



Appeal Decision

Site visit made on 5 November 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/D0840/W/24/3342329

Land South East of Tremeneth (Lords View), Idless, Cornwall, TR4 9QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Kevin Taylor against the decision of Cornwall Council.
 - The application Ref is PA23/09041.
 - The development proposed is outline application with all matters reserved for a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Cornwall Council against the Appellant. This application is the subject of a separate decision.

Preliminary Matters

3. The application seeks outline planning permission with all matters reserved for future approval and is accompanied by a Site Plan that shows an indicative outline of a potential new dwelling. I have determined the appeal on that basis.
4. As I observed on my visit and as is referred to in the parties evidence, there is an existing wooden shed on site which the Appellant contends is permitted as its used to maintain the land. The Council have responded by saying that in their view planning permission would be required for the shed, that they have no records of any application or permission having been given and that it would not benefit from permitted development rights.
5. Whether the existing shed is lawful is not a matter that is before me or a matter that I can address within the context of an appeal that has been submitted under section 78 of the Town and Country Planning Act 1990. It remains open to the Appellant to either seek to regularise the development by submitting a planning application or to submit an application for a Lawful Development Certificate if they consider the shed to be lawful. The determination of those applications would not be affected by my decision on this appeal. In view of this, I have not had regard to the shed in determining the appeal.

Main Issue

6. The main issue is whether the proposed development would be acceptable having regard to local and national planning policies on the location of new housing, and its affect on the St. Erme River Valley Area of Great Landscape Value.

Reasons

7. The appeal site comprises an undeveloped area of woodland and agricultural land. The Appellant refers to it as partly wooded and 'amenity' land but the latter is not defined and my attention has not been drawn to any planning history that authorises or confirms that such a use is lawful assuming it implies a more domestic or recreational use. The site is accessed from a narrow country lane that runs parallel with the River Allen, which forms the eastern boundary of the appeal site. As I observed on site, the appeal site includes grassland, mature trees and boundary hedging together with an attractive river frontage. The Appellants ownership also includes an area of heavily wooded land extending further to the south east (outlined in blue on the Site Plan).
8. The spatial strategy for the area is set out in policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (November 2016) (CLP). In relation to housing the policy seeks to manage the location and scale of new development. This approach is expanded in policy 3 which confirms that housing development will be accommodated in accordance with a hierarchy, with part 1 delivered through a Site Allocations Development Plan Document or Neighbourhood Plan for the identified main towns; part 2 through specific eco-communities; and part 3, for areas outside the main towns, through Neighbourhood Plans, infill, rounding-off, previously developed land or rural exception sites.
9. These policies need to be read in conjunction with policy 1 (Presumption in favour of sustainable development), policy 7 (Housing in the countryside) and policy 21 (Best use of land and buildings) of the CLP. Also, policies E1, E4(a), E6 and H1 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 (revised May 2023) (TKNP). The latter sets out a similar approach to bringing forward sustainable development and delivering new housing within the main towns and defined settlements or through infill and rounding-off. The TKNP also defines the urban extent of Truro to which policy 3 of the CLP applies and the development boundary to Shortlanesend and Threemilestone to which policy H1 of the TKNP applies. The appeal site is not located close to any of these defined boundaries.
10. All of the above policies remain consistent with those in the National Planning Policy Framework (December 2023) (NPPF).
11. The settlement of Idless is best described as a small village. Based on my observations on site and the evidence before me, Idless has a reasonably defined shape and form, which is mostly concentrated around a junction of lanes including Idless Lane. The appeal site is located to the north west of this concentration of dwellings along a lane that is bounded on either side by open fields, woodland and a small number of dwellings. These dwellings are physically separated from each other, albeit their curtilages do in some cases abut which other. The appeal site is located, therefore, in an area of scattered dwellings that do not exhibit a readily defined form and are thus a low density collection of individual dwellings. It is not uncommon, in my experience, to

find low density dwellings such as this located on the road or lane that leads out or into a village. Consequently, in visual and physical terms the appeal site is not, in my judgement, part of the readily defined form or shape of the village of Idless.

12. I find, therefore, that the appeal site is located within part of the open countryside that surrounds the village. This finding is supported by the definition of open countryside set out, in particular, in paragraph 2.33 (to policy 7) of the CLP.
13. Within this context, the appeal site is not allocated for development, it is not within an identified main town and does not form part of one of the eco-community proposals. In relation to part 3 of policy 3 to the CLP and policy H1 of the TKNP, the appeal site is not close to the Urban Extent Boundary for Truro or the defined settlement boundary of Shortlanesend. The proposal is also not being promoted as a rural exception site (in line with policy 9 of the CLP) and it does not constitute previously developed land.
14. Turning to policy 7 of the CLP this sets out the special circumstances whereby new dwellings will be permitted in the open countryside. As I confirmed earlier the latter is defined in paragraph 2.33 of the CLP as those areas outside the physical boundaries of existing settlements, which, as I found above, would include the appeal site. None of the exceptions in policy 7 apply to the appeal proposal.
15. The Appellant does contend that the proposed development represents infill in accord with part 3 of policy 3 of the CLP and policy H1 of the TKNP. Paragraph 1.65 to policy 3 confirms that *"For the purposes of this policy, 'infilling' is defined as the filling of a small gap in an otherwise continuously built up frontage that does not physically extend the settlement into the open countryside."* The appeal site does not form, in my view, part of a continuous built frontage, it is not a *"small gap"* and it would involve physically extending the settlement of Idless into the open countryside.
16. Paragraph 1.67 of the CLP states that large gaps are often found between the edge of settlements and other isolated dwellings beyond its edge, but that these are not appropriate locations for infilling. In my view, this accurately describes the appeal site. Paragraph 1.68 continues by stating that in smaller villages where infilling is allowed, the settlement should have a form and shape as well as clearly definable boundaries and *"not just a low density straggle of dwellings."* The latter again accurately describes the area that includes the appeal site.
17. Further support for the above findings is provided by the Chief Planning Officers Advice Note on Infill/Rounding-off (December 2017). Whilst this is not a statutory document, its purpose is to assist in interpreting part 3 of policy 3 to the CLP. It is, therefore, a material consideration and it provides helpful guidance on what the Council regard as infill.
18. For the above reasons, the appeal proposal does not fall, in my judgement, within the definition of infill.
19. As with all such assessments they require an element of planning judgement to be applied and should be considered on a case by case basis. Even so, these

findings are supported by the observations I made on my site visit, as well as the annotated photographs and plans that have been provided in evidence.

20. The Appellant contends that the Idless road sign along the lane represents the extent of the village boundary. I do not agree. Village road signs are often sited in advance of the main built or defined form of villages. The Appellant also contends that there are the remains of a building on site but all I observed on my visit was a small mound of rubble, which could have been placed there by a previous owner. Even so, there is no evidence before me to suggest that there was ever a building on the appeal site and indeed the evidence provided points to the site being used in the past for agriculture and woodland purposes.
21. The Appellant has referred to examples of development including the Langarth Garden Village, which the Council have stated is an allocated strategic urban extension to Truro. I understand that the large house north of Duchy Hospital, also referred to, adjoins this allocation and therefore neither of these examples are comparable to the appeal proposal. In relation to Little Garras, located to the south east of the appeal site, that proposal was to convert and extend a redundant building to form a dwelling and was granted planning permission in line with criterion 3 to policy 7 of the CLP. That policy does not apply here and it is, therefore, not comparable to the appeal proposal.
22. The Appellant refers to the need for housing for an agricultural or forestry worker but the proposal before me is for market housing as is confirmed in the Application Form. Even so, no evidence of the local need for such housing has been presented in support of the appeal. The Appellant also indicates that they are currently living with family members and are in need of their own housing. Whilst that may be so it does not justify development on the appeal site and the application has not been promoted as an exception site or as affordable housing (in line with policy 8 of the CLP).
23. It is not disputed that the appeal site lies within the St Erme River Valley Area of Great Landscape Value (AGLV) or the Cornwall Character Area CCA20 Truro & Tresillian Valleys (CCA). Policy 2 and 23 of the CLP, as well as paragraph 180 of the NPPF, seek to protect and enhance the intrinsic character, beauty and openness of such areas and their valued landscapes, according to their international, national and local significance. The appeal proposal would extend built development into the open countryside, where no justification has been shown to exist. In doing so it would result in harm to the special landscape qualities of the AGLV and CCA. Those qualities include its rural valley setting and strongly wooded landscape, as well as the strong sense of tranquillity and dark skies.
24. In relation to sustainability policy 21 of the CLP and policy T2 (not T3) of the TKNP seek, amongst other matters, the best use of land and buildings that are sustainably located and to encourage development where it is accessible to local facilities and services by public transport, walking and cycling. As I observed on my visit the appeal site is not well located in relation to local day to day services and facilities. The closest services and facilities are at Shortlanesend and Truro some 1.5 and 3.5 kilometres respectively from the appeal site by road. It is very unlikely that the occupants of a new dwelling on the appeal site would access those services and facilities by walking or cycling, due to the long distances involved, the narrow and winding country lanes, and the lack of pavements and street lighting over large parts of the route. The

appeal site is also not well related to any existing or proposed public transport links.

25. Based on the above, the accessibility of the appeal site is, in my view, poor and any future occupants would be reliant on the use of the private car. As such, I find that the appeal proposal would not constitute sustainable development.
26. I find that the appeal proposal is not suitably located, it would be contrary to the spatial strategy of the development plan and that there are no exceptional circumstances to justify development within the open countryside. In addition, I find that the proposal would not fall within the policy definition of infill and that it would result in harm to the special landscape qualities of the AGLV and CCA. The proposal would also be poorly located in relation to local day to day facilities and services. Accordingly, the appeal proposal would be contrary to policies 1, 2, 3, 7, 21 and 23 of the CLP, policies E1, E4(a), E6, H1 and T2 of the TKNP and the corresponding policies of the NPPF.

Planning Balance & Conclusions

27. I accept that the appeal proposal would make a contribution to meeting future housing provision and would generate short term employment during construction and increase local spend, benefits that are supported by other policies in the development plan and NPPF. However, the economic and housing benefits would be small and the Council indicate that they are able to demonstrate a 5-year supply of housing land, which has not been challenged. The Council have also provided evidence to demonstrate that the housing requirements of the local area (Truro & Roseland CAN) have already been met. In view of this, I have attached only limited weight to these benefits and they are not sufficient to outweigh the harm that I have identified or the conflict with the policies of the development plan.
28. In relation to A Secure Home for All (December 2021) this plan sets out how the Council will respond to the need to increase the availability of homes for local residents in the current crisis. No new policies are promoted and the plan confirms that the spatial strategy of the CLP continues to provide an up to date level of housing supply and flexibility. Whilst I have, therefore, had regard to this plan as a material consideration it has not affected my overall findings.
29. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR