



Appeal Decision

Site Visit made on 22 September 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Appeal Ref: APP/D0840/W/21/3277195

Site at Trevorricks, Trevorricks, St Merryn PL28 8PP

- 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 Brewer against the decision of Cornwall Council.
 - The application Ref PA20/09378, dated 26 October 2020, was refused by notice dated 17 December 2020.
 - The development proposed is small-scale rounding off of the hamlet of Trevorricks (2 dwellings proposed).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 20 July 2021. Insofar as it is relevant to this appeal, I have taken the Framework into account in reaching my decision.
3. There is no site address on the application form and therefore I have taken the address from the appellants appeal form.
4. The application was submitted in outline with all matters reserved so I have dealt with the appeal on this basis.

Main Issue

5. The main issues in respect of this appeal are:
 - Whether the proposed development would provide a suitable location for housing having regard to the accessibility of services and facilities; and
 - The effect of the appeal proposal on the landscape character and natural beauty of the Cornwall Area of Outstanding Natural Beauty (AONB).

Reasons

Location

6. Together, Policies 1, 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (the LP) set out the Council's spatial strategy for development. Policy 3 seeks to secure the majority of housing at or well related to a number of named towns and in a number of specified circumstances outside of these areas. In relation to this appeal, the matter in dispute between the parties relates to whether the proposal amounts to development under Policy 3 of the

- LP with particular reference to 'rounding off' and thereby constitutes an acceptable form of housing development in a countryside location.
7. Rounding off is explained within the policy as relating to 'land within or immediately adjoining that settlement of a scale appropriate to its size and role'. To assist with the interpretation of policy, the Council have produced a 'Chief Planning Officer's Advice Note' (CPOAN) dated December 2017 in respect of infill/rounding off. The document is not adopted policy. However, it does provide useful guidance for decision making purposes and both parties have relied upon it in support of their case.
 8. The CPOAN sets out the need to identify initially whether the proposal physically relates to a recognisable settlement. The LP (paragraph 1.68) defines a settlement as having 'form and shape and clearly definable boundaries, not just a low-density straggle of development'.
 9. Trevorricks does have a clear identity. It is a collection of eleven dwellings related to and centred around a farmstead. Access from the main road is via a single track lane which leads only to Trevorricks and essentially splits Trevorricks in half so that it has dwellings on either side. This results in a compact but recognisable form of development. The CPOAN states that 'well-defined groups of dwellings with a collective name will normally be settlements' and this adds weight to my findings.
 10. Policy 3 does not require that a settlement has particular services and facilities in order to be defined as a 'settlement'. However it does require that it is 'part of a network of settlements and/or be within reasonable proximity to a larger village or town with more significant community facilities'. In this respect, Porthcothan has the nearest facilities including a pub whilst St Merryn has a primary school approximately 1.2 miles from the site. Both of these would be accessed from the site via the B3276 which is a well-used, rural road with no pedestrian footway. As such, I do not find it would be desirable for occupiers of the appeal dwellings to use this to access services (including the bus service) on foot.
 11. There is a public footpath to the north of Trevorricks which runs westwards, exiting on the road which leads southwards to the Tredrea Inn where there is a bus stop. The appellants advise that it would take approximately ten minutes to walk to the bus stop from the appeal site and the Council do not dispute this. From here regular bus services run seven days a week to a number of other settlements with a varying range of facilities. The footpath runs through fields and a campsite before exiting onto a rural lane. Whilst I consider that this route would be preferable to walking along the B3276, being unlit and uneven in places would be a barrier to its use in the winter months.
 12. Whilst neither of these routes would persuade occupiers of the appeal dwellings to use public transport, walking and/or cycling to meet all their transport needs, they do nevertheless offer a realistic opportunity to minimise the number of trips undertaken by car, as set out in the CPOAN. As a result, I conclude that Trevorricks can be considered to be a settlement for the purposes of this appeal.
 13. Turning then to the question of whether the proposal constitutes appropriate rounding off, paragraph 1.68 of the LP goes on to say that this relates to 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). It should not visually extend building into the open countryside’.

14. In this respect I find that the site is roughly triangular in shape and enclosed by native hedges. The site is bound by existing cottages on one side and the road on another. Despite the proposal being in outline, the plans and planning statement submitted with the appeal give a clear indication that access to the site would be from an existing access in the adjacent field. The adjacent field is large and in agricultural use. The boundary between the appeal site and this field is sparsely planted such that it cannot be described as a physical barrier to growth. In addition, there is no physical feature which separates the point of access from the remainder of the field and therefore I find that there is no physical barrier to further growth.
15. As such, I find that the proposal does not constitute rounding off and is therefore contrary to the Policies 1, 2 and 3 of the LP which set out the Council’s strategic approach to housing delivery, seeking to deliver housing outside the main towns only where the scale and nature of the proposal is appropriate to the character, role and needs of the local community. This reflects paragraphs 104, 105 and 112 of the Framework to locate development in areas with the greatest accessibility to a range of transport modes.
16. Policy 7 of the LP permits the erection of dwellings in the open countryside in special circumstances, none of which apply to this appeal proposal.

Area of Outstanding Natural Beauty (AONB)

17. The site is located within the Carnewas to Stepper Point section of the Cornwall Area of Outstanding Beauty (AONB). Policy 23 of the LP states that great weight will be given to conserving the landscape and scenic beauty within or affecting the setting of the AONB and that proposals must conserve and enhance the landscape character and natural beauty of the AONB. Saved Policy ENV1 of the North Cornwall Local Plan Part 1 and Part 2 (adopted 1999) also sets out the need to conserve the natural beauty of the landscape in the AONB. Paragraph 176 of The National Planning Policy Framework (the Framework) attaches great weight to the need to conserve and enhance landscape and scenic beauty in Areas of Outstanding Natural Beauty. A high bar is therefore set for development proposals in these areas.
18. In assessing this appeal, I have had regard to the Cornwall and Isles of Scilly Landscape Character Assessment and the relevant sections of the AONB Management Plan (2016-2021).
19. The appeal site is currently an orchard within a wider pattern of fields which surround Trevorricks. This gives Trevorricks its agricultural setting and assists with understanding its origins and relationship with the wider landscape. This dispersed pattern of farmsteads forms part of the landscape character which local policies and the Framework are seeking to conserve.
20. I have identified that the boundary between the appeal site and the neighbouring field is sparse and that the neighbouring field is identified as providing access to the site. Whilst the proposal is in outline and I cannot be sure what the dwellings would look like, I find that they would inevitably be visible from outside the site. In addition, the presence of buildings on the site

and the incremental creep associated with the use of the adjacent field for access would diminish the agricultural setting and therefore the strong sense of identity of Trevorrick as a farmstead. Consequently I find that development of the appeal site in the manner shown would not conserve the natural beauty of the AONB. As such, the proposal is contrary to Policy 23 of the LP, Saved Policy ENV1 of the North Cornwall Local Plan Part 1 and Part 2, together with paragraph 176 of the Framework which seek to conserve and enhance the landscape character and natural beauty of the AONB.

21. Given my findings above, I also conclude that the proposal is contrary to Policy 21 of the LP relating to the 'best use of land and existing buildings' which encourages proposals to increase building density where appropriate, taking into account the character of the surrounding area. In addition, the proposal is contrary to Policy 12 of the LP and paragraphs 130 and 174 of the Framework which requires new development to contribute to and enhance distinctive natural character. The Council refer to other paragraphs of the Framework in their decision, which I do not find are relevant to the appeal.

Other Matters

22. Concerns have been raised that the development could lead to an unacceptable loss of privacy, create overshadowing and a loss of outlook to nearby properties. These are largely matters of detail and I am mindful of the outline nature of this proposal and my conclusion in respect of the main issues.
23. I have been provided with details of other planning permissions and appeals in Cornwall. However, it appears to me that the merits and circumstances in those cases differ to those before me in this appeal and accordingly I have determined this appeal on its own merits.

Balance and Conclusion

24. I have considered the benefits of the proposal including the realistic opportunities to minimise car travel, and the economic and social benefits that the development would provide. These are recognised benefits of rural housing in the Framework. However, I find that these benefits do not outweigh the harm which would arise from the development in terms of the adverse effect on the Council's housing strategy and the character and appearance of the AONB. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR