



Appeal Decision

Site visit made on 21 February 2022

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/D0840/W/21/3286456

Land at Pembroath Farm, Trembroath, Stithians, Truro TR3 7DT

- 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 Mr R M Pickersgill against the decision of Cornwall Council.
 - The application Ref PA21/03161, dated 3 March 2021, was refused by notice dated 27 July 2021.
 - The development proposed is Construction of single 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.

Main Issue

4. The main issue is whether the appeal site is suitable for residential development, having regard to its location.

Reasons

5. The appeal site forms part of the garden of Pembroath Farm and is bordered by an established hedge to the east and south. Located off a lane leading from Trewithen Road, it is positioned within a group of dwellings and other buildings in an area known as Trembroath.
6. The submitted evidence indicates that the three cottages by Trewithen Road, situated to the north of the site, are described locally as being part of Trembroath. However, despite the nearby water pump, those dwellings are clearly well separated from the collection of buildings to the south which, despite the spacing between them and their orientations, form an obvious group of some 12 dwellings and other buildings. The site is within this area and the collection of buildings read as forming a hamlet situated in the countryside.

Confirming this, and supported by the Chief Planning Officer's Advice Note (CPOAN) on Infill/Rounding off which sets out that local residents are well placed to assist with making this judgement, local residents and Stithians Parish Council refer to Trembroath as a hamlet. Historic records and maps also include the name Trembroath.

7. Although relatively small, hamlets are nevertheless a type of settlement, and the CPOAN refers to hamlets within the section on establishing whether a place is a settlement. As shown on the submitted location plan and as I observed on my site visit, the cluster of buildings which the site is within form a hamlet with a clear shape, form and boundaries rather than a low density straggle of development. The well-defined group therefore meets the definition of a settlement with regard to the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP) and the CPOAN. In coming to this view, I have taken into account the visibility of the countryside from the site and between the surrounding buildings, the permeability between them, and that the buildings are said to be evolved farmsteads. That other planning applications in the area may have been considered against planning policies for housing in the countryside does not lead me to a different conclusion. In addition, my finding that Trembroath is a settlement for the purposes of this appeal does not mean that a precedent will be set that would affect other small communities.
8. Accordingly, the site can be considered as being within a settlement for the purposes of applying CLP Policy 3. However, its position in relation to existing built form means that while the site is substantially enclosed (with buildings and the lane on three sides), it cannot reasonably be described as being outside the urban form of the settlement. Although there is a driveway serving The Cow Barn to the north, the site's northern boundary adjoins garden land rather than the driveway and is only separated from the garden by a timber and wire fence and some soft landscaping. The site's northern edge is therefore not clearly defined by a physical feature that also acts as a barrier to further growth. Accordingly, the appeal proposal does not meet the CLP definition of Rounding Off. In coming to this view, I have taken into account that the development would not visually extend building into the open countryside.
9. It has been put to me that the appeal proposal would constitute development of previously developed land. However, although the proposed dwelling could be designed to be of a scale appropriate to the size and role of the settlement, land in built-up areas such as residential gardens is excluded from the definition of previously developed land in the National Planning Policy Framework (Framework). Given that the site forms part of the garden of Pembroath Farm and is, as set out in the appellant's appeal statement, well contained within the built form of the settlement, the appeal proposal cannot reasonably be described as development of previously developed land.
10. It is not suggested that the proposed development would meet any other aspects of part 3 of Policy 3. Neither has it been put forward that the appeal proposal would meet the requirements of CLP Policy 7. Based on the submitted evidence and my site visit observations, I have no reason to find otherwise.
11. For the above reasons, I conclude that the appeal site is not suitable for residential development, having regard to its location. I therefore find that it does not accord with CLP Policies 3 or 7. Amongst other aspects, these set out the development plan's approach to accommodating new housing.

Other matters

12. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (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 the SAC due to increased recreational disturbance. In accordance with CLP Policy 22, appropriate mitigation would need to be secured for such development and a section 111 Undertaking has been submitted with the appeal in relation to this matter. However, although the Undertaking would secure the necessary contribution towards mitigation and payment has already been made to the Council, 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.
13. A number of other matters have been raised by interested parties, such as in relation to the effect of the development on highway access and drainage. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address these in further detail.

Planning Balance

14. I have found that the appeal site is not suitable for residential development, having regard to its location, and would not accord with CLP Policies 3 or 7. As such, I find that it would be contrary to the development plan as a whole.
15. The proposed dwelling is envisaged to be a single/1.5 storey building, set below the existing dwelling, and constructed of traditional materials. Being well-contained within the hamlet, it would be viewed in the context of surrounding built form and would not extend building into the open countryside. It has been put to me that there are no landscape, heritage or ecological constraints affecting the site and that the appeal proposal, involving redevelopment of garden land, would be in a sustainable location. With Trembroath being a reasonably short distance from Stithians village, future occupiers of the proposed development would also be able to access local services and facilities relatively easily and this would, in-line with Framework paragraph 79, help to enhance or maintain the vitality of the rural community.
16. However, given the scale of the development, the benefits – including the provisions of an additional dwelling – would be relatively limited. Consequently, I find that the above matters do not outweigh the conflict with the development plan. In addition, given my findings above, the appeal proposal can neither reasonably be described as making best or effective use of land nor appropriately increasing building density.

Conclusion

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

T Gethin

INSPECTOR