



Appeal Decision

Site visit made on 19 September 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/D0840/W/24/3340419

Land North of Couchwell Lane, Couchwell Lane, Lostwithiel PL22 0BQ

- 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 Mr Sean Bartlett against the decision of Cornwall Council.
 - The application Ref is PA23/08761.
 - The development proposed is for the construction of a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for costs

3. An application for costs was made by Cornwall Council against Mr Sean Bartlett. This application is the subject of a separate Decision.

Preliminary Matters

4. The appeal has been submitted in outline with all matters reserved for future consideration, with the only plan submitted being a site location plan identifying the appeal site.

Main Issue

5. The main issue is whether the site is a suitable location for a dwelling, having regard to the requirements of the policies of the development plan.

Reasons for the Recommendation

6. Couchwell Lane is residential in character, and serves the access of rear gardens to one end, and nearer the appeal site there are some dwellings fronting the lane. The site itself has an area of hardstanding, with garages and other outbuildings. It is bound by dwellings and gardens on three sides and the access lane on the fourth. Despite the residential character of the surrounding area, the site is outside of, but directly adjacent to the Lostwithiel Settlement Boundary.
7. The Lostwithiel Neighbourhood Plan 2015 – 2030 (2018) (LNP) assessed the suitability of sites for development when drawing their settlement boundary. The appeal site was assessed, and at the time of making the LNP, was deemed

unsuitable for development based on three criteria, the methodology of which is set out in the supporting evidence.

8. The factors taken into account when assessing the site, such as its position within the three valleys, the development surrounding it, and maintaining existing woodland areas have not materially changed since the LNP was made. This is a made Neighbourhood Development Plan and therefore forms part of the development plan. Consequently, proposals should only be approved where they accord with this plan, and the Cornwall Local Plan 2010-2023 (2016), unless other material considerations indicate otherwise.
9. Policy HH2 (b) of the LNP sets out the requirements for development proposals outside of the settlement boundary. This states that proposals outside of, but adjoining the development boundary will be supported where they are small scale and necessary to meet evidenced local housing need and provide at least fifty percent of the total number of dwellings as affordable housing. The site is directly adjacent to other residential dwellings and the proposal would be small scale, and therefore satisfies the first part of Policy HH2 (b).
10. The Council can demonstrate it has a five-year housing land supply, however it has identified a housing crisis locally. I have not been provided with much evidence of the local housing crisis, and the appellant has not demonstrated that the proposal has met local need.
11. The final requirement of Policy HH2 (b) is that the proposal must also provide fifty percent affordable housing. Given that the proposal is for one dwelling, there is no provision for any affordable housing, either on-site or as an off-site contribution. As a result, the proposal does not meet two of the three requirements of Policy HH2, therefore the principle of development cannot be supported.
12. The Council's Chief Planning Officer's Advice Note: Infill/ Rounding Off (published December 2017) sets out that rounding-off can be appropriate where a site is next to existing development. As alluded to the proposal is adjacent to existing development, however, this does not negate the requirement or primacy of Policy HH2 to locate new development within the boundary unless meeting specific stated requirements.
13. Accordingly, the appeal site would be located outside the settlement limits of Lostwithiel and would not provide for local housing needs or be an 'affordable' dwelling. Consequently, the proposal would not be in accordance with Policy HH2 of the LNP and the Framework. These seek, inter alia, for development to comply with the spatial strategy of the neighbourhood plan and for such plans to shape, direct and help to deliver sustainable development as sought by paragraph 29 of the Framework.

Other Matters

14. The appellant contends that the settlement boundary is due to be changed in the near future. I do not have any evidence before me that the settlement boundary has been changed, and my recommendation is based on the situation before me. This potential change therefore bears little weight on my recommendation. Furthermore, the suggestion that the NLP is subject to review does not necessarily demonstrate that it is out of date.

15. The appellant also asserts that the site is previously developed land (PDL). The Framework defines PDL 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). This excludes...land in built up areas such as residential gardens". The appeal site forms the garden of a dwelling, that stands within a built-up area and is clearly excluded from PDL due to its context. Although recognising that the site is occupied by some domestic buildings, these are ancillary to the main dwelling and do not materially erode the undeveloped nature of the site.
16. The proposal would deliver a family house adjacent to the settlement, affording future occupiers with good access to goods and services within the town. Nonetheless, these benefits are of limited weight in consideration of the scheme, the proposal being for only one dwelling and thereby would make only a small contribution towards local housing supply.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised and the limited benefits of the proposal, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Ben Plenty

INSPECTOR