
Appeal Decision

Site visit made on 27 July 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/D0840/W/21/3272824

**Lavender Cottage, Road From Junction East Of Little Trelabe To The B3257
At Sheila Cottage, Bray Shop PL17 8PZ**

- 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 Mr & Mrs Harding against the decision of Cornwall Council.
 - The application Ref PA20/08260, dated 25 September 2020, was refused by notice dated 6 January 2021.
 - The development proposed is outline application for new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved except access. In addition, and since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) has been published. The views of the main parties have been sought and taken into account in the decision.

Main Issue

3. The main issue is the principle of the development and whether the appeal site is a suitable location for new housing with specific regard to the character and appearance of the area.

Reasons

4. Cornwall's dispersed settlement pattern is supported by the Cornwall Local Plan Strategic Policies 2016 (LP). While Policy 3 of the LP steers the majority of housing growth to the main towns, it also enables; the identification of sites through Neighbourhood Plans, rounding off of settlements and development of previously developed land within or immediately adjoining settlements, infill schemes and rural exception sites. Policy 7 of the LP further enables new homes in the open countryside where they meet one of five specified special circumstances.
5. As the proposal would not meet any of the special circumstances in Policy 7, and in the absence of the emerging Linkinhorne Neighbourhood Development Plan identifying a settlement boundary for the relevant part of Bray Shop, the foremost point of contention between the main parties is whether the appeal site would represent the rounding off of the settlement, having regard to the provisions of Policy 3.

6. The supporting text to Policy 3 sets out that rounding off applies to 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 adds that development should not visually extend building into the open countryside.
7. The Council has also published planning guidance on infill and rounding off in the form of a 2017 Chief Planning Officer's Advice Note (AN). This seeks to ensure greater consistency in decision making and specifies that proposals for rounding off must be adjacent to existing development and be contained within longstanding and enclosing boundary features, for example a road, Cornish hedge or stream. It adds that suitable sites are likely to be surrounded on at least two sides by existing built development.
8. The appeal site is adjacent the western boundary of Lavender Cottage. Due to the continuity of the plots which accommodate built development, Lavender Cottage is clearly part of the urban form of the settlement of Bray Shop. The appeal site's southern boundary also runs alongside a road. However, the northern and western boundaries are formed by modern stock fencing which has a lightweight form and high level of transparency. The fencing is therefore not a longstanding and enclosing boundary feature of the type specified by the AN. Moreover, given the fencing can be repositioned at will, it is not a physical feature that would act as a barrier to further growth, as required by the LP.
9. The appellants have drawn attention to a recently constructed sand school to the north-west of the appeal site. However, separating the two there is part of a field that wraps around the sand school. Additionally, the sand school comprises a level area that is cut into the landscape at its south-eastern corner, nearest to the appeal site. It is therefore similarly not a longstanding and enclosing boundary feature. While it is a form of development, the AN's reference to existing 'built' development on at least two sides is taken to be deliberate. This suggests a built form that prominently projects above ground level and which provides a clear sense of enclosure, attributes that the sand school lacks.
10. While the group of six dwellings to the north-west of the sand school comprise built development and they are locally considered to form part of Bray Shop, (Springfield Lodge, Springfield House and Springfield Cottages), for the purposes of Policy 3, they are regarded as dwellings that are located beyond the urban edge of the settlement and which are separated by a large gap.
11. The AN also specifies that rounding off provides a symmetry or completion to a settlement boundary. With regard to symmetry, the appellants have drawn attention to Blagdon, a bungalow which is located to the south-west of the appeal site, on the other side of the road. However, unlike Lavender Cottage, Blagdon is not part of the urban form of the settlement because part of a larger field wraps around its eastern boundary. Furthermore, before reaching its entrance from the main body of the settlement, there is a slight bend in the road and a section of hedgerow, both of which emphasise the property's sense of detachment. Consequently, the proposed development would not result in a symmetry to the boundary of the urban form of the settlement.
12. In common with the land to the north and that which encompasses the sand school to the north-west, the appeal site comprises grassland. Notwithstanding the segregation of the stock fencing and the built development found to the

north-west, the site reads as part of the wider open countryside. Therefore, the proposed development would not represent rounding off of the settlement. It would visually extend the built form into the open countryside, harmfully eroding the character and appearance of the rural setting of the settlement.

13. The appellants have also suggested the proposed development may represent infill, either between Lavender Cottage and the sand school, or between Lavender Cottage and the Springfield dwellings. However, in both cases, it would not meet the definition of infill in Policy 3 of the LP, which is the filling of a small gap in an otherwise continuous built frontage, and which does not physically extend the settlement into the open countryside.
14. In light of the above, the site is not a suitable location for the proposed development and would accordingly harm the character and appearance of the area. As such, it would conflict with Policies 3 and 7 of the LP, the aims of which are set out above. It would also conflict with Policy 23 of the LP which, amongst other things, seeks to ensure development sustains local character, and protects and where possible enhances Cornwall's natural environment.

Other Matters

15. In support of the proposal, the appellants have put forward suggested extenuating personal circumstances, specifically the housing need of an elderly relative. Whilst I appreciate this situation and further recognise the local community support that the proposal has received, granting planning permission for a permanent dwelling on the grounds of personal circumstances will rarely be justified as the development will outlast the personal circumstances used to justify it. Consequently, the personal circumstances in this case may only be afforded limited weight in the determination of the appeal, particularly given the harms identified above and the multiple conflicts with the development plan.
16. It is acknowledged the development would have some social, economic and environmental benefits. It would provide an additional custom build market house and future occupiers would help to sustain Brays Shop's existing bus links, as well as the services and facilities in nearby settlements, notably Callington. There would also be economic and employment benefits associated with the construction phase of the development. Nevertheless, as the proposal is for just one house, it would make a very limited contribution to the housing supply and it would similarly provide very limited support for local services and the economy. Any net biodiversity gain on the site through an approved scheme at the reserved matters stage is likely to be modest for the same reasons. Consequently, these benefits only attract limited weight.
17. Taken cumulatively, the benefits would not outweigh the identified harms or subsequent conflicts with the development plan, which are afforded substantial weight.
18. The appellants have drawn attention to several permitted schemes, including a new dwelling which is visible towards the south-west from the entrance to the appeal site, ('Samlands', Council Ref: PA16/04356). However, in the majority of cases the schemes were considered against different planning policy and many comprised garden land of the host property. Samlands was also permitted at a time when the Council were unable to demonstrate a five year supply of deliverable housing sites. The approved schemes are therefore not

directly comparable and do not justify the harms that would arise from the proposed development which has been considered on its own merits against current planning policy and guidance, and also with regard to its particular location and circumstances.

19. It is understood Bray Shop sits on the dividing lines between three Parishes, which makes its coverage by Neighbourhood Plans (NPs) more complex. However, Policy 3 of the LP enables proposals for rounding off and infilling, notwithstanding a settlement's coverage by NPs. Consequently, the complexity of the NP coverage in relation to Bray Shop does not justify the proposed scheme. It is further understood the Council acknowledged the site may be suitable for more than one dwelling as an exception site for affordable housing alongside local needs housing. However, as that is not what is proposed in this case, it similarly does not justify the proposed scheme.

Conclusion

20. Given the above findings, the presumption in favour of sustainable development expressed in Policy 1 of the LP does not apply. The proposal would conflict with the development plan as a whole and there are no material considerations, including the newly published Framework, which would indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford

INSPECTOR