



Appeal Decision

Site visit made on 20 February 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2023

Appeal Ref: APP/D0840/W/22/3304052

Porthcothan, Traboe, St Martin, Cornwall TR12 6EA

- 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 Ms Tracey Clarke against the decision of Cornwall Council.
 - The application Ref PA22/03494, dated 8 April 2022, was refused by notice dated 11 July 2022.
 - The development proposed is a new dwelling in the garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) Whether the site is suitable for the proposal bearing in mind the settlement policies of the development plan; and,
 - b) The effect of the development on the character and appearance of the area, including the scenic beauty of the Area of Outstanding Natural Beauty (the AONB).

Reasons

Settlement policies of the development plan

3. Policy 2 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan) sets out the spatial strategy for development. It seeks to maintain the dispersed development pattern of Cornwall, providing homes and jobs based on the role and function of each place. Based on this strategy, Policy 3 defines how development will be accommodated, with growth focussed on identified main towns. However, it also supports housing growth within or adjoining smaller settlements through rounding off; development of previously developed land (PDL); infill schemes; or rural exception sites. Policy 7 of the Local Plan says that the development of new homes in the open countryside will only be permitted where there are special circumstances, none of which apply in this case.
4. As the proposal is not put forward as a rural exception site, support for a dwelling in this location is dependent on the site being within or adjoining a settlement, and meeting the other Policy 3 criteria. There is no definition of a settlement in Policy 3 or its supporting text. However, both parties have drawn my attention to the Chief Planning Officer's Advice Note (the CPOAN) titled Infill/Rounding Off, which provides additional guidance. The CPOAN advises

that a settlement is a place where people collectively live in permanent buildings. Furthermore, it says that well-defined groups of dwellings with a collective name will normally be settlements, and that there is no expectation of services or facilities.

5. Traboe is a loose collection of permanent dwellings that lie to either side of a road and around a central area of open land. It is named on Ordnance Survey maps and is referred to in the Historic Environment Record. Directional road signs in the vicinity bear its name, and there is a nameplate at each end of the road announcing arrival. It is, therefore, a long-established group of buildings with a collective identity. There are no community facilities other than a post box but, having regard to the CPOAN advice, I am satisfied that it comprises a settlement.
6. It is, however, very limited in scale, comprising of only about 12 dwellings. The supporting text for Policy 3, at paragraph 1.68 of the Local Plan, is therefore relevant. It says that in smaller villages and hamlets in which 'infill' sites of one or two housing units are allowed, the settlement should have a form and shape and clearly definable boundaries, not just a low-density straggle of dwellings. In this case, the small number of dwellings is spread widely along about 270 metres of road, with further outlying houses to the north. Some are close to the road, and some are set well back. Furthermore, there are areas of open land between the buildings, such that there is no distinct core of dwellings that can be readily distinguished as a coherent entity. It does not, therefore have a distinct form, and the boundaries of the built-up part of the settlement are not clearly defined.
7. Paragraph 1.68 also says that, for infill development to be permissible under Policy 3, smaller villages and hamlets should be part of a network of settlements and/or be in reasonable proximity to a larger village or town with more significant community facilities, such as a primary school. It is contended that Traboe forms part of a network of outlying hamlets that support the services and facilities at the larger settlements of Coverack, St Keverne and Manaccan. However, each of these larger settlements lies more than four kilometres in a direct line from the site, and considerably further by road. Consequently, there are no facilities, such as a primary school, convenience store or doctors' surgery within a reasonable distance of the site.
8. Access to the services and facilities in these somewhat distant larger settlements would not be easily achieved by a range of transport options. The distance dictates that walking or cycling are not practical alternatives on a regular basis, particularly having regard to the generally unlit and unsegregated nature of the connecting road network. There is a bus service along the B3293, but the evidence indicates that it is infrequent, and does not operate on Sundays. Furthermore, the bus stop is approximately one kilometre from the appeal site, and would require a walk along an unlit road with no footways. Consequently, occupants would be likely to be reliant on the private motor vehicle for most journeys. This, in itself, does not place the development in conflict with Policy 3. However, it does cast doubt on the degree of support that residents of Traboe provide for services in Coverack, St Keverne and Manaccan. The much wider range of facilities available at Helston is equally accessible by car, with only a minor increase in journey time.

9. To summarise on this issue, I find that Traboe is a settlement, but it is of very limited scale. Key services and facilities are not within easy reach, and larger settlements lie too far away to form an effective support network. Consequently, the requirements of paragraph 1.68 are not fulfilled. As a result, although the proposal could reasonably be described as infilling, as defined by paragraph 1.65 of the Local Plan, the proposal conflicts with Policy 3, as Traboe is not of a suitable scale or location for infill or rounding off.
10. The appellant also suggests that the proposal would accord with the CPOAN advice that development of land which does not entirely fit the definition of infilling or rounding off, but would be within the form and shape of that settlement, will be acceptable where there is no significant harm arising to social, environmental, or economic considerations. The CPOAN advises that such development would accord with Policy 21c) of the Local Plan. However, Policy 21c) seeks to ensure the best use of land by encouraging sustainably located proposals to increase building density where appropriate, taking into account the character of the surrounding area and access to services and facilities. As already stated, the occupants of the proposed dwelling would not have easy access to services and facilities, and would be heavily reliant on private vehicles for most journeys. Consequently, the proposal would not be supported by Policy 21 of the Local Plan.
11. For the above reasons, I conclude that the proposal would conflict with the settlement strategy of the development plan, which seeks to focus most growth in the main towns, and to support organic growth of smaller settlements where they are of a suitable form and size, and have reasonable access to facilities and services. The development would, therefore, be contrary to Policies 1, 2, 3, 7 and 21 of the Local Plan.

Character and appearance and scenic beauty of AONB

12. The site lies within a loose scatter of houses of various designs, on either side of a road in an otherwise rural location. The entire settlement lies within the AONB, which is an extensive area covering the Lizard Peninsula. Paragraph 176 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. Policy 23 of the Local Plan is consistent with this guidance. The site is within landscape character area CA08 North East Lizard Peninsula as defined by the Cornwall and Isles of Scilly Landscape Character Study. The area is described in this document as a high plateau incised by several small valleys, influenced by its proximity to the coast.
13. The site is a narrow strip of rough grassland, which fronts the road through the settlement, and has two-storey houses close to both of its side boundaries. It is divided from the wider countryside to the northwest by a stream and a largely unbroken row of mature trees on a bank. It therefore has a much closer visual association with the road and the buildings to either side than it does with the open landscape beyond. As a result of its enclosure, and the close influence of the road and buildings, the site does not make a notable contribution to the character of the high plateau landscape or the scenic beauty of the AONB.
14. The scale, form and design of the house would generally conform with the character of the other buildings along the road, and beyond the open space opposite. The stream and bank of trees to the northwest is a strong boundary

feature that also extends along the rear boundaries of the adjacent properties. The dwelling would not, therefore visually appear to extend development into the open countryside. Whilst it would consolidate the loose collection of buildings to some extent, there would be sufficient space within the plot to allow for the provision of planting to both side boundaries. Together with the mature trees beyond the stream and the grass verge and hedge along the road frontage, the verdant semi-rural character of the surroundings would be retained.

15. The development would not, therefore, harm the character and appearance of the immediate locality, nor would it have any noticeable impact on the wider landscape or the scenic beauty of the AONB. Consequently, I find no conflict with Policies 12 and 23 of the Local Plan, which seek to ensure high quality design that recognises and respects the Cornish landscape.

Planning Balance

16. Whilst I have found that the development would not harm the character and appearance of the area or the scenic beauty of the AONB, it would conflict with Policies 1, 2, 3, 7 and 21 of the Local Plan with regards to the spatial strategy for development. This harm must be balanced against the benefits of the proposal.
17. Paragraph 60 of the Framework seeks to significantly boost the supply of homes. The development would provide an additional dwelling, which would assist with this aim, and would be a benefit of the proposal. There would also be benefits to the economy associated with the construction phase of the development, and the future spend by occupants in the local area. However, due to the small scale of the development, these benefits would be modest, so the weight I give them is limited.
18. The Framework makes it clear at paragraph 12, that the presumption in favour of sustainable development does not change the statutory status of the development plan, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. I have found that the proposal would conflict with policies of the development plan that govern the spatial strategy for development. The relatively small scale of the benefits does not outweigh this conflict.

Conclusion

19. 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