



Appeal Decision

Site visit made on 23 January 2022

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/D0840/W/22/3299908

Land South of Treslow Farm, Perrancoombe, Perranporth, Cornwall, TR6 0HY.

- 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 D Thipthorp against the decision of Cornwall Council.
- The application ref. PA21/07082, dated 6/7/21, was refused by notice dated 2/12/21.
- The development proposed is a replacement dwelling and associated works.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would comprise sustainable development, having particular regard to the planning history of the site and established national¹ and local² planning policies that control residential development within rural areas.

Reasons

3. This site, approximately 0.1 ha in size, lies along the bottom of a sheltered valley and to the west of a small stream that flows in a north easterly direction towards the sea. On the opposite side of the stream there is a ribbon of housing. This extends south from the main body of the settlement of Perranporth. The site includes the remains of a small dwelling and shed. A tall timber fence has been erected around much of the perimeter of the site with a shipping container in the southern corner. The site is otherwise open. Treslow Farm lies to the north. The south eastern boundary of the site and access track lies within an area that is the subject of a Tree Preservation Order (TPO).

Planning Policy

4. My attention has been drawn to numerous LP policies. The most important policies to the determination of this appeal are policies 3(3) (rounding off of settlements), 7 (housing in the countryside) and 12 (design).
5. The Council has drawn my attention to its Chief Planning Officer's Advice Note: Infill / Rounding Off that was published in 2017. This Note has limited weight.
6. My attention has also been drawn to the emerging Perranzabuloe Neighbourhood Development Plan (NP) and the accompanying Perranzabuloe Design Code (DC). Amongst other things, the NP identifies settlement

¹ The National Planning Policy Framework (the Framework)

² The development plan, which includes the Cornwall Local Plan Strategic Policies 2010-2030 (LP).

boundaries for the larger settlements (policy SD1³) and seeks to conserve and enhance the character of the built environment (policy SD2). As the NP has yet to reach an advanced stage, both it and the DC carry only limited weight.

7. Amongst other things, the Framework aims to: promote sustainable development in rural areas, with housing located where it would enhance or maintain the vitality of rural communities and; conserve and enhance the natural environment.

Main Issue - Planning History

8. Both main parties have drawn my attention to case law⁴ in support of their arguments as to whether or not the dwelling on the site has been abandoned. The case in Oxfordshire that is relied upon by the appellant, relates to an application for a Certificate of Lawful Use. It sets out the approach to be taken by the decision-maker in determining such applications. This is not the situation before me. Whilst it would ultimately be a matter for the courts to decide, in my opinion, the cases relied upon by the Council are to be preferred. These specifically relate to the issue of abandonment and have far more in common with the nature of the application that is the subject of this appeal.
9. As I saw during my visit, the dwelling on the appeal site is in a dilapidated and ruinous condition. Sections of the walls and roof have collapsed and what remains appears to be seriously lacking in structural integrity and likely to collapse. The physical condition of the building is very poor.
10. The condition / remains of the dwelling on the site indicate that it has not been occupied for residential purposes for many years. I note from the submissions that it appears to have last been occupied by the relative of a previous owner sometime during the early 1980's. This is clearly a lengthy passage of time.
11. The remains of the dwelling do not appear to have been used for any other purposes since the early 1980s. I note from the planning history that some type / form of dwelling was permitted on the site in 1952 with various renewals of permission approved up to the early 1970s. In 1975 permission was refused for a further renewal. Subsequent applications for a replacement or new dwelling were also refused. The last refusal was in 1981. This appears to coincide with the property being vacated by a relative of a previous owner.
12. It is evident that until the early 1980s the previous owners were intending to continue residential use on the appeal site. However, there is nothing of substance to demonstrate the same intention by the appellant, or any owners in the period between the early 1980s and the appellant's acquisition of the site. I understand that the appellant has owned the site for about 15 years.
13. Although the building and rest of the appeal site do not appear to have been used for any other purposes since the early 1980s, the planning history suggests that since June 1981 and July 2021, there was no intention to resume residential occupation. Moreover, the aerial photographs supplied by the Council indicate that until the last few years, when ground clearance works commenced, the site was covered in dense vegetation and the remains of the dwelling appear to have blended into the surrounding landscape.

³ The appeal site lies outside the settlement boundary as shown on Map 3.

⁴ Panton and Farmer v SSETR & Vale of White Horse DC EWHC Admin 1138 [1999], Hughes v SSETR and South Holland DC (2000) EWCA Civ 506, Trustees of Castell-y-Mynach Estate v SoS 10/7/85 JPL 40.

14. Given the physical condition of the building, the length of time that has lapsed since it was last occupied / used as a dwelling, the planning history and the apparent intentions of those who have owned the site since 1981, I find that the dwelling is tantamount to being abandoned.

Main Issue - Policies Controlling Residential Development

15. The appeal site lies close to the ribbon of housing that extends south from the main body of Perranporth. However, it does not comprise a gap in an otherwise continuous frontage and the proposed dwelling could not reasonably be described as infill development⁵.
16. Having visited the site and noted its relationship to the settlement, as well as reviewing the maps and photographs and other evidence that have been provided, I concur with the Council and those who identified the settlement boundary in the emerging NP (insofar as it relates to the appeal site). The appeal site has more in common with the surrounding countryside than the built-up area of the settlement.
17. In particular, the site lies on the opposite side of the stream to the adjacent row of houses. It is also surrounded on three sides by countryside and its largely green open qualities are attributes that are common to the rural landscape within this part of Cornwall. Whilst the tall boundary fences and ground clearance works have created something of a suburban character, this appears to be a marked (and negative) change from that which can be gleaned from studying the aerial photographs.
18. The proposed development is for a sizeable two storey dwelling with outside terrace, parking and turning area. It would not be contained within long-standing boundary features such as a road, Cornish hedge or stream. Its location on the western side of the stream, the associated residential activity and inevitable domestic trappings and lighting would, in effect, extend the urban area into the countryside around Perrancoombe. This would erode the pleasing character and appearance of the local area.
19. I concur with the Council that the proposed development would not comprise rounding off of the settlement. It would conflict with the provisions of LP policy 3(3), the Council's Advice Note and emerging NP policies SD1 and SD2. The proposal would also fail to meet any of the exceptions allowed for under LP policy 7. It would do little, if anything, to enhance or maintain the vitality of the local community and would not conserve or enhance the natural environment. There would be conflict with LP policy 12. The proposal would be at odds with the provisions of the development plan and the Framework.
20. I have determined this case on its own merits. Nevertheless, in such an attractive and popular area as Perrancoombe, the development, if permitted, could also result in future pressure for additional housing to the north and / or south of the site, which the Council could have difficulty resisting. This in turn, could have a cumulative adverse effect upon the quality of the local environment. However, my decision does not turn upon this particular matter.

⁵ In the separate appeal for two dwellings on land to the east of the site and on the opposite side of the stream (ref. APP/D0840/W/21/3273908), the Council has informed me that these new dwellings would comprise infill development of a gap in an otherwise linear pattern of existing development with built up frontage. The other permitted dwelling to which the appellant refers also appears to lie within this existing ribbon of housing.

21. Given all of the above, I conclude on the main issue that the proposal would not comprise sustainable development.

Other Matters

22. The proposed development would increase the choice and supply of housing within this part of Cornwall. There would also be some very limited economic benefit, such as support for the construction industry. These matters lend some limited weight to the appellant's argument for granting permission.

Overall Conclusion

23. My findings in respect of the 'other matters' above do not overcome or outweigh the adverse impacts of the proposal, including the conflict with national and local planning policies that I have found in respect of the main issue. Having regard to all other matters raised, I conclude that the appeal should not succeed.

Neil Pope

Inspector