



Appeal Decision

Site visit made on 18 May 2021

by Colin Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 June 2021

Appeal Ref: APP/D0840/W/20/3264701

Two Stiles, Treyarnon Lane, St Merryn, Padstow PL28 8JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Sue Walters of Situ8 Ltd against the decision of Cornwall Council.
 - The application Ref PA20/03309, dated 15 April 2020, was refused by notice dated 24 August 2020.
 - The development proposed is construction of 5 houses and associated works with diversion and relocation of public right of way.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Cornwall Council against Sue Walters of Situ8 Ltd. This application is the subject of a separate Decision.

Procedural Matter

3. The application was made in outline with all matters reserved. I have determined the appeal on that basis.

Main Issues

4. The main issues in this case are:
 - the effect of the proposed development on the character and appearance of the Cornwall Area of Outstanding Natural Beauty.
 - whether the site provides a suitable location for the proposed development.
 - the effect of the proposal on highway safety.

Reasons

Character and appearance

5. The site occupies part of an open field with a public footpath running across it. There are a number of dwellings in the vicinity of the site, including a row of four detached properties in Treyarnon Lane and a separate row of properties on the other side of the B3276 which extend northwards along the main road. This includes two recently constructed properties directly opposite the junction with Treyarnon Lane. Yet despite the proximity of other development, the

overall character of the appeal site is distinctly rural in nature. It adjoins other open fields and the wider landscape is overwhelmingly agricultural, interspersed with villages and small clusters of development.

6. The public footpath approaches the site from the north-east and south-west, passing through the mature hedgerows on each side of Treyarnon Lane. This route is particularly scenic, as walkers pass through open agricultural fields before reaching the site. Due to the hedgerow along the frontage, direct views into the site are mainly screened from Treyarnon Lane, which maintains a predominantly rural, vegetated appearance at this point.
7. The site, together with the surrounding land to the west of the B3276, is within the Cornwall Area of Outstanding Natural Beauty (the AONB). According to the Framework¹, such landscapes have the highest status of protection in relation to their scenic beauty and great weight should be given to conserving and enhancing these qualities.
8. The appellant indicates that the proposed dwellings would be accessed from Treyarnon Lane and would result in a row of development that would extend from Two Stiles (the existing property to the west) to the B3276 to the east. This would effectively bridge the gap between the existing dwellings in Treyarnon Lane and those on the other side of the B3276.
9. As described in the Landscape and Visual Impact Assessment (the LVIA) many of the surrounding roads have tall hedgerows on either side of them and, due to the topography of the wider area, the proposed dwellings would not be especially prominent when seen from more remote vantage points. Where the dwellings could be glimpsed from distant footpaths and approach roads, they would be partly be read in the context of existing development.
10. However, the development would become far more noticeable when seen at closer quarters. In order to facilitate access to the new properties, it would be necessary to remove sections of hedgerow within Treyarnon Lane, exposing the frontages of the new homes. While there are existing dwellings in the lane, the effect of extending the row of development as envisaged would markedly change the local street scene from one that is predominantly rural in nature to one that has a predominantly developed appearance.
11. Users of the public footpath who approach the site from the south-west would directly face the frontages of all five properties. The row of development would be seen to close the existing open space between Two Stiles to the east and the recently constructed housing on the other side of the B3276. Even if the ridge heights of the new dwellings were kept relatively low, it is likely that they would be seen over the hedgerow when approaching from the south-west, and would certainly be seen when crossing over Treyarnon Lane.
12. There would be a similar effect when approaching the site from the footpath to the north (which would be diverted). Users of this footpath currently have an open view of the landscape to the south before they approach the hedgerow and cross into Treyarnon Lane. The proposed row of houses would noticeably reduce the perception of openness and present a far more developed scene than exists at present. Planting and landscaping may help to screen the new properties, but would not fully mitigate their impact.

¹ National Planning Policy Framework, Ministry of Housing Communities and Local Government, February 2019.

13. The LVIA considers that visual effects of the development would be 'moderate' when seen at close proximity and 'minor' overall. However, for the reasons given above, I am unable to agree with this assessment. This is a sensitive location as there is a public footpath crossing the site and Treyarnon Lane provides a route to the nearby beach. The development would be well exposed to public views and, by noticeably increasing the quantity of built development over undeveloped space, it would undermine the rural characteristics of Treyarnon Lane and the public footpaths which lead towards it. The scenic beauty of the AONB in this location would be diminished.
14. I therefore conclude on this issue that the proposed dwellings would have a harmful effect on the character and appearance of the AONB. As such, the proposal would conflict with Policy 23 of the Cornwall Local Plan² as well as Policy ENV1 of the North Cornwall District Council Local Plan³. These policies aim to protect landscape quality.

Location

15. Policy 3 of the Cornwall Local Plan enables a limited amount of development to take place outside the main towns in particular circumstances. This includes sites identified in Neighbourhood Plans, development that leads to the rounding off of settlements, previously developed land within or immediately adjoining settlements, infill development and rural exception sites for affordable housing brought forward under Policy 9 of the plan.
16. As the proposal is for open market housing, it cannot be justified under Policy 3 on the basis that it would provide a rural exception site for affordable housing. Nor am I aware that the site is previously developed land, or has been allocated for housing within a Neighbourhood Plan.
17. Rounding off and infill development only applies to settlements. In this case, there is some dispute between the parties as to whether the four dwellings in Treyarnon Lane and the row of properties on the other side of the B3276 can be said to fall within a settlement. However, if even I were to take the view that these dwellings are part of a settlement, I do not consider that the proposal could be justified under Policy 3.
18. Infill development is defined in Policy 3 as *schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside*. It seems to me that the gap between Two Stiles in Treyarnon Lane and the properties on the other side of the B3276 is substantial and, for the reasons given in the first main issue, would appear to physically extend development into the open countryside.
19. Paragraph 1.68 of the Local Plan defines rounding off as *development on land that is substantially enclosed but outside of the urban form of a settlement 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 should not visually extend building into the open countryside*. In this particular case, Treyarnon Lane runs along the southern boundary of the site, with Two Stiles defining the western boundary and the B3276 defining the eastern boundary. However, the lengthy northern boundary of the runs across an open agricultural field and so the site cannot be said to be substantially enclosed, even if the footpath were to be

² Cornwall Local Plan Strategic Policies 2010-2030.

³ North Cornwall District Council Local Plan, April 1999.

diverted behind the new homes. Furthermore, the proposal would visually extend building into the open countryside as described above.

20. Both parties refer to the Chief Planning Officer's Advice Note⁴ which provides guidance on infilling and rounding off. As this advice note does not form part of the development plan, and I have not been provided with evidence to show that it has been subject to widespread public consultation, I can only give it limited weight. Nonetheless, there is little within the advice note to change my view that the proposal would conflict with Policy 3 even if the proposal were to be deemed 'other development' rather than rounding off or infill. Although Policy 7 also enables residential development to take place in the open countryside, the proposal does not meet the conditions of that policy.
21. My attention has been drawn to a number of other planning permissions that have been granted in the area. I note that the two recently constructed dwellings close to the appeal site (Council reference PA/00642) occupy land that already had planning permission for a filling station and foundations had been laid for this. The scale of development and its positioning on the other side of the B3276 (outside the AONB) is also different from the circumstances of the appeal site. Hence, I do not consider that direct comparisons can be made with the appeal site, which is greenfield land that does not benefit from an existing planning permission. Similarly, the other planning permissions⁵ in the area that I have been referred to also vary from the appeal proposal in terms of their scale or individual site characteristics.
22. The site is in a reasonably accessible location, insofar as there are a range of shops and services closer to centre of St Merryn. While it may be possible for some people to walk to these, in practice the route along relatively busy roads (with no pavement) or unlit footpaths would not always represent a particularly safe or attractive option. Even though there is a bus stop nearby, this has a somewhat limited service and it seems most likely that future occupiers of the proposed dwellings would primarily choose to drive the short distance to local shops and services. This is not a particularly unusual situation for Cornwall and I recognise that other dwellings have been granted planning permission in this area that are less accessible than this site. However, the examples that have been brought to my attention would appear to be in compliance with the policies of the development plan.
23. Overall, the appeal site is not in such a highly accessible location that it would justify deviating from the provisions of Policy 3 or the settlement strategy of the Cornwall Local Plan. This aims to provide only a limited amount of new development outside the main towns. As the proposal would be contrary to the adopted settlement strategy, it would undermine this objective.
24. I therefore conclude on this issue that the site would not provide a suitable location for the proposed development.

Highway Safety

25. Due to the tall hedges on either side of the road, drivers joining the B3276 from Treyarnon Lane have limited visibility in both directions. Similarly, drivers travelling along the B3276 are not able to see vehicles emerging from Treyarnon Lane until they are relatively close to the junction.

⁴ Chief Planning Officer's Advice Note: Infilling and Rounding Off (Cornwall Council, December 2017).

⁵ Council references: PA18/08540, PA19/08448, PA19/08454, PA17/05636, PA19/10565.

26. Yet despite its inadequacies, the junction is an existing feature. Although the proposed dwellings would result in increased use of the junction, the appellant's highways information suggests that the overall increase would be relatively modest and I concur with this assessment. Furthermore, the appellant indicates a willingness to help improve visibility on the north side of junction and a planning condition could be imposed to enable this. While this would not bring the junction up to modern standards, it does at least represent some improvement over the existing situation.
27. I therefore conclude on this issue that the proposal would have an acceptable effect on highway safety. There would be no conflict with the highway safety objectives of Cornwall Local Plan Policies 16 and 27.

Conclusion

28. The Framework seeks to boost the supply of housing and the proposal would positively contribute towards this objective. However, despite being acceptable in highway safety terms, the development would conflict with the policies of the Cornwall Local Plan with regard to its location. The proposal would also harm the AONB and the Framework assigns 'great weight' to protecting scenic beauty within these landscapes. Overall, the harm identified would significantly outweigh the benefits of the scheme. Hence it is not the sustainable development for which the Framework and Policy 1 of the Cornwall Local Plan says that there is a presumption in favour.
29. I therefore conclude that the appeal should be dismissed.

C Cresswell

INSPECTOR