



Appeal Decision

Site visit made on 20 February 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2024

Appeal Ref: APP/D0840/W/23/3324400

Lower Spargo Cottage, Rose Valley, Mabe Burnthouse TR10 9JF

- 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 B Hewett-Silk against the decision of Cornwall Council.
 - The application Ref PA22/09299, dated 14 October 2022, was refused by notice dated 29 December 2022.
 - The development proposed is replacement of garage and store with dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework (Framework) was published. The main parties have had the opportunity to make comment on any implications of this change within the appeal timetable.
3. Following the Council's determination of the application the subject of this appeal, the Council adopted its Climate Emergency Development Plan Document (CEDPD). Furthermore, the Mabe Neighbourhood Development Plan 2022-2030 has now been 'made' following a successful referendum. As such, these documents now form part of the development plan and I have had regard to them as such. Both parties have had opportunity to comment on their relevance to the appeal proposal.

Main Issues

4. The main issues in this appeal are:
 - the suitability of the location of the appeal site for the proposal, having regard to the local development strategy and access to services and facilities; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location of development

5. The appeal site is an area of residential land which features a domestic garage and store building which was granted planning permission¹ in 2010 as well as other small garden buildings. The site is located on the opposite side of a minor highway to a block of stables, and adjacent a small grouping of buildings known as Lower Spargo. The main parties are in agreement that the appeal site is previously developed land (PDL) and there is nothing within the evidence to lead me to any differing conclusion.
6. Policies 1 and 2 of the Cornwall Local Plan Strategic Policies 2010- 2030 (LP) set out the Council's approach to sustainably accommodating growth based on the role and function of each place, with LP Policy 3 aiming to steer the majority of new housing towards the main towns. However, LP Policy 3 does enable a limited amount of new development to take place outside the main towns in particular circumstances. This includes development of PDL within or immediately adjoining settlements.
7. The Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (CPOAN) does not form part of the statutory development plan and is to be regarded as informal guidance. Nonetheless, it does provide some clarity on the locally adopted approach in relation to matters such as settlements and PDL, and as such I have had regard to it in the determination of this appeal.
8. Lower Spargo is not a 'named' settlement within LP Policy 3. Notwithstanding, the CPOAN notes that a settlement is a place where people collectively live in permanent buildings and has a form and shape and clearly definable boundaries, not just a low-density straggle of development. It further states that there are no expectations of services and facilities.
9. The grouping of properties in the area is named, and people live collectively in permanent buildings. Furthermore, there is a small cluster of buildings orientated around courtyards on both sides of the highway to the southwest of the appeal site. However, aside from this small cluster, other buildings in the area are more dispersed.
10. I observed that there is no clearly recognisable settlement centre. In combination with a low density and the spatial separation of buildings, the character of the grouping of buildings, notwithstanding both residential and commercial uses, is more akin to a dispersed straggle of development. It therefore does not have a clear wider settlement form. Consequently, I find that this grouping of buildings is not a settlement for development plan purposes. Therefore, even noting the appeal site is PDL, it does not meet the requirements of LP Policy 3.
11. Moreover, LP Policy 21 seeks to ensure the best use of land, providing support for development of '*sustainably located*' proposals that, amongst other things, use PDL. In this regard I observed at my site visit the proximity of the appeal site to Mabe Burnthouse, which is the nearest settlement with a range of facilities and services.

¹ W2/PA10/00197/F

12. Part of the highway to Mabe Burnthouse is particularly narrow and enclosed and whilst not uncommon for rural roads, lacks pedestrian pavements or highway lighting. Furthermore, I observed a large part of the road is within the national speed limit, and combined with the topography and distance, is not attractive to pedestrians. This results in pedestrian access to services and facilities being poor. Additionally, there is no public transport links from the site to Mabe Burnthouse, or indeed wider services and facilities.
13. Therefore, even if the proposal would support services in villages nearby, the proposal would inevitably result in a significant reliance on, and additional private vehicle use by future occupiers to access services and facilities. Whilst occupiers of existing nearby dwellings and users of the adjacent commercial stables may currently utilise private transport, this does not lessen the environmental harm from increased use of private transport associated with the proposal. Furthermore, even if it is the case that the use of Electric Vehicles (EV) is increasing and there is an associated reduction in pollution as is put to me, there is no certainty that future occupiers would utilise EVs.
14. In conclusion, the proposal would not be in a suitable location with regard local development strategy and access to services and facilities. The proposal therefore conflicts with LP policies 1, 2, 3, 7 and 21, NP Policy 14 and CEDPD policies C1, AL1 and T1. These policies, amongst other things, takes a hierarchical approach, to direct development to appropriate locations based on the role and function of places and seek the promotion of sustainable means of transport. The proposal would also be contrary with the provisions of the Framework in relation to promoting sustainable development, safeguarding and improving the environment.

Character and appearance

15. The appeal site falls within character area CA10 Carmenellis of the Cornwall Landscape Character Assessment. The description of this area includes open elevated undulated granite plateau incised by stream valleys and dispersed farmsteads and small clusters of cottages. I observed that the appeal site, and adjacent grouping of buildings is surrounded by countryside which includes these elements and results in a strong rural character.
16. Notwithstanding that the existing garage and store building retains a utilitarian appearance similar to agricultural and equine buildings within the area, the appeal site is in an established domestic use. I observed domestic features such as garden structures and domestic paraphernalia which result in the site having a clearly domestic appearance.
17. The proposal would be of a similar scale and retain the overall form of the existing garage building, as well as using external materials similar to those seen elsewhere in the area. Nevertheless, fenestration detail would result in differing visual characteristics to the existing building and result in a more contemporary domestic appearance. However, the elevation directly adjacent and most prominent from the highway would feature minimal and simple fenestration detail limiting any harmful effects of the differing visual characteristics.
18. Even if the proposal would result in a more intensive domestic use of the appeal site, given the existing use and appearance, and that the proposal

would replace existing built form of a similar scale, the proposal would not have any greater overall harmful impact on the surrounding area than that existing.

19. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. The proposal would accord with LP Policies 12 and 23, which seek to ensure, amongst other things, that development respects surrounding areas and enhances the quality of place and conserves and enhances the landscape character and the natural environment. The proposal would also accord with the provisions of the Framework seeking to ensure development is visually attractive and sympathetic to local character, surrounding built environment and landscape setting.

Other Matters

20. The proposal would provide benefits in terms of the contribution of a single dwelling towards housing supply on PDL. The proposal would also provide some employment opportunities during the construction phase and future occupiers would provide further economic and social benefits in terms of future spend within local businesses, and use of local services and facilities.
21. Nevertheless, the benefits of the proposal would be limited given the scope and scale of the development. Such matters therefore neither individually nor in combination outweigh the identified harm and the associated development plan conflict described above in the first main issue.
22. It is put to me that the existing building could be utilised as ancillary residential accommodation in the form of an annexe and this represents a 'fallback' position. However, even if this were a theoretical possibility with a real prospect, such use would be ancillary to the occupation of the main dwelling as a single unit. The proposal would result in an additional dwelling with potential additional movements attracted to it over and above that of an annexe being used as part of the main dwelling, and therefore be more harmful than any annexe use. I consequently find that any fallback position does not outweigh the harm and development plan conflict identified above.
23. Other planning permissions² are cited by the appellant although I do not have the full details of these permissions before me. However, even if the Council did consider that those sites were related to settlements, given they appear to relate to differing areas within Cornwall with differing spatial relationships between buildings, the equivalence of these to the current proposal is limited. Moreover, the current appeal proposal has its own circumstances and I have determined it on its own merits.
24. The Grade II listed Lower Spargo Cottage lies to the southwest of the appeal site. From my observations, in so far as they relate to this scheme, the significance of this heritage asset arises from its age and architectural features. I also observed that the setting of the heritage asset is the immediate surrounding area of the building which allows an appreciation of its significance.
25. I have undertaken my statutory duty pursuant to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting, or any features of architectural or historic interest which it possesses. In view of the separation

² PA20/02820 and PA22/11253

distance and spatial relationship involved, I find that the proposal would have a neutral effect on, and thereby preserve, the significance of the heritage asset.

26. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). The submission has been accompanied by an undertaking under Section 111 of the Local Government Act 1972 and financial contribution to seek to mitigate recreational impact of the proposal on the SAC. If the circumstances leading to the granting of planning permission had been present, I would have considered the impact of the proposal upon the SAC, in accordance with the Conservation of Habitats and Species Regulations 2017. However, as I am dismissing the appeal on the first main issue above, I have not found it necessary to consider such matters any further as this would not alter the outcome of the appeal.

Conclusion

27. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR