



Appeal Decision

Site visit made on 24 October 2023

by C Cresswell BSc (Hons), MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2023

Appeal Ref: APP/D0840/W/22/3310705

Land known as Kingfisher Meadows, Tresowes, Ashton TR13 9SY

- 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 Ben Whetton against the decision of Cornwall Council.
 - The application Ref PA22/03254, dated 3 April 2022, was refused by notice dated 2 August 2022.
 - The development proposed is demolition of existing stable block to be replaced by single bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the site is a suitable location for the proposed dwelling, having particular regard to development plan policies which seek to control new housing in the countryside.
 - the effect of the proposal on the character and appearance of the area.

Reasons

3. Policy 3 of the Local Plan¹ aims to steer the majority of new housing towards the main towns. However, the policy does enable a limited amount of new development to take place outside the main towns in particular circumstances. This includes through the *rounding off of settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role*.
4. The appeal site is situated on the edge of Tresowes near existing dwellings. Although the pattern of development here is relatively dispersed, it seems to me that Tresowes can be described as a settlement in the context of Policy 3. It forms a reasonably large cluster of housing and has a clear enough built form that can be visually distinguished from the more open areas of countryside which surround it. This is not *just a low density straggle of dwellings* as described in paragraph 1.68 of the Local Plan.
5. The term 'rounding off' is not defined in Policy 3 but paragraph 1.68 of the plan says it *applies to development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a*

¹ Cornwall Local Plan Strategic Policies 2010-2030

physical feature that also acts as a barrier to further growth (such as a road). It should not visually extend building into the open countryside.

6. In this case, the stable block is within an open field. I saw on my visit that the field is well enclosed by vegetation and other boundary features as shown on the photographs provided by the appellant. However, there are no physical features separating the stable block from the wider expanse of the field. Although a new boundary feature could be constructed if the stables were to be developed for a dwelling, I have assessed the site as it exists at present. On that basis, the land is not substantially enclosed and so the proposal does not amount to rounding off in terms of Policy 3.
7. Policy 3 also permits *development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role*. As the proposal is only for a single dwelling, it would be appropriate to the size and role of Tresowes given that it is a small settlement within a network of other small settlements.
8. The Framework defines previously developed land *as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure*. The definition goes on to exclude land that is or was last occupied by agricultural or forestry buildings. In this case, I am informed that the stable block is equestrian rather than agricultural in nature. However, even if I were to accept that the stable block constitutes previously developed land, the proposal also appears to incorporate areas of land that are not previously developed.
9. The plan of the site (Plan 01) shows a red line which is drawn close to the edges of the stable block, forming a relatively long and narrow area. While this excludes the adjoining field, it still incorporates a good deal of open land which does not seem to have been previously developed. Indeed, the areas of open land within the red line appear equivalent in size to the land occupied by the existing stable block. Little evidence has been provided to show that these open areas form part of the curtilage of the stables, or should be classified as previously developed land for other reasons. Although an alternative Block Plan has been submitted, this also shows large areas of open land falling within the red line. Therefore, based on the information provided in this appeal, I am not convinced that the proposal constitutes development of previously developed land within or immediately adjoining a settlement.
10. For these reasons, the proposal does not comply with Policy 3 of the Local Plan. Nor is it supported by Policy 1 of the Allocations DPD² which has similar objectives. Although Policy 7 of the Local plan supports certain types of development in the countryside, the proposed dwelling is for general housing which is not explicitly supported by this policy.
11. The Framework³ says that the overall purpose of the planning system is to contribute to the achievement of sustainable development. This incorporates environmental, economic and social objectives and is reflected in Policy 1 of the Local Plan and the spatial strategy set out in Policy 2.

² Cornwall Site Allocations Development Plan Document, 2019

³ National Planning Policy Framework, 2021.

12. Turning firstly to the environmental aspects of sustainable development, the proposal has potential to deliver a low energy home and enable greater biodiversity of the adjoining land. This would respond to some elements of the Climate Emergency DPD⁴. However, the application was made in outline and there is not a great deal of supporting information available to demonstrate exactly how the dwelling would be energy efficient.
13. Furthermore, I am not aware that there are any shops, services or regular public transport links within convenient walking distance of the site. Although Helston and Penzance offer a wide range of higher order services, they are some distance away. Realistically, it seems most likely that occupiers of the proposed dwelling would need to drive to meet at least some of their everyday needs. While driving to other settlements may be common in rural areas, it is an indication that the proposal is not so accessible that it can be justified on the basis of Local Plan Policy 21 alone. This encourages *sustainably located proposals that increase building density where appropriate, taking into account the character of the surrounding area and access to services and facilities to ensure an efficient use of land*.
14. In terms of economic considerations, the dwelling would enable the occupants and their guests to support local businesses in the catchment. It would also generate economic activity during the build process. However, the contribution from a single household would be relatively modest.
15. With regard to the social aspects of sustainable development, I am mindful that the proposal would provide a dwelling for a local family with armed forces connections. This is a relevant consideration, especially as the Council's cabinet has acknowledged that there is housing crisis in Cornwall. Nonetheless, this is not a reason to build housing anywhere. The same benefits could be achieved in locations that are supported by Local Plan housing policies.
16. Taken together, Policies 1, 2 and 3 of the Local Plan distribute new housing based on the role and function of places. By permitting rounding off and development of previously developed land, Policy 3 provides a mechanism for enabling a limited quantity of housing development to take place in smaller settlements. For the reasons given above, the proposal does not meet the terms of Policy 3. Nor is the proposal so sustainable that it justifies deviating from the policies of the development plan.
17. I therefore conclude on this issue that the site does not provide a suitable location for the proposed dwelling.

Character and appearance

18. While there are no details of the proposed dwelling, it is unlikely to be visually prominent within the local landscape. Due to the topography of the land and the surrounding boundary vegetation, the site is relatively well screened from public vantage points within Tresowes, including nearby public footpaths. Although the dwelling would be seen from immediately outside the site, there is already a stable block on the land and the street already has residential characteristics by virtue of the neighbouring housing. While the elongated shape of the existing stable block may dictate the shape of the dwelling, architectural styles in the vicinity are mixed.

⁴ Climate Emergency Development Plan Document, February 2023

19. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policies 12 and 23 of the Local Plan. These aim to promote acceptable standards of design and protect landscape character.

Conclusion

20. While the proposal would be acceptable in terms of character and appearance, it would conflict with development plan policies which govern the location of new housing. This conflict is not outweighed by the material considerations put forward in support of the proposal. The appeal is therefore dismissed.

C Cresswell

INSPECTOR