



Appeal Decision

Site Visit made on 25 January 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2021

Appeal Ref: APP/D0840/W/20/3260954

Burleigh Croft, Silverwell, Truro, Cornwall TR4 8JD

- 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 John King against the decision of Cornwall Council.
- The application Ref PA20/01377, dated 30 January 2020, was refused by notice dated 11 May 2020.
- The development proposed is erection of two storey dwelling on former brownfield horticultural site.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) Whether the site is suitable for a dwelling, having regard to the settlement policies of the development plan; and,
 - b) The effect of the development on the character and appearance of the area.

Reasons

Settlement policies of the development plan

3. The Council's settlement strategy is set out in Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). The strategy seeks to maintain the dispersed development pattern of Cornwall, and provide homes based on the role and function of each place. Policy 3 says that, outside specific main towns, housing growth is to be delivered through identification of sites through Neighbourhood Plans; rural exception sites; rounding off of settlements; development of previously developed land (PDL) within or immediately adjoining settlements; and infill schemes.
4. The site has not been identified for residential development in a Neighbourhood Plan, and it is not proposed as a rural exception site. The definition of PDL in the National Planning Policy Framework (the Framework) excludes land that is, or was last occupied, by agricultural buildings. The application form identifies that the site was last used for horticulture, which is included in the definition of agriculture¹. So, notwithstanding the description of the development, the site is not PDL. Consequently, the proposal would only accord with the settlement strategy if it constituted infill or rounding off.

¹ Section 336 of the Town and Country Planning Act 1990

5. Proposals for rounding off and infill are only supported by Policy 3 where they relate to a settlement. Clarification of what constitutes a settlement is provided in paragraph 1.68 of the supporting text. The site lies between the existing dwelling and a converted barn, with a recent replacement dwelling beyond. However, this is a loose group of buildings in an otherwise largely undeveloped rural location. The group has no clearly defined boundaries, and the nearest community facilities are located some distance away in Blackwater, Mount Hawke, and St Agnes. The appeal site therefore lies in a low-density cluster of individual buildings in the countryside, rather than a settlement. Consequently, the proposal would not constitute rounding off or infill. Therefore, the proposal does not comprise any of the types of new housing that is supported by Policy 3 of the Local Plan.
6. Policy 7 of the Local Plan says that development of new homes in the countryside will only be permitted where there are special circumstances. None of the exceptions cited in the Policy are relevant to the proposal. The construction of a new dwelling in this countryside location would not, therefore, accord with the settlement strategy of the development plan. The proposal would be contrary to Policies 2, 3 and 7 of the Local Plan, which seek to direct new housing development to accessible locations within or adjoining settlements.

Character and appearance of the area

7. The appeal site lies amongst a loose scatter of buildings within a predominantly agricultural landscape. It is served by an unmade track that winds between hedgebanks, emphasising the rural character of its setting. The other buildings served by the track are small-scale agricultural buildings, a modest bungalow, and a converted barn. They are largely characteristic of this landscape. The replacement dwelling to the west is less so, but it is set back from the track, and at a lower level, such that it does not significantly affect the countryside character of the locality.
8. The site currently accommodates a timber-clad workshop, two glasshouses and a polytunnel, together with an array of raised beds and other horticultural paraphernalia. They have become mostly disused and derelict. However, they are small-scale structures that are largely screened from near views by the trackside hedge. In longer distance views from the south, they are seen against the backdrop of the hedge, which is considerably higher than the buildings. As a result, they assimilate successfully into the rural landscape.
9. The proposed house would be positioned closer to the track than the existing bungalow and barn conversion, and would be of a considerably greater scale, with a ridge height of about 9 metres. Its mass, height and location would not provide continuity with the built form of the existing modest buildings to either side. As a result, it would be a much more strident presence in its rural setting than the existing structures on the site, or the surrounding scatter of development. It would, therefore, be an uncharacteristically large building, that would not assimilate easily into the rural landscape.
10. Due to its height and location, the house would rise above the trackside screening, so it would be readily visible from near views. It would also be visible behind the hedge, in oblique views, when approaching along the track from either direction. On both approaches its mass and location would result in it appearing as an intrusive feature in the rural scene. It would also be visible

in longer distance views from the A3075 to the south. From here the existing buildings are seen as a loose scatter of structures in an otherwise open countryside setting. The proposal would result in a consolidation of this built form, which would be harmful to the overall character of the wider countryside.

11. The impact of the dominant mass of the house would be exacerbated by its design. The wide span of the building, and comparatively shallow pitched roof covered in concrete tiles is uncharacteristic of the form and materials of traditional rural buildings. The horizontal emphasis of much of the fenestration also serves to give the building an urban, or suburban character, which would be out of keeping with its countryside setting. The large flat-roofed garage with a standard up and over garage door would also be a distinctly urban feature. Overall, the location, scale and design of the building would not be an appropriate response to its landscape setting, resulting in an overly dominant and incongruous building, which would be harmful to the character of the countryside.
12. I therefore conclude that the development would be harmful to the rural character and appearance of the area. Consequently, the proposal would be contrary to Policies 2, 12 and 23 of the Local Plan, which seek to maintain Cornwall's distinctive natural character, and ensure that development is of an appropriate scale, mass and design that recognises and respects the landscape. It would also fail to meet the Framework's aim to conserve and enhance the natural environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

13. The house would provide accessible accommodation to meet the personal needs of the appellant and his wider family, allowing them to remain in the community that they have lived in for many years. It would also enable his son to move into the existing bungalow to assist with the running of the smallholding. These benefits are material considerations in my decision. However, similar benefits could be achieved through modification, extension, or replacement of the existing bungalow, in accordance with the settlement policies of the development plan. They do not, therefore, outweigh the conflict that I have found with Local Plan policies, or the resultant harm to the character and appearance of the countryside.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR