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## Appeal Decision

Site visit made on 9 August 2022

**by G Roberts BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 August 2022.**

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**Appeal Ref: APP/D0840/W/21/3289176**

**Land adjacent Trewargas, Trevanson Road, Wadebridge, PL27 7HP**

- 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 A Daw against the decision of Cornwall Council.
  - The application Ref PA20/09993, dated 13 November 2020, was refused by notice dated 14 October 2021.
  - The development proposed is outline application for the construction of a single dwellinghouse with parking and amenity and with all matters reserved.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application seeks outline planning permission with all matters reserved for future approval and is accompanied by a Block Plan that shows the outline (hatched) of a potential new dwelling. Whilst I was forwarded two copies of this Block Plan, drawing No. TF/200 A is the plan referred to in the Council's decision notice and I have, therefore, determined the appeal on that basis.

### Main Issue

3. The main issue is whether the proposed development would be acceptable having regard to local and national planning policies on the location of new housing, and also its affect on the Cornwall Area of Outstanding Natural Beauty.

### Reasons

4. The appeal site is located on the northern side of Trevanson and comprises an undeveloped area of land. The site is accessed via a narrow track (lane) located between the properties of Trewargas, to the west and Amble View, to the south. The narrow track also leads to some single storey buildings, a paddock and agricultural fields to the east. As I observed on site, the main part of the site is in some areas overgrown, but otherwise open other than for some garden waste. Whilst there were two vehicles parked off the narrow track leading to the site and a small timber shed, there were no other buildings or forms of storage on the main part of the site at the time of my visit.
5. Trevanson is a small village on the outskirts of Wadebridge with its houses concentrated on and around Trevanson Road, reflecting a well-established

and concentrated pattern of built residential development. The main part of the appeal site adjoins the eastern boundary of Trewargas, where the common boundary comprises a breeze block wall that varies in height but nonetheless provides a good physical boundary to the built extent of the village. The eastern boundary of the appeal site is enclosed by a timber post and rail fence, gate and hedge, with a paddock and post and rail fence beyond this leading to agricultural fields with distant views. The north western boundary is small, due to the tapering of the appeal site and has, in part, a similar post and rail fence beyond which are agricultural fields with views over a valley.

6. There is contrasting evidence before me on the use of the appeal site, with the Council alleging that there is recent evidence of agricultural use and the Appellant, whilst acknowledging that the site was once associated with Trevanson Farm, contending that it has been used by the Appellant and local residents for various domestic and storage purposes. Even though there is evidence supporting both views, including a number of letters from those who have used or known the site over the years, my attention has not been drawn to the existence of any planning permission having been obtained for its change of use or a Lawful Development Certificate to establish its lawful use. Even so, the lawful use of the site is not a matter that is before me or an issue that I can consider within the context of an appeal that has been submitted under section 78 of the Town & Country Planning Act 1990 (Planning Act). It remains open, however, to the Appellant to apply to the Council to determine the lawful use of the appeal site under section 191 of the Planning Act and any such application would be unaffected by my decision on this appeal.
7. Based, therefore, on the evidence before me and my observations on site, I do not consider that the appeal site forms part of the existing village and that in physical and visual terms it forms part of the open countryside that surrounds Trevanson. Although, in the absence of an adopted Neighbourhood Plan, there is no defined settlement boundary for Trevanson the appeal site has a greater physical, visual and functional link with the adjoining paddock and agricultural land beyond it. The presence of the single storey buildings to the south, which I understand are used for storage and as commercial workshops, accentuate, in my view, the sites separation from the residential core of the village.
8. The spatial strategy for the area is, of course, set out in policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (November 2016) (CLP). In relation to housing, it seeks to manage the location and scale of new development. This approach is expanded in policy 3, which confirms that housing development will be accommodated in accordance with a hierarchy, with part 1, delivered through a Site Allocations Development Plan Document or Neighbourhood Plan for the identified main towns; part 2 through specific eco-communities; and part 3, in areas outside the main towns, through Neighbourhood Plans, rounding-off of settlements, previously developed land, infill or rural exception sites.
9. Adopting the above approach and whilst noting the Council's acceptance that Trevanson is a settlement within which new housing would, in principle, be acceptable, the appeal site is not allocated for development, it is not within an identified main town and does not form part of one of the

eco-community proposals. In relation to part 3 of policy 3, there is no adopted Neighbourhood Plan and the proposal is not being promoted as a rural exception site (in line with policy 9).

10. Similarly, the proposal does not represent infilling. Paragraph 1.65 to policy 3 confirms that *"For the purposes of this policy, 'infilling' is defined as the filling of a small gap in an otherwise continuously built up frontage that does not physically extend the settlement into the open countryside."* The appeal site does not form part of a continuous built frontage, it is not within a *"small gap"* and would physically extend the settlement into the open countryside. Based on the planning background that I alluded to earlier, the appeal site would also not constitute previously developed land, as defined within Annex 2 of the National Planning Policy Framework (July 2021) (Framework).
11. In terms of rounding-off, the Council have produced a Chief Planning Officer's Advice Note on Infill/Rounding-off (December 2017) (CPO Note). Whilst the latter is not a statutory document its purpose is to assist in interpreting part 3 of policy 3 of the CLP. It is, therefore, a material consideration and provides helpful guidance on what the Council regard as rounding-off.
12. Based on the CPO Note and policy 3, the proposed development would not, in my view, represent rounding-off. This finding is supported by the following: the appeal site lies outside the natural built boundary to the village; the appeal proposal does not include a defined physical edge that would act as a firm barrier to future growth; the proposal would not provide for the symmetry or completion of the village boundary; the proposal would visually and physically extend built development into the countryside and, with a paddock to the north, could facilitate continued incremental growth of the village into the countryside; and, the proposal would not represent a logical extension to the village. Furthermore, there is no evidence before me that the appeal site is contaminated or despoiled land, and whilst the site is untidy and overgrown that does not in itself provide justification for the development as proposed.
13. As with all such assessments they require an element of judgement to be applied and should be considered on a case by case basis, as is advised in the CPO Note. Even so, the above findings are supported by the observations I made on site, as well as the various photographs and plans that have been provided in evidence.
14. In relation to policy 7 of the CLP, this sets out the special circumstances whereby new dwellings will be permitted in the open countryside. The latter is defined in paragraph 2.33 of the CLP as those areas outside the physical boundaries of existing settlements, which, as I found above, would include the appeal site. However, none of the exceptions in this policy apply to the appeal proposal.
15. The harm that arises from the appeal proposal is accentuated by the impact it would have on the Cornwall Area of Outstanding Natural Beauty (AONB). Part 2(a) of policy 23 to the CLP and paragraph 176 of the Framework state that great weight should be given to conserving and enhancing the landscape and scenic beauty in AONB's; that these areas have the highest

status of protection in relation to these issues; and that within AONB's the scale and extent of new development should be limited.

16. As I observed on site, the appeal proposal results in a development that would encroach into the open countryside creating a harmful urbanising effect on an area of open land that sits outside the established built pattern and residential form of the village and currently makes a positive contribution to the sense of openness in this location. Notwithstanding its partly overgrown and untidy condition, visually and physically, the appeal site is located, in my view, within a sensitive part of the AONB given the distant views afforded from and into the site and its landscape setting.
17. The Appellant has referred to the example of the dwelling permitted under reference PA20/04754, to the rear of Trevanson Farmhouse. However, the Council contend that this consent is not comparable in that it related to existing garden land with a domestic appearance; that the site included established screening that prevented any encroachment into the open countryside; and that the site was considered to be related to and to sit within the settlement of Trevanson. I broadly concur with the Council's findings in this respect and this example does not affect the findings I have reached on this issue.
18. The Appellant has referred to paragraph 79 of the Framework and its promotion of new housing where this would support local services and maintain and enhance the vitality of rural communities. However, my attention has not been drawn to any local services within Trevanson or any nearby village that the appeal proposal would support. The local services provided in Wadebridge serve not just that large town but also its rural hinterland, including Trevanson, and there is no evidence before me to suggest that this would provide any justification for setting aside the CLP's spatial strategy.
19. The Appellant indicates that the proposed dwelling would be occupied by a local family but provide no supporting assessment of local need to support that statement and offer no mechanism to control its future occupation. Even so, the application, as submitted, is for market housing and has not been promoted as an exception site. Reference has also been made to the issue of 'isolated homes' in the context of paragraph 80 of the Framework. However, the Council's submissions do not appear to suggest that the proposal would be 'isolated.' In addition, the finding that the site is within the open countryside does not, in my view, equate to or imply that the site is thus physically remote or isolated.
20. In terms of accessibility, given the Council's acceptance that the settlement of Trevanson would be an acceptable location, in principle, for new housing, evidenced by the planning permission for a new dwelling at Trevanson Farmhouse, I am not convinced that the level of accessibility of the appeal site to local services and facilities would in itself or on its own provide justification for refusing planning permission. Whilst future occupiers are more likely to use their car, there would also be opportunities for them to walk and more likely to cycle to access local services. As I also observed on my site visit, these local services are located close by and include a number of large stores catering for most food and non-food shopping needs.

21. Accordingly, I find that there are no exceptional circumstances to justify development within this countryside location, and that the proposal would result in harm to the landscape setting, openness and scenic beauty of the AONB. In addition, I find that the proposed development would not constitute infilling or rounding-off. As a consequence, the appeal proposal would be contrary to policies 2, 3, 7, 12, 21 and 23 of the CLP and the corresponding policies of the Framework.

### **Other Matters**

22. I accept that the appeal proposal would make a contribution to meeting future housing provision and would generate short term employment during construction, benefits that are supported by other policies in the development plan and the Framework. However, the economic and housing benefits would be small and the Council indicate that they are able to demonstrate a 5-year supply of housing land, which has not been challenged. There is also no evidence before me to indicate that the housing requirements of the area cannot be met through commitments, allocations and windfall sites, the latter in locations that comply with the CLP's spatial strategy. In view of this, I have attached only limited weight to these benefits and they are not sufficient, either individually or cumulatively, to outweigh the harm that I have identified.

### **Conclusions**

23. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

*G Roberts*

INSPECTOR