
Appeal Decision

Site visit made on 29 November by S Wilson LLB MSc LRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2022

Appeal Ref: APP/D0840/W/22/3298451

Heathlands, Road from Lower Grumbla Road to Sancreed Road, Sancreed TR20 8QP

- 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 A Brown against the decision of Cornwall Council.
 - The application Ref PA21/11002, dated 4 November 2021, was refused by notice dated 9 March 2022.
 - The development proposed is the construction of Self Build Eco Dwelling House and Associated Works.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are a) whether the appeal site would be a suitable location for a new dwelling with specific regard to the Council's settlement strategy and ensuring sustainable patterns of development; the effect of the proposal on a) the character and appearance of the area; and c) the living conditions of the occupiers of Nos 1 and 2 Heathlands.

Reasons for the Recommendation

Suitable Location

4. The Council's settlement strategy is set out in Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (2016) (the Local Plan). It seeks to maintain the dispersed development pattern of Cornwall, and provide housing based on the role and function of each place. Policy 3 says that, outside specific main towns, housing growth is to be delivered through the identification of sites through a Neighbourhood Development Plan (NDP); rounding off of settlements; development of Previously Developed Land (PDL) within or immediately adjoining settlements; infill schemes; and rural exception sites.
5. The site does not lie within one of the specific main towns and there is no evidence before me of a NDP that identifies the site for development. Furthermore, the proposal is not promoted as a rural exception site. Consequently, to comply with Policy 3 of the Local Plan, the proposal would

need to comprise the rounding off of a settlement, infill of a small gap that does not extend the settlement, or the development of PDL within or immediately adjoining a settlement. In all cases, it would be necessary for the appeal site to be considered as part of a settlement.

6. The Local Plan does not provide an absolute definition of what constitutes a settlement. However, paragraph 1.68 indicates that it should have a form and shape and clearly definable boundaries, rather than being a low-density straggle of development. Further guidance is found in the Chief Planning Officer's Advice Note: Infill/Rounding Off (2017) (the CPOAN), which states that well-defined groups of dwellings with a collective name will normally be settlements and indicates that an NDP may identify the settlements in their area, defining settlement boundaries. The CPOAN says it provides guidance only and should not be used as a substitute for the policies of the Local Plan. Nevertheless, as it provides clarity on the approach to be adopted, I have had regard to the guidance it contains.
7. The appeal site is on the edge of what is more read as a cluster of buildings previously associated with a dairy farm, which consists of 6 residential dwellings and 10 industrial units. The cluster does not form a well-defined group of dwellings with a collective identity and there is no form or shape to the scatter of homes and employment spaces that provides the experience of entering or leaving a settlement. For these reasons, the cluster does not comprise a settlement for the purposes of Policy 3 of the Local Plan. It follows therefore that the proposal cannot comprise the rounding off of a settlement, infill of a small gap that does not extend the settlement, or the development of PDL within or immediately adjoining a settlement, in accordance with Policy 3.
8. Paragraph 2.33 of the Local Plan describes the open countryside as the area outside the physical boundaries of existing settlements. Given that the grouping of buildings described above is not a settlement, the site is located within the open countryside. Policy 7 of the Local Plan only permits new homes in the open countryside in specified special circumstances, none of which apply in this case.
9. Even if I had concluded that the appeal site was part of a settlement the appeal site lies a not insignificant distance from Sancreed, which is the nearest settlement. However, Sancreed provides no shop, school, or other higher services, which require travel to the larger settlements of St Just, St Buryan or Newlyn, which are further afield. Access from the site to either of the settlements is via narrow country lanes with no footways or lighting. Consequently, they are not conducive to walking or cycling. There is a bus stop within a fair walking distance of the appeal site, but this would be accessed by the same country lanes, so is unlikely to prove an attractive option. Occupants of the dwelling would, therefore, be far removed from services and facilities on which they would rely for day to day living, and would not have a genuine choice of transport modes to access them. Therefore, the proposal for a dwelling in a location where occupants would be reliant on the private car for most journeys, the least sustainable transport option, would not be in accordance with the Local Plan or the aims of the National Planning Policy Framework (2021) (the Framework).
10. Consequently, for the reasons set out above, the site would not be a suitable location for a dwelling. It would serve to promote unsustainable patterns of

development and, accordingly, fail to comply with Policies 1,2,3, and 7 of the Local Plan, insofar as they seek to maintain the dispersed development pattern of Cornwall, providing sustainable housing based on the role and function of each place.

Character and Appearance

11. As well as occupying a countryside location, the site lies within an Area of Great Landscape Value (AGLV). Paragraph 2.153 of the Local Plan describes AGLVs as areas of high landscape quality, with strong and distinctive characteristics which make them particularly sensitive to development. Policy 23 of the Local Plan requires that development within these areas should maintain their character and distinctive landscape qualities.
12. Despite the presence of the cluster of buildings previously associated with the dairy farm, the proposal would be within the rural countryside. The site is clearly visible from the road, as well as from multiple aspects within its overtly rural setting which is a strong and positive physical attribute of the immediate area. Further expansion of the built form into the countryside at this location would be intrusive and would not maintain the distinctive landscape qualities of the AGLV. Therefore, the proposal would be harmful to the rural character of the AGLV. Whilst this is an appeal against the refusal of an application for outline permission, and as such the detail of the proposal could be agreed to mitigate the identified harm to some extent, that mitigation would be limited to materials and form and would not overcome the identified intrusive harm.
13. Consequently, the proposal would be harmful to the rural character and appearance of the area. The proposal would, therefore, be contrary to Policy 23 of the Local Plan, insofar as it seeks to maintain the character and distinctive qualities of AGLVs.

Living Conditions.

14. The appeal is against a refusal to grant outline planning permission with all matters reserved, and without the benefit of detailed plans a full assessment cannot be made in terms of the living condition effects of a dwelling.
15. Whilst No 2 Heathlands would retain some outdoor space, the proposal would truncate its plot, reducing the quantity and thus usable quality of outside space to an unacceptable level, accordingly, resulting in a poor residential environment for the occupiers. Furthermore, there are a number of ground floor and first floor windows on the elevation of Heathlands that would face the appeal site. The boundary would sit tightly against this elevation. Whilst I cannot be certain, based on the limited detail of the scheme, where a building would go and how close it might sit to the boundary, I remain concerned that any built boundary would unacceptably harm the outlook from the aforementioned windows.
16. Consequently, the proposal would be harmful to the living conditions of the neighbouring properties. Accordingly, the proposal would be contrary to Policies 12 and 13 of the Local Plan, and further, contrary to Paragraph 130 of the Framework, insofar as they require to high quality design to achieve a high standard of amenity for occupiers.

Other Matters

17. The proposal would provide an economic benefit in terms of building and would contribute toward achieving development plan housing targets. There would therefore be some compliance therewith. However, these benefits would be of a limited scale due to the size of the development which would therefore be worthy of limited weight. Any compliance with policies would be as a result of a lack of harm which would be neutral. It would thus be incapable of outweighing the harm and development plan conflict there would be and to which significant weight should be ascribed.

Conclusion and Recommendation

18. The proposal is therefore contrary to the development plan as a whole and there are no other material considerations worthy of sufficient weight to find otherwise. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR