

Appeal Decision

Site visit made on 14 August 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/D0840/W/23/3332993

**Land East of 8 Wentworth Close, Polzeath, Wadebridge, Cornwall
PL27 6TH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Linda Derry, Creative Planning (SW) Ltd, against the decision of Cornwall Council.
 - The application Ref is PA22/02826.
 - The development proposed is construction of a single dwelling-house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above has been taken from the Council's decision notice as opposed to the original application form, as this provides a more accurate description of its location.
3. The planning application was submitted in outline with all matters reserved. I have therefore dealt with the appeal on this basis.
4. An updated ecology survey has been provided by the appellant as part of the appeal submission. Based upon this updated survey work, the Council has indicated that it wishes to withdraw its second reason for refusal in relation to the potential effects of the development on protected species.

Main Issues

5. In light of the above, the main issues are: i) whether the appeal site is a suitable location for residential development having regard to the Council's spatial strategy for development; and ii) the effect of the proposal on the character and appearance of the area.

Reasons

Spatial Strategy

6. The development plan for the area consists of the Cornwall Local Plan 2010 – 2030 (adopted 2016) (the Local Plan) alongside the St. Minver Parishes Neighbourhood Development Plan 2017 – 2030 (Made 2017) (the STMNDP).

The development plan documents precede the latest updated version of the National Planning Policy Framework (the Framework). Nonetheless, the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

7. From the evidence before me, I have found the STMNDP and Local Plan seek to deliver a sufficient supply of housing via identifying a mix of appropriate sites (including allocating small and medium sites through neighbourhood planning), whilst balancing this against the need to also protect the natural environment and promote sustainable development. I therefore find the development plan policies in respect of housing to be broadly consistent with the aims of the Framework. Although the Framework may not specifically reference the use of settlement/development boundaries, this does not mean that their use to guide the location of development within the STMNDP is inconsistent with the Framework. Particularly, given that the STMNDP's policies maintain some flexibility for new development outside its defined development boundaries.
8. Likewise, on the evidence before me, I do not find that the Council's relatively recent declaration of a housing emergency (and the subsequent measures it has sought to introduce to address this), result in the development plan being out-of-date.
9. The appeal site lies at the end of Wentworth Close, a residential cul de sac that is lined by properties on both sides of the street, which is located a relatively short distance from services and facilities within Polzeath.
10. The appellant claims that the appeal site was formerly part of the residential garden of no. 5 Wentworth Close (when that property was granted planning permission), before being incorporated as garden land associated with the adjacent no. 8 Wentworth Close. However, during my site visit it had the appearance of rough grass/scrubland rather than a formal residential garden. Additionally, there is no robust evidence before me, for example a certificate of lawfulness, to verify that the land should be treated as residential garden land, or constitute previously developed land (PDL).
11. Wentworth Close is located near the edge of Polzeath, and the existing properties on the street are within the designated development boundary for Trebetherick/Polzeath, as established in the STMNDP. However, the appeal site straddles the identified development boundary but is predominantly located outside of it. Accordingly, I find that the proposal should be treated as not being within the development boundary.
12. The STMNDP seeks to promote development within the designated development boundaries, or within identified 'Special Development Areas', neither of which the appeal site falls within. Policy STMNDP 2.6 further states that development outside the development boundary or an identified special development area will not be permitted except in exceptional circumstances, which are specifically detailed. The appeal scheme is for a market dwelling and does not meet any of the exceptions outline under STMNDP 2.6. It

therefore conflicts with this policy and the spatial strategy established under the STMNDP.

13. Turning to the Local Plan, Policy 1 and 2 identify the strategic requirements of the development plan including its overall spatial strategy, which is based upon focusing growth in main towns and cities that can best support regeneration and sustainable development.
14. Local Plan Policy 3 establishes that other than in main towns identified under the policy, new dwellings will be provided through a combination of neighbourhood plan allocations, infilling, rounding off of settlements and development on PDL within or immediately adjoining that settlement, as well as the delivery of rural exceptions sites.
15. As previously indicated, the appeal site is not allocated within the neighbourhood plan, while I am not satisfied that the site is PDL. The proposal also does not involve the provision of affordable housing so would not be a rural exceptions site. Main parties dispute whether the appeal proposal would equate to rounding off or infill development, having regard to Local Plan Policy 3 and related advice provided within the Council's Chief Planning Officer's Advice Note: Infill/Rounding off (December 2017). Nevertheless, regardless, as to whether the proposed development would adhere to one of these exceptions outlined under Local Plan Policy 3, it remains that it would be in conflict with the STMNDP's spatial strategy, namely Policy STMNDP 2.6.
16. Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended) establishes that *"if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan."* Consequently, in so far as there is any conflict between Policy STMNDP 2.6 and Local Plan Policy 3, that conflict must be resolved in favour of the STMNDP as it is the more recent document.
17. Lastly, Local Plan Policy 7, relates to housing in the countryside. It restricts the development of new homes in the open countryside to a limited set of circumstances. The supporting text highlights that the open countryside is defined as the area outside of the physical boundaries of the existing settlement (where they have a clear form and shape). Main parties also dispute whether the appeal site lies in the open countryside and therefore the relevance of Local Plan Policy 7. In any case, the proposal would not draw support from this policy as it does not meet any of the listed exceptions. While regardless of the Policy's relevance, it remains that the proposal conflicts with the spatial strategy for development established within the STMNDP.
18. Consequently, in terms of the location of new residential development, the proposal would not accord with the provisions of the development plan, when it is considered as a whole. It would therefore not be a suitable location for residential development having regard to the Council's spatial strategy.

Character and Appearance

19. The appeal site is an area of open grassland/scrub located at the end of the residential street. Residential development lies adjacent to its western

boundary and directly opposite the site. Along its eastern boundary the site is largely enclosed by a close boarded fence, beyond which lies an area of woodland before the ground levels fall significantly to a valley floor below. A footpath runs to the front of the site alongside its southern boundary.

20. The appeal site does not display any notable qualities other than being an undeveloped parcel of land. Despite its undeveloped nature, I found the site to appear as though it was a left-over development plot, as opposed to forming an integral part of the adjacent woodland or having a close affinity with the wider countryside beyond. This is largely due to the site's size, condition, and relationship with dwellings on the street, as well as the way it's frontage addresses the road/footway. Furthermore, the woodland and steep topography at the end of Wentworth Close act as a natural terminus to the street. Given this context, the site also does not read as part of a wider expanse of open countryside.
21. Due to its size and position, only limited views of the site are available, predominantly from within Wentworth Close. Where views are present the site would be seen in the context of a residential street. As such, I find the appeal site to have little value in the wider landscape.
22. The proposed development would result in the loss of existing open land, but which is of little amenity value. Additionally, the proposal would not be highly urbanising given its very close relationship to existing built form. The presence of woodland and the topography of the land to the east should also prevent further incursion of any proposed built form into the wider countryside.
23. The proposed plot size is broadly comparable to neighbouring residential properties, while the development would be positioned at the end of a continuous frontage of dwellings that share similar architectural styles but vary in their precise appearance. Therefore, whilst in outline with no indicative details submitted, I am satisfied that a dwelling could be delivered that would relate well to the existing scale, design, and layout of the surrounding built form, such that it would not cause harm to its surroundings.
24. In principle, I find the development of a dwelling at the appeal site would not be harmful to the character and appearance of the area. It follows that the proposal would not conflict with Local Plan Policies 21, 23 and STMNDP Policy 2.7. Collectively these policies, amongst other matters, seek to ensure that development proposals are designed to take account of the character of the surrounding area, including protecting Cornwall's natural environment.

Other Matters

25. The Council has previously declared a housing emergency, and published a Chief Planning Officer's Advice Note: Providing homes (May 2023) (the CPOAN), to offer greater flexibility and support for the delivery of homes across the authority area. The CPOAN is one of several measures that the Council has introduced in seeking to address the identified housing emergency.
26. Despite this, the Council indicates that it can demonstrate a five-year housing land supply, which has not been disputed by the appellant.

Additionally, although the CPOAN is a material consideration, the development plan remains the starting point for determining applications. With this in mind, the CPOAN specifically refers to the Local Plan as continuing to establish the required up-to-date level of housing supply, whilst also containing flexibility to deliver a range of affordable housing projects. Indeed, much of the CPOAN's advice is to aid the interpretation of the existing Local Plan policies.

27. Furthermore, the CPOAN focuses on the need to deliver affordable housing and dwellings for local workers to address the housing crisis affecting Cornwall. It therefore sets out various options to assist in the delivery of housing, including indicating that there is some scope for greater flexibility than the precise provisions of the development plan (through the consideration of material considerations). The flexibility outlined is targeted at securing additional affordable homes or workers accommodation and is subject to various criteria/considerations, which the appeal scheme has not been demonstrated to adhere to.

Planning Balance

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 informs that development should be in accordance with the development plan unless material considerations indicate otherwise. This is supported through the Framework, which emphasises the importance of the planning system being genuinely plan-led.
29. The proposed development would conflict with the housing strategy established under the STMNDP for reasons I have previously set out. Still, I find that the conflict with the development plan's approach to housing delivery is limited as the proposal would be suitably located to facilities and services, while a scheme is capable of being delivered without causing harm to the character and appearance of the area. Accordingly, I only prescribe moderate weight to the conflict with the development plan.
30. The proposed development would make a small but positive contribution to housing supply. It would also provide socio-economic benefits associated with the delivery and subsequent occupation of a dwelling, including potentially supporting local services. It also draws support from Paragraph 70 of the Framework, which acknowledges the importance of small sites to housing delivery. Still, given the scale of the proposal the benefits of the scheme would be limited.
31. The limited benefits that would arise from the proposed development, and the lack of other identified harm, do not amount to material considerations sufficient to justify a decision contrary to the development plan.

Conclusion

32. The proposal conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and taking into account all other matters raised, the appeal is dismissed.

Lewis Condé

INSPECTOR