



Appeal Decision

Site visit made on 9 March 2021

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

an Inspector appointed by the Secretary of State

Decision date: 23 March 2021

Appeal Ref: APP/D0840/W/20/3264246

Land East of 36 Wellington Place, Wadebridge PL27 7BQ

- 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 Wayne Marshall against the decision of Cornwall Council.
 - The application Ref PA19/10752, dated 9 December 2019, was refused by notice dated 1 July 2020.
 - The development proposed is the construction of two dwelling houses and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of two dwelling houses and associated works at Land East of 36 Wellington Place, Wadebridge PL27 7BQ, in accordance with the terms of the application, Ref: PA19/10752, dated 9 December 2019, subject to the conditions in the attached schedule.

Procedural Matter

2. Whilst it is noted that the planning application refers to the address of the site as being at 34 Wellington Place, in the interests of accuracy and consistency, I have used the address of the appeal site as provided on the Council's Decision Notice, in the banner heading above.

Main Issue

3. The main issue is whether or not the proposed development would be in a suitable location for new dwellings, having regard to the character and appearance of the surrounding area.

Reasons

Policy Context

4. The development plan comprises of the Cornwall Local Plan Strategic Policies 2010-2030¹ (the Local Plan) and Saved Policy ENV1 of the North Cornwall Local Plan 1999.
5. Policy 3 of the Local Plan seeks to control the distribution of new dwellings across Cornwall and provides that housing within larger settlements such as Wadebridge will be allocated according to the Site Allocations Development Plan Document and Neighbourhood Plans. Policy 7 of the Local Plan supports

¹ Adopted November 2016

development proposals within the open countryside where it shown that special circumstances, such as where there is re-use of a redundant building or where accommodation is required for rural workers, apply. The supporting text to this policy defines open countryside as being the area outside of the physical boundaries of an existing settlement where it has a clear form and shape.

6. The main parties have also referred me to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) which, whilst being informal guidance, provides clarity on the approach to be adopted in relation to rounding off of settlements, and as such I have had regard to this advice.
7. The evidence indicates that the draft Egloshayle, St. Breock and Wadebridge Neighbourhood Plan (the Draft WNP) is currently undergoing public consultation. Given its early stage, it may be subject to further amendment such that I am able to attribute only limited weight to the Draft WNP in the determination of this appeal.

Location of Development

8. The appeal site comprises land which slopes steeply downhill from west to east. The site is located adjacent to dwellings situated within Wellington Place east of the site and is accessed from that highway. The site is bordered to the northwest by residential development at Fernleigh Crescent, with further residential development being located to the northeast, at valley floor level, at Rivendell. To the south are areas of woodland, with the site being bounded to the east by vegetation and a stream which occupies space on the valley floor.
9. The appeal site exhibits areas of grass, scrub and other vegetation, with the northern section of the site being predominantly exposed earth and rocks. Within the appeal site, set upon small terraces, there are a number of small outbuildings, informally arranged seating areas and pathways, as well as other substantial amounts of domestic paraphernalia including vehicles.
10. The main parties' submissions indicate that the Draft WNP places the site outside of, but adjacent to, the settlement boundary for Wadebridge. However, based on the observations made on my site visit, the site has a domestic character and appearance which, notwithstanding the presence of some poultry, appears to be well related to those residential dwellings at Wellington Place and which adjoin the site. Within the site, and where small areas of land had slipped away further down the slope, there did appear to be domestic refuse and items which had been buried into the land. The presence of substantial amounts of domestic paraphernalia in combination with the close physical and visual relationship with nearby residential development, leads me to conclude that the site is located within Wadebridge, albeit at the edge of that settlement.
11. The Council's settlement strategy is contained within Policy 2 of the Local Plan. It sets out a 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. As described above, Policy 3 of the Local Plan provides that housing within larger settlements such as Wadebridge will be allocated according to the Site Allocations Development Plan Document and Neighbourhood Plans. The evidence indicates that there is no Site Allocations Development Plan document or adopted Neighbourhood Plan which allocates the site for housing.

Nonetheless, the CPOAN refers to main towns and acknowledges that at these locations, windfall development is anticipated to include, amongst other things, rounding off opportunities.

12. In terms of 'rounding off', the supporting text to Policy 3 of the Local Plan defines rounding off as being development on land that is substantially enclosed and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road). It further confirms that rounding off of settlements should not visually extend building into the open countryside. This reflects the guidance contained within the CPOAN.
13. In this regard, and as noted above, the appeal site is enclosed to the west, the north and northeast by residential development and to the east by the stream and associated vegetation which forms a dense hedgerow. Given the existing domestic character and appearance of the site as described above, in my view the appeal scheme would not extend the urban built form of Wadebridge out into the countryside. As such, I find that the proposed development accords with the definition of rounding off as provided by Policy 3 of the Local Plan and the general guidance given within the CPOAN.
14. In light of the above, I find that the appeal site has a greater affinity and relationship to the residential built up area of Wadebridge rather than with the more open countryside which is located south and southwest of the site. Consequently, due to the domestic character and appearance of the site, and the residential context within which it is located, it follows that the land could not be regarded as being in the open countryside for planning purposes, and accordingly assessment of the proposal against Policy 7 of the Local Plan should not apply in this instance.
15. Policy 21 of the Local Plan concerns making the best use of land and buildings, and provides that encouragement will be given for development which, amongst other matters, makes use of Previously Developed Land (PDL) or appropriately increases building density taking account of the effect on character and appearance and the accessibility of services and facilities.
16. Whilst I acknowledge the Appellant's submissions with regards to whether the appeal site can be considered to be PDL, the evidence from the Council confirms that the site currently does not benefit from lawful use as garden or external amenity area. However, accordance in respect of Policy 21 of the Local Plan can be achieved if the density of development would be appropriate in the context of the character of the surrounding area and that the site has access to services and facilities which ensure best use of the land.
17. With regards access to services and facilities, the appeal site is well located with convenient access to the wide range of services and facilities that are contained within Wadebridge. Consequently, I consider that the proposed dwellings would have suitable access to facilities and services that could be reasonably required on a day to day basis, with occupants of the proposed dwellings supporting those services within Wadebridge. The proposed development would therefore be sustainably located in accordance with Policy 21 of the Local Plan with regard to access to services.
18. In respect of the design of the proposed dwelling and its impact on the character and appearance of the surrounding area, I find that the appeal scheme would integrate well with the built form of Wadebridge.

19. The proposed dwellings would be contemporary in design, stepped down to follow the steep gradient of the site and would not extend to a height above the ground level of dwellings located within Wellington Place. Whilst the proposed building would incorporate a greater amount of glazing than is exhibited by nearby dwellings, the use of stone, render and timber would reinforce local distinctiveness at this location. Additional landscaping and planting at the site would assist in mitigating any harmful effects. The proposed dwellings would be seen in the context of nearby residential development, including those three storey residential dwellings of significant height located within Rivendell, and would not encroach into the open countryside. Consequently, the character and appearance of the surrounding area would not be diminished by the appeal proposal.
20. I therefore conclude that the proposed development would be in a suitable location for new dwellings, having regard to the character and appearance of the surrounding area. The proposal would meet the requirements of rounding off of the settlement and, in combination with the above reasons, it would comply with Policies 2, 3, 12, 21 and 23 of the Local Plan. These seek, among other things, to ensure that the local distinctiveness and character of the area is protected, and that development responds appropriately to its landscape setting. Furthermore, the appeal scheme would be in accordance with Saved Policy ENV1 of the North Cornwall Local Plan 1999, which provides the requirement for developments to not have a significant adverse effect on the amenity or landscape character of the area.

Other Matters

21. The National Planning Policy Framework (the Framework) provides that the concept of sustainable development comprises three dimensions – being the economic, social and environmental elements of the proposal. In this respect, the appeal scheme would provide social benefits in terms of contribution towards housing supply, and would provide economic benefits in terms of employment opportunities during the construction phase. Furthermore, and in respect of any environmental benefits that may result from the proposed scheme, I conclude that the appeal site would be close to a range of services, facilities and employment opportunities contained within Wadebridge. Consequently, future occupants of the proposed dwellings are not likely to be solely reliant on private motor vehicles for most trips. This would comply with the objectives of the Framework with regards to the transition to a low carbon future. Once these matters are considered together, the proposed scheme could be considered to be sustainable development in terms of the Framework.
22. Concerns have been raised by interested parties with regard to overlooking and loss of privacy. However, I conclude that due to the separation distances between the proposal and its neighbours, there would be no harm arising from the appeal scheme with respect to overlooking or loss of privacy.
23. Furthermore, whilst concerns regarding land stability, ecology and drainage are important matters, in this instance, and in line with the recommendations of Council Officers, such matters can be adequately controlled by the Council through the application of suitable conditions, to which I shall return to in the below section of this appeal decision.
24. It has been also put to me by interested parties that the appeal site is subject to a covenant that restricts development of the site. However, issues relating

to such concerns are civil matters and have no bearing on the outcome of this appeal.

25. It is also maintained that the appeal scheme would set a precedent for other similar developments within the area. However, given that I have found that the appeal proposal would be acceptable and in accordance with the development plan, I can see no reason why the proposal would lead to harmful developments on other sites within the surrounding area. In any event, each application and appeal must be determined on its own individual merits, and a generalised concern of this nature does not justify withholding planning permission in this instance.

Conditions

26. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. I further find it reasonable to include conditions requiring details of any landscaping and planting be agreed with the Local Planning Authority, in the interests of preserving the character and appearance of the surrounding area.
27. In the interest of highway safety and public convenience, I have included a condition requiring details of a Construction Traffic Management Plan be agreed with the Local Planning Authority prior to commencement of any works at the appeal site. Additionally, and in the interests of protecting the environment, I also find it reasonable and proportionate to include conditions requiring that details of the drainage system, details of land stability and details of a contaminated land risk assessment, be approved by the Local Planning Authority. In the interests of biodiversity, I have included a condition to ensure that the development is carried out in accordance with relevant mitigation measures proposed in the submitted Ecology Survey.
28. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance. The wording of the pre-commencement conditions, have been agreed by the Appellant.

Conclusions

29. For the reasons given above, the proposed development would comply with the development plan when taken as a whole and, consequently, the appeal succeeds and planning permission granted subject to conditions identified.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- 2) The development hereby approved shall in all respects accord strictly with drawing numbers: Site Plan and Location Plan 0001, Sections and Perspectives 0400, Floor Plans 0100 received by the Local Planning Authority on 10 December 2019 and drawing number: Location Plan 0000 received by the Local Planning Authority on 6 January 2020 and drawing number: Elevations 0200 received by the Local Planning Authority on 29 January 2020.
- 3) The development hereby permitted shall not commence until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size and type), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.
- 4) No development shall commence until details of the implementation, maintenance and management of the sustainable urban drainage scheme have been submitted to and approved by the Local Planning Authority.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) The development hereby permitted shall be undertaken in accordance with the mitigation measures set out within the submitted ecology survey prepared by John Stallard dated January 2019 and retained as such thereafter.
- 8) No development shall take place until a site investigation of the nature and extent of any land instability has been carried out in accordance with a methodology which shall have previously been submitted to and approved in writing by the Local Planning Authority before any development takes place. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before the development takes place.
- 9) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 30 days of the report being completed and approved in writing by the Local Planning Authority.