
Appeal Decision

Site visit made on 24 April 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/D0840/W/22/3311672

The Old Boatyard, Maenporth, Falmouth TR11 5HN

- 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 Mrs Charlotte McEwan against the decision of Cornwall Council.
 - The application Ref PA21/07293, dated 14 July 2021, was refused by notice dated 6 October 2022.
 - The development proposed is the demolition of existing boatyard buildings and construction of single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refused the proposal for three reasons. The third reason reflects the absence of a mechanism to secure the provision of a financial contribution towards mitigating recreational impacts upon the Fal and Helford Special Area of Conservation (SAC). At the appeal stage, the appellant has submitted an undertaking and accompanying payment under s111 of the Local Government Act 1972. It would appear, given the comments of the Council in its appeal statement and the advice in the associated supplementary planning document, that this should address the requirements of the third reason for refusal. Accordingly, I will examine this matter later in this decision, rather than as a main issue.
3. To the broadly east of the appeal site lies two properties, alongside each other, and which share a vehicular access. In their earlier form they were two modest dwellings called Cranny (the closest to the appeal site) and The Nook. Planning permission has been granted for their replacement with larger dwellings. The Nook has been redeveloped and is now called The Beach House, with Cranny still in its original built form.
4. The evidence indicates that the planning permission for the redevelopment of Cranny has been implemented and, therefore, these works could take place in the future with the larger replacement dwelling constructed. Cranny has now been renamed The Nook (with this name swapping from the redeveloped property).
5. For the avoidance of doubt, I will use the same names for the properties as the Council in the reason for refusal, and I will refer to Cranny as the property next to the appeal site and The Beach House which is located to the east of Cranny.

Main Issues

6. The main issues are:

- whether or not the development plan would support the proposed dwelling in this location,
- the effect of the development on the character and appearance of the area, having regard to the location within the Cornwall Area of Outstanding Natural Beauty (AONB), and
- whether or not the proposed dwelling would create satisfactory living conditions for the future occupants of the permitted but yet to be rebuilt Cranny, having regard to any overbearing and overlooking impacts.

Reasons

7. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) sets out the locational strategy for the delivery of housing across the plan area based on the role and function of each place. Most development is to be directed to the main towns. Outside these areas, in summary, housing is to be delivered through rounding off of settlements and development of previously developed land within or immediately adjoining that settlement, infill schemes which fill a small gap in an otherwise continuous built frontage and which do not extend the settlement into open countryside, rural exception sites, and the identification of sites through neighbourhood plans.
8. In this case, the site has not been advanced as a rural exception site nor identified for development in a neighbourhood plan. In terms of examining whether the scheme could benefit from the other elements of Policy 3 of the Local Plan it is necessary to, firstly, determine whether the site for the dwelling would be located within or adjoining a settlement.
9. In this respect, the Chief Planning Officer's Advice Note: Infill/Rounding Off (December 2017) (the Advice Note) provides additional advice on the interpretation of Policy 3 of the Local Plan, including the approach to consider whether a location constitutes a settlement. I attribute the Advice Note substantial weight.
10. The Advice Note explains that a settlement is a place where people collectively live in permanent buildings and, while there is no absolute definition, the smaller villages and hamlets should have a form and shape and clearly definable boundaries, not just a low-density straggle of development. The Advice Note also sets out that well-defined groups of dwellings with a collective name will normally be settlements and that local residents are well placed to assist with making this judgement and that asking the opinions of the parish/members would be useful.
11. The development plan also includes the Mawnan Parish Neighbourhood Development Plan 2021-2030 (the Mawnan NDP) which was made on 23 June 2022. Accompanying the plan, and cross referenced from it, is the Mawnan Neighbourhood Development Plan – Parish Design Statement with Settlement Character Descriptions July 2020 (the Design Statement).
12. Policy 1 of the Mawnan NDP addresses the locations and scale of new housing development within the Parish and broadly replicates the allowances for infill,

rounding off and/or use of brownfield site development within smaller settlements as detailed in the relevant sections of Policy 3 of the Local Plan.

13. The Design Statement identifies three main settlements of Mawnan Smith, West Bay and Budock Vean. There is a subsequent reference to some hamlets, but there is no specific list of hamlets which are considered settlements for the purposes of Policy 1 of the Mawnan NDP or Policy 3 of the Local Plan. Indeed, the accompanying text to the Mawnan NDP explains that the plan does not name small settlements or hamlets which could benefit from Policy 1. Outside the three main settlements identified in the Mawnan NDP, therefore, it is necessary to make an assessment of each site and decide whether or not it is within or adjoining a settlement.
14. In the case of the appeal site and the surrounding area, there is the additional issue that the boundary of three parishes coincide and, therefore, not all the surroundings fall within the Mawnan NDP area. The main part of the appeal site, including the position of the proposed dwelling, falls within the Mawnan Parish Council area. The beach area back to about the centre line of the adjoining road falls within the Falmouth Town Council area and west of this road area, including most of the entrance drive within the appeal site, is located within the Budock Parish Council area.
15. The appeal site and the surrounding buildings are separated by countryside from, and do not form part of, the West Bay settlement area. The appellant makes the case that the site falls within a settlement known as Maenporth. I have looked at all the evidence argued both for and against this and I consider that there is merit in the case that Maenporth is an independently known area which is distinguishable and separate from the built-up area at West Bay.
16. This general area adjoining the beach is accessed via the two opposing sections of the road dropping down the hillsides into the bay area. On entering this lower area from the north, for instance, the various buildings and spaces come into view, and these include the Beach café and adjoining car park, the dwelling Craignish and the new build holiday let, the fairly sizeable building of The Cove Restaurant and Bar with its car park, and along the ridge with a fairly looming built presence, is the row of substantial buildings which form this part of the Maenporth Estate, a group of holiday buildings. At the southern end of this part of the road is the appeal site which contains a range of run-down, single storey buildings, and which is located in a space between a row of dwellings. This row forms a visible built presence with The Beach House and Hedgerows, in particular, being fairly sizeable and prominent structures. When the replacement dwelling for Cranny is constructed, this row will have an even greater built presence.
17. Because of the number and size of buildings, and their associated visual relationship which are experienced as a wider group, on entering this bay area along the road from the adjoining countryside, there is a clear character change. There is an evident built presence and associated intensity of activities that distinguish it from the wider countryside. These buildings, the car parks and related activities are framed within verdant surroundings and there are areas of open space. However, within this area there is a sense that this is a place of arrival and with a sufficient built presence, including dwellings, that it has a size, shape and form that is distinguishable as a well-defined area with buildings and occupation that is separate and self-contained from the

surrounding countryside. The effect is that this area is more than a low-density straggle of development and all this supports the view that it can be considered to form a settlement for the purposes of Policy 3 of the Local Plan.

18. Reinforcing this judgement are comments in Council planning reports concerning other developments in this area. For instance, the planning report for the variation of the permitted two dwellings¹ next to the appeal site commented that the site was situated within the urban extent of the hamlet of Maenporth. This report was written in late 2017 and therefore at a time when the present Local Plan was in place.
19. The proposal to construct a detached new build holiday unit within the residential curtilage of Craignish was considered acceptable, with the planning report² commenting that the proposed building would be sited within a built-up area of Maenporth. While this proposal may have been considered under Policy 5 (concerning business and tourism development) of the Local Plan, I consider that the acceptance of a built-up area at Maenporth is relevant and adds support to the judgement that there is a settlement at Maenporth for planning purposes.
20. The Advice Note explains that local residents are well placed to assist with making a judgement as to whether a location should be considered as a settlement and that asking the opinions of the parish/members will be useful. In terms of the representations from local residents, there is a mix of objections (containing details as to why it is argued that the site does not fall within or adjoining a settlement) but also local representations of support. The National Trust object including on the basis that it does not consider the site to fall within a settlement.
21. In terms of the representations from Parish Councils, Budock Parish Council do not object³. Falmouth Town Council object including because the site is in the AONB, in a flood risk zone and the design does not respect the surroundings and setting of the Falmouth boundary. Falmouth Town Council also argue the proposal would be contrary to the then emerging Mawnan NDP.
22. The site for the dwelling falls within the Mawnan Parish area and at the application stage this Parish Council supported the proposal. While its original comments to Cornwall Council were made before the Mawnan NDP was made, it has not submitted any comments at the appeal stage, and consequently, there is no documented and clear evidence to indicate that the views of the Mawnan Parish Council has changed.
23. Examining all the submissions from local residents and various bodies, there is not a clear consensus on the issue of whether the site falls within a settlement, although I consider that the views of Mawnan Parish Council should be attributed substantial weight as the Parish Council for that part of the site where the dwelling would be sited.
24. Drawing all these matters together, the weight of evidence and my findings from the site visit, mean that the appeal site should be considered to fall within a settlement for the purposes of Policy 3 of the Local Plan. The evidence that

¹ Application PA17/09674 – The Nook, Maenporth Road, Maenporth, Falmouth, Cornwall TR11 5HN

² Application PA19/02214 – Craignish, Maenporth, Falmouth TR11 5HN

³ but comment that measures to reduce light pollution should form part of any approval and the access should be improved.

has been submitted setting out the alternative view does not persuade me otherwise. In terms of the Mawnan NDP I am conscious that the part of the appeal site for the construction of the dwelling is within that parish area. However, the area to the broadly north and which contributes to the overall sense that this area contains a settlement is beyond the Mawnan NDP area. I do not consider that this should exclude the land within the Mawnan Parish being considered within a settlement in conjunction with other land, and I am satisfied that the proposed dwelling would fall within a settlement for the purposes of applying Policy 1 of the Mawnan NDP.

25. In terms of the other requirements of Policy 3 of the Local Plan, the effect of a dwelling being located between Cranny and Hedgerows would be to fill a small gap in an otherwise continuous row of dwellings and a single dwelling would be of a scale appropriate to the size and role of the settlement. The scheme would not physically extend the settlement into open countryside. I am satisfied that the proposal would constitute in-fill development within a settlement and would, thereby, be compliant with Policy 3 of the Local Plan.
26. As the scheme would provide, in principle, an in-fill single dwelling within a settlement, the development would also meet with criterion b) of Policy 1 of the Mawnan NDP. However, as the first requirement of the policy is for new housing development to be supported where it conserves and enhances the landscape and beauty of the AONB, and given my findings in terms of the next main issue, I am unable to conclude that the scheme would comply with Policy 1 of the Mawnan NDP as a whole.
27. Nevertheless, the principle of a dwelling would comply with Policy 3 of the Local Plan and would be sited in an acceptable location for a new dwelling in terms of the approach of the Mawnan NDP. With this compliance, the principle of a new dwelling would also accord with those elements of Policy 2 of the Local Plan which sets out the spatial strategy for the location of new development across Cornwall⁴. It follows that the dwelling should be considered to be sustainably located in terms of the Local Plan approach to the distribution of development, notwithstanding the likely dependence of future occupiers on the private motor vehicle to access services and facilities.
28. In turn the provision of a single dwelling within a settlement would accord with the approach to rural development as set out in paragraph 79 of the National Planning Policy Framework (the Framework). This indicates that housing should be located where it would enhance or maintain the vitality of rural communities and where there are groups of smaller settlements, development in one village may support services in a village nearby, in this case Mawnan Smith.
29. I am satisfied that the provision of a single dwelling on this site would not conflict with the approach in Policy 21 of the Local Plan which, in summary, encourages sustainably located proposals that make the best use of land and existing buildings. Finally, as the scheme would comply with Policy 3 of the Local Plan it is not necessary for the proposal to be considered against or need to comply with Policy 7 of the Local Plan which concerns new housing in the countryside.

⁴ although not with the elements of Policy 2 of the Local Plan that concern respecting and enhancing quality of place.

30. In the light of the above analysis, I conclude that the principle of a dwelling in the location shown within the appeal site would constitute development compliant with Policies 3 and 21 of the Local Plan and Framework, and not conflict with the locational requirements for housing development in the Mawnan NDP.

Character and appearance

31. The site is located within the AONB and in such areas the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty, which have the highest protection in relation to these issues. Similar requirements are also reflected in Policy 23 of the Local Plan and Policy 5 of the Mawnan NDP.
32. In terms of the design and appearance of buildings, Policy 12 of the Local Plan includes, when referencing the character of development, that schemes should create places with their own identity and promote local distinctiveness while not preventing or discouraging appropriate innovation. Furthermore, the policy indicates that development should be of an appropriate scale, density, layout, height and mass with a clear understanding and response to its landscape, seascape and townscape setting. Policy 4 of the Mawnan NDP sets the local approach to the principle of design and that all new development must be sited and designed so as to recognise, support and develop the distinctive character of the Mawnan Parish.
33. The Design Statement goes into greater detail and sets out a series of principles so that development complements and enhances the character, form and qualities of the Mawnan Parish. This includes that new development should make a positive contribution towards settlement character and relate well to its site and surroundings and that the design of new buildings should draw from and enhance the character, form and identity of the Parish through high quality bespoke responses which are specific to the site.
34. The existing buildings at Maenporth are framed by the landscape and seascape settings with the buildings generally having pitched roofs with a varied profile. Modest sized dormers are a feature of some roofs while others incorporate gables. The buildings of the Maenporth Estate are quite prominent and bulky, but they are, at least, designed with mainly sloping roofs. The new holiday let at Craignish provides an example of a contemporary interpretation of one type of local character with a pitched roof, materials and profile that is generally complementary to the area.
35. The rear section of the appeal site provides a gap in the row of dwellings and contains a modest group of run-down buildings which are somewhat elevated above the beach and adjoining road level. These existing buildings, because of the overgrowth and their low height, merge into the background and do not especially detract from the character of the area. Hedgerows to the west is a traditional type of building with pitched roof, gable feature and dormers that break up the bulk of this fairly sizeable dwelling. At the other end of this row, two of the three dwellings have similar features to their design.
36. Fairly centrally within this row is The Beach House which is quite a tall and prominent building. Its gable design and related proportions mean that it has a profile which makes some reference to local character. The replacement Cranny would be sited close to The Beach House and its form and design on its own

does not represent a typical local building style. However, it appears to have been designed to complement The Beach House with the alignment of the balcony levels and some similar external materials, such that when both are built and experienced from a distance they could appear as a single coherent building design. The replacement Cranny building will have a generally vertical emphasis as it is not especially wide, and this will help assimilate the building with The Beach House and its gable profile. These two buildings will become a reasonably intensive development on a fairly modest area and the visual gap to Hedgerows would be reduced.

37. The appeal dwelling would be quite a wide building and would extend over much of the plot width. It is likely when viewed from the front that only modest, publicly discernible spaces to the adjoining buildings would be perceptible, albeit that the new dwelling would be stepped forward of Hedgerows. The design has a horizontal emphasis with rows of openings which would dominate behind the glass fronted and wide balconies. The raised Cornish stone section at first floor level would use a local material that would add some variation, but this section of the building has a shape that does not appear to clearly relate to any local style or form, and would not add a locally distinctive feature to the development. While the overhangs above the openings may provide some shadowing effect, the overall profile with the flat roof, angular design and horizontal emphasis, together with a front elevation which would have a predominance of glazing, would not, in my view, sympathetically reflect or reference the best of any local building style or character, even in a contemporary way.
38. Furthermore, the building height would be materially lower than the replacement Cranny and Hedgerows. The proposed dwelling would be seen in the context of these buildings from the adjoining road, areas of the beach and from parts of the Coastal Path north of the bay. With the lower height, the horizontal emphasis and design of the building, and with it stretching across the majority of the width of the plot without meaningful boundary spacing, the appeal dwelling would appear noticeably at odds and incongruous compared with the adjoining built form in this row.
39. The appellant argues that The Beach House and the replacement Cranny will change the character of this immediate area, and this helps justify the design and form of the present appeal scheme. I accept that there has and will be a character change resulting from the developments adjoining the appeal site. However, these developments have the merits above which I have identified and, in terms of background, were permitted at a time when the Mawnan NDP was not in force. I consider that the appeal scheme is not as merited as what has been permitted on the adjoining land and as a general approach it is now necessary that all new development meets with the latest requirements of the development plan and Framework. In this respect, it seems to me that the Mawnan NDP with the accompanying Design Statement seeks to raise the standards of design to make it more locally distinctive across the Mawnan Parish area. Consequently, the previous permissions do not justify the proposal which would be harmful for the reasons I have explained.
40. I therefore find that the design, bulk, profile and layout of the proposed dwelling would not reflect a locally distinctive character more generally in relation to the Mawnan Parish or its setting between buildings in this row at Maenporth. The development would not be an acceptable response to its

landscape and seascape settings within this part of the AONB. Furthermore, the proposed dwelling would not make a positive contribution to settlement character nor relate well to its site and surroundings as required by the Design Statement.

41. The scheme would not accord with the Framework approach to achieving well-designed places. In particular, because it would not meet the national policy requirements to ensure that development is visually attractive as a result of good architecture and layout, as well as being sympathetic to local character.
42. It follows that I agree with the design objections to the scheme, including from the Cornwall AONB Unit and the National Trust, although for the reasons explained, I disagree with the Mawnan Parish Council on this issue.
43. The present site is untidy with derelict buildings, however their low form and overgrown nature means that their appearance is not especially prominent or harmful to the visual amenities of the area. Any visual improvement that could result from their removal would be substantially outweighed by the harm that would occur to the character and appearance of the area from the appeal scheme.
44. The Council also highlight the effect of the associated domestic paraphernalia on the landscape from the proposed residential use. In this regard the area in front of the site is fairly well screened by existing vegetation and with limited views because of its lower level. Its use in conjunction with a new residential property would not be visually harmful, especially in the context of some similar adjoining land uses. Nevertheless, the lack of visual harm to this frontage area does not address or compensate for the other harm that I have found would occur from the dwelling itself.
45. In summary, I conclude that the scheme would harm the character and appearance of the area and would not conserve or enhance the landscape and scenic beauty of the AONB. Consequently, in these respects the proposed dwelling would conflict with Policies 2, 12 and 23 of the Local Plan, Policies 1, 4 and 5 of the Mawnan NDP and the accompanying Design Statement, the policy objectives of the Cornwall AONB Management Plan 2022-2027 and the Framework which requires development, amongst other things, to be sited and designed so as to recognise, support and develop the distinctive character of the Mawnan Parish.

Living conditions

46. The evidence indicates that there is a high likelihood that the replacement dwelling at Cranny will be built. This replacement dwelling at Cranny would be positioned forward compared with the front elevation of The Beach House and have front and rear balconies. The revised version of the western elevation of the replacement Cranny would have a series of long and slim side windows facing the appeal site. Bath and shower rooms would be lit solely by these side windows but the other rooms, such as the bedrooms and the lounge/kitchen, would also be lit by principal windows at the front and back of the dwelling.
47. The proposed dwelling on the appeal site would be positioned reasonably close to the boundary with the replacement Cranny, especially at the adjoining rear corners of the properties. However, the appeal dwelling would, as it projects forward, be angled away from this side boundary. Although it would be quite a

- wide building, the appeal dwelling would be materially lower and would also be positioned alongside the side elevation of the replacement Cranny.
48. The appeal building would be clearly and immediately visible for occupants of the replacement Cranny when looking out of their side windows, but it would not especially affect outlook from the principal windows at the front and back of the property. Also, from the front and back balconies of the replacement Cranny, there would be views where the proposed dwelling was close, but this would be to the general side of the new Cranny and the relationship of properties side by side is not unusual. Furthermore, the appeal dwelling would not materially project beyond the rear of the replacement Cranny.
49. Having regard to this generally side by side relationship, the lower height of the appeal building and the mainly unaffected views from the principal windows and balconies of the replacement Cranny, I do not consider that the construction of the appeal dwelling would cause an overbearing effect to future occupants of the adjoining replacement property.
50. In terms of any overlooking, the side windows of the ground floor of the appeal property would be lower than adjoining floor of the replacement Cranny such as to not cause any material level of overlooking or intervisibility between windows. The two side facing, first floor lounge windows to the appeal dwelling could potentially allow views towards windows of the replacement Cranny but these could be conditioned to be obscure glazed in any approval and this would address any substantive overlooking issue.
51. There would be some views from the front balconies of the appeal dwelling towards the front sections of balconies of the replacement Cranny, in particular towards sections of the wrap around ground floor balcony area. However, any views of the neighbouring balconies would be limited by the lower level of the balconies of the appeal property compared with the higher position of the balconies at the replacement Cranny. Furthermore, the front of the replacement Cranny with its balconies will be open to public view from the nearby sections of the road and beach area, and therefore will not be private spaces in that sense. In these circumstances, I am satisfied that the provision of the dwelling next door to the replacement Cranny would not lead to a material and unacceptable level of overlooking to the balcony and other frontage areas of this adjoining dwelling.
52. With regard to the rear balcony of the replacement Cranny, because of the position of the rear windows to the appeal property, views from inside the appeal property would be unlikely to cause harmful overlooking to the neighbour. From the outside areas of the appeal dwelling, the position and height of the balcony at the replacement Cranny would be such that direct and harmful views by residents of the appeal dwelling would not cause overlooking to any unacceptable extent.
53. The angle of the proposed dwelling and the replacement Cranny, and their mainly side by side relationship, would help ensure that daylight to the front and back windows and balconies of the replacement Cranny would not be unacceptably affected. There may be some effect to sunlight, in particular to the front areas of the replacement Cranny, but with the spacing between dwellings along the frontage of the buildings and the lower height of the appeal dwelling, I am satisfied that the effect on sunlight would not be to such an extent that permission could be reasonably withheld on this issue.

54. The evidence indicates that the replacement Cranny is likely to be constructed, and works have commenced. However, there is the possibility that the present dwelling would not be redeveloped. In these circumstances, the much smaller Cranny would be sited alongside the much larger appeal dwelling. However, the relationship would be very broadly similar to that with The Beach House on the other side. While there would be a clear disparity of size, the height and position of the appeal dwelling, together with the largely front facing orientation of Cranny because of the raised car parking area already built to its rear, would help ensure that the living conditions of the occupants of the existing Cranny would not be unduly affected by the appeal dwelling in the particular circumstances of these sites.
55. Drawing all these matters together, I conclude the siting and bulk, together with the position and views from the windows and balconies of the proposed dwelling, would not cause unacceptable harm to the living conditions of the occupants of the proposed replacement dwelling at Cranny, particularly when having regard to any overbearing or overlooking that could be caused. In this respect the scheme would comply with Policy 12 of the Local Plan and the Framework, especially the requirements of paragraph 130f, which require, amongst other things, that development should protect individuals and property from overlooking and unreasonable loss of privacy, and overshadowing and overbearing impacts.
56. The owner of the adjoining property has highlighted the appeal decision at Chy Gwyn⁵ within Mawnan Smith as an example of an unacceptable impact which should be equally applicable to the present scheme. This was an appeal case where a proposal for a new dwelling was dismissed because the relationship to the adjoining property would be unacceptable. This was also an appeal I determined and in that case the bulk of that proposed dwelling would have backed closely onto the rear of the adjoining property and some of its key garden areas. This would have caused an unacceptable overbearing effect. The present appeal case is materially different because the two properties would be largely side by side and this gives rise to a different and, in this case, satisfactory relationship. As a consequence, I attribute the case at Chy Gwyn limited weight in influencing the analysis of the present appeal scheme.

Other Matters

57. The proposed dwelling would fall within the zone of recreational influence of the SAC. The s111 undertaking and related payment would mitigate the impacts on the SAC in accordance with the Cornwall Council European Sites Mitigation Supplementary Planning Document July 2021. In these circumstances, the evidence indicates that the proposal, either alone or in combination with other schemes, should not have a significant or adverse effect on the integrity of the SAC, although because of my overall conclusion I have not needed to consider this matter further.
58. I have taken into account all the matters raised in the representations to the scheme, both for and against. I do not consider matters with regard to the planning history of the site, highway issues, flooding concerns and whether or not the site should be considered previously developed land are determinative in this case or affect the analysis of the main issues. Equally the concerns of the Council regarding any precedent, if the site was to be considered to fall

⁵ APP/D0840/W/20/3244338 - Chy Gwyn, Sampys Hill, Mawnan Smith TR11 5EW – dated 21 April 2020

within a settlement, do not materially alter the assessment of the main issues. My findings on these matters are set out above and each site within an area would have its own relationship to other buildings and the area as a whole, and any future proposed development would require a separate analysis under the policies of the development plan at that time.

Planning Balance and Conclusion

59. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁶.
60. In favour of the proposal is that the principle of a dwelling on this part of the site would comply with Policy 3 of the Local Plan and thereby with the settlement strategy for the delivery of housing across the plan area. The appellant and her family would benefit from a purpose-built dwelling so that they were able to stay in the area in suitable accommodation. More generally, the construction of the dwelling would provide a boost to the supply of housing on a windfall site making efficient and effective use of the land. There could be secured through the scheme biodiversity net gain and an energy efficient and sustainably constructed dwelling would result.
61. There would be social and economic benefits to the local area during construction and in subsequent occupation, although these would be to a limited degree due to the scale of the proposal, and in respect of construction would only be for a limited time.
62. These are all positive aspects in favour of the scheme, however, as only one additional dwelling would be provided, and in a Council area that can demonstrate a Framework compliant supply of housing land, I attribute the cumulative benefits of the proposal limited weight.
63. The proposed dwelling would not harm the living conditions of occupants of the adjoining properties, although this is not a benefit of the scheme and would be neutral in the overall analysis.
64. On the other hand, I have found that the proposed dwelling would harm the character and appearance of the area, and not conserve or enhance the landscape and scenic beauty of the AONB. This harm, whilst localised, would nevertheless be significant within these surroundings. In accordance with the Framework, I attribute the harm to the AONB, and to the localised area in general, great weight. The Framework explains that good design is a key aspect of sustainable development and, with the harm to the area that I have found, the scheme would not meet the requirements of the development plan regarding sustainable development in Policy 1 of the Local Plan. Indeed, given the identified harm and policy conflict, notwithstanding that the principle of a dwelling would meet with the spatial strategy, the scheme would conflict with the development plan when considered as a whole.
65. The benefits of the scheme merit limited weight in favour of approval and it follows that these benefits would not outweigh the harm and policy conflict which should be afforded great weight.

⁶ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

66. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. 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 not succeed.

David Wyborn

INSPECTOR