



Appeal Decision

Site Visit made on 25 August 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/D0840/W/21/3274541

Rosecraddoc Mill Cottage, Road From Tremar Lane To Junction South East Of Cedar Cottage, Rosecraddoc, Liskeard PL14 5AE

- 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 & Mrs Paul & Becky Dupreez against the decision of Cornwall Council.
 - The application Ref PA20/08053, dated 17 September 2020, was refused by notice dated 11 November 2020.
 - The development proposed is a two storey self build dwelling with garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The St Cleer Parish Neighbourhood Development Plan 2020 to 2030 (the Neighbourhood Plan) was successful at referendum after the determination of the application by the Council. The Neighbourhood Plan is therefore now part of the development plan for the area. Both parties have had the opportunity to comment on its change in status in their appeal submissions.
3. During the appeal, on 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. Both parties have had the opportunity to make comments relating to the updated Framework in their submissions.

Main Issue

4. The main issue is whether the site is suitable for a dwelling, having regard to the settlement policies of the development plan, the accessibility of services and facilities, and the effect of the proposal on the character and appearance of the surrounding Area of Great Landscape Value.

Reasons

5. The Council's settlement strategy is set out in Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). The strategy seeks to maintain the dispersed development pattern of Cornwall, and provide housing based on the role and function of each place. Policy 3 says that, outside specific main towns, housing growth is to be delivered through rounding off of settlements; development of previously developed land (PDL)

- within or immediately adjoining settlements; infill schemes; rural exception sites; and the identification of sites through Neighbourhood Plans.
6. The site does not lie within one of the specific main towns, and the site is not identified for development by the Neighbourhood Plan. Although the appellants have close family ties to the locality, the proposal is not promoted as a rural exception site. Furthermore, the appellant does not contend that the development would be an infill site. Consequently, to comply with Policy 3 of the Local Plan, the proposal would need to comprise the rounding off of a settlement, or the development of PDL within or immediately adjoining a settlement. In either case, it would be necessary for Rosecraddoc to be considered as a settlement.
 7. The Local Plan does not provide an absolute definition of what constitutes a settlement. However, paragraph 1.68 indicates that it should have a form and shape and clearly definable boundaries, rather than being a low density straggle of development. Further advice is found in the Chief Planning Officer's Advice Note: Infill/Rounding Off (December 2017) (the CPOAN), which both parties have referred to. The CPOAN says it provides guidance only, and should not be used as a substitute for the policies of the Local Plan. Nevertheless, as it provides clarity on the approach to be adopted, I have had regard to the guidance it contains. The CPOAN says that well-defined groups of dwellings with a collective name will normally be settlements, and indicates that Neighbourhood Development Plans may identify the settlements in their area, and define settlement boundaries to provide additional guidance on housing location.
 8. The appellant contends that Rosecraddoc consists of a collection of 18 homes, as well as over 40 bungalows in the holiday village. However, whilst the holiday accommodation is closely grouped, and contained within recognisable boundaries, the surrounding dwellings are dispersed over a wide rural area. Whilst many of the properties include the name Rosecraddoc, it is not a well-defined group of dwellings with a collective identity. There is no form, or shape to the scatter of homes. They are so loosely distributed that there is no nucleus of buildings that provides the experience of entering or leaving a settlement. Any boundary that encompassed them would include large areas of undeveloped agricultural land. Consequently, Rosecraddoc is not identified as a settlement with a development boundary in the Neighbourhood Plan.
 9. The bungalows within the holiday village are of permanent construction and can be occupied for holiday purposes all year around. The evidence also indicates that the holiday limitation has been removed from a small number of them. Nevertheless, the holiday site is a self-contained ribbon of development, within an otherwise rural area, and it still largely comprises tourist accommodation, rather than a place where people collectively live. It is not, therefore, a settlement in itself, nor does it add weight to the claim that the surrounding scatter of rural buildings should constitute a settlement. For these reasons, I conclude that Rosecraddoc does not comprise a settlement for the purposes of Policy 3 of the Local Plan. It therefore follows that the proposal cannot comprise the rounding off of a settlement, or the development of PDL within or immediately adjoining a settlement, in accordance with that Policy.
 10. Paragraph 2.33 of the Local Plan describes the open countryside as the area outside the physical boundaries of existing settlements. Paragraph 9.1.3 of the

Neighbourhood Plan says land beyond any development boundary is defined as open countryside. In view of my conclusion that Rosecraddoc is not a settlement, the site therefore lies in the open countryside. This is not altered by the presence of the holiday village to the east, and scattered dwellings to the north and west. Policy 7 of the Local Plan only permits new homes in the open countryside in specified special circumstances, none of which apply in this case. Policy 1 of the Neighbourhood Plan does not support development outside identified Development Boundaries unless it is a rural exception site, or it complies with Policy 7 of the Local Plan. The proposal for a dwelling in the countryside would, therefore, be contrary to these development plan policies.

11. It is contended by the appellant that, as the site is used as a garden, and contains a storage building and a polytunnel, it is PDL. I saw that the storage building was under construction at the time of my visit, so was not in use. I have little evidence regarding the nature or use of the building that it replaces, or the use to which it will be put. The polytunnel was in use for growing fruit and vegetables, and there were also fruit trees on the site. The site had the appearance of a smallholding, and I have little evidence regarding the lawfulness of its use as a garden. There is, therefore, insufficient information before me to come to a definite conclusion on whether the site is PDL. However, even if I were to conclude that it was, Policy 21 of the Local Plan only encourages proposals that use PDL where they are sustainably located.
12. The appeal site lies approximately 1.5 kilometres by road from St Cleer, which is the nearest settlement containing services. Access from the site to St Cleer is via narrow country lanes with no footways or lighting. Consequently, they are not conducive to walking or cycling. Although there is a primary school, the range of other services in St Cleer is limited. Occupants of the dwelling would regularly need to travel to Liskeard, approximately 2.5 kilometres to the south, for higher order services. There is a bus stop within about 930 metres of the site, but this is accessed by the same country lanes, so is unlikely to prove an attractive option. Occupants of the dwelling would, therefore, be remote from public services and facilities, and would not have a genuine choice of transport modes to access them.
13. The proposal for a dwelling in a location where occupants would be reliant on the private car for most journeys would not, therefore, be in accordance with Policy 21 of the Local Plan. In coming to this conclusion, I have taken account of the appeal decision¹ that has been drawn to my attention by the appellant, where the Inspector concluded that the proposal was in accordance with Policy 21. However, in that case, it was common ground between the parties that the site lay within a settlement, so the context was not comparable to the proposal before me.
14. As well as occupying a countryside location, the site lies within an Area of Great Landscape Value (AGLV). Paragraph 2.153 of the Local Plan describes AGLVs as areas of high landscape quality, with strong and distinctive characteristics which make them particularly sensitive to development. Policy 23 requires that development within these areas should maintain their character and distinctive landscape qualities. Although the site is mostly surrounded by high hedgerows and trees, it can be seen through the access and through gaps in the surrounding vegetation. Despite the polytunnel and storage building, it is

¹ Planning Inspectorate reference: APP/D0840/W/20/3260870

largely undeveloped, and retains a pastoral appearance, which is characteristic of its countryside surroundings.

15. The house would have a substantial volume and, together with the garage and driveway, would occupy a significant proportion of the site. The house and driveway would be readily visible through the access point, and would also be apparent from the road to the west through gaps in the hedgerow, particularly in the winter months, when there is less foliage. The two-storey height of the dwelling means that it would be likely to be visible above the boundary hedge when viewed from the road to the south west of the site, near to the bridge over the stream. From this viewpoint the holiday village is screened by vegetation, so the house would be seen largely in isolation from any other buildings. It would, therefore, be an intrusive feature in an otherwise undeveloped countryside location, which would be harmful to the rural character of the AGLV. This harm would only be reduced, to a limited extent, by the proposed design and materials, which would be generally in keeping with the local vernacular.
16. For the reasons given, I find that the site is not suitable for a dwelling, because it lies in the countryside, outside any settlement, where there is not easy access to services and facilities. Furthermore, the house would be harmful to the rural character and appearance of the surrounding AGLV. The proposal would, therefore, be contrary to Policies 2, 3, 7, 21 and 23 of the Local Plan, Policies 1 and 15 of the Neighbourhood Plan, and Saved Policy CL9 of the Caradon Local Plan First Alteration 2007. These Policies set out the spatial strategy for the delivery of housing; limit residential development in the countryside; encourage the use of PDL in sustainable locations; and protect the landscape quality of AGLVs.

Other Matters

17. The evidence indicates that the site lies within the Zone of Influence for the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and the Tamar Estuaries SAC. During the appeal, a financial contribution has been paid to the Council by the appellant, pursuant to an Agreement under Section 111 of the Local Government Act 1972. It is proposed that the financial contribution should be used towards mitigating measures to offset the impact of the dwelling on the integrity of the SACs. As I am dismissing the appeal, it is not necessary for me to consider the proposal any further in respect of the Conservation of Habitats and Species Regulations 2017.

Planning Balance

18. Paragraph 60 of the Framework seeks to significantly boost the supply of homes. The development would provide an additional dwelling, which would assist with this aim, and would be a benefit of the proposal. However, as the site does not lie within a settlement, this benefit does not attract the great weight applied by paragraph 69 of the Framework. Consequently, and in view of the small scale of the proposal, the benefit attracts limited weight in my decision.
19. Paragraph 62 of the Framework advises that the size, type, and tenure of housing needed for different groups in the community, including those who want to build their own homes, should be assessed and reflected in planning policies. Footnote 28 highlights the duties imposed on Councils by the Self

Build and Custom Housebuilding Act 2015, including the requirement to have regard to the register of those seeking to acquire serviced plots in the area for their own self-build and custom house building, and to give enough suitable development permissions to meet the identified demand. The evidence indicates that nine individuals have expressed an interest in self-building in St Cleer Parish (six of which indicate the Parish as a first preference), but that no permissions have been granted to meet this need.

20. The unfulfilled demand for self-build sites within the Parish is a material consideration. However, the advice in paragraph 62 of the Framework relates to policy making, rather than to individual decisions. Neither the Framework nor the development plan contain policies that indicate that open market self-build housing is acceptable in locations where residential development would not normally be permitted. Consequently, whilst the small contribution that the proposal would make towards meeting the need for self-build plots in the locality would be a benefit, it would not outweigh the harm that I have identified to the settlement and landscape policies of the development plan.
21. I am also mindful that, having outgrown their current accommodation, there would be personal benefits to the appellants in being able to remain in the area where they have close family ties. However, it has not been demonstrated that similar benefits could not be achieved through enlargement of their existing dwelling. I therefore give these personal benefits limited weight.
22. The Framework makes it clear at paragraph 12, that the presumption in favour of sustainable development does not change the statutory status of the development plan, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. I have found that the proposal would conflict with the settlement and landscape protection policies of the development plan. The relatively small scale of the benefits does not outweigh this conflict.

Conclusion

23. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR