The Planning Inspectorate

Appeal Decision

Site visit made on 4 February 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2021

Appeal Ref: APP/D0840/W/20/3259856
Land at Hilton Road, Marmahamchurch, Cornwall

- 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 Stevens Homes Ltd against the decision of Cornwall Council.
- The application Ref PA19/09412, dated 24 October 2019, was refused by notice dated 30 July 2020.
- The development proposed is erection of 20 dwellings (inc. 30% affordable housing), public open space, access and associated works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, a S106 planning obligation was received providing for affordable housing, the provision and maintenance of public open space and contributions towards education. The Council confirmed that the S106 adequately addressed the second reason for refusal. I return to this matter later in my decision.

Main Issues

3. The main issues are:

   - whether the location of the proposal accords with local policies that seek to limit development outside of existing settlements in order to minimise travel and protect the character of the surrounding countryside; and

   - whether the proposal would deliver adequate affordable housing, public open space and contributions towards education.

Reasons

Location of development

4. The Cornwall Local Plan (CLP) (adopted 2016) provides for housing and business growth over the plan period in accordance with a broad hierarchy of settlements as set out in Policy 3. The main towns and locations identified are to receive the largest proportion of growth, largely guided by a Site Allocations DPD[1]. Policy 3 also indicates that the other settlements capable of accommodating economic and residential growth should do so at a scale appropriate to their role and function, through means such as neighbourhood plan allocations, infilling, rounding off and development of appropriately located

[1] Cornwall Site Allocations Development Plan Document (2019)

previously developed land (PDL). The other means through which housing can be delivered in smaller settlements, outside of, but adjacent to the built form of the respective settlement is through exceptions housing schemes (Policy 9).

5. The Council's Chief Planning Officer's Advice Note: Infill/Rounding Off (2017) has been referred to by the appellant. This is, amongst other things, intended to provide guidance on the interpretation of infill and rounding off development. It advises that suitable sites are likely to be surrounded on at least two sides by existing built development, but also acknowledges that whether a site has the appearance of being within the physical boundaries of that settlement will require a case-specific judgement. This document is not adopted policy and I therefore only give it limited weight. I do, however, accept that it demonstrates what type of development the Council usually considers to be acceptable.

6. Marmahamchurch is a medium-sized village that has a number of local facilities and is well located for the nearby larger settlement of Bude. Despite that there is no neighbourhood plan, the settlement has, and is capable of expanding incrementally over the plan period through the means set out in Policy 3, including exceptions schemes. One such exceptions scheme has recently been constructed, immediately to the north of the appeal site[2].

7. The development of an exceptions scheme under Policy 9 as a development which is not within, but adjoining the settlement limit, is intended as an exception to the normal policy of restraint. It prioritises the delivery of affordable housing in areas where there is a specific local need which would be unlikely to be met otherwise. The recent development of 20 dwellings in Marmahamchurch on an exceptions basis has undoubtedly fulfilled the purpose of providing much-needed affordable housing.

8. The houses that have been built as part of the adjacent exceptions scheme connect with the settlement on part of two sides. They have a partial street frontage from an elevated position onto Hobbacott Lane. The development then recesses inland and the houses are separated from the main built form along Hobbacott Lane by a small field that folds into a narrow, shallow valley. Though the housing estate has added to the built form, it maintains a degree of visual separation and does not appear as an obviously integral part thereof.

9. The proposal seeks permission for 20 dwellings as a typical housing scheme, including 30% affordable housing and an area of public open space against the southern boundary. It would be accessed through the recently completed estate to the north. The site comprises an agricultural field and would not fall into the category of PDL. Rather than as a second phase of an exceptions scheme, the proposal is promoted as a scheme that 'rounds off' the settlement.

10. Considered spatially from the submitted location and block plans, it is understandable how the site could be viewed as a logical place to further add to the built form of the settlement, although that is not to preclude the consideration of other suitable alternatives. The eastern extent would extend no further eastwards than the existing estate and it would not require any new accesses to be created.

[2] Planning Ref: PA15/09444

11. However, the southern extent of the proposed development would adjoin Hilton Road which is a narrow, high hedged road that leads away from the settlement and has a marked rural character. Whilst much of the southern boundary would be adjoined by public open space, the siting of dwellings in the south-eastern corner would substantially urbanise this area of Hilton Road, irrespective of the existence of the existing hedgerow and Hilton Road as enclosing features. The appellant's evidence acknowledges that this point of the site is the highest and most visible within the landscape and thus, the addition of dwellings would not be without effect. That there is an existing agricultural building adjacent to this corner does not suggest that the settlement is enclosed by features to an extent that would constitute rounding off.

12. Whilst I note that the submitted Landscape and Visual Impact Assessment suggests that the proposal would have a localised impact in the context of the wider Local Character Area, this is not decisive in terms of whether the proposal would visually extent the settlement beyond its existing physical boundaries. My assessment on viewing the site from further south-east along Hilton Road back towards the settlement, is that the absence of any existing dwellings alongside or enclosing the eastern boundary and south-eastern corner would result in the proposal physically and visually extending the settlement. Moreover, looking back towards the settlement from the gateway at the crossroads along Hobbacott Lane, the way in which the proposal would adjoin and extend the settlement, rather than fall within its physical boundaries, would be abundantly clear.

13. Therefore, in my view, the proposal would not constitute rounding off and to allow an extension of the settlement without accordance with the exceptions housing Policy 9 would be to undermine its scale, form, and relationship to its rural setting without adequate justification.

14. Taking the above factors into account, the proposal would not be located in a manner that accords with, in particular, CLP Policies 1, 2, 3, or 23.

S106 Matters

15. The submitted S106 planning obligation provides for 30% affordable housing, the delivery of an onsite public open space, its maintenance and for financial contributions towards the provision of education infrastructure.

16. Whilst the Council has confirmed that the aspects provided for are reasonable, necessary and related in scale and kind to the development, this conclusion is premised on me finding that the development would be acceptable as a typical Policy 8 housing development. As I have not found this to be the case, the submitted S106 is not decisive.

Other Matters

17. The appellant highlights that the Council has a five year housing land supply (5YHLS) but that this does not represent a bar or upper limit on housing numbers for the period of the CLP. This fact is not disputed and nor do I find issue with it. However, in a scenario where there is a 5YHLS and the policies relevant to the supply of housing are not out of date for other reasons, the development plan attracts full weight. Whilst the appellant cites another appeal decision in support of this point[3], the weight to be attributed to the achievable

[3] Appeal Ref: APP/A0665/A/14/2226994

benefits and other considerations is case-specific and each must be determined on its own merits.

18. The scale of the development is not a matter in dispute. A 20 dwelling scheme was previously found acceptable relative to the scale of the host settlement, albeit based largely on an identified affordable housing need.

Planning balance

19. Marmahamchurch is accepted as being a location where new proportionate growth could be considered acceptable given the range of available facilities, including public transport.

20. The proposal would deliver additional housing, including some affordable housing, which is a priority for the Bude Community Network Area and for which there is a level of identified need within Marmahamchurch. This would generate social and economic benefits to which I attribute modest weight. There would also be shorter term local economic benefits arising from additional construction activity.

21. I am also mindful of the potential impacts of the current COVID-19 pandemic on housing delivery. The Council indicates that it has a sufficient 5YHLS. I have separately noted that the recently published Housing Delivery Test Results[4] did not indicate a delivery shortfall or trigger any specific action.

22. I am aware of the common ground between the parties and the aspects which, subject to conditions, could avoid further harms, including drainage, highways, design and landscaping. The absence of other harms is a neutral factor in the overall balance.

23. However, taken together, the social and economic benefits and other considerations are not of sufficient weight to outweigh the identified conflict with the development plan.

Final conclusion

24. For the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

Hollie Nicholls

INSPECTOR

[4] Housing Delivery Test: 2020 Measurement – Ministry of Housing, Communities and Local Government