



Appeal Decision

Site visit made on 1 November 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/D0840/W/22/3300806

The Toll House, Penryn TR10 9AT

- 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 & Mrs Inns against the decision of Cornwall Council.
 - The application Ref PA21/12144, dated 7 December 2021, was refused by notice dated 1 March 2022.
 - The development proposed is construction of bungalow and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved for later approval. I have therefore also dealt with the appeal on this basis.
3. The plans before me have different reference numbers to those listed on the decision notice. It appears that this may have arisen due to a file naming inconsistency. However, the Council has provided copies of the plans on which the application was determined, and I am satisfied that these are the same as those before me. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues in this appeal are:
 - Whether the location of the appeal site is suitable for a new dwelling; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Location of development

5. The appeal site is located to the north of a grouping of properties known as Lower Treluswell Farm and to the north of a wider dispersed collection of properties and employment uses known as Lower Treluswell.
6. Policy 3 of the Cornwall Local Plan 2010-2030 (LP) aims to steer the majority of new housing towards the main towns. However, the policy does enable a limited amount of new development to take place outside the main towns in particular circumstances. Amongst other aspects, this includes development

that leads to the rounding off of settlements, and of previously developed land (PDL) within or immediately adjoining settlements, or infill development.

7. My attention has also been drawn to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (The CPOAN). The CPOAN does not form part of the statutory development plan and is to be regarded as informal guidance. However, it does provide some clarity on the locally adopted approach in relation to matters such as rounding off of settlements and PDL, and as such I have had regard to it in the determination of this appeal.
8. Lower Treluswell is not a 'named' settlement within LP Policy 3. There is dispute between the main parties as to whether Lower Treluswell would constitute a settlement in development plan terms. The CPOAN notes that a settlement is a place where people collectively live in permanent buildings and has a form and shape and clearly definable boundaries, not just a low-density straggle of development and states that there are no expectations of services and facilities.
9. The collection of properties in the area is named, including in historic maps, and known as 'Lower Treluswell' and people live collectively in permanent buildings. However, my observations from both the submitted plans and my site visit, are that due to a combination of low density, spatial separation of buildings with intervening undeveloped areas, and the lack of a recognisable centre or wider settlement form, particularly when travelling through the area, the character of the grouping of properties is more akin to a dispersed straggle of development. Consequently, I find that this grouping of buildings is not a settlement for development plan purposes, and therefore even if the site were to be considered as PDL, rounding off, or infill, it does not meet the requirements of LP Policy 3. It is not suggested that the proposed development would meet any other aspects of part 3 of LP Policy 3.
10. While the character of the appeal site is that of a small, wooded area related, and seen to be part of, the surrounding open countryside due to its spatial relationship being removed from nearby buildings, I do not find that the site would be 'isolated' in terms of para 80 of the National Planning Policy Framework (Framework). It has also not been put forward that the appeal proposal would meet the requirements of LP Policy 7. Based on the submitted evidence and my site visit observations, I have no reason to find otherwise .
11. I observed the proximity of the appeal site to Penryn and Falmouth to the south and available public transport links. While in relatively close proximity to the appeal site, the bus stop is only accessible via an unlit country lane which features undulating topography and lacks a pedestrian pavement until the B3292. Furthermore, I have no evidence before me confirming that a regular bus service runs from the bus stop to the wider services provided at Penryn and beyond. Therefore, I find it is likely that future occupiers would utilise private vehicles to access services and facilities.
12. Consequently, I conclude on this issue that the appeal development would not be in a suitable location with regard local development strategy and therefore conflicts with LP policies 1, 2, 3, 7, and 21 which, amongst other things, takes a hierarchical approach, to direct development to appropriate locations based on the role and function of places. Although I have found that the proposal would not be isolated, and therefore para 80 of the Framework would not be

relevant, the proposal would be contrary with the provisions of the Framework in relation to promoting sustainable transport.

Character and appearance

13. While not quoted within the Councils reason for refusal, the appellant has brought my attention to LP Policy 12 and the provisions within the Framework relating to design to which I have had regard in the context of the proposal being made in outline form with all matters reserved. Although the plans are only indicative, I observed that the development would likely be at least partially visible from the road frontage and through the access point to the proposed dwelling.
14. While it may be the case that from certain viewpoints a carefully designed and sited dwelling on this site would be screened by the existing mature trees and hedgerow and planting could be retained via a planning condition, this screening would likely decrease in the winter months due to leaf fall. Given the character of the appeal site visually forms, as I have identified above, part of the surrounding countryside, the proposal would inevitably result in the introduction of further built development into this countryside landscape thereby eroding the undeveloped character of the site and locality.
15. Furthermore, the proposed development would not be seen in conjunction with the grouping of properties at Lower Treluswell Farm to the south due to the separation distance, and is not well related to the property to the north east, due to this property being sited on the opposing side of the highway. Therefore, the proposed development would not be seen against the backdrop of an existing grouping of housing, but, despite screening provided by mature and possible future planting, as further harmful sporadic development in the countryside. In coming to this view, I have taken into account that the site is not within a nationally or locally designated landscape.
16. I therefore conclude on this issue that the proposal would have an unacceptable effect on the character and appearance of the area. There would be conflict with LP Policies 1, 2, and 23 which seek to ensure, amongst other things, that development respects surrounding areas and enhances the quality of place and conserves and enhances the landscape character. The proposal would also be contrary with the provisions of the Framework in relation to achieving well-designed places and conserving and enhancing the natural environment.

Other Matters

17. I have been provided with an appeal decision¹ in which a grouping of properties was concluded to be a settlement by the Inspector. However, this appeal decision relates to a differing location and the full details of the other case are not before me. While I note that the Inspector concluded, in that instance, that a group of buildings had a clearly definable form and shape, this is not the case here. Moreover, the current appeal proposal has its own circumstances, and I have determined this appeal on its own merits.

¹ APP/D0840/W/19/3237217

18. I acknowledge the findings of Securing Homes for All: A Plan to respond to Cornwall's Housing Crisis and the contribution that single plot windfall sites can make to housing supply. The proposed development would provide benefits in terms of the contribution of a single dwelling towards housing supply. The proposed development would also provide some employment opportunities during the construction phase and future occupiers would provide further economic and social benefits in terms of future spend within local businesses and use of local services and facilities.
19. Notwithstanding, and acknowledging the housing need in the area, the benefits of the proposed scheme would be limited given the scope and scale of the development. Such matters therefore neither individually nor in combination outweigh the identified harm and the associated development plan conflict described above.

Conclusion

20. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR