



Appeal Decision

Site Visit made on 27 May 2021

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

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/D0840/W/21/3268976

Three Acres, Killaworgey, Black Cross, TR8 4LU

- 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 Ms I Chambers against the decision of Cornwall Council.
 - The application Ref PA20/08223, dated 17 September 2020, was refused by notice dated 21 December 2020.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with all matters reserved. I have determined the appeal on this basis.

Main Issue

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

Reasons

4. The appeal site is an irregular shaped parcel of land located east of the dwelling at Three Acres. At the date of my visit, while the site was heavily wooded, areas of the site did appear to have been cleared of some vegetation and which allowed access to the entire site. Killaworgey Farm is located to the north of the site and separated from that property by an overgrown narrow strip of land.
5. The appeal site forms part of the Landscape Character Area LCA14, Newlyn Downs. The Cornwall & Isles of Scilly Landscape Character Study (2008) (the LCS) describes the key landscape characteristics of this area as being open gently undulating plateau with shallow valleys, incised with minor river valleys with woodland cover more prevalent in valleys, mainly broadleaved with wet woodland with limited mixed plantations. The LCS further describes the settlement pattern for the area as being characterised by a relatively unpopulated landscape, with settlements occurring as dispersed farmsteads and small, nucleated villages, many along the ridge of higher land, and now often bypassed by the A30 road.

6. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030)¹ (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.
7. Policy 3 of the Local Plan sets out the strategy for the delivery of housing across Cornwall and growth is centred on the named, larger settlements within the county. The supporting text to this policy provides that settlements that are not named within Policy 3 of the Local Plan can help meet housing requirement by: identification of sites where required through Neighbourhood Plans, rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining the settlement of a scale appropriate to its size and role; infill schemes that fill a small gap in an otherwise built frontage; and rural exceptions sites for affordable housing. The evidence before me indicates that there is no neighbourhood plan for this area which allocates the site for housing.
8. There is dispute between the main parties as to whether Killaworgey would constitute a settlement in planning policy terms. The main parties have referred me to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (the CPOAN) which provides some guidance on what would constitute a settlement, as well as providing further guidance in relation to matters of rounding off, infill and PDL. Whilst being informal guidance, the CPOAN provides clarity on the approach to be adopted in relation to such matters, and as such I have had regard to this advice.
9. The CPOAN provides that a settlement is a place where people collectively live in permanent buildings and that local residents are often well placed to assist in determining whether a particular group of buildings is considered to be a settlement. The advice note goes on to confirm that smaller villages and hamlets should have a form and shape with clearly definable boundaries, not just a low-density straggle of dwellings, with further confirmation that there are no expectations of services and facilities. These matters are confirmed within the supporting text to Policy 3 of the Local Plan.
10. In my view, based on observations made and from the evidence before me, the dwellings located nearest to the appeal site do not form a cohesive group, but rather appear as a loose collection of dwellings. Whilst the Appellant's contentions are noted with regards to Killaworgey being a settlement, Killaworgey has no recognisable centre and would reflect the description of being a low-density straggle of development. In this regard, Killaworgey would not be a nucleated village as described in the LCS pattern of settlements description as noted above.
11. In light of the above, I conclude that Killaworgey is not a settlement within the context of the Development Plan. Nonetheless, even in the event that Killaworgey was considered to constitute a settlement, the appeal scheme would not represent infill within a settlement by reason of the separation distance between the site and the nearest dwellings, and would fail to accord with the definition of rounding off as provided in the Local Plan and as

¹ Adopted November 2016

described by the CPOAN. Furthermore, there is no substantive evidence which confirms that the site is PDL.

12. The supporting text to Policy 7 of the Local Plan defines open countryside as being the area outside of the physical boundaries of an existing settlement where it has a clear form and shape. For the reasons given above, the appeal site is located outside of any settlement and, accordingly, the provisions of Policy 7 apply to the appeal scheme. The policy supports development proposals within the open countryside where it is shown that special circumstances exist. A number of criteria are listed against which proposals may be assessed. The appeal scheme fails to accord with any of these criteria.
13. Notwithstanding the above, criterion c. of Policy 21 of the Local Plan provides that encouragement would be given to proposals which increase building density taking into account the character and appearance of the area and the accessibility of services and facilities. Whilst I shall return to matters of character and appearance below, by reason of the distance to any meaningful services and facilities that may reasonably be required on a daily basis and due to the narrow, winding unlit lanes which do not benefit from pedestrian footpaths and which was steeply inclined in places, future occupants of the appeal scheme would be likely to be heavily reliant on private motor vehicles in order to access even basic services.
14. Whilst dependence on private vehicles may be expected in a rural location such as this, the proposal would be likely to exacerbate this level of reliance. It would be likely to contribute to a pattern of development that could cause environmental harm as a result of increased car journeys and hence carbon emissions. Whilst the Appellant's reference to evidence that sales of electric and hybrid vehicles are increasing is noted, the position remains that significantly more trips are taken nationally by petrol or diesel vehicles. In light of the above, the appeal scheme would not comply with the provisions of Policy 21 of the Local Plan.
15. In terms of the effect of the development proposal on the character and appearance of the surrounding area, the site reflects the key landscape characteristics of the area as described in the LCS and, in my view, the appeal site including the woodland which covers a significant portion of the site, makes a positive contribution to the character and appearance of the area. The proposal would alter the rural character of the surrounding area and would have an urbanising effect with all the domestic paraphernalia that would result from residential occupation.
16. Whilst it is acknowledged that the site is not highly prominent within the wider landscape, it is nonetheless still visible from lanes and pathways which are found close to the site. The proposal would be seen somewhat in the context of nearby properties at Three Acres and at Killaworgey Farm and, whilst the harm to the intrinsic beauty of the countryside would be limited, the urbanisation and domestication of the site would be harmful to the rural character and appearance of the surrounding area. Additional planting and landscaping would not provide sufficient mitigation in this regard.
17. In summary of the above, I conclude that the appeal site would not provide a suitable location for the proposed dwelling by reason of the conflict with the development plan with regards to the location of the site and due to the harm

to the character and appearance of the area that would result from the scheme.

18. The proposed development would conflict with Policies 2, 3, 7, 21 and 23 of the Local Plan which, together and amongst other things, seek to direct development to sites in line with the role and function of each place, provides best use of land whilst ensuring that development sustains local distinctiveness and character.
19. The proposal would further fail to accord with the provisions of paragraphs 127 and 170 of the National Planning Policy Framework (the Framework) which requires development to recognise the intrinsic character and beauty of the countryside, as well as being contrary to those parts of the National Planning Policy Framework which concern promoting sustainable transport, meeting the challenge of climate change and promoting healthy communities.
20. The appeal proposal would provide an additional unit towards local housing supply and I acknowledge that occupants of the proposed dwelling would make use of services and facilities across the area, thereby helping to support the local economy. There would be further limited economic benefits in terms of employment opportunities during the construction of the proposed new dwelling.
21. Weighed against these benefits, the appeal scheme would conflict with the development plan and the Framework when taken as a whole. The harm resulting from the conflict with the development plan weighs significantly against the proposal. Whilst it is noted that the final design of the proposed dwelling could incorporate construction methods to achieve a low carbon footprint and that a net gain in biodiversity could be achieved, future occupants of the proposal would be likely to be heavily reliant on private motor vehicles in order to access even basic services. Consequently, the proposal would not accord with the environmental dimension of sustainable development and, therefore, could not be considered to be sustainable development in the terms of the Framework or in terms of Policy 1 of the Local Plan for which there is a presumption in favour of.
22. The Appellant has referred me to other examples of housing development being allowed within or near to settlements and which support the contentions that Killaworrey should be considered to be a settlement and that the proposal is suitably located with regards access to services and facilities.
23. However, from the limited information before me, it appears that those other examples can be distinguished from the present appeal scheme in that they concerned development that was within, or adjoining the logical boundaries of, a settlement or concerned development that was assessed against the policies of a different development plan area. Accordingly, and for the reasons given above, the circumstances of the provided examples do not appear to be comparable to those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal scheme on the basis of the evidence before me.

Other Matters

24. Interested parties raise additional objections to the proposal on the grounds of potential adverse effects on the living conditions of nearby residents and loss of wildlife. These are important concerns and I have considered all the evidence and submissions before me. However, given my findings in relation to the main issue above, these are not matters which have been critical to my overall decision.
25. Furthermore, whilst details provided by interested parties are noted in relation to discussions concerning land value and offers of sale, such matters fall outside the scope of a section 78 appeal and have no bearing on the planning merits of the appeal proposal.

Conclusion

26. For the reasons given above, the scheme conflicts with the development plan when considered as a whole and there are no material considerations to outweigh the identified harm and subsequent development plan conflict. I therefore conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR