



Appeal Decision

Site Visit made on 23 November 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/D0840/W/21/3278378

Kernou Veor, Greenbottom, Chacewater, Cornwall TR4 8QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Dr Ian Radford against the decision of Cornwall Council.
 - The application Ref PA21/04137, dated 19 April 2021, was refused by notice dated 25 May 2021.
 - The development proposed is described as Planning permission in principle for one new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first ('permission in principle') stage establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal on this basis.
4. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. However, the main parties submitted appeal documents after this and therefore had the opportunity to comment on its relevance to the appeal proposal. Consequently, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.
5. During the appeal, the appellant submitted a signed and dated Unilateral Undertaking (UU) made as a Deed pursuant to section 106 of the 1990 Act and imposing planning obligations on the site in relation to the second reason for refusal on the Decision Notice. I will return to this matter later.

Main Issue

6. The main issue is whether the appeal site is suitable for residential development, having regard to location and land-use.

Reasons

7. The appeal site includes a parcel of land situated between the dwelling known as Kernou Veor to the west, the public highway to the south and a lane to the east. Mature hedges, including some evergreen vegetation, run along the boundaries with the public highway and the lane, the latter of which the Design and Access Statement identifies is a public byway. Public views of the site are therefore limited with the exception of the site access from the lane and some glimpsed views through the hedge running along the lane. Although it has been put to me that the site has a residential use, I observed on my site visit that it appears to form part of a grass field which has more in common with an agricultural than a domestic use, relates to its undeveloped rural surroundings and reads more as countryside than as part of the surrounding built environment. Substantiating this, boundary fencing, soft landscaping and a hedge/bank provide a clear physical separation to the domestic plot of Kernou Veor whilst the site is neither visually nor physically separated from the wider agricultural field which it forms part of. The identification of the site as residential on the submitted land use plan (Drawing No 2854-D-301 Rev A) and the presence of Grey Birds Lodge to the north of the field do not lead me to a different view.
8. Located in the area of Greenbottom/Saveock, the surrounding area contains a variety of buildings, including some discrete individual properties and others within groups. Although the area clearly contains various residential properties, gaps between built form provide breaks in the built environment, form a core characteristic of the area and give the locality a relatively rural character and verdant appearance. The site forms part of one such relatively large gap, which continues to the east of the site with only a modest structure – as shown on the submitted plans – situated between the site and the properties at Buckingham's Terrace. There is also a clear gap to the west of Kernou Veor before Ivy House and its outbuildings. Accordingly, while its width is relatively small, the site is not situated in an otherwise continuous built frontage.
9. Irrespective of how it might be designed at technical details consent stage, the erection of a dwelling on the site would lead to additional built form in a green, undeveloped parcel of land that forms part of a larger field. As I have found above, the site and wider field relate to the rural surroundings and read as agricultural land forming part of the countryside rather than as a domestic parcel of land forming part of the built environment. The appeal proposal would therefore result in an intrusion of development into the rural landscape. Despite no hedges or trees being removed to accommodate it, the development would nevertheless have a suburbanising presence and erode the character and appearance of the locality. Although public views of it would be relatively limited, particularly from the highway, the proposed development would nevertheless also likely be visible to some extent from the public byway. In coming to this view, I have taken into account the retention of the roadside boundary, that the access would be off the lane and that the Highways Officer did not request visibility splays. Whether or not the proposal would physically extend development or the settlement into the open countryside, as defined by the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP), does also not lead me to a different conclusion.
10. CLP Policy 3 provides for new housing outside of the main towns to be delivered via a variety of means. The site is not identified for housing within

the Truro & Kenwyn Neighbourhood Plan 2015-2030 (TKNP) and the appellant's appeal statement sets out that the site is not proposed as rounding off or a rural exception site. Instead, the appeal proposal is put forward as an infill scheme or development of previously developed land. My attention has also been drawn to conflicting views and planning decisions on whether the area in the vicinity of the site could be described as a settlement. This includes, as detailed in Appendix 3 of the appellant's appeal statement, a previous appeal decision and various decisions by the Council granting planning permission for new housing in the locality.

11. However, irrespective of this, whether the site immediately adjoins a settlement or whether it and/or parts of the locality fall within the CLP definition of open countryside, the frontages on either side of the site are not continuously built up and, as set out above, include gaps between built form. Accordingly, and despite the site's frontage not being particularly long, the development would not fill a small gap in an otherwise continuous built frontage. Neither the submitted land use plan nor the granting of permissions by the Council for other schemes in plots with similar widths to the appeal site alter the extent of actual built frontage in the vicinity of the site. These and the supporting text to CLP Policy 3 do not therefore lead me to a different view.
12. Although it is not within my remit within the context of an appeal under section 78 of the Town and Country Planning Act 1990 to formally determine the lawful use of land, as I have noted above, the site also reads as more related to the agricultural field it forms part of than as residential. In addition, the definition of previously developed land in the Framework sets out that it should not be assumed that the whole of the curtilage should be developed. In this instance, the site appears to be notably larger than the main plot of Kernou Veor and the boundary treatment at that property clearly separates it from the site. It seems to me that, even if the site is lawfully used on a domestic basis by the appellant and is not in agricultural use, the curtilage of Kernou Veor would therefore not cover the entirety of both its main plot, defined by boundary treatment, and the site.
13. Accordingly, and based on the submitted evidence, the appeal proposal cannot reasonably be described as either an infill scheme or development of previously developed land. Whether or not Greenbottom/Saveock constitutes a settlement does not alter this.
14. Consequently, the proposed development neither accords with nor gains support from CLP Policy 3. For the above reasons, and given that I have found that it would harm the character and appearance of the area, the appeal proposal also cannot be defined as making use of previously developed land or, irrespective of its access to services and facilities, appropriately increasing building density. The encouragement for proposals in Policy 21, including parts a and c, is therefore not applicable to the appeal proposal. In addition, the proposed development has not been put forward as providing housing in the countryside nor is it suggested that it would meet any of the circumstances set out in CLP Policy 7. On the basis of the submitted evidence, I concur.
15. For the above reasons, I conclude that the appeal site is not suitable for residential development, having regard to location and land-use. I therefore find that it does not accord with nor gain support from CLP Policies 1, 2, 3, 7, 21 and 23 and TKNP Policies E1, E4, E6 and H1. Amongst other aspects, these:

set out the Council's approach to decision taking and its spatial strategy, and the development plan's approach to sustainable development and accommodating new housing; resist development of open spaces or garden areas; seek development that achieves best use of land taking into account the character of the surrounding area; and require development to maintain the dispersed development pattern of Cornwall, sustain local distinctiveness and character, and respect the setting of settlements. The proposal would also be inconsistent with the provisions in the Framework in relation to conserving and enhancing the natural environment.

16. The Council also alleges a conflict with paragraph 80 of the Framework. However, as the site is not situated in what could be termed an isolated location, this part of the Framework has not been determinative in my decision.

Other matters

17. The appeal site is within the zone of influence of the Penhale Dunes Special Area of Conservation (SAC) and the Fal and Helford SAC. In combination with other plans and projects, the addition of a residential unit within this area would be likely to have a significant effect on the internationally important interest features of these SACs due to increased recreational disturbance. In accordance with CLP Policy 22, appropriate mitigation needs to be secured for such development, and the UU has been submitted in relation to this. However, although the UU would secure the necessary mitigation through the provision of financial contributions, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
18. The site is located within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). However, the Council does not allege that the development would have an adverse effect on the designated heritage asset. Having considered the development and visited the site, I concur with that view and find that the development would not harm the outstanding universal value of the WHS.

Planning Balance

19. It has been put to me that the land on which the development is proposed is unsuited to agricultural use due to its size, shape, access, insurance costs and position in relation to residential uses. Be that as it may, it is clear to me that the site forms part of a larger field and it seems to me that, even if large vehicles may not be able to gain access, there is no reason why the field as a whole could not be used for agricultural purposes.
20. The appellant considers that his existing property is too large and uneconomical for him and his wife to reside in and that it is better suited to a younger family. Wishing to remain in the area, the appellant therefore intends to reside in the proposed dwelling that would be eco-friendly and suitably designed for their needs. On this basis, the appeal proposal would provide for a local need/demand on a self/custom-build basis, as per TKNP Policy H1. However, that policy also sets out various requirements for such development and, given my findings in relation to the main issue, I find that the proposal would not accord with the policy overall. The inconsistencies between that policy and CLP Policy 21 do not alter my view.

21. I have found that the appeal site is not suitable for residential development, having regard to location and land-use. Although the permissive wording of some of the relevant development plan policies means that the appeal proposal would not necessarily conflict with them, I have found that it would neither accord with nor gain support from CLP Policies 1, 2, 3, 7, 21 and 23 and TKNP Policies E1, E4, E6 and H1. Taking all of this into account, and although TKNP Policy H1 supports the delivery of housing development that helps meet local housing need, I find that the appeal proposal would be contrary to the development plan as a whole.
22. A number of matters have been put to me in support of the proposal. This includes that there are no flood risk or highway safety issues, that the proposed development would improve biodiversity, that the housing density would be appropriate and that it would be unfair to refuse planning permission for this retirement home proposal for a highly regarded local GP when other schemes in the locality have been approved and further developments are planned. The Parish Council, a Local Member and a neighbour also supported the application, no objections were submitted, and I recognise that the Chief Planning Officer's Advice Note on Infill/Rounding Off sets out, amongst other aspects, that local residents are well placed to assist, including reflecting on how a place feels from the perspective of residents. In addition, there would be some benefits associated with the proposed development. This includes the provision of an additional dwelling which would contribute towards the mix and supply of housing in the area and provide for the appellant's needs, some construction-related employment, and future occupiers utilising local services and facilities.
23. However, given the scale of the development, the benefits would be relatively limited. In addition, the provision of one additional dwelling would only have a limited effect on the mix and supply of housing in the area and the submitted evidence does not indicate that it is needed to ensure a sufficient supply of housing land in the district. Consequently, I find that the above matters neither outweigh the harm I have identified nor the conflict with the development plan. The harm I have identified also means that the appeal proposal cannot reasonably be described as making best or most efficient use of land.

Conclusion

24. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR