



Appeal Decision

Site Visit made on 28 July 2021

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

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/D0840/W/21/3273814

Willow Court, Mornick, Callington, PL17 7LU

- 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 D Polden against the decision of Cornwall Council.
 - The application Ref PA20/06471, dated 30 July 2020, was refused by notice dated 10 November 2020.
 - The development proposed is an outline application for the construction of a dwelling-house, garage and amenity with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the original description of development to reflect that as stated at section E of the appeal form and as provided for on the Council's decision notice, in the interests of accuracy and consistency.
3. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this, I have sought the views of the main parties in writing, and I have taken any relevant correspondence into consideration.
4. Outline planning permission is sought with all matters reserved. I have determined the appeal on this basis.

Main Issue

5. The main issue in this appeal is whether or not the proposed development would be in a suitable location, having regard to Local Planning Policy and to the character and appearance of the surrounding area.

Reasons

6. The appeal site comprises a parcel of gently sloping land adjacent to the dwelling at Willow Court. At the date of my visit, the land was enclosed by fencing and hedging, and comprised grassed land with a small number of trees. To the west of the grassed land is a substantially scaled outbuilding which appeared as a set of stables but which the evidence before me indicates is use for storage and as a workshop.
7. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) which sets out a sustainable approach to accommodating growth and maintaining the dispersed

- development pattern of Cornwall, providing jobs in a proportional manner based on the role and function of each place.
8. Policy 3 of the Local Plan seeks to control the distribution of new dwellings across Cornwall and provides that other than at the named larger settlements, housing growth will be delivered through; the identification of sites within neighbourhood plans, infill schemes, rural exceptions sites or rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining that settlement of a scale appropriate to its size and role.
 9. There is dispute between the main parties as to whether Mornick would constitute a settlement in planning policy terms, and in the event that Mornick did represent a settlement, whether the appeal site is located within or outside of that settlement. The supporting text to Policy 3 of the Local Plan explains that a settlement should have a form and shape and clearly definable boundaries, not just a low density straggle of dwellings, and that the settlement should be part of a network of settlements and/or be in reasonable proximity to a larger village or town with more significant community facilities.
 10. In respect of whether Mornick would constitute a settlement, the main parties have referred me to the Chief Planning Officer's Advice Note – Infill/Rounding Off (the CPOAN) which provides some guidance on this point. 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.
 11. The CPOAN provides that a settlement is a place where people collectively live in permanent buildings and that local residents are 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, with further confirmation that there are no expectations of services and facilities.
 12. In my view and based on the evidence before me and the observations made on my site visit, Mornick would not constitute a settlement. Notwithstanding the number of residential dwellings at Mornick, the group of dwellings do not display the attributes, role or function of a settlement that is suitable for housing growth. Its character resembles that of a small group of buildings which form part of evolved farmsteads located within a rural agricultural setting. Furthermore, the appeal site is not located in reasonable proximity to a larger village or town which provides access to community facilities.
 13. Nonetheless, it is acknowledged that the Parish Council considers that Mornick does represent a settlement and, as noted above, the guidance provided within the CPOAN confirms that local residents are well placed to assist in helping determine if a particular group of buildings would constitute a settlement.
 14. Whilst I acknowledge the details provided by the Appellant and the supporting information from local residents and the Parish Council, even in the event that Mornick would constitute a settlement, I find that the appeal site is physically and visually separated from the more concentrated form of Mornick located some distance west of the site. In my view, Willow Court would represent an outlying development which does not form part of the settlement.

15. Notwithstanding the above, while I have, for the reasons given, determined that Mornick is not a settlement in terms of local planning policy, given the comments of the Parish Council which identify that Willow Court forms part of Mornick and given that interested parties have indicated that Mornick is a hamlet, it would be reasonable to consider the position in the event that the buildings located closest to the site would be considered to be a settlement within the context of the development plan.
16. As noted above, Policy 3 of the Local Plan does provide that within or at locations adjoining settlements, certain forms of windfall development may be permitted. In respect of these forms of development, the evidence before me indicates that the site has not been allocated for housing within the South Hill Parish Neighbourhood Development Plan (the SHPNDP) and given that the proposal would not fill a gap in an otherwise continuous built frontage, the proposal would not represent infill.
17. However, the Appellant has put it to me that the proposal would represent rounding off and would make use of PDL. I shall consider each of these positions separately below.
18. In terms of whether the site constitutes PDL, the Appellant has put it to me that the land has been historically used as garden land associated with Willow Court. In support of the contention that the site is PDL, the Appellant has provided an aerial photograph of the site and has provided some very limited information in respect of a planning application from 1990 for a porch to serve the pre-existing dwelling and associated annex. The Council maintains that the site is a paddock and does not form part of the curtilage of the dwelling at Willow Court.
19. Upon review of the supporting information provided by the Appellant, it is not clear from the aerial photograph that the site was an area of garden land or was a paddock associated with the substantial outbuilding as described above. Furthermore, it is not clear from the information provided in respect of the 1990 planning permission that the appeal site formed part of the garden or curtilage at the property. There is little documentary evidence in support of the contention that the land has been used as garden and no Certificate of Lawful Use has been provided and which would help clarify for me the use of the site.
20. In these circumstances, I attach little weight to the case that the site is previously developed land. The proposal does not therefore meet the criterion of Policy 3 of the Local Plan in this respect, even in the event that it was demonstrated that the site was located within or adjoining a settlement.
21. In terms of rounding off of settlements, the supporting text to Policy 3 of the Local Plan, and the details provided within the CPOAN, provide that such proposals should provide symmetry or completion to a settlement boundary and be on land which 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), and that development should not visually extend building into the open countryside. The CPOAN also confirms that development resulting in the creation of a further site for rounding off, is unlikely to be rounding off in itself.
22. In this location, the appeal proposal would not provide symmetry or completion to the settlement boundary and would facilitate incremental growth away from

the established pattern of buildings in the vicinity which, outside the more built up area of Mornick and close to the appeal site, are arranged in a linear pattern immediately adjoining a highway. Furthermore, a new dwelling at the appeal site would create a further site which could be considered for rounding off, located immediately northeast of the site. In light of these factors the proposal would not represent rounding off.

23. 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, in my view the appeal site is located outside of the 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.
24. Whilst noting that the appeal scheme is in outline and matters such as design and scale are reserved for a later stage, the proposal would result in the incremental spread of development at this location, in a manner that would encroach into the countryside and cause harm to the rural character and appearance of the area. Given that the proposal would be seen in the context of the dwelling at Willow Court, the harm to the rural character and appearance of the surrounding area would be limited. Nonetheless, the appeal scheme would be harmful in this respect and, consequently, the proposal would conflict with Policy 23 of the Local Plan which concerns the natural environment.
25. In summary of the above, I have found that Mornick would not constitute a settlement in the context of the development plan. Even in the event that Mornick constitutes a settlement, the proposal would not satisfy the criteria for windfall development at such locations in accordance with Policy 3 of the Local Plan with regards to rounding off of the settlement or use of previously developed land within or adjoining that settlement. The appeal scheme would not be a form of development which is supported by Policy 7 of the Local Plan. The development would also result in harm to the character and appearance of the surrounding area, thereby conflicting with Policy 23 of the Local Plan.
26. Furthermore, the proposal is not infill and the scheme has not been advanced as being for a rural worker or for affordable housing and, for the reasons above, would not compliment the locally distinctive character of the site and its immediate context. Consequently, the proposal would also fail to accord with Policy H1 of the SHPND.
27. Against the proposal's conflict with the development plan when taken as a whole and the harm resulting from that conflict to which I attach significant weight, it is acknowledged that the appeal scheme would provide very limited benefits in terms of an additional unit towards housing supply and would provide only short term limited economic benefits in terms of employment opportunities during construction. Furthermore, I accept that residents may help support businesses within the wider surrounding area through future spend.
28. However, given the location of the site, future residents are likely to be almost entirely reliant on private motor vehicles in order to access basic services and facilities that could reasonably be required daily. This would conflict with the

environmental dimension of sustainable development. I conclude, therefore, that the significant weight to be attached to the proposal's conflict with the development plan and the resulting identified harm, would outweigh the limited benefits that the scheme would provide.

29. The Appellant has referred me to a development at Trebullett which was allowed at appeal¹, and which it is maintained is comparable to the present appeal proposal in terms of location within a rural settlement. However, whilst noting the details provided, in my view the appeal site and the development site at Trebullett do not share the same characteristics. It was determined by the Inspector in the appeal, that the site at Trebullett was not visually associated with the countryside being more closely related to the built form of that settlement. Having regard to the plans and maps provided, and for the reasons given above, I conclude that the characteristics of the relevant sites are not comparable. Accordingly, I have determined this appeal on its own merits.
30. The Appellant has also put it to me that, given the contention that the site is garden land, the appeal site can be developed under permitted development rights. However, in this regard and for the reasons given above, in the absence of evidence that the site forms part of the curtilage of the dwelling at Willow Court, I cannot be sure that the site would potentially benefit from the referred permitted development rights.

Conclusion

31. 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 in relation to the suitability of the location of the appeal site and the resulting harm to the character and appearance of the surrounding rural area. I therefore conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR

¹ Appeal Reference: APP/D0840/W/19/3243222