
Appeal Decision

Site visit made on 6 December 2021

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/D0840/W/21/3280076

Land at Tideford Cross, Saltash, Cornwall , PL12 5JY.

- 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 Tim Herbert & Miss Mette Larsen against the decision of Cornwall Council.
 - The application Ref. PA21/01719, dated 18/221, was refused by notice dated 8/4/21.
 - The development proposed is the construction of two dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. All matters of detail have been reserved for subsequent consideration.
3. Following the submission of a land contamination report, the Council has informed me that it is not pursuing its second reason for refusal.

Main Issue

4. The main issue is the effect upon the character and appearance of the area.

Reasons

5. The development plan includes the Cornwall Local Plan Strategic Policies 2010-2030 (LP). The most important policies to the determination of this appeal are LP policies 3 (role and function of places) and 7 (housing in the countryside).
6. My attention has also been drawn to the Council's Chief Planning Officer's Advice Note 'Infill/Rounding Off' dated December 2017. This supplementary planning guidance (SPG) can be given some limited weight.
7. This 0.14 ha appeal site includes an existing shed (akin in appearance to a small stable), a hardstanding and some grass land/paddock. On behalf of the appellant, I have been informed that this shed *"has a domestic use as a workshop/shed/storage"* and the hardstanding is used for vehicular parking in association with the appellants' house on the opposite side of the highway.
8. However, I note from the application form that the existing use of the site was specified as *"Agricultural land"* and the Design & Access Statement described the shed as *"an animal livestock field shelter of reasonable proportions and is currently used for livestock."* Whatever the lawful use of the appeal site, as I saw during my visit, much of it forms part of a sizeable field at Tideford Cross.

9. Tideford Cross is a small hamlet. The form and shape of this settlement do not have clearly defined boundaries. Instead, this hamlet is more akin to "*a low density straggle of dwellings*" referred to in paragraph 1.68 of the supporting text to LP policy 3. The proposed development would not comprise the filling of a small gap in an otherwise continuous built frontage and would not amount to infill development under the provisions of LP policy 3.
10. The appellants have argued that the proposal would comprise rounding off. Whilst the appeal site comprises land that is outside the urban form of the settlement, such as it is, the site is not substantially enclosed, as set out in the supporting text to LP policy 3. In contrast to the robust hedge along the roadside (western) boundary, the northern and eastern edges of the site present an almost a seamless transition into the remainder of the field.
11. Even if the existing building on the appeal site comprises previously developed land¹, much of the remainder of the site is unspoilt and open and forms part of the pleasing rural surrounds to Tideford Cross. However well designed, the proposed development would extend housing into the open countryside and detract from the character and appearance of the local area. In all likelihood, this would be accentuated by the removal of some roadside hedge in order to provide safe vehicular access to the new dwellings. The proposal conflicts with the provisions of LP policy 3 and the Council's SPG and does not meet any of the exceptions provided for under LP policy 7. This harm, including the conflict with the development plan, weighs heavily against an approval.
12. The appellants have drawn my attention to some other small housing schemes that have been permitted elsewhere by the Council. This includes permission for a detached dwelling at Clover Park, Tideford (ref. PA19/08367). Each case must be determined on its own merits and no two sites are exactly the same. I also note from the Council's response that some of these approvals related to previously developed land. These other permissions do not set a precedent that I am bound to follow and do not overcome or outweigh the harm that I have identified above.
13. Having regard to all other matters raised, I conclude that the proposal would harm the character and appearance of the area. The appeal therefore fails.

Neil Pope

Inspector

¹ As set out within the Glossary to the National Planning Policy Framework.