existence of a more established boundary further west, on land in their ownership. However, that land does not form part of the appeal proposal before me and would in any case simply result in further sporadic development extending into the open countryside.
22. The appellant has referred to a number of other planning decisions to support their contention that the proposal represents appropriate infilling or rounding off. The Council have similarly provided cases of their own. The CPO Note states that applications should be looked at on a case by case basis. That is the approach I have taken, supported by my observations on site. That has led me to consider the appeal proposal on its individual merits, having regard to the particular circumstances of this case. For these reasons, and whilst I have had regard to these various decisions, they do not affect my findings on this issue.
23. In relation to Policy 7 of the CLP, this sets out the special circumstances whereby new dwellings will be permitted in the open countryside. The latter is defined in paragraph 2.33 of the CLP, as those areas outside the physical boundaries of existing settlements, which, as I found above, would include the appeal site. However, none of the exceptions in this policy apply to the appeal proposal.
24. Accordingly, I find that the proposed development is not suitably located and that there are no exceptional circumstances to justify development in the countryside. In addition, I find that the proposed development would not constitute infill or rounding-off. As a consequence, the appeal proposal would be contrary to Policies 1, 2, 3, 7, 9 and 21 of the CLP and the corresponding policies of the National Planning Policy Framework (February 2019) (Framework).

Character and appearance

25. As you approach the appeal site from the north, passing by the existing church on Vicarage Lane, the character of the area changes and becomes distinctly rural, with open fields bounded by established hedging/banks. In approaching from the south, the appeal site is again viewed as forming part of the open countryside that surrounds the village.
26. Within this context, the appeal proposal would result in built development encroaching further into the open countryside. It would harm the contribution that the appeal site makes to the open setting of the village and the transition from the established built form of the village to the countryside. It would also result in a development that would be poorly related to the village, due to the fact that it would appear visually and physically separated from its predominantly east west linear form.
27. The Council state that the appeal site lies within an Area of Great Landscape Value and Heritage Coast. Whilst no further details of this designation are provided, the submitted evidence does show that the appeal site is situated within the Bude Basin Landscape Character Area, LCA 38, in the Cornwall & Isles of Scilly Landscape Character Study (2008). The latter confirms that the

landscape character of this rural area is in moderate condition and as with the coastal areas, is under pressure from tourism related development. It also states that the character of the inland areas comprises medium sized fields and Cornish hedging.

28. In this respect, Policy 23 of the CLP seeks to protect local distinctiveness and confirms that where new development is to be permitted it should protect and where possible enhance Cornwall's natural environment. A similar approach is set out in Policy 2. The emphasis is on the need for proposals to maintain and enhance the special character of Cornwall and to protect and conserve its rural landscapes, whether designated or undesignated.
29. The appeal proposal would involve the construction of five large dwellings and extensive areas of hardstanding for parking, access and turning, in a continuous line fronting the eastern boundary of the appeal site with the A39. It would result in the significant urbanisation of the open setting to the village, and in the village being extended into the open countryside. As a result, the proposed development would have a harmful impact on the established rural and landscape character of the area.
30. The appellant has referred to the proposal for Cornish drystone walls and landscaping to enclose the development. However, any new landscaping and boundary treatment would not mitigate for the significant visual impact that the proposed development would have on the rural character of this location.
31. The appellant argues that the appeal site does not form an important gap and that five new dwellings in the context of the large number of existing dwellings within the village would not be harmful to the local landscape and character. I do not agree. The proposed development would significantly diminish the openness and value of the appeal site, not only to this part of the open countryside, but also to the setting of the village, a finding supported by paragraph 1.66 of the CLP.
32. The appellant contends that the proposed development would not be more visually prominent than the existing properties to the south of the appeal site. The cross section submitted by the appellant, shows the significant scale of the proposed development in relation to the existing church. However, this cross section does not show the relationship with the existing properties to the south. As I observed on site, these existing properties appear to be mostly single storey, are low key and reasonably well hidden. In comparison, the visual impact of the appeal proposal would, in my view, be significantly greater.
33. Accordingly, I find that the proposed development would result in harm to the character and appearance of the area contrary to Policies 2 and 23 of the CLP. Combined, these seek to maintain and enhance the quality of the natural environment, with the emphasis on protecting, conserving and enhancing natural landscapes, an approach that is consistent with the corresponding policies of the Framework.

Other Matters

34. I accept that the appeal proposal would make a contribution to meeting future housing provision, as well as increasing spending locally and would generate short term employment during construction, benefits that are supported by other policies in the development plan and the Framework. However, the

economic benefits would be small and the Council indicate that they are able to demonstrate a 5-year supply of housing land, which has not been challenged. There is also no evidence before me to indicate that the housing requirements of the area cannot be met through commitments, allocations and windfall sites, the latter in locations that comply with the CLP's spatial strategy. In view of this, I have attached only limited weight to these benefits and they are not sufficient, either individually or cumulatively, to outweigh the significant harm that I have identified.

35. In relation to the presumption in favour of sustainable development, as paragraph 11 c) of the Framework confirms, that only applies to development that accords with an up to date development plan. As I have found, the proposed development would be contrary to the CLP, which is up to date and consistent with the policies in the Framework.

Conclusions

36. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR