



Appeal Decision

Site visit made on 22 August 2023

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/D0840/W/23/3317018

Bramble Cottage, Mabe Burnthouse, Trevone, Cornwall TR10 9JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Ranulf Scarbrough against the decision of Cornwall Council.
 - The application Ref PA22/09983, dated 14 October 2022, was refused by notice dated 19 January 2023.
 - The development proposed is described as construction of 1 dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first ('permission in principle') establishes whether a site is suitable in principle and the second ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first stage.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal on this basis.
4. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). In combination with other plans and projects, the addition of residential units within this area would be likely to have a significant effect on the internationally important interest features of the SAC due to increased recreational disturbance. Appropriate mitigation needs to be secured for such development in accordance with Policy 22 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP) and the appellant has produced a section 111 undertaking and made the relevant mitigation payment which the Council indicates resolves their second reason for refusal. On this basis, and that the appeal is dismissed for other reasons, I am not pursuing this matter further.

Main Issue

5. The main issue is whether the appeal site is suitable for residential development, having regard to location and land use.

Reasons

6. The appeal site includes an access track and part of a field. Although the site and wider field did have some residential features in situ at the time of my visit

and were separated into different areas by temporary electric fencing, the site reads as forming part of a horse paddock and relates to the open, surrounding countryside. Its generally undeveloped nature also positively contributes to the undulating pastoral context, which is dominated by fields and trees. Whilst by no means devoid of built form, the surrounding area contains a limited number of residential properties and some agricultural-type buildings which reflect the rural setting and read as low-density development within the countryside.

7. All situated towards the end of the lane, the buildings in the vicinity of the site are said to include approximately six dwellings and some tourism accommodation. It has been put to me that the site is within a settlement, of which there is no absolute definition, and that services and facilities are not, as set out in the Chief Planning Officer's Advice Note, a prerequisite. Amongst other things, I have also been provided with an image which includes a line drawn around what is claimed to cover the extent of built form constituting the hamlet of Trevone.
8. However, based on the maps and images before me and my site visit observations, it seems to me that the line provided is just one of numerous lines that could be drawn around the buildings. In this instance, the available evidence, including the submitted plans and the various images and figures, indicate that the nearby buildings do not have a clear form and shape with clearly definable boundaries. I also observed on my visit a clear separation between the buildings nearest to the site and the other buildings situated to the west due to soft landscaping and a stretch of lane with significant hedging.
9. Consequently, the buildings in the vicinity of the site constitute – and read as – a dispersed low-density straggle of development rather than a well-defined group forming a settlement. As such, the site cannot reasonably be described as being situated within or immediately adjoining a settlement. The lack of a settlement hierarchy in the CLP and the presence of a network of settlements with services and facilities in the surrounding area do not change this. Accordingly, the delivery of the proposed dwelling via part three of CLP Policy 3 is not applicable in this case. With the site therefore being situated in open countryside, the main parties' submissions on the aspects of rounding off and development of previously developed land under the terms of part three of CLP Policy 3 are not determinative as to the proposal's acceptability.
10. In coming to this view, I have taken account of surrounding land uses and built form, the Council's references to a grouping of dwellings and collection of buildings, the Historic Environment Record identifying Trevone as an early medieval/medieval settlement, that residents are said to recognise it as a place, and that the Council refer to it as Trevone. The sign where the lane meets the main road and the details on OS mapping and Google Earth do not lead me to a different conclusion, particularly given they all refer to a property, 'Trevone Farm(house)'. Based on the evidence before me, the planning approvals for new dwellings at Little Downs, Cardinham and Restrouquet for example are also not relevant to this matter given the different circumstances of each, including the number and position of existing properties.
11. Whether the site forms part of the domestic curtilage of Bramble Cottage and continues to be used as a garden for related domestic purposes, the erection of a new dwelling on the site would lead to additional residential built form in the open countryside. This is irrespective of where it might be positioned within the

site and how it might be designed at technical details consent stage. The presence of mature trees also visually separates the appeal site from Bramble Cottage and the other nearby buildings. Regardless of its use, the site thus relates to the wider pastoral setting. Rather than forming part of the built residential context, the appeal proposal would therefore read as an intrusion of development in the rural landscape that would have a suburbanising presence and erode the rural character and largely undeveloped appearance of the locality. That it would be delivered at a low density and not lead to a cramped form of development does not change this.

12. Although views are limited, as demonstrated in the appellant's visual impact document, I observed on my visit that the site is visible to some extent from surrounding land. It seems to me that glimpses would also be possible from the public lane during winter when trees are not in leaf. In any event, a lack of public views does not make harmful development acceptable. Although it has been put to me that issues of character and appearance are aspects to be considered at the next (technical details consent) stage, the topic is in this instance also related to land use and the site's location, which are considerations at this stage.
13. The CLP allows development to come forward at all scales of settlement and it has been put to me that the provision of facilities or public transport within a settlement are not tests as to whether a proposal would be sustainably located. Be that as it may, I have found that the site does not form part of a settlement and, in relation to making best use of land, CLP Policy 21 includes consideration as to access to services and facilities. In this regard, although the distance to the various services and facilities in Mabe Burnthouse – which includes a primary school, shop and other facilities – is not significant and the route is relatively direct, walking or cycling there would involve negotiating a reasonably narrow unlit highway with no separation from vehicular traffic.
14. As such, walking and cycling would not be particularly viable, especially during darkness and, given the distance, when carrying shopping. With no public transport in the vicinity, future occupiers would thus likely be highly reliant on the private vehicle. Even if the site could be described as being within reasonable proximity of services, the proposal cannot therefore be credibly defined as, in the words of the policy, sustainably located. Given this and my findings above, the proposal would thus not make best or effective use of land, as per CLP Policy 21 and the National Planning Policy Framework (Framework), irrespective of the site being previously developed land. The availability of full fibre broadband at the site does not lead me to a different conclusion.
15. For the above reasons, I conclude that the appeal site is not suitable for residential development, having regard to location and land use. I therefore find that it does not accord with CLP Policies 2, 3, 7, 9 and 21. Amongst other aspects, these set out the Council's approach to the delivery of housing, require development to respect and enhance quality of place, and support making best use of land. The Council also alleges a conflict with CLP Policy 1. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative.

Other matters

16. During the course of the appeal, the Council confirmed that the Mabe Parish Neighbourhood plan (NP) passed referendum stage and was made on 10

August 2023. The Climate Emergency Development Plan Document (DPD) has also been adopted. For the purposes of decision making, the NP and DPD therefore now form part of the development plan. However, the Council has not alleged a specific conflict with any adopted NP or DPD policies. Given that I have found the proposal would not accord with various CLP Policies (including 3, 7 and 21), the available evidence also indicates that relevant policies in the NP (such as Policy 14) and DPD (such as Policy T1) would not lead me to a different overall decision. I have therefore not pursued this any further, while DPD Policy AL1 does not appear to be applicable in this instance.

17. The appellant has drawn my attention to the Council making its decision without discussing with them beforehand and before the expiry of the consultation period on the application, and to the lack of adverse comments from nearby residents. However, these issues are not determinative as to the acceptability of the appeal proposal, while the absence of neighbour objections and local contention does not of itself render the scheme acceptable.

Planning Balance

18. I have found that the site is not suitable for residential development, having regard to location and land use. On the basis of the submitted evidence and the proposal not according with various CLP policies, this leads me to conclude that the proposal conflicts with the development plan as a whole.
19. Through the provision of a windfall dwelling on a small/medium sized site which could be built out relatively quickly, as supported by the Framework, the appeal proposal would contribute towards meeting the area's housing requirement. This would support the objectives of the Council's plan (Securing Homes for All) to address Cornwall's Housing Crisis and the proposed development would help the Council react to the housing crisis by assisting in the delivery of extra housing for the district. Construction of the dwelling would also generate some construction-related employment whilst future occupiers' use of local services and facilities would support the network of settlements in the surrounding area. In addition, it has been put to me that any subsequent technical details submission would seek to ensure a high-quality development.
20. However, given the scale of the development, the benefits would be relatively limited. Consequently, I find that the above matters outweigh neither the harm I have identified nor the conflict with the development plan. The site being brownfield or previously developed land, and which is said to be underused, does not lead me to a different conclusion.

Conclusion

21. The proposal conflicts with the development plan read as a whole and there are no material considerations which carry sufficient weight to warrant a decision otherwise than in accordance with it. The appeal is therefore dismissed.

T Gethin

INSPECTOR