



Appeal Decision

Site visit made on 17 January 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2023

Appeal Ref: APP/D0840/W/22/3302876

Land North East of Glebe Cottage, St Ewe, St Austell PL26 6EY

- 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 JA and EJ Lakeman against the decision of Cornwall Council.
 - The application Ref PA21/08050, dated 2 August 2021, was refused by notice dated 13 January 2022.
 - The development proposed is a rural exception site for up to nine dwellings and associated landscaping works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr JA and EJ Lakeman against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal has been made in outline, with all matters apart from access reserved for future consideration. Plans that accompanied the application show an illustrative layout and a site section. However, as appearance, landscaping, layout, and scale are all reserved matters, I have considered these drawings solely on the basis that they have been submitted for illustrative purposes.
4. During the appeal, the appellant submitted an Agreement made in pursuance of section 106 of the Town and Country Planning Act 1990, dated 14 December 2022 (the s106). It contains obligations that would require at least 50% of the dwellings to be affordable, and would secure a financial contribution towards mitigation of the impact of the development on the Fal and Helford Special Area of Conservation.

Main Issues

5. The Council has confirmed that the s106 overcomes the reasons for refusal numbered 2 and 5 on the decision notice. Furthermore, the Council has reviewed the additional evidence submitted by the appellants, and has confirmed that it is now satisfied that any impacts on foraging and commuting bats could be mitigated through appropriately worded planning conditions, so reason for refusal number 4 is no longer contested. Consequently, the main issues in this appeal are:
 - a) Whether the site is suitable for the development, bearing in mind the settlement policies of the development plan and the effect of the

proposal on the character and appearance of the village and surrounding landscape, and,

- b) The effect of the development on designated heritage assets and archaeology.

Reasons

Settlement policies and effect on character and appearance

6. The main settlement policies of the development plan are Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). The strategy set out in Policy 2 seeks to maintain the dispersed development pattern of Cornwall, and provide housing based on the role and function of each place. Policy 3 defines how development will be accommodated, based on this hierarchy, with growth focussed on identified main towns. St Ewe is not one of the main towns listed in Policy 3.
7. Outside the main towns, Policy 3 says housing growth is to be delivered through the identification of sites through Neighbourhood Plans; rounding off of settlements; development of previously developed land within or immediately adjoining settlements; infill schemes; or rural exception sites. It is not disputed that the suitability of the site for housing is dependent on it meeting the criteria for a rural exception site, as set out in Policy 9 of the Local Plan.
8. Policy 9 says that development proposals on sites outside of, but adjacent to, the existing built-up area of smaller towns, villages and hamlets, whose primary purpose is to provide affordable housing to meet local needs, will be supported where they are clearly affordable housing led; well related to the physical form of the settlement; and would be appropriate in scale, character, and appearance. The policy allows for the inclusion of a maximum of 50% market housing where a financial appraisal demonstrates it to be essential for the successful delivery of the development.
9. The s106 would ensure that a minimum of 50% affordable housing would be provided. Furthermore, a viability mechanism within the obligations would ensure that the proportion of market housing to be included would be the minimum necessary to deliver the affordable dwellings. Consequently, the proposal would be clearly affordable housing led. The s106 would also require submission of an Affordable Housing Scheme for approval, which would allow the Council to control the number, location, unit size, and design quality of the affordable units, and the arrangements for their provision. This would enable the Council to ensure that the affordable housing provision reflected local need in terms of scale, dwelling type, and tenure mix in accordance with Policy 6 of the Local Plan.
10. The Council has raised concerns in its statement regarding the level of affordable housing need to support the proposal, and the availability of accessible services for the prospective residents. However, the evidence indicates that the number of households in the parish in need of affordable housing has increased since the application was submitted, and now stands at 15. Consequently, even allowing for an element of double counting on the register, it is unlikely that the development would exceed the level of unmet housing need in the parish. Policy 9 allows for exception sites adjacent to smaller towns, villages, and hamlets, with no expectation of any minimum level

of services. Indeed paragraph 2.61 of the supporting text recognises that there may be circumstances where the provision of housing to meet a local need is best met at a specific community rather than in a more sustainable nearby settlement. Consequently, although there are limited services in St Ewe, it is the largest settlement within this rural parish, so is best placed to meet its housing needs. Therefore, in view of the current level of housing need, and the role that St Ewe plays in this rural community, the development would be of an appropriate scale.

11. The proposal's compliance with Policy 9 is therefore only dependant on it being well-related to the physical form of the settlement and appropriate in character and appearance.
12. St Ewe is a small village which has a clearly defined linear layout, with mainly two-storey buildings fronting the road that winds through the settlement on a roughly west to east axis. It has a historic core, which includes a church and pub. Here there are buildings close to both sides of the road, resulting in a markedly intimate character. To either side of this core, the buildings generally only line one side of the road, and the character is more spacious and rural. The settlement occupies a plateau location, and the agricultural land to the north falls steeply away, before rising again on the opposite side of the valley. As a result, the village has a scenic rural setting. Due to its linear form, this setting is readily evident when approaching from either direction, and also from within the village, through gaps between buildings. The linear pattern of development, its historic core, and the close association with the surrounding landscape are the features that give the village its attractive and distinctive character.
13. The easternmost part of the site is closely associated with the frontage development to either side, at Glebe Cottage and The Barns. However, as the site extends westwards, away from the access, it diverges from the built form of the village. Consequently, the large majority of the site is surrounded on three sides by undeveloped countryside. The site also falls steeply away from the settlement, so the new dwellings would be at a significantly lower level, emphasising their visual separation from the linear form of the settlement. So, although a small part of the site abuts the built edge of the village, the development, as a whole, would not relate well to the physical form of the settlement.
14. It is contended that the illustrative layout plan demonstrates that the pattern of linear development can be replicated. However, the distinctive character of the village stems from its singularly linear built form, which results in a close relationship with the surrounding countryside along all of its length. Whilst the illustrative plan shows a long access road lined by a single row of houses, it would run at an angle to the main village road, and would result in development intruding behind the frontage buildings, which would be wholly out of keeping with the existing pattern of development. The upper parts of the dwellings on the site would be evident in views out of the village through gaps between buildings, thus diminishing the visual relationship between the linear village and the surrounding countryside, which would be harmful to its setting.
15. The appeal site is part of one of the open agricultural fields that fall away from the settlement to the north. It therefore makes an important contribution to the landscape setting of the village. The site plays a particularly significant role

in this respect when approaching the historic core from the east. In this approach the site is seen through the existing field gate as part of a wide expanse of rolling agricultural land that extends behind the frontage buildings. The proposal involves the widening of this gateway to form a 4.8 metre wide road with 1.8 metre wide service margins and visibility splays to either side. Whilst the scale, design and layout of the dwellings is reserved for future consideration, their built form would, inevitably, be readily visible through this widened access point, and would be intrusive in the currently open views across the site, to the detriment of the characteristic rural setting of the village.

16. It has been put to me that views of the site are limited. However, I saw that it is visible from a very wide area to the north. From this direction the development would be a prominent addition to the landscape on sloping land below the plateau. The northern extent of the site is an arbitrary one, which is not marked by any feature on the ground. Consequently, the proposal would result in an uncharacteristically harsh transition between the built form of the settlement and the open countryside beyond. I acknowledge that landscaping is a reserved matter, and that planting could be secured along this boundary. However, it would take many years for a robust hedgerow to be established that would provide effective enclosure and softening of the development.
17. For all of these reasons, the proposed development would, from most viewpoints, only have a tenuous association with the built form of the village, so would appear as an incongruous intrusion into the countryside, rather than as a natural extension to the settlement. I am mindful that the surrounding landscape is not protected by any particular designations, but that does not diminish its importance to the setting of the village.
18. I also acknowledge that exception sites, by their very nature, are likely to involve development on greenfield land adjacent to a settlement, so will involve some intrusion into the countryside. However, in this case, the development would not be well-related to the built form of the village, and would result in significant harm to its countryside setting. The proposal would, therefore, be contrary to Policies 9 and 23 of the Local Plan, which seek to ensure that exception sites are well related to the physical form of a settlement and are appropriate in character and appearance; and that all development sustains local distinctiveness and character and protects Cornwall's natural environment.

Designated heritage assets and archaeology

19. The Council's reason for refusal on this issue related to a lack of information to assess the impact of the proposal on designated heritage assets and archaeology at the site. A Historic Environment Impact Assessment (the HEIA) and an Archaeological Magnetometer Survey (the AMS) have been submitted with the appeal. The HEIA confirms that there are no Historic Environment Records within the application area. The AMS identifies that former field boundaries, visible as subtle earthworks, are likely to survive as below-ground deposits. The HEIA concludes that these remains are likely to be of low significance based on their evidential values. The HEIA also concludes that two further ditches identified by the AMS are of unknown origin and purpose, and therefore unknown significance.

20. The Council has had the opportunity to review this evidence as part of the appeal, and paragraph 5.130 of its statement indicates that it is now satisfied that the impact of the development on archaeology can be dealt with by an appropriate planning condition. Consequently, it is not now disputed that the development could proceed without harm to heritage assets of archaeological interest.
21. The HEIA considers the settings of all relevant heritage assets within the vicinity of the proposed development, including the Grade I listed Church of All Saints, the Grade II listed The Crown Inn, and the Grade II listed Nantuat, a former 19th century rectory. Taking account of the topography of the area, it is concluded that the aspects of setting that contribute towards the significance of these assets will remain unaffected by the proposed development. The Council maintains in its statement, however, that there would be intervisibility between the resultant development and The Crown Inn and Nantuat, which would result in harm to their settings.
22. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving these listed buildings, or their settings, or any features of special architectural or historic interest which they possess.
23. I saw that, when approaching the village core from the east, the proposed development would be seen in juxtaposition with The Crown Inn from the road. However, the listed building is some distance away in these views, with Glebe Cottage intervening between the two. The main aspect of the setting of the Inn that contributes to its significance is the intimate association with surrounding historic buildings in the core of the village, rather than the rural landscape that gives the village, as a whole, its attractive character. Consequently, although seen together from this viewpoint, there would be no harm to the setting of the heritage asset. The upper parts of the dwellings would be visible from the carpark to the rear of the Inn. However, there is a row of conifers that visually separates the listed building from the car park. The development would be some distance away, and at a lower level. Consequently, although the development in this location would harmfully affect the countryside setting of the village, it would not result in any harm to the individual setting of The Crown Inn.
24. I also saw that the development would be seen together with Nantuat in approaches to the village from the east. However, this listed building is set back from the road and screened by a high roadside hedgebank. The dwellings on the appeal site would be at a considerably lower level, and visually separated by the road and the hedgerows on either side. Consequently, Nantuat would retain its predominance in these views. Furthermore, the aspects of Nantuat's setting that contribute to its significance are its designed views towards the church to the south, and across its own extensive curtilage. The appeal site does not contribute to these aspects. Consequently, the proposal would not result in any harm to the setting of the listed building.
25. I therefore conclude that the proposal would not result in harm to designated heritage assets or archaeology. As a result, the development would comply with Policy 24 of the Local Plan, which seeks to ensure that development sustains designated heritage assets. It would also accord with the advice in

Section 16 of the National Planning Policy Framework (the Framework) which seeks to conserve and enhance the historic environment.

Planning Balance

26. Whilst I have found that the proposal would result in no harm to designated heritage assets, I have concluded that it would not be well-related to the built form of the village, and would result in significant harm to its countryside setting. This results in conflict with Policies 9 and 23 of the Local Plan. This harm must be balanced against the benefits of the proposal.
27. Paragraph 78 of the Framework supports housing developments in rural areas that reflect local needs, and encourages rural exception sites that will provide affordable housing, with the inclusion of some market housing where necessary to help facilitate this. The proposal would provide at least five dwellings that would contribute to meeting an identified need for housing in the parish. Furthermore, St Ewe is the largest settlement within the parish, so represents the most suitable general location to meet this need. The development would play a role in maintaining or enhancing the vitality of this rural community, in accordance with paragraph 79 of the Framework. These are benefits to which I attach significant weight.
28. However, these benefits must be set against the significant harm to the countryside setting of the village. Paragraph 130 of the Framework says that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. I have found that the proposal would be harmful in these regards, resulting in conflict with development plan policy. Paragraph 12 of the Framework says that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Consequently, in the overall planning balance, I conclude that the benefits do not outweigh the proposal's conflict with the development plan.

Conclusion

29. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR