



Appeal Decision

Site visit made on 13 December 2022

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2023

Appeal Ref: APP/D0840/W/22/3302210

Avalen, St. Veep, Lostwithiel PL22 0PA

- 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 Miss Ruth Saberton against the decision of Cornwall Council.
 - The application Ref PA21/10578, dated 21 October 2021, was refused by notice dated 12 January 2022.
 - The development proposed is redevelopment of part of former riding stables/chocolate factory to residential use including replacement of stable building with single storey dwelling over the same footprint.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst two applicants are shown on the planning application and listed in the appeal documents, the appeal has been made in Miss Ruth Saberton's name and it proceeds on that basis.

Main Issue

3. The main issue is whether the appeal site is suitable for residential development, having regard to its location and the proximity of services.

Reasons

4. The appeal site lies to the west of a terrace of three residential dwellings. A riding arena and open land lies to the south. There are some stable and other buildings within the site. Farmland lies to the north and an area of woodland is to the west. The Parish Church of St. Veep (St Cyricius and St Julitta's Church) sits further away to the northeast with a group of three residential properties, and there is a small group of buildings further to the north with Swallows Reach.
5. The area is known as St. Veep. The appellant advises that it is a historic settlement of dwellings with the church at its heart and providing a focal point, with all local footpaths leading to it. Local comments, including those of the Parish Council, advise that St. Veep is a hamlet. There are also several road signs to St. Veep.
6. However, these small number of buildings are separated by open expanses of farmland and the locality has a highly rural and pastoral setting. The Chief Planning Officer's Advice Note (CPOAN) states that the open countryside may include areas containing groups of dwellings which might not constitute a

settlement, due to the lack of a clear form and shape. The small clusters of buildings do not contribute to providing a clear shape and form but are rather a low-density straggle of development. Therefore, although I acknowledge the references to St. Veep as a hamlet, the existing development due to its sporadic and dispersed nature, for the purposes of planning policy, does not constitute a settlement and, accordingly, the appeal site lies outside any town, village or hamlet. In other words, it is located in the open countryside for planning policy purposes, as defined in the Cornwall Local Plan Strategic Policies (the CLP).

7. The CLP seeks to ensure that development occurs in the most sustainable locations in order to protect the open countryside from inappropriate development. Supporting text to Policy 3 of the CLP sets out the Council's approach to sustainable development and clarifies that the majority of development will be provided in settlements with a range of facilities. Policy 7 of the CLP advises that new homes in the open countryside will only be permitted where there are special circumstances. Its supporting text advises that open countryside is defined as the area outside of the physical boundaries of existing settlements. The proposed dwelling would not fall into any of the Policy 7 categories allowing new dwellings in the countryside. The proposal is therefore contrary to Policy 7 of the CLP.
8. Lerryn, which provides a limited number of services, including bus service, school and shop lies to the north. The local access route which comprises unlit roads that are without pedestrian footway and steep in places would be sufficient in most cases to deter walking and cycling of residents of the proposed dwelling as a mode of access to services and obtain goods, especially at times of darkness or in adverse weather.
9. Notwithstanding that, the appellant has stated that the proposed dwelling would support services in nearby villages, as well as the church. It is also stated that the dwelling would mean the appellant would not need to travel to the site to care for horses and they would work from home. However, this approach is dealt with in by Policy 3 of the CLP that allows development in a variety of places, provided that they are settlements.
10. The appeal site, given the absence of realistic alternatives, would most likely give rise to the reliance on the private car for most journeys. Therefore, the proposal would not be located so as to be accessible by sustainable means of transport in order to minimise the need to travel by private car and, whilst I acknowledge the intention would be to construct a highly insulated dwelling, it would not be a sustainable location for development. Consequently, the location does not meet the strategic approach for the role and function of places and the provision of new housing as set out in Policy 3 of the CLP.
11. The appellant advises that the site is previously developed land. However, in accordance with Policy 3 of the CLP sites are required to be within or immediately adjoining a settlement. Even if I were to accept that the site comprises previously developed land, for the reasons given above, it is not sustainably located.
12. The appellant refers to the potential for the site to operate as an equestrian business as a fallback position. Even if I were to accept that there is a real prospect that the equestrian use may take place, I am cognisant that the riding arena and some stable buildings would remain with the proposed dwelling.

There is nothing before me to suggest that those would not be available for commercial equestrian use in the future and thus attract the traffic movements that the appellant refers to. Therefore, it would be unlikely that the fallback would be more harmful than the appeal scheme in this regard. As such, this is a matter that is given limited weight.

13. I have been referred to recent schemes granted by the Council. The case at the appeal site related to the conversion of an existing building. At Higher Penpoll, the Officer Report notes the proximity of several other existing buildings, with residential properties to either side, and the form and shape of a small settlement with clearly defined settlement boundaries. Both cases were, therefore, assessed in a markedly different planning context. My attention has also been drawn to an appeal decision for a case relating to a site in Olney, however, this was not considered within the context of the CLP. Accordingly, these schemes have attracted limited weight.

14. I conclude that the site would not be suitable for the proposed development, having regard to its location and proximity to services. The proposal would conflict with the relevant aims of policies 1, 3, 7 and 27 of the CLP and the Framework, which together seek to direct development to settlements.

Other Matters

15. The appellant refers to a draft St Veep and Lerryn Parish Neighbourhood Development Plan. However, no details have been provided and this is not yet an adopted part of the development plan. Accordingly, I have afforded this very little weight.

16. I note that the appellant pays business rates on the building. However, this has little bearing on my findings above. I also note that the appellant wishes to live on site to keep livestock safe, however, there is no substantive evidence to demonstrate that this is essential in accordance with Policy 7 of the CLP. As such, I have afforded limited weight to this.

Planning Balance and Conclusion

17. The scheme would conflict with the development plan when read as a whole. It would provide one dwelling to the local housing supply, and future occupants might frequent local facilities, such as the church and other facilities within the wider area. However, the benefits of such attract modest weight.

18. The site is located within the Cornwall Area of Outstanding Natural Beauty (AONB). The statutory purpose of AONBs is to conserve and enhance the natural beauty of the area. Paragraph 176 of the Framework attaches great weight to the conservation of landscape and scenic beauty in AONBs.

19. I recognise the Parish Council and some local residents offered support for the proposal including the views that the scheme would improve the appearance of the site. This would yield a slight improvement visually, but not so much that it would justify the proposal given my findings on the main issue. The weight to be attached to these matters does not overcome the policy objections to the provision of a dwelling in this countryside location which I afford significant weight.

20. The proposal would conflict with the development plan as a whole and there are no material considerations identified which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR